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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: CROOKWELL 3 WIND FARM

PANEL: **PETER DUNCAN**
ZADA LIPMAN
ADRIAN PILTON

ASSISTING PANEL: **DAVID WAY**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **MIKE YOUNG**
NICOLE BREWER
IWAN DAVIES

LOCATION: **IPC OFFICES**
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES

DATE: **1.39 PM, THURSDAY, 23 MAY 2019**

MR P. DUNCAN: Good afternoon and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal people. I would also like to pay my respects to their Elders past and present and to the Elders from other communities who may be here today. Welcome to the
5 meeting. Crookwell Development Pty Limited, the applicant, is seeking approval for the construction and operation of the Crookwell 3 Wind Farm, including 23 wind turbines and associated infrastructure in the upper Lachlan Council area. My name is Peter Duncan. I am the chair of the IPC panel on this occasion. Joining me are my fellow commissioners Zada Lipman here and Adrian Pilton as well as David Way
10 from the Commission Secretariat.

In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be provided and made available on the Commission's website. This meeting is one part of the
15 Commission's decision-making process. It is taking place at the preliminary stage of the process and will form one of several sources of information upon which the Commission will base its decision. It is important for the Commission to ask questions of attendees and to clarify issues whenever we consider it appropriate.

20 If you're asked a question and are not in a position to answer, please, feel free to take the question on notice and provide any additional information in writing, which we will then place on the website. I request that all members here today introduce themselves before speaking for the first time and for all members, if you could, please, speak one at a time so that we can ensure accuracy of the transcript. Thank
25 you. And we will now begin.

MR M. YOUNG: Did you want us to introduce ourselves?

MR DUNCAN: Yes. I think that's a good idea. We might do it for the transcript.
30 So it's Peter Duncan for the Commission.

MS Z. LIPMAN: Zada Lipman, Commission.

MR A. PILTON: Adrian Pilton.
35

MR I. DAVIES: Iwan Davies from the department.

MR M. YOUNG: Mike Young from the Department of Planning, Industry and Environment.
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MS N. BREWER: Nicole Brewer from the Department of Planning.

MR D. WAY: David Way, independent Commission Secretariat.

45 MR DUNCAN: Okay. Mike, over to you.

MR YOUNG: Sure.

MR DUNCAN: You've got the – did you get the agenda?

5 MR YOUNG: Yes.

MR DUNCAN: So we've got a few dot points there to follow up. Opening
statement. You're welcome to have the opening statement from you. A bit of
historical context to the project. Anything that you wish to say about the assessment
10 report, we have a copy of it.

MR YOUNG: Sure.

MR DUNCAN: And follow-up actions. So - - -
15

MR YOUNG: I mean, Peter, I guess, you know, these – these briefings are really
about providing you with the opportunity to get any clarity or ask any questions that
you may have after reading our report. I don't propose to necessarily go through all
of the things in our report in detail.
20

MR DUNCAN: I understand.

MR YOUNG: You've got that there with you and obviously there's the community
meeting, the public meeting to come and so forth. But in terms of this particular
25 project, there is some context – historical context that is probably worth going
through to set the scene for the assessment and determination of the application. In
that regard, as we say in our report, the development application for the application –
in fact, project application for this was lodged some, you know, nine years ago now,
2010. It was lodged by a company at the time. I think it was Union Fenosa, which is
30 also a company that's developed the neighbouring Crookwell 2 Wind Farm, and I'm
sure you will see that when you go down on site.

And this particular project, I guess, has had a long history, obviously, being in the
system for around nine years. And it has gone through some minor iterations during
35 that time from an original proposal of 30 turbines down to now 23 turbines. There
has been some minor changes to the dimensions but, broadly speaking, those
dimensions haven't changed significantly. The key issue in the process, I suppose –
and then I will move to sort of the land use context and the surrounding area, but in
terms of the process, the department went through the normal assessment process
40 when the application was lodged. You know, we received a number of submissions.
I think there was more in support than there were objecting to it, although I think the
proportion of people objecting was – there were a number of people living quite near
the wind farm who were concerned about the impacts of the project.

45 So the department went through the normal assessment process with public
exhibition and so forth and we referred a report to the then Planning Assessment
Commission, the PAC, recommending that the project could be approved. The PAC

at the time then held a public meeting as – you know, in accordance with its policy. And at that meeting, a number of significant issues were raised by members of the community on a whole range of issues from visual to traffic issues to noise issues and so forth. And those questions were put to the department and the IPC or the
5 PAC at the time, it was agreed that the department would reconsider those issues and the nature and extent of those issues was fairly material to the assessment and so the application was, I guess, referred back to the department for further consideration, given the issues that were raised.

10 Following that, the company – those issues were put back to the company and the company then, as a result of that, made further amendments to the project and it took them quite a long time to respond to those issues and to amend the project, which was one of the key reasons for a long delay in the assessment process. We then
15 received an amended development application and a response and we also engaged a visual expert to assist us in – to finalise our assessment, given those issues that were of concern to the PAC at the time and the community. And it has taken a considerable period of time to finalise our assessment. It involved, as I said, expert
20 advice. It involved further consultation with particularly Upper Lachlan Council and Goulburn Council. It included further consultation with properties in the vicinity.

And we were very keen to – we had significant concerns about the nature and extent particularly of the visual impacts and so we were keen to see the company reach
25 agreements with potentially affected residents so that, you know, there was – so those matters could be appropriately addressed. And we gave them a considerable period of time in which to do that. And, as we said in our report, they’ve been successful to some extent in reaching agreements with a number of properties, but there’s still a number of properties where we believe that there’s a significant impact – significant visual impact where they’ve not been able to reach agreement.

30 One of the key issues also for the wind farm is the fact that in our original – in our original assessment, we recommended that it could be approvable subject to the acquisition, I think, of eight properties. I think it was eight at the time. And, I guess, one of the concerns that we had when we re-looked at this, particularly with the
35 advice of the visual expert, is that there was probably more than eight properties likely to be highly affected from a visual point of view but also the fact that, from a policy perspective, the department is not – doesn’t take – provide involuntary acquisition rights over people’s properties lightly.

And so it was – the heart of the matter really was that, given the nature and extent of
40 the impacts, visual impacts on surrounding neighbours, you know, we were not confident that the benefits associated with 23 turbines, which was the amended application, were so significant that it outweighed those visual impacts or, indeed, it was appropriate to provide acquisition to such a relatively large number of properties for 23 turbines. So, in short, that’s – I guess, that’s a plotted history from – in terms
45 of the assessment and that’s some of the reasons why it has taken so long. I think the department has been very patient in the sense of providing the company, which has now since changed to Global - - -

MS BREWER: Power Generation.

MR YOUNG: Global Power Generation. We've been very patient in terms of providing them with time to address the issues, providing them with time to respond,
5 providing them with time to amend their application, providing them time to reach agreements with potentially affected residents. And so we're at a stage now where, you know, we think that, really, the process needs to come to fruition and a decision needs to be made and people need to get on with their lives.

10 MR DUNCAN: Yes. Yes. I can imagine.

MR YOUNG: Yes. So in terms of the context of the project, there's some maps that we probably might sort of hand out that are perhaps a bit better than those ones perhaps.

15 MR DUNCAN: Okay. Good.

MR YOUNG: Have we got – we've got extra copies, haven't we? Yes. So probably the first thing is just in terms of the context in terms of other wind farms and the cumulative impacts from a land use perspective. And the other map that's probably of particular note is this one.

MR DUNCAN: Thank you.

25 MR YOUNG: So these are maps that we've developed with the information that we've got. Thanks. So just the first one – and, I guess, this goes to – and, really, what I will mostly be talking here about is the – I guess, the land use sort of context surrounding and cumulative impacts associated with wind turbines in the vicinity. So Crookwell 3 – you know, you can see it there on that larger map adjacent to
30 Crookwell 2 there in the pink and the green there, Crookwell 2. There are, you know, obviously, a number of approved and operating wind farms in the region.

So you've got Crookwell 2, which is, as I said, being operated by the same proponent. I think it's around about the 30 turbines, that kind of number as well, so
35 it's a similar size to Crookwell 3, albeit in one part. That has now been recently constructed. You've got Crookwell 1, which is one of the first operating wind farms in New South Wales, which is only, I think, eight turbines, and the turbines are much smaller than contemporary turbines.

40 MR DUNCAN: Okay.

MR YOUNG: So you've got two others right there. I've also got – and you will see when you go down there – from the areas around Crookwell 3, Gullen Range wind farm, which is a large wind farm, I think, with more than 70 turbines along a
45 ridgeline which is that blue to the west of the Crookwell wind farms. That is visible from those areas, as well as Gunning and Biala, which isn't built yet, but approved, is visible from some of those areas as well. So you are in a situation where you've got

a number of – depends if you’re – if you’re driving along the road or whether you’re a resident in the area, there would be a number of people and visitors that would be able to see, you know, five – if this proceeds and is constructed, they would be able to see five wind farms in the vicinity.

5

So there is a level of concern that the cumulative impacts within that particular area are becoming significant, and, you know, the new wind farm guidelines – or the guidelines that were published in 2016 do talk about consideration of cumulative impacts, and our judgment is that the landscape there in particular is, you know, becoming gradually transformed as a result of additional turbines being built in that area. You’ve also got a situation there with the topography that – and maybe if we go to the next map – where – and you will see that when you go down there that there’s – Crookwell 3 and Crookwell 2 are largely built along the higher ground along an extended ridgeline.

10
15

MR DUNCAN: Yes.

MR YOUNG: And it’s the sort of higher ground as you approach the Crookwell township from the – along the Goulburn to Crookwell Road. And so you are in a situation where both residents who live in the area and also visitors as they drive up that road, you know, you do – if Crookwell 3 was to be constructed, you would be in a situation where you would have quite an extensive view along the horizon, so to speak - - -

20
25

MR DUNCAN: Yes.

MR YOUNG: - - - of turbines all the way around, and our assessment has indicated there are a number of houses that would exceed the recommendations in the guidelines about the number of turbines of the extent of their horizontal view that would be - - -

30

MR DUNCAN: Yes.

MR YOUNG: Where they would be able to see turbines in their view shed. So from – I guess from a practical perspective as well, we consider that in many ways, whilst Crookwell 3 is a standalone application, has to be considered on its merits, in many ways it is an extension to Crookwell 2 in the sense of it’s by the same company, it’s adjacent to – in fact, it’s adjacent on both sides, and it also would share some infrastructure if it was to proceed, including a transmission line and substation, etcetera. So I know that the company obviously is keen to develop the project, and I guess they would really operate it as one project - - -

35
40

MR DUNCAN: Yes.

MR YOUNG: - - - really, with, I guess, something in the order of 50 turbines, which is, I guess, probably from a commercial perspective, obviously attractive to them.

45

MR DUNCAN: Okay.

MR YOUNG: They – at the moment, I – my understanding is that their commercial
5 offtake agreement is through the ACT process – auction process, so they were
successful for the Crookwell 2 development to enter into that auction process, and so
they – they’ve got an agreement, as I understand it, to sell their electricity to the
ACT.

MR DUNCAN: Right.

MR YOUNG: So in terms of – if we drill down to sort of more – maybe I will just
10 pause there and ask whether you’ve got any questions on what I’ve said so far.

MR DUNCAN: Adrian?

MR PILTON: I’m just thinking about – because we haven’t been there yet – the
15 overall landscape in these photographs looks to be quite low and so it’s not very high
like the Yass Wind Farm where you had this sort of very steep mountain – not
mountains, but hills.

MR YOUNG: It is different in terms of the topography is rolling.

MR PILTON: Yes.

MR YOUNG: There are some big hills. But it’s not the same as Yass or Rye Park
25 where you’ve got a very high relief there and it’s very much along a particular
ridgeline. It’s a little but more complicated, the topography, than that, but when you
drive there, you will see that as you come into this Pejar Dam area, which is a fairly
low point, the ground does rise up on the other side of that quite significantly, and so
30 this – there is a ridgeline essentially, Adrian, that goes all the way around like this,
sort of like in an arc.

MR PILTON: Yes.

MR YOUNG: And that’s really where the turbines have obviously been located to
35 catch the wind. So I agree it’s not quite as a pronounced, you know, neat sort of
thing like that, but it is certainly – there’s a number of properties, and if you drive up
Woodhouselee Road as well, the road is quite low, whereas the turbines are quite
high, so you will see that, you know, the house – part of our concern was the
40 proximity, but also the potential dominance that you get in terms of, you know,
having those within a relatively short distance, and then having them relatively high
compared to where the houses are.

MR PILTON: One of the reasons I asked the question was because of the impact of
45 earthworks and so on. In the Yass project, it seemed to be greatly underestimated.

MR YOUNG: Sure.

MR PILTON: Whereas if it's much more gentle landscape, then earthworks would probably be easier and less - - -

MR YOUNG: Sorry, Adrian.

5 MR PILTON: Yes.

MR YOUNG: Yes. I – look, it's certainly not as – the slopes are not as steep.

10 MR PILTON: Yes.

MR YOUNG: Definitely. Yes. I mean, there will be some exceptions, but in broad terms, yes, the slopes are not as steep as, say, the Yass project. Yes. In terms of access.

15 MS BREWER: We've also included a map of the topography in figure 4 in the - - -

MR DUNCAN: What page is that on?

20 MS BREWER: Page 20.

MR DUNCAN: 20.

MR YOUNG: So you can see there as you come from Goulburn, you're kind of on slightly lower topography.

25 MR DUNCAN: Yes.

MR YOUNG: And then as you climb up in towards Crookwell, you get higher and higher.

30 MR PILTON: Yes.

MR DUNCAN: Okay.

35 MR YOUNG: So it's kind of on that edge of that high plateau that Crookwell is on that you get the turbines.

MR DUNCAN: Anything else, Adrian?

40 MR PILTON: Not at this stage, no.

MR DUNCAN: Zada?

45 MS LIPMAN: No.

MR DUNCAN: I just had a couple of quick questions.

MR YOUNG: Yes.

MR DUNCAN: The – when it was at the Commission first time and you mentioned there were a few different factors came back – visual, traffic, noise. I gather from
5 what we've just discussed, visual was probably – is probably the major one?

MR YOUNG: Certainly is in our mind.

MR DUNCAN: Yes.
10

MR YOUNG: And you will see from the reasons why we're recommending refusal
- - -

MR DUNCAN: Okay.
15

MR YOUNG: - - - of the project. It's primarily as a result of visual impacts on the
landscape and residents.

MR DUNCAN: Okay. The other one I had was on the acquisition of eight
20 properties.

MR YOUNG: Yes.

MR DUNCAN: What would have been envisaged there? They would acquire,
25 build and then sell off, or do they – would they keep them?

MR YOUNG: So it's – Peter, it's the voluntary acquisition provisions that we've
applied for many years.

MR DUNCAN: Yes.
30

MR YOUNG: But it's not so common on wind farms.

MR DUNCAN: Yes.
35

MR YOUNG: It's usually applied in mining – for mining projects.

MR DUNCAN: Okay.

MR YOUNG: And the way it works is essentially it's voluntary.
40

MR DUNCAN: Yes.

MR YOUNG: So it's not compulsory. So it's different to a public infrastructure
45 project.

MR DUNCAN: Yes.

MR YOUNG: And it's really recognising that the government says, I suppose, that – or the assessment indicates that the benefits are so significant of a particular project, but the impacts on particular individuals may be relatively significant.

5 MR DUNCAN: Yes.

MR YOUNG: Or above certain criteria.

10 MR DUNCAN: Yes.

MR YOUNG: And therefore, on that basis, the project should be allowed to proceed, but these people should have the option to be able to move if they wish to do so.

15 MR DUNCAN: Okay.

MR YOUNG: To put up their hand. And if they – they could do nothing.

20 MR DUNCAN: Yes.

MR YOUNG: Or they could put up their hand and say, yes, I would like the company to acquire me, please, and then there's a clear process that we would - - -

25 MR DUNCAN: Of determining value.

MR YOUNG: Of determining value - - -

MR DUNCAN: Yes.

30 MR YOUNG: - - - and compensation over and above market value, etcetera.

MR DUNCAN: But nothing to stop the applicant then subsequently selling back to the market.

35 MR YOUNG: They would then on the land, and then they would be able to do whatever they wished to.

MR DUNCAN: So they can commercially do whatever they like.

40 MR YOUNG: Correct.

MR DUNCAN: Yes. Okay.

MR YOUNG: Correct.

45 MR DUNCAN: But – and from what you said there, last time there was at least eight.

MR YOUNG: Yes.

MR DUNCAN: And there's probably in this consideration – more would go onto that list.

5 MR YOUNG: Well, we've – look, we've indicated the – or the expert that we've engaged has indicated I think there's something like 14 - - -

MR DUNCAN: Okay.

10 MR YOUNG: - - - residences that would fit into that high impact zone.

MR DUNCAN: Okay.

15 MR YOUNG: And maybe – I think it's up to – there's an even greater number for - - -

MR DAVIES: There's 14 high.

20 MR YOUNG: 14 high.

MR DAVIES: 17 moderate.

MR DUNCAN: Okay.

25 MR YOUNG: Yes.

MR DUNCAN: Okay.

30 MR YOUNG: So we're looking at a relatively large number of - - -

MR DAVIES: 13 moderate, I mean.

MR YOUNG: Yes. So we're looking at a relatively large number of properties, which, whether you call it high, or moderate to high - - -

35 MR DUNCAN: Yes.

MR YOUNG: You know, significant visual impacts of some sort.

40 MR DUNCAN: I understand.

MR YOUNG: Now, whether we said, well, if we had a fine grade analysis, there might be, you know, nine properties where we - - -

45 MR DUNCAN: Yes.

MR YOUNG: - - - think the impact was so significant that it couldn't – you know, they needed to get those right, so whether it was 27, you know, we have to look at them.

5 MR DUNCAN: Okay.

MS LIPMAN: Can I just ask one question. Are there any of these houses that you've indicated that might be successfully screened with vegetation?

10 MR YOUNG: So we've certainly looked at the ability for the company to mitigate, and the options they have are to either reach agreement with people, which they've done for a couple of properties. Secondly, is to delete or move turbines and to some extent they've done that, but – they've done that as much as they can with maintaining the viability of the project. And thirdly is screening.

15 Now, when you go down there, you will see that – and, I guess, going back to what I was saying with Adrian is that the topography would suggest that screening would be, in most situations, difficult to achieve because of the relative height difference between where most of the residents are and where the turbines are in terms of the ground. So the height of the screening would have to be quite significant.

20 There's also another issue attached to that, which is if you're looking at vegetation, the ability of – in that relatively cold climate, the growth rates of vegetation is quite slow and on many wind farms, you know, we find that screening is an option but it has to be, you know, on a case by case basis. So we have looked at that. We don't consider that screening is going to be particularly effective in a majority of cases to address those impacts. And you will see that some of the houses actually already have quite large vegetation – quite significant vegetation in their back yards.

30 MR DUNCAN: Wind breaks.

MR YOUNG: And – yes. But you will see that that actually doesn't screen the tops of the hills where the turbines would be.

35 MS LIPMAN: And I suppose that some have got 180 degrees, which makes it even harder to - - -

MR YOUNG: Words right out of my mouth, Zada. Yes.

40 MR DUNCAN: Surround the place.

MR PILTON: Can I just ask what the significance of these housing groups is.

MR YOUNG: So that's what I was going to go on next.

45 MR PILTON: Sorry. Yes.

MR YOUNG: So if we drill down – so we’ve talked about the landscape, I suppose, and I guess we consider from a cumulative impact perspective we are in a situation where if we were to – if this project was to proceed, you would start to be having significant impacts on the landscape as a whole and significant cumulative impacts.
5 Secondly, I guess, in terms of the number of houses affected – and we touched on that in terms of high and medium to high visual impacts. I guess, what we find in analysing this is whilst we do analyse the house by house visual impacts, we do – it is quite helpful to look at clusters because often clusters of houses have very similar kinds of impacts because of their location or their height, etcetera. So, really, those
10 purple polygons there are to denote particular clumps of houses and categorise them in that way. So if we – it’s difficult without you being there to sort of, you know, really – when you go – it will make sense to you there.

MR DUNCAN: Okay.
15

MR YOUNG: But, look, essentially, you’ve got a situation where there are probably, I think, something like eight or 10 houses that are lodged that are located between either Crookwell – between Crookwell 3 and Crookwell 2. There’s a blob here in between over here on this side and there’s also a couple of houses, you know,
20 over here, as well, that are located between. Now, the people here, the company has been able to reach agreement with some of those houses, and some of those houses were the properties that were recommended for acquisition in our previous assessment.

But there are still some houses there and that’s denoted by the colours of the markings there on the map where they haven’t been able to – where the company has not been able to reach agreements with those properties and they’re likely to be significantly impacted. The road there, Woodhouselee Road, is quite low. It comes up towards 69 and 68. But before that, those houses in that polygon is quite low and
30 so you’ve got a situation where the turbines are quite close to those properties and also they’re quite elevated compared to where the houses are actually located.

If you go to the north there where the Roslyn area is, there’s quite a large number of houses there. Look, most of those houses up into the northern part of that polygon, they may be able to see some turbines, you know, in the distance, etcetera, but we don’t think they’re going to be significantly impacted. But the ones that are closer there, you know, within one or two kilometres or a little over, there are a number of houses there that are likely to be significantly impacted. And what you’ve got there is fairly high ground and the turbines are on a similar height in those locations. And
40 there’s a number of properties such as 106 there that’s marked in red, which means a high visual impact where you’ve essentially got no intervening topography or vegetation between the house and where the turbines are located.

Then the southern area here down the south-eastern group, that’s a fairly elevated area and that’s probably where the bulk of the properties that are going to have the most, you know, cumulative impacts because they will be able to see Crookwell 2, Crookwell 3 and potentially also Gullen Range and other wind farms, as well,
45

because they're on elevated land in that location. And then you've, to the west, as well, you've got a number of properties that are high or medium to high in terms of the visual impact. So, look, it's a bit difficult to make that meaningful without you going and having a look around.

5

MR DUNCAN: Yes. I understand.

MR YOUNG: But, essentially, I think the numbers are based – and we engaged Terry O'Hanlon from OHD, O'Hanlon Design, and he has assisted the department on a number of projects, including Rye Park, including Jupiter – a number of projects now as an independent visual expert. And we went to, you know, quite a lot of length to go down there a number of times to visit the area. We've met with the proponent down there. We've met with community members. So it's certainly not a desktop exercise that we've gone through. It's very much a practical on the ground exercise we've gone about doing that. And so I think – what are the numbers? So it's 14 - - -

15

MR DAVIES: 14 high and - - -

20 MR YOUNG: 14 predicted to be high.

MR DAVIES: - - - 13 moderate to high.

MR YOUNG: 13 moderate to high. So 27 in that, you know, I guess that realm of potentially having significant visual impacts.

25

MS BREWER: I think it's also worth noting that of those 27, that have high or moderate to high, as a total, the number of residences within 3.1 kilometres is 31. So it's 27 of the 31 have high or moderate to high.

30

MR YOUNG: 2.1 kilometres or - - -

MS BREWER: No. 3.1.

35 MR YOUNG: 3.1. Okay.

MS BREWER: So it's a high proportion of the number of residences within the area.

40 MR YOUNG: So, I guess, unless you've got any questions on the visual, we've analysed those polygons in our report. That's how we've broken them up - - -

MR DUNCAN: Yes.

45 MR YOUNG: - - - and summarised those impacts. We've obviously given you Terry O'Hanlon's report to have a look at there. But I think unless you see it – until you see it, it's going to be, you know, not as clear as, you know, until you see it.

MR DUNCAN: Yes.

MR YOUNG: So some of the other key concerns are cumulative visual impacts on residents, cumulative impacts on the landscape. There are some other aspects, I
5 guess, to our assessment that have led to our recommendation that the project not be allowed to proceed. One of those is in terms of zoning. The project is largely located in an area that was zoned in the draft LEP at the time in 2010 when the DA was lodged – was an environmental management zone. And the environmental management zone energy developments such as wind farms, etcetera, are not
10 permissible; they're prohibited.

And so whilst it's open to the IPC to make – to approve the application because the extant LEP at the time zoned the land rural, a draft instrument local planning control is a relevant consideration for the IPC for the consent authority. And, I guess, ever
15 since 2010 under the draft LEP and then I think that was made a matter of months after the DA was lodged, so it was formalised, a large area of the land to which the development application applies has been zoned as environmental management and it's a prohibited use in that zone. And, secondly, you would be aware that there's another planning policy – state environmental planning policy called the
20 Infrastructure SEPP.

That is designed to ensure that, you know, that in the right circumstances that energy developments are allowed to proceed for the public interest. And that indicates that that consideration is open where land is zoned rural – a designated rural zone or
25 where it's industrial or a special uses zone. So, I guess, the bottom line there is that the Infrastructure SEPP which - - -

MR DUNCAN: Yes.

MR YOUNG: - - - is designed to potentially facilitate, under the right
30 circumstances, energy developments, in this case, does not override the prohibition under the current zoning. That being said, it's open to you to make that decision, but it's a relevant matter because of the draft LEP at the time the DA was lodged. And I think we've got a map that shows – you might have a copy in the reports, actually.
35 But I think you can see there – how many of the turbines are located within that out of the 23?

MR DAVIES: 17.

MR YOUNG: 17 out of the 23 are located. So if you have a look, here's Crookwell
40 2.

MR DUNCAN: Yes.

MR YOUNG: Here's Crookwell 3. This is the zone through here, so you can see
45 pretty much all of this – in fact, all of that eastern cluster is located within the environmental management zone as a prohibited use within that zone.

MR DUNCAN: Is there a basis for it being zoned environmental management in
- - -

5 MR YOUNG: Yes. So there's various – under the LEP, there's various provisions
about what they're trying to protect.

MR DUNCAN: Yes. Yes.

10 MR YOUNG: And, look, the bulk of that protection is aimed at water catchment.

MR DUNCAN: Okay.

15 MR YOUNG: So because it's in the water – it's in the catchment for the Pejar Dam,
that dam that's - - -

MR DUNCAN: Yes.

20 MR YOUNG: So those – the objectives are really relating to water catchment
protection.

MR DUNCAN: Okay.

25 MR YOUNG: So – but, I mean, I guess for us it was – you know, we came to the
conclusion that it was a relevant matter for the IPC to consider, and I guess you
would – we argue that the project, at least in those areas, is inconsistent with the
zoning intention of that land.

MR DUNCAN: Zada?

30 MS LIPMAN: Just one question. I see where you're coming from, Mike, but it
seems a big turnaround, this report, from your last one.

MR YOUNG: Yes.

35 MS LIPMAN: And I know you say it arose out of impact suggestions and also the
public meeting that was held, but a lot of things must have been a part of it at the
time, and I'm just wondering what are the major reasons for the shift?

40 MR YOUNG: Sure. So, Zada, the – it's a good question. In our report – and
perhaps I could draw your attention to page 5 of our executive summary. At the top
of that page, there's a list – clear list of the things that have, I guess, altered our merit
assessment of the project, and, firstly, as you alluded to, the issues that were raised
45 by the Commission following the public meeting. Secondly is that when the
company then amended its EIS, we put that EIS on exhibition – amended its
application, we put that EIS on exhibition, so we got further submissions that needed
to be considered.

The advice that we got from the visual expert, our original assessment hadn't – didn't have the benefit of a visual expert, and so we engaged a visual expert to provide that independent advice, and I think that was very material to the merit assessment.

5 Thirdly is the matter that I've raised about the development control plan – sorry – the local environmental claim. There's also a development control plan that was brought in at the same time, whereby the Upper Lachlan Shire has indicated that there should be a two-kilometre setback from turbines to houses.

10 MS LIPMAN: That doesn't apply, of course, but - - -

MR YOUNG: Well, it's a deemed - - -

MS LIPMAN: It's a relevant consideration.

15 MR YOUNG: It's a relevant consideration. It doesn't bind the IPC - - -

MS LIPMAN: Yes.

20 MR YOUNG: - - - nor does the draft instrument in 2010, but they're both relevant matters for consideration. And so our assessment originally did not fully consider those matters, so that's a new matter that we've considered in this assessment. The cumulative impacts I think were touched on in that assessment, but not to the extent that we've now considered that they're relevant for the overall merit assessment of the project. There has also been other wind farms developed and approved in the
25 area since that time that were not there when we undertook our original application.

MR DUNCAN: Okay.

30 MR YOUNG: The third thing – not the third thing – it's about the sixth or seventh thing. As I've alluded to, in December 2016, the government published the New South Wales Wind Energy Framework, and you would be familiar with that. That provides very clear guidance to decision-makers about visual impacts and noise issues in particular, as well as some other matters. Now, does that formally apply to this application? I guess the – when the DA was lodged, the framework did not
35 exist, although there was a previous framework brought in 2011.

40 However, we believe that, as we've said in our report, that whilst – the framework really provides a whole process whereby from design through to issuing requirements for an EIS, to the preparation of an EIS, to community consultation, to then acceptability of impacts from a visual and noise perspective, it sort of addresses the whole process, but we recognise that clearly this particular project was well through those element steps of the process.

45 So we're not seeking to apply the guidelines to the process or the project, but we do believe that the framework clearly articulates government policy in terms of the acceptability of impacts, and to that extent – and the logical framework that has been developed in consultation with stakeholders and with expert advice over a period of

time, and so it really does set the relevant context, I guess, for a decision-maker to consider the acceptability of impacts.

5 And the third – or the last thing is about – and I guess I would draw the IPCs
attention even to the Taralga case, where the land and Environment Court weighed
up some of these matters about the impacts on people and the visual impacts versus
the benefits of renewable energy, and in that case, clearly the court and Judge
Preston at the time – one of the matters that he looked at was the need to encourage
10 renewable energy in New South Wales, and we would – the New South Wales
Government firmly agrees with that in the sense of we've got a renewable energy
action plan to encourage the development of renewable energy.

15 However, one of our arguments to say what has changed, and we would argue one
matter that has changed is that the renewable energy industry as a whole, both solar
and wind and indeed hydro, but particularly solar and wind has advanced
significantly in the last 10 years or more such that there are a large number of
approved and/or constructed and/or operating wind farms in New South Wales, and
so the public interest arguments that arguably were considered by Judge Preston in
2007 are probably not as – the weighting there may change, given the context.

20 MS LIPMAN: I think that was the first case.

25 MR YOUNG: It was. Yes. Yes. So I'm – I hope that that's – we realise that would
be a question that the IPC and indeed the community might have and indeed the
proponent might have, and so we sought to clearly articulate things that have
changed in the consideration, and when we weighed all of that up, our view of the
merits of the project is that, on balance, the impacts are outweighed by – sorry – the
impacts outweighed the benefits of the project. So I'm just thinking if there's
30 anything else in terms of our key reasons. I mean, I think we've probably looked at
most of those.

MS LIPMAN: Yes.

35 MR DAVIES: I think we've covered most of the things we - - -

MR YOUNG: I mean, yes, I think we've touched on most of them.

MR DAVIES: Yes.

40 MR YOUNG: Yes. I mean, the submissions – I mean, how many submissions? 80-
odd submissions - - -

MR DAVIES: 35 rejections.

45 MR YOUNG: 35 rejections.

MR DAVIES: 107 submissions in total. I think 12 from agencies, 81 from the public, and 14 from special interest groups.

5 MR YOUNG: So we've done an analysis in our report a little bit about where those concerns have been raised from a geographic point of view, and it's clear that many of the objections have come from people most affected by the proposal, and so I guess we wanted to draw that to your attention as another reason why the application ought not to proceed. The only things I could say before answering any questions you might have is that if the IPC was minded to grant approval to the project, there are a number of other matters that we would need to probably consider - - -

MR DUNCAN: Okay.

15 MR YOUNG: - - - prior to setting conditions, etcetera, because there are – frankly, there are a number of unresolved matters that we have been working with the proponent for a long time – considerable period of time to resolve, but have as yet been unresolved, such as access arrangements to the site, for example, and concerns raised by council about telecommunications and traffic and maintenance, for example.

20 MS LIPMAN: And Aboriginal heritage.

MR YOUNG: And Aboriginal heritage, and some biodiversity issues as well. So our general view is those things can be managed. It's just that we would need to - - -

25 MR DUNCAN: Need time to - - -

MR YOUNG: - - - finalise those before any final decision was made if you were minded to approve the application.

30 MR DUNCAN: Okay. All right. Good. Thank you, Mike. Further questions?

MR PILTON: Just about the earthworks and so on, are we confident – it says somewhere in here about two per cent of the site. Are we confident that it's not underestimated, like at Yass?

35 MR YOUNG: Well, I would have to say that we've not looked at that in detail, and certainly something that if you were minded to approve, we could look at that, given recent experience at – for the Yass proposal. It's fair to say that where things – where you get steep slopes, you know, you have to allow quite a significant amount for, you know, cut and fill and batters and so forth, and we would be happy to look at that in detail. But, Adrian, we haven't done that at this stage.

45 MR PILTON: Okay.

MR DUNCAN: Okay. Zada?

MS LIPMAN: No. I'm happy.

MR DUNCAN: David?

5 MR WAY: No questions.

MR DUNCAN: I don't think we've got any further questions. Have you got anything further you want to point out, or - - -

10 MR YOUNG: Anything, guys?

MS BREWER: No.

MR YOUNG: So the meeting is scheduled for - - -

15

MR WAY: 6 June is the meeting with the - - -

MR YOUNG: 6 June in Crookwell, or - - -

20 MR DUNCAN: Yes, it is.

MR WAY: So it will be in Crookwell, and then we will have the site and locality inspection the following morning, so we're just liaising with the applicant, and I will be in touch with Iwan as well just to kind of get a good understanding I think of some of those key points that would really provide a lot of context to I think the visual assessment that you guys have undertaken – the department has undertaken.

25

MR DUNCAN: So 5th, meeting with the applicant. 6th, public meeting, depending on how we go that day, and we've set aside the 7th for meeting with council and have a good look at the site.

30

MR YOUNG: Sure. Sure. Any idea about how many people have registered at this stage, or - - -

35 MR WAY: I'm not – we haven't had any registrations to date.

MR YOUNG: Right.

MR WAY: But they've just opened up, so we will - - -

40

MR YOUNG: Okay. Sure.

MR DUNCAN: About another week for those.

45 MR YOUNG: Yes.

MR WAY: They close on the 31st.

MR YOUNG: Okay. Sure.

MR WAY: So we will have a much better idea kind of mid-next week.

5 MR YOUNG: Well, we're obviously happy to answer any questions as we go along.

MR DUNCAN: Yes.

10 MR YOUNG: And hopefully that was useful.

MR DUNCAN: We might take you up on that particularly once we have seen the site.

15 MR YOUNG: Sure.

MR DUNCAN: I think that's - - -

MR YOUNG: Look, I mean, at the end of the day - - -
20

MR DUNCAN: It's good advice from you.

MR YOUNG: Yes. Look, at the end of the day, there's a spectrum of these sorts of assessments. There has been other projects where, you know, we've recommended
25 refusal, such as the Jupiter Wind Farm - - -

MR DUNCAN: Yes.

MR YOUNG: - - - which was a little while ago, and in that case the applicant ended
30 up withdrawing its application, so the IPC didn't make a determination.

MR DUNCAN: Right.

MR YOUNG: That was a situation where the nature and extent of the impacts was
35 very, very significant on the local community.

MR DUNCAN: Yes.

MR YOUNG: And there was a large number of affected properties. In this case,
40 you know, there's something like 27, and there's obviously the cumulative impacts. On balance, we think those impacts are greater than the benefits offered by the project for the State. But we also recognise that, you know, it's in a – on a balance situation, you know, that balance could be weighted differently depending on what the IPC, you know, wishes to do. It's not one of those very clear-cut projects, I
45 suppose, like others that we've provided advice to the IPC on.

MR DUNCAN: Okay. All right, Mike. Thank you very much, Nicole and Iwan. We will close the meeting at that point. Thank you. And we will come back to you if we need to.

5 MR YOUNG: Sure. No worries.

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[2.22 pm]