



10 December 2018

Independent Planning Commission Statement of Reasons Yass Valley Wind Farm (SSD 6698 MOD 1)

1. INTRODUCTION

1. On 16 October 2018, the Independent Planning Commission NSW (the **Commission**) received from the NSW Department of Planning and Environment (the **Department**) a modification application (the **Application**) from Coppabella Wind Farm Pty Ltd (the **Applicant**). The Application seeks to modify an existing development consent under section 4.55(2)(a) (previously Section 96) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
2. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the *State Environmental Planning Policy (State and Regional Development) Act 2011* (**SEPP SRD**). This is because:
 - a. the Application constitutes State significant development (SSD) under section 4.36 of the EP&A Act as the Application is for development for the purpose of electricity generating works using wind power that has a capital investment value of more than \$30 million, as defined under clause 20 of Schedule 1 of SEPP SRD; and
 - b. the Department received more than 25 submissions from the public objecting to the application.
3. Professor Mary O’Kane, Chair of the Commission, nominated Alan Coutts (Chair), Professor Zada Lipman and Adrian Pilton to constitute the Commission to determine the Application.

1.1 Site and locality

4. The Department’s Modification Assessment Report dated 16 October 2018 (**DMAR**) stated that the Coppabella Wind Farm (the **Project**), formerly known as the Yass Valley Wind Farm, is located approximately 25 kilometres (km) west from the township of Yass, within the Hilltops Council and Vass Valley Council local government areas.

1.2 Modification Application

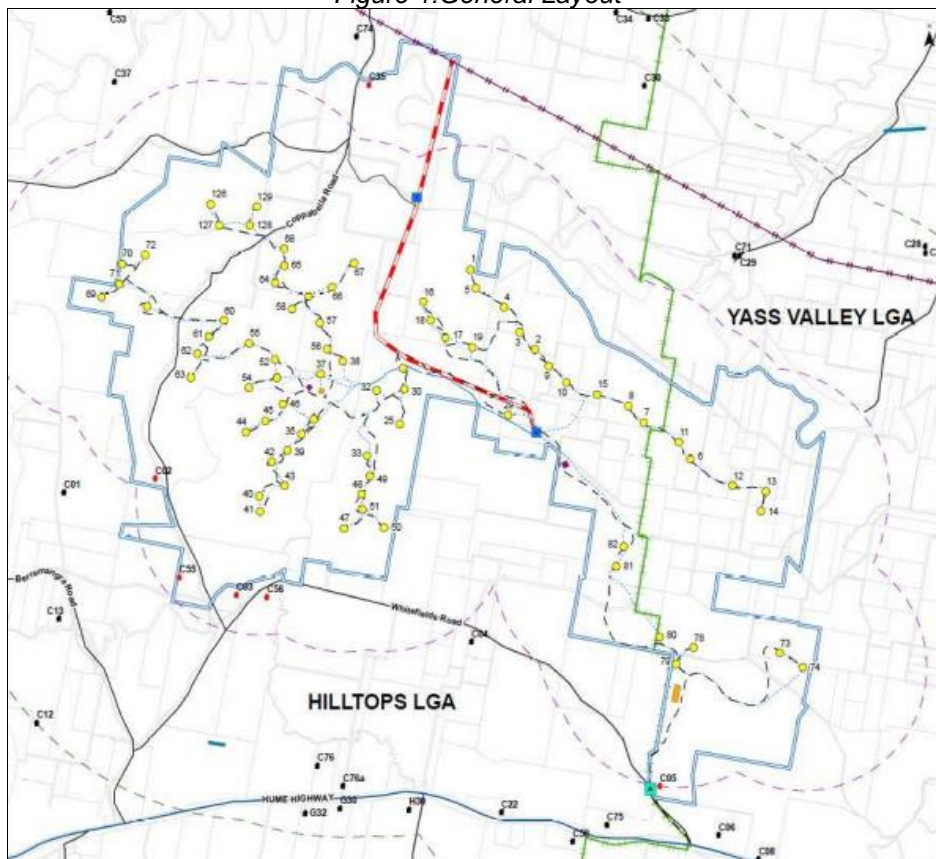
Background

5. The Project was declared a major project under Part 3A of the EP&A Act in October 2008. Although Part 3A was repealed in October 2011, it remained a 'transitional Part 3A project' but was transitioned to the SSD process under Part 4 of the EP&A Act in March 2014. Development consent for the Project was granted by the former Planning Assessment Commission (now the Independent Planning Commission) on 30 March 2016 under Part 4 of the EP&A Act. In accordance with the Department's recommendation, the Commission approved 79 turbines out of the 124 sought in the original application, with a tip height of up to 150 metres (**m**), associated infrastructure, access tracks, construction and operation of one substation and one switchboard and connection of the switchboard to TransGrid's existing 132 kilovolt (**kV**) overhead transmission.

Summary of Modification Application

6. The DMAR stated that the Applicant seeks to modify aspects of the development consent including:
 - increasing the maximum dimensions of the approved wind turbines, including the blade tip height from 150m to 171m and rotor diameter from 121m to 142m, with no increase in hub height;
 - increasing the native vegetation clearing limit on the wind farm site from 85.9 to 298.8 hectares (**ha**), which included an increase in clearing of endangered ecological communities (EEC) listed under the *Biodiversity Conservation Act 2016* from 64.2 ha to 180.9 ha;
 - increasing the removal of hollow-bearing trees from 49 to 426;
 - relocation of up to 33kV of overhead and underground powerlines; and
 - relocation of ancillary infrastructure including additional temporary facilities; and clarifications regarding project design, including road upgrades.
7. The DMAR stated that following public exhibition, the Applicant proposed changes to the Application. These changes are described in the Response to Submissions dated February 2018 (**RtS**) which responded to issues raised by the public and agency submissions and were extended in information provided by the Applicant on 13 April 2018 to respond to agency comments.
8. According to the DMAR the amendments to the Application included:
 - the removal of 3 turbines to mitigate the visual aspects of the Application and 1 turbine to avoid impacts to hollow-bearing trees;
 - reducing the native vegetation clearing requirements from 298.8 hectares to 276.2 ha and EEC clearing from 180.9 ha to 179.8; and
 - reducing the number of hollow-bearing trees from 426 to 282 through revised project layout.

Figure 1: General Layout



Source: Department of Planning and Environment Assessment Report

Need for the Modification Application

9. According to the Applicant's RtS, a detailed earthworks design of the site was commissioned as the original development footprint proposed by Epuron Project Pty Ltd, the former owner of the project (**Epuron**) "did not allow for the earthworks that would be required to establish the proposed roads and hardstands." The RtS also stated that "the original clearing limit was erroneous as it did not allow for the total clearing required for the project due to the omission of allowance for the impact of the grid connection which should have increased the total allowance of the original approval to 85.4ha rather than 68.3 ha".
10. According to the DMAR, the Applicant's primary justification for the proposed modification is that the changes reflect:
 - "technological improvements in the turbine technology, in which larger turbines with longer turbine blades achieve increased generation efficiency and lower production costs; and
 - improved site knowledge and understanding of the construction constraints following detailed design, additional site investigations and pre-construction planning."
11. The DMAR further stated that for the reasons above, the Applicant seeks to increase the vegetation clearing from 68.3 ha to 179.8 ha and had advised that it would not be able to construct the Project as currently approved with the existing vegetation clearing restriction.

2. THE DEPARTMENT'S CONSIDERATION OF THE MODIFICATION APPLICATION

2.1 Key steps in Department's consideration of the Modification Application

12. The DMAR stated that the Department received the Application on 13 September 2017, which was accompanied by the Applicant's Environmental Impact Statement (**EIS**) and specialist reports.

13. The DMAR further stated that the Department made the Application publicly available on its website from 22 September 2017 to 23 October 2017 (the **exhibition period**), and that the Department received submissions from 10 Government agencies including, the Division of Resources and Energy (**DRE**), Hilltops Council (**HC**), Yass Valley Council (**YVC**), Environmental Protection Agency (**EPA**), Roads and Maritime Services (**RMS**), Civil Aviation Safety Authority (**CASA**), NSW Health (**NSW Health**), Office of Environment and Heritage (**OEH**), Department of Industry – Crown Lands (**DoI**), and Air Services Australia (**ASA**).
14. A breakdown of the matters raised in submissions is provided in Figure 2.

Figure 2 – Issues raised in submissions

Visual	<ul style="list-style-type: none"> • validity of the visual impact assessment and visual impact rating assigned to receiver location • inadequacy of the wireframes and photomontages • increase in visual impacts from larger turbines • impacts of lighting, if required • change in landscape character • adverse effect of shadow flicker
Biodiversity	<ul style="list-style-type: none"> • increased risk of bird/bat strike due to larger swept area of turbine blades • increase clearing of habitat, particularly for the Super Parrot and Eastern Bentwing Bat • increased clearing of Box Gum Woodland EEC
Other	<ul style="list-style-type: none"> • land use compatibility • lack of consultation with the local community • lack of reliability due to intermittent energy supply provided from renewable wind energy • increased risk of soil erosion • increase in noise from larger turbines, including low frequency noise and infrasound • depreciation of property values • increase risk of bushfire, and interference with aerial fire-fighting operations • perceived health impacts • responsibility for decommissioning • interference with local telecommunications • restricting aerial agricultural practices • increased user of water, impacting local supply • increase impacts on Aboriginal heritage • road safety during construction on local roads • scale of changes too significant to be a modification

Source: Department of Planning and Environment

15. The DMAR stated that in response to submissions received during the public exhibition, the Applicant provided a RtS seeking to address issues and concerns raised during the exhibition period. The RtS was made publicly available on the Department's website and was provided to key government agencies for comment.
16. The DMAR stated that none of the public authorities objected to the Application, however, the agencies provided comments on their regulatory responsibilities, including the recommended conditions. The Department also received eighty-five (85) public submissions from the Community from which eighty-one (81) objected mostly on visual and biodiversity impacts.
17. The DMAR stated that the Applicant provided further additional information on 13 April 2018 to address agency comments.

2.2 The Department's Modification Assessment Report

18. The DMAR identified the following issues as the key impacts associated with the Application:
 - increased visual impacts; and
 - increased biodiversity impacts.
19. The Department assessed the potential visual impacts of the larger turbines considering the incremental change between the approved and proposed turbines and their impacts on the broader landscape and non-associated residences in proximity to the Project. The DMAR concluded that:

“while most non-associated residences in the local area would be able to see more of the turbine blades, the Department considers that no non-associated residences would have a higher visual impact rating, with the highest visual impact rating remaining as moderate”

In relation to the increased native vegetation clearing, the DMAR stated that:
“the Department found that despite the increased disturbance, the modified project would not result in any significant impact on threatened species or EECs, and would not pose a significant or unacceptable level of risk to bird and bat species.”

20. The DMAR concluded that:

“...the amended conditions of consent would effectively manage and minimise any residual impacts associated with the proposed modification, particularly in regard to biodiversity and visual impacts;”

...

“The proposed modification would allow the benefits of the project to be realised. In this regard, the project would deliver a range of economic benefits, including up to 200 full time construction jobs and 15 full time operation jobs, with a capital investment of up to \$500 million.”

21. The DMAR found that:

“With the implementation of the amended condition, the Department is satisfied that the modified project achieves a reasonable balance between maximising the efficiency of the [with] wind resource development and minimising the potential impacts on the local community and environment.”

“As is the case for all major projects in NSW, the Department and EPA would continue to have a compliance role in monitoring the ongoing environmental performance of the project and enforcing the conditions of approval.”

“The project is also consistent with the Commonwealth’s Renewable Energy target and the NSW Climate Change Policy Framework as it would generate approximately 830 gigawatts hours (GWh) of renewable energy per year over its operation life, equivalent to 113,700 homes annually, with estimated emission savings in the order of 700,000 tonnes CO₂-e per year.”

“On balance, the Department considers that the proposed modification has merit, and is in the public interest.”

3. THE COMMISSION’S MEETINGS AND SITE VISIT

22. As part of its determination, the Commission met with the Department, the Applicant and Yass Valley Council. The Commission also inspected the site and conducted a public meeting accompanied by three community group representatives. Transcripts from these meetings were made publicly available on the Commission’s website on 31 October 2018 and 15 November 2018.

3.1. Meeting with the Department

23. On 29 October 2018, the Commission met with the Department to discuss the DMAR, the Project background, the Application and nature of submissions.

3.2. Meeting with the Applicant

24. On 29 October 2018, the Commission met with the Applicant. The Applicant’s presentation to the Commission at the meeting was made available on the Commission’s website on 30 October 2018.

3.3. Meeting with Yass Valley Council

25. On 12 November 2018, the Commission met with Yass Valley Council to discuss the views of Yass Valley Council and Hilltops Council in relation to the Application and draft conditions of consent.
26. On 18 October 2018, the Commission wrote to Hilltops Council to invite them to attend a meeting, to which they had accepted. However, Hilltops Council did not attend the meeting but had forwarded the matters for discussion through Yass Valley Council on 12 November 2018.

3.4. Public Meeting

27. To hear the community's views on the Application, the Commission held a public meeting at the Yass Soldiers Club at 86 Meehan Street in Yass on 12 November 2018. A list of the 16 speakers that presented to the Commission is provided on the Commission's website. A transcript of the public meeting was made available on the Commission's website on 14 November 2018. A copy of the material tendered at the public meeting was also made available on the Commission's website on 14 November 2018. All persons were offered the opportunity to provide written representations to the Commission within 7 days after the public meeting. A summary of issues raised in written comments and by speakers is outlined below.
28. Many of the speakers at the public meeting expressed objection to the Application and the Project more broadly; and raised concern with potential environmental impacts and the proposed management of potential impacts. A summary of the comments is provided below:
 - the Department's consultation process cannot be relied upon;
 - potential noise and infrasound impacts;
 - potential unacceptable effect on the local community;
 - potential landscape damage;
 - lack of transparency and clarity from the Applicant;
 - the project impacts on the area's rural character;
 - potential adverse impacts on amenity and safety as a result of the construction;
 - economic benefits of the Project, including employment opportunities; and
 - positive impact of diversifying industry in the region.

3.5. Site inspection

29. On 13 October 2018, the Commission met the Applicant and inspected the site. The Commission invited local community group representatives to attend and observe the site inspection. Three representatives accepted the invitation and are listed below:
 - Mr Shaun Robinson – Coppabella Windfarm Landowners Association;
 - Mr Charlie Prell – Australian Wind Alliance; and
 - Mr Matthew Bingley – Yass Landscape Guardians.
30. The site inspection commenced in Whitefields Road, heading north west to property C04 to observe the photomontages against the site. The site inspection continued north into the site, then across towards Coppabella road and down to Berremangra Road. The Applicant pointed out the location of the wind turbines and key physical attributes of the site and locality. The community representatives and the Applicant both identified the sensitive receivers and where relevant, the location of private properties owned by the community representatives attending the site inspection.

3.6. Public Comments

31. The Commission provided the public seven days after the public meeting to submit written comments. The Commission received a total of 15 written comments, which were made available on the Commission's website on 21 November 2018.

4. ADDITIONAL INFORMATION

32. On 31 October 2018, the Applicant provided further information to the Commission Panel seeking to clarify the rotor swept area (**RSA**) of the proposed modification. The information was made available on the Commission's website on 15 November 2018.
33. On 14 November 2018, the Applicant provided further information to the Commission Panel on questions that were raised at the site inspection relating to identification of on-site EEC, proposed access tracks and frequency of carcass removal. The information was made available on the Commission's website on 15 November 2018.

5. THE COMMISSION'S CONSIDERATION

5.1 Material considered by the Commission

34. In this determination, the Commission has carefully considered the following material (the **Material**):
 - original development consent SSD 6698;
 - the Applicant's modification application dated 13 September 2017;
 - the Applicant's EIS and Appendices A-B dated September 2017;
 - all submissions made to the Department in respect of the proposed modification during the public exhibition of the EA;
 - the Applicant's RtS dated February 2018;
 - the Applicant's additional information on Biodiversity & Aboriginal Heritage Assessment and Appendices A-H dated March 2018;
 - the Applicant's additional information on the Regent Honeyeater Assessment dated 13 April 2018;
 - the Applicant's additional information on the Visual Assessment Obstacle Lighting dated 13 April 2018;
 - the Department's Assessment Report, dated 15 October 2018, and the proposed draft Notice of Modification SSD 6698 MOD 1;
 - the public submissions;
 - SA's comments dated 24 November 2017;
 - DRG's comments dated 6 October 2017;
 - DoI's comments dated 9 November 2017;
 - OEH's comments dated 25 January 2017;
 - NSW Health, undated;
 - RMS's comments dated 23 October 2017;
 - ASA comments dated 23 January 2018;
 - CASA comments dated 17 October 2017;
 - Yass Valley Council comments dated 23 and 25 October 2017, and 30 November 2018;
 - Hilltops Council comments dated 23 October 2017 and 8 November 2017
 - EPA comments dated 2 November 2017;
 - the visual observations made at the site and locality inspection on 13 November 2018;
 - oral comments from speakers at the public meeting on 12 November 2018 and written comments received after the public meeting up to 21 November 2018;
 - the Applicant's further information dated 31 October 2018 on the calculation of the RSA;
 - the Applicant's further information dated 14 November 2018, following the Commission's enquiries during the site inspection on 13 November 2018;
 - the Applicant's further information dated 19 November 2018 attaching the *Environment Protection and Biodiversity Conservation Act 1979 (EPBC Act)* Commonwealth approval;
 - further information from the Department dated 20 November 2018, on the latest OEH correspondence dated 28 May 2018 and 10 August 2018;
 - matters for consideration specified by the EP&A Act, including section 4.55(2) of the EP&A Act and the matters it requires the Commission to consider; and
 - the public interest.

5.2 Mandatory Considerations

35. In determining this application, the Commission has taken into consideration the following relevant mandatory considerations, as provided in section 4.15 of the EP&A Act:
- the provisions of all:
 - environmental planning instruments;
 - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved);
 - development control plans;
 - planning agreements that have been entered into under section 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under section 7.4; and
 - the Regulations (to the extent that they prescribe matters for the purposes of section 4.15(1) of the EP&A Act); that apply to the land to which the modification application relates;
 - the likely impacts of the modification, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
 - the suitability of the site for the development;
 - submissions made in accordance with the EP&A Act and Regulations; and
 - the public interest.

5.3 Scope of the modification within section 4.55(2) of the EP&A Act

36. The Application to modify the approval for the Project was made under section 4.55(2) of the EP&A Act. The Commission notes that several submissions from the public during the exhibition period considered that the scale of changes proposed in the Application, especially the increased turbine height and increased native vegetation clearing were too significant to be a modification and that a new development application should be made. Section 4.55(2)(a) states that:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified”,*
and

and section 4.55(3) requires that:

“(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”

Applicant’s Consideration

37. In considering the public submissions regarding the scope of the modification, in its RtS the Applicant stated:

“The assessment for the modification supports the position that the proposed changes do not warrant a new application and are rather amendments to an existing approved project. The project remains as a wind farm comprising up to 79 turbines (now reduced to 75) with grid connection to an existing 132kV transmission line and ancillary facilities being essentially the same as for the approved project. The changes in turbine dimensions are not dissimilar to a number of other large wind farm projects where the realities of large turbines offer better project viability and opportunity for reduced electricity pricing.”

Department's Consideration

38. The Department was satisfied that the application could be characterised as a modification to the existing consent under section 4.55(2) of the EP&A Act as it would result in “*substantially the same project as the project for which consent was originally granted.*” The reasons given in the DMAR in support of this proposition is that “*the proposed modification does not seek to significantly alter the approved project as:*

- *there has been no change to the project area;*
- *no new turbines are proposed as part of the modification and 4 turbines have been removed;*
- *although individual turbines are proposed to increase in size from up to 150m to 171m blade tip height with an increase in rotor diameter from up to 121m to 142m, the turbines would be located in the existing approved locations (subject to micro-siting limits); and*
- *the modified layout is generally in accordance with the approved project, apart from variations to the location of ancillary infrastructure, including access tracks, overhead and underground powerlines (up to 33kV) and additional temporary construction compounds and laydown areas.”*

Commission's consideration

39. In its original decision, the former Planning Assessment Commission, stated:

The project as currently proposed is for the construction of up to 124 wind turbines and associated infrastructure across 4 precincts: Coppabella precinct to the west (79 turbines), Marilba precinct (27 turbines) and Conroy's Gap Extension precincts to the east (18 turbines), along with the 330kV connection precinct (transmission infrastructure only).

The nominal capacity is between 1.5 and 3.6MW with a maximum turbine height of 150m (to blade tip) and blade length between 45m and 60.5m.

Key infrastructure includes an operation and maintenance facility, construction compounds, substations and overhead and underground power lines.

The project, if approved, would disturb about 226.4ha of land, including 200.6ha of Box Gum Woodland (an endangered ecological community) and Box Gum Woodland derived grassland areas. The biodiversity offset requires the provision of suitable land for long term conservation.

The major transport routes would be mainly via the Hume Highway and Burley Griffin Way. Key road works include internal access tracks and improvement to Whitefields Road, Paynes Road, and Illalong Road.

The estimated capital investment value is about \$670 million with a potential to create 167 construction jobs and 34 full time equivalent operational jobs.

40. The Commission has reviewed the proposed modification, discussed in paragraph 6, against the original application determined by the former Planning Assessment Commission in 30 March 2016.

41. The Commission accepts the Applicant's and the Department's considerations in paragraphs 37 and 38 because:

- the proposed modification is “*essentially the same as for the approved project;*” as:
 - the Project involved 79 turbines as discussed in paragraph 39; and
 - the proposed modification reduces the turbines from 79 to 75, as discussed in paragraph 6; and
- “*the modified layout is generally in accordance with the approved project;*” as:
 - the Project involved a “*330kV connection precinct*” a “*maximum turbine height of 150m (to blade tip) and blade length between 45m and 60.5m*”

key infrastructure including “an operation and maintenance facility, construction compounds, substations and overhead and underground power lines” as discussed in paragraph 39; and

- the proposed modification proposes a “blade tip height from 150m to 171m and rotor diameter from 121m to 142m, with no increase in hub height;” ...“increasing the native vegetation clearing limit ... from 85.9 to 298.8 hectares (ha), which included an increase in clearing of endangered ecological communities (EEC) listed under the Biodiversity Conservation Act 2016 from 64.2 ha to 180.9 ha” as discussed in paragraph 6.

42. Based on the Material, the Commission finds that that the Application can be dealt with as a modification under section 4.55(2)(a) of the EP&A Act as it is substantially the same development for which consent was originally granted, as discussed in paragraphs 6 and 37 - 41 above.

5.4 Likely impacts of the proposed modification

5.4.1 Visual

43. The Commission has taken into account the Material insofar as it relates to the visual impacts of the Project.

Comments received

44. The Commission heard concerns from speakers at the public meeting and received written comments regarding potential visual impacts as a result of the Project, including:
- the increase from 150m to 171m in blade tip height is significant and will increase visual impacts; and
 - potential impacts on the area’s landscape and rural character resulting from the construction of the Project.

Applicant’s consideration

45. The Applicant included within its EIS a Visual Impact Assessment (VIA) prepared by Green Bean Design dated March 2015, that assessed “the potential visual effect of the proposed modifications which includes an increased blade length to approximately 71m and increased tip height to approximately 171m.”

46. The VIA stated that residual visual effects resulting from the proposed modification would result from the 21 metres in maximum tip height and increase in wind turbine RSA and that “Whilst the overall extent of wind turbine visibility would be contained by topography for both the approved Coppabella Wind Farm (CWF) and the proposed wind turbine modification, the number of wind turbine rotors and tips visible from receiver locations within the wind farm viewshed is likely to be subject to a marginal increase.”

47. The VIA concluded that:

“Whilst the proposed wind turbines for the modified wind farm would extend above the approved CWF wind turbine tip height of 150 metres; this VIA has determined, using the methods described in this section, that the overall scale of the proposed CWF wind turbine modifications at a 5-kilometre (and over) view distance would not result in an order of visual magnitude that is significantly above the visual magnitude of the approved CWF wind turbines

Within the parameters of normal human vision, the proposed CWF wind turbines are not considered to give rise to an increased level of visual magnitude over and above that determined for the approved CWF project.”

48. The VIA also concluded that:

“The proposed wind farm modification would not introduce elements that are any more prominent or out of character with the approved Coppabella Wind Farm project, and the potential for the proposed wind turbine modifications to result in any

additional significant cumulative visual effects is considered to be low. The proposed Coppabella Wind Farm modification would result in an overall low - level change in visibility and a largely unchanged visual impact rating in accordance with the approved Coppabella Wind Farm project.”

49. The EIS concluded that:

“The increase in turbine size would be discernible for some surrounding view locations. This would be limited to up to eight turbines (tips only, no additional turbine hubs would be visible). The magnitude of the increase would not be significant. The implementation of landscape works for a number of dwellings would provide mitigation, in accordance with existing consent conditions. No changes to the consent conditions are required.”

Department’s consideration

50. The DMAR stated that the Applicant’s VIA “*was prepared with regard to the relevant aspect of the NSW Wind Energy Framework’s Visual Assessment Bulletin;*” which is part of the NSW Wind Energy Framework that “*provides a merit-based approach to the assessment of wind energy projects, which is focused on the uses unique to wind energy, particularly noise and visual impacts...*,” and “*applies to this modification.*”

51. The DMAR stated that “*Since the project was approved in March 2016, Goldwind has obtained additional neighbour agreements with the landowners of 25 non-associated residences/properties located in proximity to the project, in which landowners accept the visual impacts of the project.*”

52. The DMAR stated that “*the location of the turbines has not changed (subject to micro-siting limits), no additional turbines are proposed, and the turbine hub height has not increased.*” It also stated that its assessment “*focused on the 8 non-associated residences located within 3.4 km of a turbine, which is the threshold distance identified in the NSW Wind Energy Framework’s Visual Assessment Bulletin at which turbines with a 171 m blade tip height may potentially have high visual magnitude impacts.*”

53. The DMAR stated that in relation to the visual impact resulting from the increased blade length, that “*while the Department acknowledges the turbines would be visible at distances greater than 3.4 km, it considered that the incremental change in impact as a result of the turbine height increase at those residences located greater than 3.4 km from a turbine would be negligible.*” It also stated that “*Although most of the non-associated residences within 3.4 km would see more blade tips of the modified project compared to the approved project, the Department considers that no residence would have a higher visual impact rating, with the highest visual impact rating remaining at moderate and some visual impact ratings decreasing.*”

54. The DMAR concluded that “*the residual impacts of the increased turbine height would not be significant and would be adequately mitigated through the visual impact mitigation measures available to residences in the existing conditions of consent.* It also concluded that “*the visual impacts of the increase in the size of the turbines on the broader landscape are minor as a result of the modification, particularly with the removal of Turbine Nos. 75, 76 and 77.*” And that these “*do not warrant additional mitigation at any non-associated residences, over and above the visual screening required by the existing development consent for all residences located within 5 km of a turbine.*” Further the removal of the three turbines “*will ensure that there are no wind turbine locations within 2,700m of inhabited non-associated residences.*”

Commission’s Consideration

55. The Commission accepts the Applicant’s considerations that the proposed modification “*would not result in an order of visual magnitude that is significantly above the visual magnitude of the approved CWF wind turbines*” as discussed in paragraph 47; and that the proposed modification “*would result in an overall low - level change in visibility and a largely unchanged visual impact;*” as discussed in paragraph 48 because:

- “the proposed modification would not introduce elements that are any more prominent or out of character with the approved Coppabella Wind Farm project.” as discussed in paragraph 48; and
- “the implementation of landscape works for a number of dwellings would provide mitigation, in accordance with existing consent conditions...,” as discussed in paragraph 49.

56. The Commission accepts the Department’s conclusion in paragraph 53, that “the incremental change in impact as a result of the turbine height increase at those residences located greater than 3.4 km from a turbine would be negligible;” because “the residual impacts of the increased turbine height would not be significant, and would be adequately mitigated through the visual impact mitigation measures available to residences in the existing conditions of consent” as discussed in paragraph 54. In addition, the Commission accepts the Department’s conclusion in paragraph 54, that the removal of the three turbines will further decrease visual impacts.

57. Based on the Material, the Commission finds that visual impacts resulting from the Application are acceptable because:

- the VIA was prepared with regard to the relevant standards and aspect of the *NSW Wind Energy Framework’s Visual Assessment Bulletin* (December 2016), as discussed in paragraph 50, which is the current guideline for State significant wind energy development;
- the Applicant has obtained additional neighbour agreements with affected residences, as discussed in paragraph 51;
- view distance would not result in an order of visual magnitude that is significantly above the visual magnitude of the approved Coppabella Wind Farm wind turbines, as discussed in paragraph 47;
- the proposed Coppabella Wind Farm wind turbines are not considered to give rise to an increased level of visual magnitude over and above that determined for the approved Coppabella Wind Farm project, as discussed in paragraph 47;
- the proposed wind farm modification would not introduce elements that are any more prominent or out of character with the approved Coppabella Wind Farm project, as discussed in paragraph 48;
- the proposed Coppabella Wind Farm modification would result in an overall low - level change in visibility and a largely unchanged visual impact rating in accordance with the approved Coppabella Wind Farm project, as discussed in paragraph 48;
- the incremental change in impact as a result of the turbine height increase at those residences located greater than 3.4 km from a turbine would be negligible, as discussed in paragraph 53; and
- residual visual impacts “would be adequately mitigated through the visual impact mitigation measures available to residences in the existing conditions of consent;” as discussed in paragraph 54.

5.4.2 Biodiversity

58. The Commission has taken into account the Material insofar as it relates to the impacts of the Project on biodiversity.

Comments received

59. The Commission heard concerns from speakers at the public meeting and received written comments regarding concerns on the proposed increase in vegetation clearance as a result of the Project, including:

- whether the proposed modification would have been approved if the clearance increase had been presented as part of the original approval;
- unacceptability of the increased vegetation clearing of 179.8 ha;
- unacceptability of vegetation clearing on Whitefields Road and its use,
- the impact of the clearing on threatened species habitat;
- increased bird and bat strike from larger turbines; and
- failure to fully address OEH concerns.

Applicant's considerations

60. The EIS stated that *“the construction and operation of a wind farm at the Coppabella precinct would or could have the following potential key impacts to biodiversity:*

- *Impacts to native vegetation communities, including:*
 - *Box Gum Woodland;*
 - *Long-leaved Box Dry Grass Forest;*
 - *Riparian vegetation; and*
 - *River Red Gum Forest.*
- *Removal of hollow-bearing trees (HBTs).*
- *Impacts to threatened species habitat, including:*
 - *Regent Honeyeater Anthochaera Phrygia (Critically Endangered – EPBC Act and TSC Act); and*
 - *Superb Parrot Polytelis swainsonii (Vulnerable – EPBC Act and TSC Act).*

61. The EIS also stated *“Assessments of Significance (under the TSC Act and EPBC Act) found that the impacts would not be significant for any assessed entity, with the implementation of the proposed mitigation measures. Offsetting of the BGW community and threatened species habitat, in accordance with the NSW Biodiversity Offsets Policy for Major projects, set out in Schedule 3 Condition 20 is a requirement for the project. The proponent has committed to addressing the requirement through the retirement of credits in accordance with the NSW BioBanking methodology. A Biodiversity Management Plan to minimise other risks during construction is also required for the project.”*

62. The EIS stated that in relation to the increase in vegetation clearing, that *“...While the total number and general location of turbines remain the same, the original clearing limit was erroneous as it did not allow for the total clearing required for the project due to the omission of allowance for the impact of the grid connection which should have increased the total allowance of the original approval to 85.4 ha rather than 68.3 ha shown in Schedule 3, Condition 19. To improve confidence in the impact estimates for both the quantum and type of vegetation, CWFPL has obtained more detailed flora and fauna surveys and mapping and, utilising the improved mapping, has considered opportunities to reduce impacts on better quality vegetation.”*

63. The EIS stated that in relation to the potential impacts resulting from the increase in vegetation clearing, *“The change to the development corridor and increased footprint does not generate any new impact types than those considered in the original assessment. The construction of the turbines and access tracks would still involve ground disturbance resulting in the removal of native vegetation and flora and fauna habitat.”*

64. In addition to the above, page 51 of the RtS also stated “Where CWFPL is not able to avoid impacts, these will be offset with similar qualifying vegetation in accordance with accepted biobanking mechanisms....The amount of offsets will be correspondingly increased relative to the increased clearing limit which will involve a significant contribution for the offset and required details of the offset to be confirmed with DPE and OEH.”
65. Despite the increase in vegetation clearing, the EIS stated that: “The modified layout impact areas are precautionary in that they now include a buffer on the entire civil construction footprint (all tracks, turbines, hardstands, ancillary facilities, including batters). This includes the Whitefields Road upgrades, though this area is subject to detailed design that will not require this level of clearing. Minimisation of impacts in the 5m buffer is anticipated, particularly for features such as hollow bearing trees.”
66. To offset the impacts resulting from the increase in vegetation clearing, the EIS stated, “The mitigation strategies for the approved project focused on minimising impacts and offsetting residual impacts. The original conditions of approval for the project require that all reasonable and feasible measures are implemented to:
- Minimise the impact on hollow-bearing trees and mature trees along Whitefields Road;
 - Minimise impacts on the Yass Daisy (*Ammobium craspedioides*);
 - Minimise impacts on threatened bird and bat populations;
 - Minimise the consented clearing of native woodland vegetation and fauna habitat; and
 - If micro-siting turbines:
 - ensure that the revised location of the turbine is at least 50 metres from existing hollow-bearing trees; or
 - where the proposed turbine location is already within 50m of existing hollow-bearing trees, the revised location is no closer to existing hollow-bearing trees.”
67. In addition to paragraph 6766 above, the EIS stated that the “Additional Statements of Commitment (**SoC’s**) by the proponent (Epuron 2014) include:
- Replacement of dams removed during construction (where practical) (SoC 14);
 - Further targeted surveys in identified areas of hollow-bearing trees with potential for removal (SoC 15); and
 - Buffers on treed areas (twice the drip line) for temporary construction activities in sensitive areas (SoC 17).”
68. Overall, the EIS concluded that “The increased vegetation clearing required to address changes to the civil design footprint (having regard to steep terrain as well as the required clearing for the 132kV connection and a larger turbine model) would result in a substantially increased impact to native vegetation; 95.5 ha more impact on Box Gum Woodland Endangered Ecological Community (EEC) or 112% of the clearing limit allowed in the consent conditions. The majority of the clearing remains in low diversity native pasture, as a result of iterative design with input from ecologists and additional site surveys.
69. In relation to the mitigation strategies, the EIS concluded that: “Existing mitigation strategies (minimisation of impacts and offsets) will be adequate to address the impacts. However, the strategies would benefit from additional preclearance surveys (hollow bearing trees, specific threatened flora, raptor nests) in areas that fall outside the consented development corridor.

While the management strategies proposed to manage these impacts would remain generally in accordance with the approved project, changes to the consent conditions are required to ensure the additional impacts are accurately reflected, including:

- An increase in the Box Gum Woodland EEC clearing limit to 180.9 ha [reduced to 179.8 ha in later amendments].
- Targeted surveys to assist minimisation and ensure accurate offsets for the final project in areas outside the consented development corridor (specifically, (hollow bearing trees, specific threatened flora, raptor nests).

- *An increase in the offset credit requirement; the required ecosystem and species requirements under the modification are 1578 and 3396, respectively.*
- *Allowance of staging of offsets, so the offsets are implemented as they are incurred.”*

70. In relation to avoidance and mitigation, the RtS stated that:

“In response to community feedback, CWFPL has resolved to remove 3 wind turbines from the approved layout, thus reducing the total number of wind turbines from 79 to 76. A combination of multiple factors was considered in this decision, including public submissions from the nearby community, distance and visual impact for non-associated residences, biodiversity impacts, and a review of the wind resource and associated energy analysis.” The RtS states that these wind turbines were previously approved as 75, 76 and 77 and that their removal will assist in reducing the impact on 10 confirmed hollow bearing trees.

71. In regard to Whitefields Road, the RtS stated that:

“Prior to the construction of the proposed upgrade to Whitefields Road, the Applicant shall prepare detailed plans for the upgrade in consultation with the relevant Council, and to the satisfaction of the Secretary. In preparing these plans, the Applicant must seek to avoid and/or minimise the clearing of mature vegetation adjacent to the road. Further, the detailed plans must include a landscaping plan for replacing the removal of any existing vegetation and/or augmenting the existing vegetation adjacent to the upgraded road.”

...

“The project will predominantly utilise the Hume Highway that is designed and maintained for heavy vehicle usage. Only approximately 1.3km of additional council road needs to be upgraded and utilised for transportation of heavy and oversized components to the wind farm and this consists of a small portion of Whitefields Road that is currently minimally trafficked.”

...

“The CWF access is the most direct route from the Hume Highway and is an appropriate, least impact means to access the project area. The existing consent conditions Schedule 3, conditions 27 and 28 require that impacts on Whitefields Road are minimized and require consultation with relevant road authorities, design, landscaping and, approval of the Secretary.”

72. The Applicant provided on 19 November 2018, the approval from the Commonwealth under the EPBC Act.

Department’s considerations

73. The DMAR stated the Project was declared a ‘controlled action’ under the EPBC Act on 21 February 2018. The DMAR also stated that *“The modified project layout would increase the native vegetation clearing requirements by 190.3 ha, of which an additional 111.5 ha of EEC listed under the Biodiversity Conservation Act 2016 (BC Act) would be required to be removed. Additionally, the rotor swept area (RSA) would increase by 15% with the larger turbines which would increase the risk of bird and bat strike. The requirement to clear more vegetation is a result of both improved site knowledge and understanding of the construction process following detailed design, and the proposal to use a larger turbine model.*

74. The DMAR stated that the Applicant has *“revised the project layout during the assessment process for the modification application to minimise the biodiversity impacts of the project, including:*

- *removing an additional turbine (i.e. Turbine No. 36) to avoid impacts to 58 hollow-bearing trees;*
- *relocating the access track between Turbines Nos. 17 and 19 to avoid impacts to 33 hollow-bearing trees;*
- *relocating the access track near the substation to avoid impact to a substantial*

hollow-bearing tree; and redesigning the site access along Whitefields Road to reduce clearing from 4.89 ha to 0.45 ha and avoid impact to 45 hollow-bearing trees.”

“Additionally, the removal of 3 turbines to mitigate the visual impacts of the modified project (i.e. Turbine Nos. 75, 76 and 77) would avoid impacts to a further 7 hollow-bearing trees.”

75. The DMAR recommended that the Applicant be restricted to removing *“no more than 4 hollow-bearing trees along Whitefields Road.”* The DMAR noted that in response to OEH’s concerns the Applicant had reduced the number of hollow-bearing trees to be removed from 426 to 282. The DMAR also recommended that the applicant be required *“to minimise the clearing of hollow-bearing trees, native vegetation and key habitat within the development footprint.”*
76. In relation to the potential impacts to Blakely’s Red Gum – Yellow Box Gum Woodland EEC, Derived Grassland, and Yellow-Box River Red Gum and Riparian Woodland EEC from increased clearing, the DMAR stated that the Applicant undertook tests of significance *“against the criteria in section 5A of the EP&A Act and the NSW Threatened Species Assessment Guidelines: The assessment of Significance;”* and noted that: *“The tests of significance concluded that the project is unlikely to result in any significant impacts on the abundance, range and distribution of these EECs”.*
77. To restrict the impacts on EEC, the Department has recommended a Condition restricting the Applicant to only removing up to:
 - *31.4 ha of Blakely’s Red Gum – Yellow Box Gum Woodland EEC;*
 - *148.1 ha of Blakely’s Red Gum – Yellow Box Gum Woodland – Derived Grassland EEC; and;*
 - *3 ha Yellow Box- River Red Gum and Riparian Woodland EEC”* (DMAR p 34).
78. The DMAR stated that the Applicant *“has applied the principles of the NSW Biodiversity Offsets Policy for Major Projects in its design of the modified project by avoiding any unnecessary impacts on biodiversity where possible, minimising the residual impacts through mitigation measures and proposing offsets to compensate for the remaining impacts. In that regard the impacts of the modified project on EECs would need to be offset in accordance with the NSW Biodiversity Offsets Policy for Major Projects.*
79. The DMAR noted that the project has the potential to impact on fauna in several ways, through direct habitat loss as a result of vegetation clearing, including hollow-bearing trees, and through an increased risk of bird and bat strike. The DMAR identified that offsets would be required for loss of species habitat of the Regent Honeyeater and the Superb Parrot.
80. In relation to bird and bat strikes, the DMAR stated that the Applicant has commissioned Brett Land & Associates to undertake a collision risk assessment of the proposed modification to identify if any bird and bat species would be at a higher risk of strike from the increase in the turbine dimensions. The study found that the collision risk impact of the Application was not significant but would:
 - *“Increase the risk of collision to birds flying between 40m and 100m;*
 - *increase the risk of collision by Wedge-tailed Eagles and other high-flying raptors, including the Little Eagle;*
 - *not significantly change the risk to the Superb Parrot due to the minimal overall change to RSA extent below 60 m, the height below which most flights by this species occur; and*
 - *not significantly increase risk to the populations of most of the species located on the project site, as they are common and widespread.”*

81. The assessment concluded that the Eastern Bentwing Bat is unlikely to experience any increased risk from the modified projects as most of its flights occur below the RSA.
82. Overall, the Department was *“satisfied that Goldwind has provided a suitably robust assessment of the potential risk of the modified project on bird and bat species from blade strike, and recognises that adaptive management techniques (e.g. minimising the availability of raptor perches, swift carcass removal, pest control and sector management of turbines) would assist in reduce any impact.”*
83. The DMAR recommended to *“include a requirement for Goldwind to prepare a stand-alone Bird and Bat Adaptive Management Plan in consultation with OEH...”* and to *“require the revised location of a wind turbine to be at least 50 m from hollow-bearing trees; or where the proposed wind turbine location is already within 50 m of one or more existing hollow-bearing trees, the cumulative distance between the hollow-bearing trees and the turbine is either maintained or increased.”*
84. The DMAR concluded that *“With the implementation of these measures, the Department considers that the modified project would not pose a significant risk or unacceptable risk to bird and bat species or populations...”* and that *“the impacts to the threatened fauna species from the project as modified would not be materially different to the approved project.”*
85. DMAR notes that in response to OEH concerns that some of the vegetation had not been mapped correctly, the Applicant has committed to undertaking targeted surveys for the purpose of determining offset liability. The DMAR stated that *“As the number and class of offset credits that would need to be retired may vary, the Department has not recommended updating the biodiversity conditions with the estimated revised offset credit requirements for the modified project layout, but alternatively has recommended that Goldwind be required to confirm the number and class of biodiversity offset credits required to be retired following the targeted surveys and prior to the commencement of construction...”*
86. In relation to the concerns raised by OEH, the DMAR stated that *“while the condition of the vegetation has implications for the modified project’s offset liability requirement, it does not change the overall quantum of EEC that would be impacted.”* In addition, the Department provided further information on the correspondence between OEH and the Department that stated *“...OEH has reviewed the draft condition that related to biodiversity and Aboriginal cultural heritage...and suggested minor edits to the condition...”*
87. The DMAR noted that *“while the Goldwind has not proposed specific land-based offsets for the project, it has identified potential offset sites within and around the project site, including within the areas previously identified as the Marilba and Conroys Gap Extension precincts, to demonstrate that it can meet the estimated credit requirements.”*
88. In relation to Whitefields Road, the DMAR stated that *“Whitefields Road is the approved primary site access route for the project and the distance along it that would be required to be upgraded is relatively short (i.e. 1.1 km);”* and that *“the use of Whitefields Road would have fewer environmental impacts than the alternatives and remains the most appropriate access road for the wind farm.”*

Commission’s considerations

89. The Commission accepts the Applicant’s considerations in paragraph 63 that *“The change to the development corridor and increased footprint does not generate any new impact types than those considered in the original assessment;”* because:
 - *“the original development footprint did not allow for the total clearing and earthworks that would be required for the project,”* as discussed in paragraph 48 and
 - *“the construction of the turbines and access tracks would still involve ground disturbance resulting in the removal of native vegetation and flora and fauna habitat;”* as discussed in paragraph 63.

90. The Commission accepts the Applicant's consideration on the additional identified biodiversity impacts in paragraphs 60 - 63, because
- the Assessments of Significance (under the TSC Act and EPBC Act) found that *"the impacts would not be significant for any assessed entity;"* as discussed in paragraph 61; and *"is unlikely to result in any significant impacts on the abundance, range and distribution of these EECs;"* as discussed in paragraph 76; and;
 - mitigation measures have been put in place and the Applicant is required to comply with the required offsets and credits, as discussed in paragraphs 65 - 71.
91. The Commission accepts the Department's considerations in paragraphs 78 - 86 because:
- *"the Applicant "has applied the principles of the NSW Biodiversity Offsets Policy for Major Projects in its design of the modified project by avoiding any unnecessary impacts on biodiversity;"* minimised *"the residual impacts through mitigation measures"* and proposed *"offsets to compensate for the remaining impacts;"* discussed in paragraph 78;
 - The Applicant has revised the project layout...to minimise the biodiversity impacts as discussed in paragraph 74;
 - the Department has recommended Conditions of consent restricting the amount of EEC clearing, as discussed in paragraph 77;
 - the Department has recommended Conditions of consent requiring the Applicant to *"prepare a stand-alone Bird and Bat Adaptive Management Plan in consultation with OEH..."* as discussed in paragraph 83;
 - the Applicant is required to retire biodiversity offsets to compensate for any remaining impacts and is *"required to confirm the number and class of biodiversity offset credits required to be retired following the targeted surveys and prior to the commencement of construction..."* as discussed in paragraph 85; and
 - *"...OEH has reviewed the draft condition that related to biodiversity and Aboriginal cultural heritage. ..."* as discussed in paragraph 86.
92. Based on the Material, the Commission finds that the biodiversity impacts resulting from the Application are acceptable because:
- with the implementation of the mitigation measures imposed in the consent for the approved Project, as discussed in paragraphs 66, 67, 68, and the retirement of offset credits, the Assessments of Significance (under the TSC Act and EPBC Act) found that:
 - the biodiversity impacts would not be significant for any assessed entity, as discussed in paragraph 61; and
 - is unlikely to result in any significant impacts on the abundance, range and distribution of EECs, as discussed in paragraph 76;
 - the Applicant is required to prepare a stand-alone Bird and Bat Adaptive Management Plan in consultation with OEH, as discussed in paragraph 83;
 - the impacts to the threatened fauna species from the Applicant would not be materially different to the approved Project, as discussed in paragraph 84;
 - OEH's remaining concerns that some of the EEC had not been properly classified, as discussed in paragraph 85, have been addressed by the Applicant and the Department through:
 - the applicant's commitment to undertaking *"targeted surveys for the purpose of determining offset liability;"* as discussed in paragraph 85;
 - the Department recommendation for the Applicant to *"be required to confirm the number and class of biodiversity offset credits required to be retired following the targeted surveys and prior to the commencement of construction..."* as discussed in paragraph 85; and
 - OEH's correspondence between OEH and the Department that stated *"...OEH has reviewed the draft condition that related to biodiversity and Aboriginal cultural heritage...and suggested minor edits to the condition..."*;
 - the Applicant has obtained Commonwealth approval under the EPBC Act, as pointed out in paragraph 34;

- the increased native vegetation clearing limit is necessary as the original development footprint proposed by Epuron did not allow for:
 - the earthworks that would be required to establish the proposed roads and hardstands, as discussed in paragraph 65; and
 - for the total clearing required for the Project due to the omission of allowance for the impact of the grid connection, as discussed in paragraph 62;
- the proposed width of Whitefields road and access tracks, in relation to the clearing of vegetation, has not changed significantly from the original assessment, as discussed in paragraphs 63 and 88.

5.4.3 Social and Economic benefits

Applicant's Considerations

93. In its EIS, the Applicant stated:

"In parallel with the neighbour benefit sharing strategy, a community benefit sharing strategy is currently being developed. Discussions have been undertaken with 16 local community groups and schools regarding opportunities for the project to be an active member of the local community and provide financial assistance and support. As of August 2017, the project has provided financial support through a sponsorship fund to 10 community initiatives and events in the local area. Once the project becomes operational, a community fund will be established and will consist of \$2,500 per installed turbine each year, for the entire life cycle of the project. Coppabella Wind Farm will work with the CCC to develop the framework and structure for the fund. The Yass Valley Council and the Hilltops Council will administer the community fund based on the installed turbines within each specific Local Government Area."

94. The Applicant stated in its RtS:

"It is anticipated that approximately ten percent of the project investment during the construction phase will be invested into the local area. Within their relevant economic development plans, both the Hilltops and Yass Valley Council recognize the economic opportunities associated with the development of renewable energy projects in the region. It is anticipated that the economic injection will have a positive impact in the local area to the project. The community benefit sharing strategy, which includes the CWF Sponsorship Fund, the Community Enhancement Fund and a supplementary community investment model is anticipated to have a positive impact on the local area."

95. The Applicant also stated in its RtS:

"In September 2017, CWFPL launched the Local Business Participation Program for the project. This program is a key tool to identify capability and capacity in the local area for the indicative work packages that will be required during construction project. CWFPL has engaged with local groups in Harden as well as Hilltops Council to promote this program to local businesses in the Harden area."

Department's considerations

96. The DMAR states that the proposed modification *"would allow the benefits of the project to be realised. In this regard, the project would deliver a range of economic benefits, including up to 200 full time construction jobs and 15 full time operational jobs, with a capital investment of up to \$500 million.*
97. The DMAR also stated that the Applicant *"would contribute up to \$187,500 a year to community enhancement through voluntary planning agreements with both Councils, and an additional \$100,000 per year through a supplementary community investment model."*

Commission's considerations

98. The Commission accepts the Applicant's considerations in paragraphs 93, 94 and 95 because the Applicant:
- is developing a community benefit sharing strategy that would assist in providing financial assistance and support to 16 local community groups and schools, as discussed in paragraph 93;
 - anticipates that the local area would receive ten percent of the project's investment during the construction phase, and that this would have a positive impact as discussed in paragraph 94; and
 - launched a Local Business Participation Program that would identify capability and capacity in the local area for the indicative work packages that will be required during construction as discussed in paragraph 95.
99. Based on the Material discussed in paragraphs 93 - 98 above, the Commission accepts that the modified Project will provide social and economic benefits to the local community.

5.4.4 Objects of the EP&A Act and Public Interest

100. In determining the public interest merits of the Application, the Commission has had regard to the objects of the EP&A Act.
101. The Commission notes that the Applicant is silent as to how the Application is consistent with the objects of the EP&A Act.

Department's consideration

102. The DMAR stated that *"On balance, the Department considers that the proposed modification has merit, and is in the public interest."* The DMAR does not provide an assessment of how the Application meets the objects of the EP&A Act.

Commission's consideration

103. Under section 1.3 of the EP&A Act, the relevant objects applicable to the project are:
- a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
 - b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
 - c) to promote the orderly and economic use and development of land,*
 - e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
 - i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, and*
 - j) to provide increased opportunity for community participation in environmental planning and assessment.*
104. The Commission finds that the Application, if approved, is generally consistent with the objects (a), (c), and (i) of the EP&A Act because it provides:
- a development that achieves a reasonable balance between maximising the efficiency of the wind resource development and minimising the potential impacts on the local community and environment, as discussed in paragraph 21
 - a development that is consistent with the Commonwealth's Renewable Energy target and the NSW Climate Change Policy Framework, as discussed in paragraph 21; and
 - for the monitoring of ongoing environmental performance of the project and enforcing the conditions of approval, by the Department and the EPA, as discussed in paragraph 21.

105. A relevant object of the EP&A Act to the Application, as outlined in paragraph 103, is the facilitation of ecologically sustainable development (**ESD**). The Commission notes that section 6(2) of the *Protection of the Environment Administration Act 1991* (the **POEA Act**) states that ESD requires the effective integration of social, economic and environmental considerations in its decision-making, and that ESD can be achieved through the implementation of:
- (a) the precautionary principle;
 - (b) inter-generational equity;
 - (c) conservation of biological diversity and ecological integrity; and
 - (d) improved valuation, pricing and incentive mechanisms.
106. The Commission finds that the Application, if approved, is generally consistent with the ESD principles because it provides:
- a development with a modified layout “*generally in accordance with the approved project*”, as discussed in paragraph 38,
 - no introduction of elements or new turbines that are any more prominent or out of character with the approved Coppabella Wind Farm project, as discussed in paragraphs 38 and 48 ;
 - conservation of hollow-bearing trees, as discussed in paragraphs 65-67, 68 ,69, 75, and 83; through the deletion of 4 turbines (36, 75, 76 and 77); as discussed in paragraph 60; and
 - social economic benefits to the local community, as discussed in paragraph 98; through a community benefit sharing strategy, as discussed in paragraph 93, investment during the construction phase in the local area, as discussed in paragraph 94; and indicative work packages that will be required during construction as discussed in paragraph 95.
107. The Commission finds that the Application, if approved, is generally consistent with object (j) of the EP&A Act as the DMAR stated that “*The Department exhibited the modification application from 22 September 2017 to 23 October 2017 (32 days):*”
- *on the Department’s website;*
 - *at the offices of the Department; and*
 - *at Hilltops Council and Yass valley Council’s offices.”*
- ...
- During the assessment process, the Department also visited the site, met with the Yass Landscape Guardians in Bookham, and consulted with local residents, the relevant Councils and government authorities.”*
108. On balance, the Commission finds that the Application, if approved, is in the public interest because:
- the modified project “*would result in an overall low - level change in visibility and a largely unchanged visual impact;*” discussed in paragraph 49; would still “*generate approximately 830 gigawatts hours (GWh) of renewable energy per year over its operation life, equivalent to 113.700 homes annually, with estimated emission savings in the order of 700,000 tonnes CO₂-e per year;*” as discussed in paragraph 20;
 - in relation to biodiversity and vegetation clearing, “*The change to the development corridor and increased footprint does not generate any new impact types than those considered in the original assessment;*” as discussed in paragraphs 63 and 89;
 - the modification application is generally consistent with the objects (a), (b), (c), (i) and (j) of the EP&A Act, as discussed in paragraph 105, 106 and 107 because it provides:
 - a development that achieves a reasonable balance between maximising the efficiency of the wind resource development and minimising the potential impacts on the local community and environment, as discussed in paragraphs 21 and 105;
 - a development that is consistent with the Commonwealth’s Renewable Energy target and the NSW Climate Change Policy Framework, as discussed in paragraphs 21 and 105; and

- for the monitoring of ongoing environmental performance of the project and enforcing the conditions of approval, by the Department and the EPA, as discussed paragraphs 20 and 105;
- a development with a modified layout “*generally in accordance with the approved project*”, as discussed in paragraphs 38 and 106;
- no introduction of elements that are any more prominent or out of character with the approved Coppabella Wind Farm project, as discussed in paragraphs 38, 48, and 106;
- conservation of hollow-bearing trees, as discussed in paragraphs 65-67, 68, 69, 76, 83 and 106; through the deletion of 4 turbines (36, 75, 76 and 77); as discussed in paragraph 54 and 56;
- social economic benefits to the local community, as discussed in paragraphs 98 and 99; and
- the modification application was exhibited, as discussed in paragraph 107.

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING ITS DECISION

109. The views of the community were expressed through:

- public submissions and comments received (as part of exhibition, during and after the public meeting; and as part of the Commission’s determination process) as discussed in paragraphs 28, 44, 46, 33, 52, 54, , 58, 63, 64, 71, 73, 86, 88, and 89.

110. The Commission carefully considered all views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in **section 5** above.

7. DETERMINATION

111. The Commission has carefully considered the Material before it, as set out in paragraph 34 of **section 5** above.

112. The Commission has also considered the matters for consideration specified by the EP&A Act, including section 4.55(2) of the EP&A Act and the matters it requires the Commission to consider, and the reasons given by the former Planning Assessment Commission in granting consent to the original Project; as discussed in paragraphs 41 and 42.

113. The Commission finds that:

- the Application is within the scope of section 4.55(2) as the modified Project is substantially the same development for which consent was originally granted, as discussed in paragraph 42;
- visual impacts resulting from the Application are acceptable, as discussed in paragraph 57; for the reasons in paragraphs 47, 48, and 54;
- the biodiversity impacts resulting from the Application are acceptable as discussed in paragraph 92; for the reasons in paragraphs 61, 76, 34, 84, and 85;
- the modified Project will provide social and economic benefits to the local community, as discussed in paragraph 98, for the reasons in paragraphs 93, 94, 95;
- the application is in the public interest, as discussed in paragraph 108; for the reasons in paragraphs 20, 49, 63 and 89; and
- the Application is generally consistent with objects (a), (b), (c), (i) and (j) of the EP&A Act, as discussed in paragraph 104, 106 and 107.

114. For the reasons in paragraph 113 above, the Commission has determined that the consent should be granted subject to conditions. These conditions are required to:
- prevent, minimise and/or offset adverse social and environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the ongoing environmental management of the development.
115. The reasons for this Decision are given in this Statement of Reasons for Decision dated 10 December 2018.



Alan Coutts (Chair)
Commission Member



Prof. Zada Lipman
Commission Member



Adrian Pilton
Commission Member