



25 October 2019

### Crookwell 3 Wind Farm (SSD 6695)

#### 1. INTRODUCTION

1. On 23 April 2019, the NSW Independent Planning Commission (**Commission**) received from the Department of Planning, Industry and Environment (**Department**) an amended State significant development application (**Application**) from Crookwell Development Pty Ltd (**Applicant**) to develop the Crookwell 3 Wind Farm (**Project**).
2. The Commission is the consent authority in respect of the Application under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SRD SEPP**). This is because:
  - the Application constitutes State significant development under section 4.36 of the EP&A Act as it is a development for the purpose of electricity generation that has a Capital Investment Value of more than \$30 million; and
  - the Department received more than 25 submissions from the public objecting to the Application.
3. Professor Mary O’Kane AC, Chair of the Commission, nominated Peter Duncan (Chair), Zada Lipman, and Adrian Pilton to constitute the Commission determining the Application.

#### 1.1 Site and locality

4. The Project is located within the Upper Lachlan Shire local government area and is approximately 17 kilometres (**km**) south-east of Crookwell and 25 km north-west of Goulburn. The total Project envelope is approximately 1,500 hectares (Figure 1).
5. The Project is located on a system of ridges and low hills that are separated by the Wollondilly River and Goulburn-Crookwell Road corridor. The land on which the Project would be located (**Site**) is mostly agricultural land, scattered paddock trees and patches of remnant vegetation.
6. The Project Site is located adjacent to the approved Crookwell 2 Wind Farm (32 turbines, up to 160 m in height), which is currently under construction. The two nearest operational wind farms, Crookwell 1 Wind Farm (8 turbines, up to 45 m in height) and Gullen Range Wind Farm (73 turbines, up to 135 m in height) are located approximately 5 km north-west and 10 km west of the Project Site, respectively.
7. The Project is split into two separate parcels to the east and south of the approved Crookwell 2 Wind Farm, known as Crookwell 3 East and Crookwell 3 South (see Figure 1).

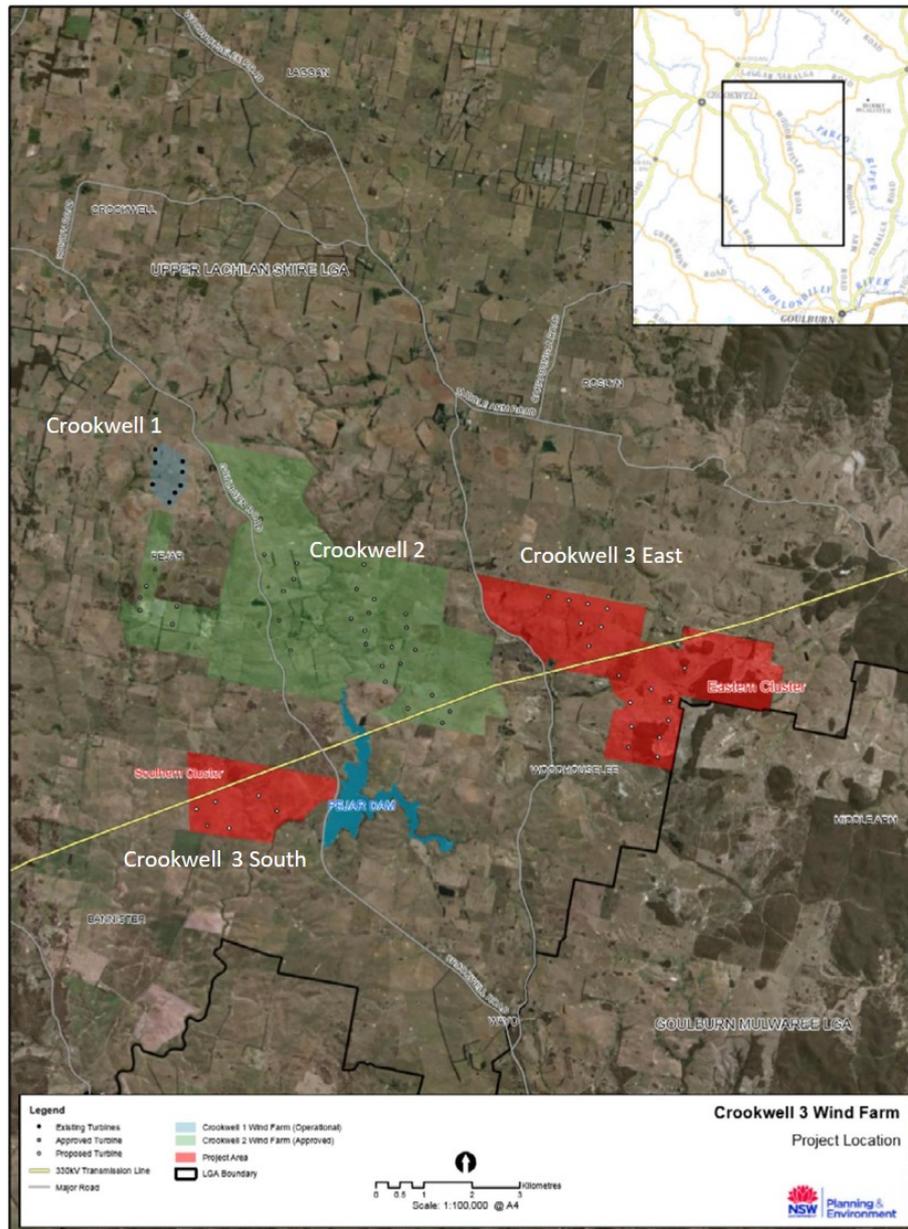


Figure 1: Project location and surrounding local context (Source: Department's Addendum Assessment Report)

## 1.2 Background to the Application

8. A detailed description of the Application's history is provided in Section 2.1. The Department's report titled *Crookwell 3 Wind Farm State Significant Development (SSD 6695)* dated April 2019 (**Department's Addendum Assessment Report**) provides the following summary of the Application's background:
- *The application for the Crookwell 3 Wind Farm was first lodged with the Department in February 2010. The original application involved the construction and operation of 30 turbines.*
  - *The Department exhibited the application from November 2012 to February 2013. Following exhibition, the applicant submitted its response to submissions report (RTS) in February 2014, which also reduced the total number of proposed turbines to 29.*
  - *As more than 25 public objections were made during the exhibition period, the application was referred to the then Planning Assessment Commission (now the Independent*

*Planning Commission of NSW) (the Commission) for determination.*

- *The Department completed its assessment of the merits of the project in February 2015 and referred the application to the then Planning Assessment Commission for a final decision.*
- *During its review of the application, the Commission held a public meeting with the community on 17 March 2015.*
- *Following the public meeting and its consideration of the application, the Commission raised several concerns regarding the project, and referred these matters back to the Department.*
- *The Commission raised concerns regarding several matters, including visual amenity, roads and access, noise, decommissioning, firefighting, avifauna and television reception.*
- *The Department subsequently requested further clarification from the applicant on these matters.*
- *The application was put on hold at the applicant's request, in order for it to consider the matters raised and to review and revise the proposed project.*
- *The applicant then submitted an Addendum Environmental Impact Statement (EIS) to the Department in September 2016, reducing the total number of turbines from 29 to 23 and increasing the maximum turbine envelope, including increasing the tip height from 152 m to 157 m and the rotor diameter from 104 m to 130 m.*
- *The Department exhibited the Addendum EIS in October and November 2016.*
- *The applicant submitted its Addendum RTS in February 2018 (i.e. more than a year after the exhibition of the EIS). No changes were proposed to the project apart from that outlined in the Addendum EIS.*

9. The Department's Addendum Assessment Report provides the following summary of the Project's development.

<b>Detail</b>	<b>EIS (March 2011)</b>	<b>RTS (February 2014)</b>	<b>Addendum EIS (September 2016) &amp; Addendum RTS (February 2018)</b>
Project area (ha)	1,500	1,500	1,500
Total number of wind turbines	30	29	23
Eastern cluster turbines	22	21	17
Southern cluster turbines	8	8	6
Maximum tip height	152	150	157
Maximum rotor diameter	104	104	130
Maximum hub height	105	98	95

Figure 2: Amendments to the Application (Source: Department's Addendum Assessment Report)

### 1.3 Summary of Development Application

10. The Application before the Commission for determination proposes the development of a wind farm including up to 23 turbines and associated infrastructure.
11. The Commission notes that the Applicant is seeking to amend the Application through its report titled *Crookwell 3 Wind Farm Addendum Environmental Impact Statement On behalf of Crookwell Development Pty Ltd* dated September 2016 (**Applicant's Addendum EIS**). As the consent authority, the Commission agrees to the amendment in accordance with Clause 55 of the EP&A Regulation.

12. As stated in the Applicant's Addendum EIS, the proposed amendments to the Project included:
- "Removal of 6 turbines, reducing the total number of turbines proposed from 29 to 23 (and resulting in a total of 17 turbines in Crookwell 3 East and 6 turbines in Crookwell 3 South).
  - Increasing the maximum turbine envelope so as to accommodate the newer more efficient turbine models now available. The changes proposed to the turbine envelope will:
    - decrease in the hub height from 105 metres to up to 95 metres;
    - increase in the rotor diameter from 104 metres to up to 130 metres; and
    - maintain the blade tip height at 157 metres.
  - Minor changes to:
    - the location of one turbine (A24); and
    - alignment of access track between turbine A13 and A16, in response to comments from the Office of Environment and Heritage."
13. Key components of the Project are set out below in Table 1.

**Table 1: Main Components of the Project**  
(Source: Department's Addendum Assessment Report)

Aspect	Description
Project Summary	Development of a wind farm including: <ul style="list-style-type: none"> <li>• up to 23 turbines and associated infrastructure; and</li> <li>• temporary and permanent ancillary infrastructure on site to facilitate the construction and operation of the turbines.</li> </ul>
Project Area	1,500 ha (with 29.2 ha site disturbance area or 2% of the site)
Wind turbines	<ul style="list-style-type: none"> <li>• 23 turbines and crane hard stand areas</li> <li>• Maximum height (to blade tip) - 157 m</li> <li>• Tower hub heights – up to 95 m</li> <li>• Blade lengths – up to 64 m</li> <li>• Rotor diameter – up to 130 m</li> <li>• Capacity of up to 4.2 MW each</li> </ul>
On-site ancillary infrastructure	<ul style="list-style-type: none"> <li>• Electrical infrastructure, including 33 kV underground or above ground power lines</li> <li>• 2 temporary construction compounds and 1 concrete batching plant</li> <li>• Internal access tracks</li> <li>• One permanent operation and maintenance facility</li> <li>• Up to 3 permanent meteorological masts (up to 100 m in height)</li> <li>• 4 potential access points (1 for the southern cluster and 3 options for the eastern cluster).</li> </ul>
Road Upgrades	Minor modifications to accommodate the swept path requirements of the overdimensional / over-mass vehicles with potential road upgrades to heavy vehicle route (Crookwell Road and Woodhouselee Road).
Employment	<ul style="list-style-type: none"> <li>• Construction - up to 40 people.</li> <li>• Operations - up to 6 people.</li> </ul>
Capital Investment Value	\$120 million

14. The proposed layout of the Project is provided below in Figure 3.

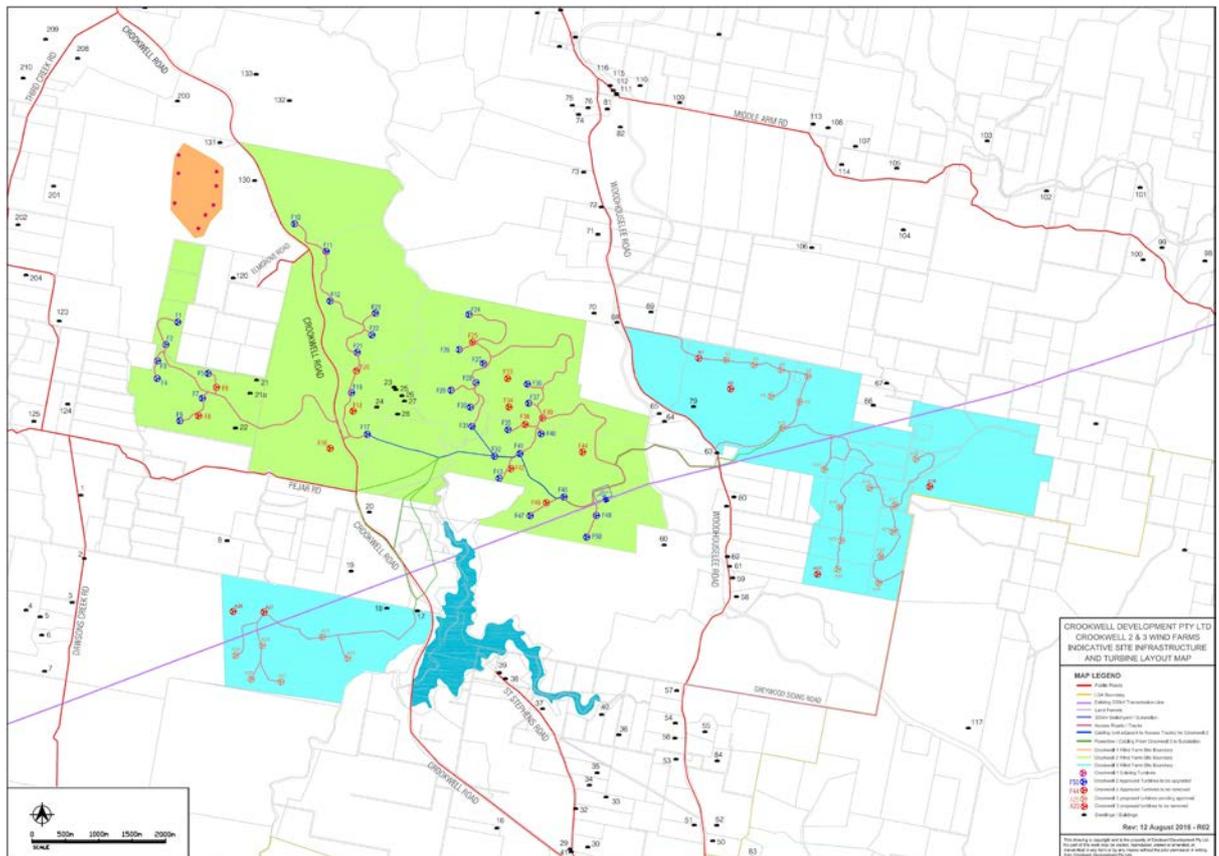


Figure 3: Project Layout (Source: Applicant's Addendum EIS)

#### 1.4 Stated need for the Application

15. The Applicant's report titled *Crookwell 3 Wind Farm Environmental Assessment Updated to reflect the Draft NSW Wind Farm Planning Guidelines* dated July 2012 (**Applicant's 2012 EA**) identified that the Application as originally proposed would "contain up to 30 turbines, generating between 54 MW to 102 MW of wind energy (in addition to the 92 MW of capacity from the approved Crookwell 2 Wind Farm).

*If approved, the Crookwell 3 Wind Farm would save between 145,715 and 208,654 tonnes of CO<sub>2</sub> annually (when compared to generating the same amount of electricity from black coal fired power stations). This is the equivalent of taking up to 48,188 cars off the road, or planting up to 311,425 trees. The electricity generated by the wind farm could supply up to 33,225 households with energy, or a population of 86,385 people."*

16. In the Applicant's report titled *Crookwell 3 Wind Farm Addendum Environmental Impact Statement Response to Submissions*, dated 14 February 2018 (**Applicant's Addendum RtS**), the stated benefits were revised such that: "the amended project could generate up to 275 gigawatt hours per year (GWh/y) for the 23 larger turbines in comparison to only 208 GWh/y for the 29 turbines initially proposed."
17. The Department's report titled *State Significant Development Assessment: Crookwell 3 Wind Farm Upper Lachlan Shire SSD 6695 (MP 10\_0034)* (**The Department's 2015 Assessment Report**) identified that the Project would: "contribute towards offsetting the emissions of carbon dioxide and other gases, particulate emissions and other pollutants that may otherwise be produced if the equivalent power supply was provided by fossil fuel

combustion. The proposal will also result in the avoidance of water consumption that would otherwise have been used in coal or other fossil fuel generated power stations.

The proposal is consistent with Commonwealth and State policies promoting the production and uptake of renewable energy sources as a means of addressing climate change. The proposed development will also contribute to Australia's Renewable Energy Target of sourcing 20% of electricity from renewable sources by the year 2020".

18. The Department's Addendum Assessment Report considered the benefits of the revised Application and states: "*The project would generate around 96 MW, with the generating capacity of each turbine being up to 4.2 MW. If all 23 of the proposed turbines are constructed, the project would generate up to 275 gigawatt hours (GWh) of electricity annually, which is enough to power approximately 59,000 homes.*"
19. On 4 June 2019, the Applicant wrote to the Commission indicating it would be willing to remove the southern cluster of turbines from the Project (see paragraph 60). That change will involve the removal of a further six (6) turbines. With the proposed removal of the southern cluster, the Department's Supplementary Assessment stated that "*the amended project would have a capacity of around only 71 MW, generate around 204 gigawatt hours (GWh) of electricity annually and power approximately 35,000 homes.*"

## **2. THE DEPARTMENT'S CONSIDERATION OF THE APPLICATION**

### **2.1 Key steps in Department's consideration of the Development Application**

20. In February 2010, the Applicant submitted its Application to develop the Crookwell 3 Wind Farm.
21. The Department issued its Director-General's Requirements for the Project in April 2010.
22. In April 2012, the Department wrote to the Applicant asking it to consider the draft Wind Farm Planning Guidelines in its environmental assessment of the Project.
23. From 1 November 2012 to 6 February 2013, the Department exhibited the Applicant's 2012 EA in accordance with the then Section 75H(3) of the EP&A Act. The Department received 11 submissions from public authorities and 195 submissions from the general public. Of the public submissions received, 188 objected to the proposal and 7 provided support. Of the 188 objections received, a petition containing 169 signatures was accepted by the Department as individual objections following a request by the community.
24. In March 2014, the Applicant submitted its *Preferred Project and Response to Submissions Report Crookwell 3 Wind Farm*, dated March 2014 (**Applicant's 2014 RtS**).
25. On 17 February 2015, the Department finalised its 2015 Assessment Report and referred the Project to the Planning Assessment Commission for determination.
26. On 17 March 2015, the Planning Assessment Commission held a public meeting to hear community views on the Project. From this meeting the Planning Assessment Commission identified a number of aspects requiring further consideration and assessment before a determination of the Application could be made.
27. The Planning Assessment Commission contacted the Department and identified the issues which required additional assessment and consideration. The Department's Addendum Assessment Report notes these matters included "*visual amenity, roads and access, noise, decommissioning, firefighting, avifauna and television reception*".

28. The Department's Addendum Assessment Report states that the Department sought further clarification from the Applicant to respond to the issues raised by the Planning Assessment Commission in 2015.
29. In September 2016, the Applicant submitted its Addendum EIS.
30. The Department publicly exhibited the Applicant's Addendum EIS from 11 October 2016 to 14 November 2016, in accordance with the then Section 89F of the EP&A Act.
31. The Department's Addendum Assessment Report notes that it received a total of 107 submissions during exhibition of the Applicant's 2012 EA and Applicant's Addendum EIS including 12 from government agencies, 14 from special interest groups and 81 from the general public. The Department also received a petition containing 169 signatures objecting to the Application during public exhibition to the Applicant's 2012 EA.
32. The Department's Addendum Assessment Report identified that of the 49 public submissions supporting the Project, approximately 70% (42 submissions) came from residents more than 15 km from the Project Site. These submissions noted their support for renewable energy, local employment, community and landowner benefits and benefits to the local economy.
33. The Department's Addendum Assessment Report identified that 18 of the 25 (72%) submissions from people within 15 km of the Project objected to the Application.
34. In February 2018, the Applicant submitted its response to the issues raised in submissions received during public exhibition of the Addendum EIS in its Addendum RtS.
35. On 23 April 2019 the Department finalised its assessment and referred the Application to the Commission for determination.

## **2.2 The Department's 2015 Assessment Report and the Department's Addendum Assessment Report**

36. The Department's 2015 Assessment Report identified the following issues associated with the Project:
  - ecological impacts linked with the clearing of approximately 8.81 ha of native vegetation;
  - visual impacts for residents in the locality of the turbines;
  - noise impacts with several exceedances predicted;
  - bushfire risks associated with the turbines catching on fire as they house electrical and mechanical components (which contain flammable oils and hydraulic fluids);
  - traffic and transport impacts, as construction materials would likely be delivered from overseas via sea freight into Port Kembla and then transported by road to the proposed development Site; and
  - aviation safety concerns with the nearby Crookwell Aerodrome and Goulburn Airport.
37. The Department's 2015 Assessment Report concluded that *"the proposal will meet relevant environmental and amenity criteria and would result in acceptable visual outcomes. Further, the Applicant has proposed adequate construction and operational environmental management measures and has reduced the development footprint so as to reduce the impact on native vegetation."*
38. On this basis, the Department's 2015 Assessment Report states: *"The Department considers the proposal to have merit and to be in the public interest. Subsequently, the Department recommends the development be approved, subject to the recommended conditions of consent."*

39. The Department's Addendum Assessment Report identified visual impacts to landscapes and residences, community submissions, consistency with environmental planning instruments and the public interest as the key considerations associated with the Project. Other residual issues identified in the Department's Addendum Assessment Report included biodiversity and archaeological impacts raised by the Office of Environment and Heritage, TV signal concerns raised by Council, water quality, electricity cable crossings and traffic and transport impacts.
40. The Department's Addendum Assessment Report concluded that *"In summary, following its assessment of the project, the Department considers that the environmental impacts of the project outweigh its benefits and that the site is unsuitable for a large-scale wind farm on the following grounds:*
- *the project would result in unacceptable impacts on the landscape character and significant landscape features;*
  - *the project would result in unacceptable direct and cumulative visual impacts on residences, public viewpoints and the surrounding landscape;*
  - *the majority of submissions from residences in the local area object to the project and Upper Lachlan Shire Council maintains residual concerns about the impacts of the project; and*
  - *the project is not consistent with the current land use zoning provisions.*

*Consequently, the Department considers that on balance the Crookwell 3 Wind Farm is not in the public interest, and should not be approved."*

### **3. THE PLANNING ASSESSMENT COMMISSION'S 2015 MEETINGS AND SITE VISIT**

41. As part of its consideration of the Application in 2015, the Planning Assessment Commission met with various persons as set out below. Transcripts were not produced for the meetings conducted by the Planning Assessment Commission in 2015.

#### **3.1 Site inspection and meeting with the Applicant**

42. On 17 March 2015, the Commission met with a representative of the Applicant at the viewing platform of Crookwell 1. The Commission then visited Crookwell 3 South accompanied by the Applicant and Crookwell 3 East in the company of the Applicant and the host landowner.

#### **3.2 Meeting with Upper Lachlan Shire Council**

43. On 17 March 2015, the Commission met with senior Council officers. Council raised concerns regarding road safety and heavy vehicle access routes during the construction; approach to road repair and timing; ownership transfer issues for a Crown road; television, radio and communication reception impacts; the proposed location of batching plants; and the independence of environmental audits. Other issues discussed included bushfire risk and compliance with Council's *Upper Lachlan Development Control Plan 2010 (DCP)*.
44. The Planning Assessment Commission received a further submission from the Council on 27 March 2015.

#### **3.3 Public meeting conducted by the Planning Assessment Commission**

45. On 17 March 2015, the Commission held a public meeting in Crookwell to listen to the community's comments on the proposal. Twenty-five registered speakers presented at the meeting. All speakers, except one, spoke against the Project.

46. Comments were received prior to the public meeting from individuals and the Federal Member for Hume. On 18 March 2015, the Commission received a further submission from the Applicant regarding the recommended conditions of approval.
47. Following the public meeting, additional comments on the Planning Assessment Commission's processes in relation to public meetings were received from the Australian Wind Alliance.

#### **4. THE COMMISSION'S MEETINGS AND SITE VISIT**

48. As discussed in paragraphs 27 to 35, the Applicant undertook further assessment of the Project and submitted its Addendum EIS in September 2016, which was publicly exhibited by the Department between October and November 2016. Following the Applicant's submission of the Addendum RtS in February 2018, the Department submitted its Addendum Assessment Report to the Commission in April 2019.
49. As part of its determination of the Application, following receipt of the Department's Addendum Assessment Report, the Commission met with various persons as set out below. All meeting transcripts and site inspection notes were made available on the Commission's website.

##### **4.1 Briefing from the Department**

50. On 23 May 2019, the Department briefed the Commission on the historical context of the Crookwell 3 Wind Farm, the change in visual impacts from the original Project layout, the zoning provisions and cumulative impacts of wind farms in the region. A copy of the meeting transcript and copies of the two maps tabled by the Department at this meeting were made available on the Commission's website on 24 May 2019.

##### **4.2 Site inspection**

51. On 6 June 2019, the Commission conducted an inspection of the Site and visited residential clusters along Woodhouselee Road, the Pejar Dam Recreational Area and St Stephens Church, residential clusters near the Crookwell 3 Southern Cluster and areas of remnant vegetation near the site of proposed turbine A12 and its access road in the Crookwell 3 Eastern Cluster.
52. Representatives from the following local community groups; the Crookwell Landscape Guardians, Australian Wind Alliance, Community Energy for Goulburn, and Parkesbourne/Mummel Landscape Guardians were invited to attend and observe the site inspection. A representative from Australian Wind Alliance attended and observed the site inspection.
53. A summary of key aspects of the site inspection was made available on the Commission's website on 16 October 2019.

##### **4.3 Meeting with Upper Lachlan Shire Council**

54. On 6 June 2019, the Commission met with the Upper Lachlan Shire Council (**Council**). Council discussed the compliance of the Project with the requirements of its DCP, the Voluntary Planning Agreement with the Applicant and concerns around disruption to television reception. Council also maintained its objection to the proposed South cluster and to the proposed location of turbines within two kilometres of non-associated residences (consistent with its DCP). A copy of the meeting transcript was made available on the Commission's website on 7 June 2019.

#### 4.4 Public meeting

55. The Commission held a public meeting on 6 June 2019 at the Crookwell RSL Services Club. A list of the 13 speakers that presented to the Commission was provided on the Commission's website. A transcript of the public meeting was made available on the Commission's website on 7 June 2019. A copy of the material tendered at the public meeting was also available on the Commission's website.
56. An opportunity to lodge any written submission or comments was afforded until seven days following the public meeting. All comments received were made available on the Commission's website.
57. In summary, the main issues of concern included the visual and landscape impacts associated with the Project, the potential health impacts from low frequency noise emanating from operating windfarms, remediation and rehabilitation concerns, bushfire risk, potential impacts on television signal and inconsistency with the *Upper Lachlan Local Environmental Plan 2010 (Upper Lachlan LEP 2010)*.
58. The benefits raised by supporters of the Project included financial benefits to the community from the existing windfarms and investment due to the Project, the need to continue to develop renewable energy resources to meet state and federal government climate commitments. Speakers in support of the proposal also noted that, in their opinion, the visual impact of the turbines was not objectionable.

#### 4.5 Briefing from the Applicant

59. On 13 June 2019, the Commission met with the Applicant and discussed the history of the Crookwell 3 Windfarm, including the Applicant's proposal to accept conditions requiring the removal of all turbines in the southern cluster (see paragraph 60), the key visual impacts associated with the Application, the nature and extent of landholder hosting and neighbour agreements, compliance with the zoning of the Site and the economic benefits of the Application. A copy of the meeting transcript and the tabled supplementary reports were made available on the Commission's website on 17 July 2019.

### 5. ADDITIONAL INFORMATION

60. On 4 June 2019, the Applicant wrote to the Commission regarding the conclusions of the Department's Addendum Assessment Report. The Applicant's correspondence stated:

*"Notwithstanding that we disagree with the assessment undertaken and recommendation reached by DPE, in the interests of addressing the concerns raised by DPE in its Report, we would be willing to:*

- *remove the southern cluster of turbines from the Project. That change will involve the removal of six (6) turbines (A28, A29, A30, A31, A32 and A33) (Southern Turbines); and*
- *without making any corresponding reductions in our commitment to the community and funding better community outcomes through the Voluntary Planning Agreement (VPA) already agreed with the Council."*

*"The proponent [sic] is prepared to make this change to the Project on the basis that there are no changes to or reduction in the number of the remaining eastern cluster of seventeen (17) turbines (Eastern Turbines), which are critical to the economic viability of the Project."*

61. On 13 June 2019, the Commission met with the Applicant and the following information was tabled by the Applicant (published on the Commission's website on 17 June 2019):
  - report titled *Crookwell 3 Wind Farm DP&E Recommendations Relating to Visual*

- *Impact* by David Moir dated 12 June 2019;
  - report commissioned by the Applicant titled *Crookwell 3 Wind Farm Planning Review June 2019* prepared by Mersonn Pty Ltd (**Mersonn Review**)
  - information titled *Visual Assessment Review – Proposed Crookwell 3 Wind Farm presentation on the Proposed Crookwell 3 Wind Farm Issue A* by David Moir dated 7 June 2019.
62. On 20 June 2019, the Commission wrote to the Department seeking clarification on whether the Applicant's willingness to remove the six turbines in the southern cluster from the Project would materially affect the Department's assessment of the environmental impacts of the Project.
63. On 14 August 2019, the Commission received from the Department a supplementary assessment of the Project layout incorporating the removal of the southern cluster (**Department's Supplementary Assessment**). This response was published on the Commission's website on 15 August 2019.
64. The Department's Supplementary Assessment concluded:
- "The Department acknowledges the benefits associated with the removal of the Crookwell 3 Wind Farm southern cluster, including the reduced visual impacts on key landscape and heritage features, such as Pejar Dam and St Stephens Church, and residences to the south-west of the project.*
- However, while the Department supports this change, it does not consider that it would materially change the nature and extent of the visual impacts on the landscape and many residences, particularly to the east, north-east and south-east of the project.*
- In summary, the Department considers that the removal of the southern cluster would reduce the 'benefits' of the project as a whole and hence diminish the justification for approving the project despite its adverse impacts on the landscape and local residents. Consequently, the Department retains its position that on balance the project is not in the public interest and should not be approved."*
65. On 22 August 2019, the Commission wrote to the Applicant requesting the Applicant to respond to the matters raised in the Department's Supplementary Assessment.
66. On 2 September 2019, the Commission received additional information from the Applicant in response to the issues raised in the Department's Supplementary Assessment. This response was published on the Commission's website on 2 September 2019.

## 6. THE COMMISSION'S CONSIDERATION

### 6.1 Material before the Commission

67. In this determination, the Commission has carefully considered the following material (**Material**):
- the Application;
  - the Director-General's Requirements, dated 7 April 2010 and the Supplementary Director-General's Requirements for Crookwell 3 Wind Farm MP 10 0034 dated 16 August 2011;
  - the Applicant's 2012 EA prepared by Tract Consultants Pty Ltd on behalf of Crookwell Development Pty Ltd, and its accompanying appendices;
  - Applicant's 2014 RtS dated March 2014 and prepared by Crookwell Development Pty Ltd, and its accompanying appendices;
  - the Department's 2015 Assessment Report and its accompanying appendices;
  - the Planning Assessment Commission's request for additional information following the public meeting in March 2015;
  - the Applicant's Addendum EIS and its accompanying appendices;
  - *Response to Submissions Report Crookwell 3 WF* dated February 2018 prepared by Mecone, and its accompanying appendices;
  - the Department's Addendum Assessment Report dated April 2019;
  - material provided by the Department at the meeting with the Commission on 23 May 2019;
  - all oral comments made to the Commission at the public meeting held on 6 June 2019;
  - material provided by the Council at the meeting with the Commission on 7 June 2019;
  - material provided by the Applicant at the meeting with the Commission on 13 June 2019;
  - all written comments received by the Commission after the public meeting on 6 June 2019;
  - the Department's Supplementary Assessment dated 14 August 2019; and
  - material provided by the Applicant in response to the Department's Supplementary Assessment, dated 2 September 2019.

### 6.2 Mandatory considerations

68. In determining this Application, the Commission has taken into consideration the following relevant mandatory considerations, as provided in s 4.15 of the EP&A Act (**mandatory considerations**):
- the provisions of all:
    - environmental planning instruments (**EPIs**); and
    - 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); and
    - development control plans; and
    - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4; and
    - the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;that apply to the land to which the Application relates;
  - the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
  - the suitability of the site for development;

- submissions made in accordance with the EP&A Act and Regulation; and
- the public interest.

### 6.3 Relevant Environmental Planning Instruments

69. The following EPIs may be relevant to the assessment of the Application:
- SRD SEPP;
  - *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*;
  - *State Environmental Planning Policy (Rural Lands) 2008 (SEPP Rural Lands)*;
  - *State Environmental Planning Policy 44 (Koala Habitat Protection) (SEPP 44)*;
  - *Drinking Water Catchments Regional Environmental Plan No. 1 (REP 1) and State Environmental Planning Policy (Sydney Drinking Water Catchment) (SEPP Sydney Drinking Water Catchment)*;
  - *Crookwell Local Environmental Plan 1994 (Crookwell LEP 1994)*;
  - *Mulwaree Local Environmental Plan 1995 (Mulwaree LEP 1995)*; and
  - Upper Lachlan LEP 2010.
70. As required by s 4.15(1)(a) of the EP&A Act, the Commission has considered the provisions of these EPIs in paragraphs 73 to 94 and in its assessment of the Application in Section 6.
71. In determining the Application, the Commission has also considered:
- *NSW Wind Energy Guideline 2016 (Wind Energy Guideline)*;
  - *NSW Wind Energy: Visual Assessment Bulletin 2016 (Bulletin)*;
72. The Bulletin notes: “*It is acknowledged that multiple wind energy projects are likely to occur in certain regions due to where the best wind resources are available in NSW, and this may result in a situation where wind turbines are seen as a key characteristic of the landscape, but not at a sufficient level to be a dominant characteristic of the area. However, it is important to ensure that the design and layout of wind energy projects prevent wind turbines appearing as the dominant characteristic of the area, seeming to define the character type of a particular region as a ‘wind farm landscape character area’.*”

#### Relevant Local Environmental Plans

73. At the time the Application was lodged, the relevant local environmental plans were the Crookwell LEP 1994 and Mulwaree LEP 1995. The draft Upper Lachlan LEP 2010, which was exhibited prior to the Application being lodged, has now replaced both of these LEPs.
74. The Applicant’s 2012 EA considered the Crookwell LEP 1994, Mulwaree LEP 1995 and the Upper Lachlan LEP 2010.
75. In relation to the Crookwell LEP 1994, the Applicant’s 2012 EA noted “*that part of the site which was subject to the CLEP at the time the application was lodged, including the electricity connection options linking the project with Crookwell 2 Substation, was zoned 1(a) General Rural under the CLEP. The project is permissible subject to obtaining development consent on land zoned 1(a) General Rural under the CLEP.*”
76. In relation to the Mulwaree LEP 1995, the Applicant’s 2012 EA noted “*That part of the site which is subject to the MLEP is zoned 1(a) General Rural under the MLEP. The project is permissible subject to obtaining development consent on land zoned 1(a) General Rural under the MLEP.*”
77. The Department’s Addendum Assessment Report states “*the development site, including the electricity connection options linking the development with Crookwell 2 substation, is zoned 1(a) General Rural under the Crookwell and the Mulwaree LEPs. The development*

*is permissible with development consent upon land zoned 1(a) General Rural.”*

78. The Department’s Addendum Assessment Report states that: *“Under the Upper Lachlan LEP 2010, the eastern cluster of the project is located on land zoned E3 – Environmental Management and the southern cluster on land zoned RU2 – Rural Landscape.”*

*“Although the project is prohibited in the E3 zone and permissible with development consent in the RU2 zone, neither of these zones apply to the project under the transitional arrangements of the Upper Lachlan LEP 2010 ... Consequently, the Crookwell LEP 1994 and the Mulwaree LEP 1995 are the key instruments to consider in any assessment of the merits of the project.”*

79. The Commission’s consideration of the Application against the provisions of the Upper Lachlan LEP 2010 is provided in section 6.4.

#### SRD SEPP

80. As stated in paragraph 2, the Application is classified as SSD. Under Clause 8A of the SRD SEPP and s 4.5(a) of the EP&A Act, the Commission is the consent authority for the Application as there were more than 25 public submissions by way of objection.

#### Infrastructure SEPP

81. The Applicant’s Addendum EIS considered the Project against the requirements of the Infrastructure SEPP and concluded that: *“Wind farms are defined as ‘electricity generating works’ and referred to in Division 4 of Part 3 of the ISEPP. Wind farm development is permitted with consent under Clause 34 of the ISEPP in prescribed rural, industrial or special use zones. The site is located in a prescribed zone under the Crookwell LEP 1994 and Mulwaree LEP 1995 (which continue to apply to the project under the savings provisions set out in clause 1.8A of the Upper Lachlan LEP 2010) and, therefore, the project is permitted with consent under the ISEPP”.*

82. According to the Department’s Addendum Assessment Report: *“Although the Upper Lachlan LEP 2010 expressly references the Infrastructure SEPP as the key instrument for determining the permissibility of wind farms in the area, it should be noted that the Infrastructure SEPP does not make wind farms permissible with development consent on land zoned E3.”*

83. The Commission’s consideration of the Application under the Upper Lachlan LEP 2010 and how this relates to the Infrastructure SEPP is provided in section 6.4.

#### Rural Lands SEPP

84. The Applicant’s Addendum EIS considered the Application against the requirements of the Rural Lands SEPP and concluded that the *“alignment of the project with the aims of the Rural Lands SEPP was considered in the EA Report. The changes to the project further promote the continued use of the land for agricultural purposes as it reduces the total footprint of the project, thus opening up more land for agricultural purposes”.*

85. As stated in Appendix B of the Department’s 2015 Assessment Report, *“the proposal would not conflict with the continued use of the development land for agricultural purposes as agricultural practices, such as grazing, can operate on most of the development site, except for areas on which the turbines are to be installed (but can still continue in close proximity to the turbines).”*

86. The Commission notes that the Rural Lands SEPP has recently been replaced by the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*, the objectives of which are consistent with those in the Rural Lands SEPP for the purposes of this assessment.

#### SEPP 44

87. The Applicant's Addendum EIS assessed the Application against the requirements of SEPP 44 and concluded that the Project "*does not include core koala habitat, and the original ecological report which formed an addendum to the EA Report for the project detected no usage of the site by koalas. The original assessment also reported that there have been no koalas reported in the local area for over 30 years (likely to be due to the highly cleared local areas and the lack of interconnecting vegetation)*".
88. The Department's 2015 Assessment Report noted that "*[t]he proposal does not include core koala habitat and the Applicant's flora and fauna assessment detected no usage of the site by koalas.*"

#### REP 1 and SEPP Sydney Drinking Water Catchment

89. The Applicant's 2012 EA assessed the Application against the provisions of the REP 1 which was replaced by the SEPP Sydney Drinking Water Catchment in 2011. The key provision for the Project is the need to ensure that its construction and operation would have a "neutral or beneficial effect" on the water quality in the catchment of Warragamba Dam.
90. The 2012 EA noted that "*[w]ith the implementation of best practice measures, the construction and operation of the wind farm is expected to have a neutral effect on water quality.*"
91. The Department's Addendum Assessment Report noted that WaterNSW considered that the Applicant had not demonstrated that the Project would satisfy the "Neutral or Beneficial Effect" test on water quality and found that further assessment would be required to demonstrate this outcome. The Department indicated that this was a residual issue that could be managed or conditioned should the Project be approved.

#### *Commission's consideration of relevant planning instruments*

92. The Commission has considered the Application against the requirements of the identified relevant planning instruments, as set out in paragraphs 73 – 91.
93. The Commission acknowledges that the Crookwell LEP 1994 and Mulwaree LEP 1995 are the relevant local EPIs in accordance with the transitional arrangements of Clause 1.8A of the Upper Lachlan LEP 2010. In this regard, the Commission agrees that the Application is permissible with consent under the Crookwell LEP 1994 and Mulwaree LEP 1995 and, consequently, also permissible under the Infrastructure SEPP.
94. The Commission notes that WaterNSW retains concerns with the Applicant's justification that the Project would satisfactorily address the requirements of the SEPP Sydney Drinking Water Catchment and that additional information was required.
95. If the Applicant was to undertake further assessment and propose measures to demonstrate that the Project would satisfy the "Neutral or Beneficial Effect" test in the SEPP Sydney Drinking Water Catchment, the Commission finds that the Project would be consistent with the objectives and requirements of the identified relevant EPIs.

## 6.4 Relevant Proposed Instruments

96. Under s 4.15(1)(a)(ii) of the EP&A Act, the consent authority must consider the provisions of any draft EPIs when determining a development application.
97. The Upper Lachlan LEP 2010 was drafted at the time the Application was made. The objectives of the E3 Environmental Management zone are stated to be:
- *to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
  - *to provide for a limited range of development that does not have an adverse effect on those values.*
  - *to facilitate the management of environmentally sensitive land and areas of high environmental value to the local government area.*

### *Applicant's consideration of relevant proposed planning instruments*

98. The Applicant's 2012 EA states: "*Crookwell 3 South, Crookwell 3 East and the options being considered for locating the electricity connections going back to the approved Crookwell 2 Wind Farm are currently zoned under the Upper Lachlan Local Environment Plan 2010 (Upper Lachlan LEP). The Upper Lachlan LEP commenced on 9 July 2010. The application for project approval for the proposed Crookwell 3 Wind Farm was lodged before this date. Clause 1.8A of the Upper Lachlan LEP states that "If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."*"
99. The Applicant's Mersonn Review includes additional review of the Upper Lachlan LEP 2010 and makes the following conclusions:
- *"The E3 Environmental Management Zoning relates only to water catchment and not to any special ecological, scientific, cultural or aesthetic values.*
  - *Wind farms are already accommodated within the E3 zone and water catchment. Potential impacts can be managed through appropriate conditions.*
  - *The opening aim of the Upper Lachlan LEP 2010 Plan is to encourage the sustainable management, development and conservation of natural resources. This is the cornerstone of the project in moving our energy economy from fossil fuels to renewables.*
  - *While the eastern turbines would be prohibited under the current Local Environmental Plan as they are located in an E3 Environmental Management Zone it is considered that the project is consistent with the Aims of the Plan and the objectives of the E3-Environmental Management zone and that the benefits of the project are so significant and essential to the State that the consent authority should support the proposal."*

### *Department's consideration of relevant proposed planning instruments*

100. The Department's 2015 Assessment Report acknowledges the application of Clause 1.8A of the Upper Lachlan LEP 2010 and notes the Crookwell LEP 1994 and Mulwaree LEP 1995 are the applicable local EPIs. The Department's 2015 Assessment Report does not consider the consistency of the Application against the draft Upper Lachlan LEP 2010
101. According to the Department's Addendum Assessment Report: "*Given the draft Upper Lachlan LEP 2010 was exhibited prior to CDPL lodging the application for the project in March 2010, the draft version of the LEP remains a relevant consideration for the application."*

*"The zoning in the draft LEP matches that in the final LEP, making Council's strategic intention to prohibit wind farms on the ridges to the east of Crookwell clear. Although the Upper Lachlan LEP 2010 expressly references the Infrastructure SEPP as the key*

*instrument for determining the permissibility of wind farms in the area, it should be noted that the Infrastructure SEPP does not make wind farms permissible with development consent on land zoned E3.”*

*“So while there is no doubt that the project is wholly permissible under the relevant LEPs in this instance, the Department considers Council’s strategic intention to prohibit wind farms on land zoned E3 is an important factor to consider in weighing up the merits of the project, and is supported by the detailed assessment of the merits of the project which has found that it would result in significant visual impacts on several residents living in close proximity to the eastern cluster of the project, which is located wholly on land zoned E3.”*

102. The Department’s further consideration of the Upper Lachlan LEP 2010 in its Addendum Assessment Report concluded: *“At the local level, the Department considers that it is the clear objective of the Upper Lachlan LEP 2010, or the draft LEP as it was when the application was lodged in March 2010, to only allow a limited range of development within the E3 zone that does not have an adverse effect on the ecological, scientific, cultural or aesthetic values of the area.”*

*“In summary, while the Department acknowledges that the planning regime that applies to the site allows the project to be granted consent under the EP&A Act, the Department considers that the consent authority should not grant consent to the project in this case as:*

- *70% of the turbines are located in an area that has been zoned E3 since July 2010;*
- *the project is inconsistent with the objectives of this zone in the (now made) LEP;*
- *based on its assessment, there is no compelling social or economic benefit to the State that would justify the consent authority overriding the intentions of Council in its local planning controls.”*

103. The Department’s Supplementary Assessment includes further consideration of the eastern cluster’s location within the E3 Environmental Management zone under the Upper Lachlan LEP 2010 and states: *“All of the eastern cluster turbines are prohibited under the current LEP... The Department does not consider that Crookwell 3 (East) is consistent with the objectives of the E3 - Environmental Management zone, or that the benefits of the project are so significant or essential to the State that the consent authority should override the strategic planning intentions for this portion of the site.”*

#### *Commission’s consideration of relevant proposed planning instruments*

104. The Commission accepts the Department’s conclusion in paragraph 101 that the Draft Upper Lachlan LEP 2010 is a relevant consideration for the Application under the EP&A Act.
105. The Commission has considered the positions of the Applicant and the Department in relation to the Application’s consistency with the objectives of the E3 Environmental Management zone and the provisions of the Infrastructure SEPP.
106. The Commission accepts the position in the Applicant’s Mersonn Review in paragraph 99 that the overarching principle of the Project to provide for renewable energy is consistent with the primary aim of the Upper Lachlan LEP 2010, namely to *“encourage the sustainable management, development and conservation of natural resources.”*
107. However, the Commission does not agree with the conclusion in the Applicant’s Mersonn Review that the sole purpose for making the E3 Environmental Management zone relates *“only to water catchment and not to any special ecological, scientific, cultural or aesthetic values.”* As noted in paragraph 97, the objectives of the E3 Environmental Management zone include the protection of ecological, scientific, cultural and aesthetic values.

108. The Commission agrees with the Department's consideration of Council's objectives in establishing the E3 Environmental Management zone and notes that wind farms are not identified as an additional permitted use in Schedule 1 of the Upper Lachlan LEP to overcome the prohibition in the zoning table.
109. While the Commission notes that the Crookwell LEP 1994 and Mulwaree LEP 1995 apply to the Application, Council had a clear strategic intention to prevent the development of wind farms on land zoned E3 Environmental Management. The Commission also agrees with the Department's conclusions in paragraph 101 that this is a relevant consideration when assessing the merits of the Project.

## 6.5 Planning Agreements

110. In its correspondence dated 4 June 2019, the Applicant advised that, aside from agreements with residents, it had made the following commitments:
- a voluntary planning agreement (**VPA**) with Council that would involve a *“yearly contribution of \$2,500 per turbine over the lifetime of the project, to be used by Council in community projects, improvement of local infrastructure, etc.”*;
  - *“community engagement in the amount of \$800,000 for mobile black spot program, TV reception improvement, domestic solar program and satellite reception program;”*
  - *“a contribution of \$50,000 per annum to support the maintenance of re-transmitter installations”;* and
  - *“the upgrade of Graywood Siding Road estimated at \$800,000.”*
111. In an attachment to its 4 June 2019 letter, the Applicant has advised that it had agreed on the terms of a VPA with Council 27 July 2017 for the Crookwell 2 and Crookwell 3 wind farms.
112. The Applicant also stated in its letter dated 4 June 2019 that it would be willing to remove the southern cluster turbines *“without making any corresponding reduction in our commitment to the community and funding better community outcomes through the Voluntary Planning Agreement (VPA) already agreed with the Council.”*

## 6.6 EP&A Regulation

113. Section 92 of the EP&A Regulation outlines additional matters that a consent authority must consider in determining a development application. These are considered by the Commission in Section 6.

## 6.7 Likely impacts of the development on both natural and built environments

### 6.7.1 Visual amenity

#### *Public and Council comments*

114. The Commission heard concerns from Council, speakers at the public meeting, and received written comments regarding the visual impacts of the Project on non-associated residences and the wider landscape. These concerns included:
- the impact that developed and approved windfarms in the region were likely to have or have had on residences and landscapes;
  - the proximity of proposed turbines to residences;
  - the cumulative impacts of the Project in addition to existing approved wind farm developments on residences; and
  - the potential impacts of the night lighting to be installed for aviation.
115. Speakers at the public meeting referred to the visual impacts of wind farms on the landscape,

with comments including:

*“People are dumbfounded as to how the landscape of such a beautiful area can become the victim of such planning decisions. The sheer dominance of the now built Crookwell II Wind Farm overpowers the natural landscape. The district is being turned into a plantation of wind farms.”*

*“I’m opposed to the Crookwell III development for many reasons, the main reason being the cumulative impact of these huge turbines destroying our once beautiful rural landscape and now dominating the ridge line.”*

*“From my house, I can see about 20 of the 72 turbines. From my hill, I can see about 55. They cannot be masked by trees as they are situated on a ridge. They do not improve the landscape. They detract from it.”*

116. The Commission also heard from supporters of the Project who believed the visual impacts of the Project were overstated by the Department’s Addendum Assessment Report, given the scale of the Project and the long distances between wind farms in the region.

117. The Department’s Addendum Assessment Report noted that *“approximately 80% of objections raised visual impacts as a key issue. In particular, concerns were raised in regard to the visual impact on surrounding residences; cumulative visual impacts from the presence of several wind farms in the area; loss of scenic value; impacts of industrial structures in a rural landscape; proximity of turbines to dwellings; the height and number of turbines; impacts associated with night lighting and shadow flicker; misleading photomontages and the validity of the methodology used to determine visual impacts.”*

*Applicant’s consideration*

118. The Applicant’s 2012 EA included a landscape and visual impact assessment (**Applicant’s 2012 LVIA**) of the original Project. The assessment indicated that the:

- *“Crookwell 3 East site would have a potential High or Moderate to High visual impact on 19 residential view locations within the Crookwell 3 Wind Farm 5 km viewshed;*
- *Crookwell 3 South site would have a potential High or Moderate to High visual impact on 10 residential view locations within the Crookwell 3 Wind Farm 5 km viewshed; and*
- *majority of residential view locations between the Crookwell 3 wind farm 5 km and 10 km viewshed would experience a Nil to Low visual impact.”*

119. A summary of the findings of the Applicant’s 2012 LVIA is provided in Figure 4.

	Visual Impact Rating within 5km Crookwell 3 viewshed (Total from 124 residential dwellings)					
	Nil	Low	Low to Moderate	Moderate	Moderate to High	High
Crookwell 3 South	71 (57%)	31 (24.5%)	5 (4.5%)	8 (6%)	7 (5.5%)	3 (2.5%)
Crookwell 3 East	32 (26%)	55 (45%)	10 (8%)	8 (6%)	4 (3%)	15 (12%)

*Figure 4: Summary of visual impact ratings of the original Project (Source: Applicant’s 2012 EA)*

120. The Applicant’s Addendum EIS includes a revised landscape and visual assessment

**(Applicant's 2016 LVIA).**

121. The Applicant's 2016 LVIA concluded that the revised Project, with seven less turbines: *"would not result in any significant reduction in overall wind turbine visibility for key non-associated residential dwellings surrounding the [Crookwell 3 Wind Farm] development and for motorists travelling along local roads. Whilst the removal of up to the seven wind turbines would reduce the proximity of wind turbines to residential dwellings, and in some areas has removed the wind turbine that dominated part of the view, the remaining wind turbines would tend to dominate views from a small number of residential dwelling locations. The overall assessment of visual effects associated with the Amended [Crookwell 3 Wind Farm] is summarised as Negligible to Low. The scale of change in the wind turbine structures, whilst noticeable from proximate residential view locations would not result in a degree of change significantly above the visibility of the [Crookwell 3 Wind Farm] LVIA 2012 wind turbine."*
122. In its response to the Department's Supplementary Assessment, the Applicant's letter dated 2 September 2019 states that the Project *"will impact residences to the East of Woodhouselee Road. However, this impact will be direct only, as opposed to direct and cumulative, due to the varying topography and extensive windbreak plantings surrounding these dwellings and nearby fields."*
123. The Applicant's 2 September 2019 letter states that *"vegetation screening can be utilised as an effective method of mitigating any direct impacts of the turbines, due to the prevalence of wind breaks and screen planting in the surrounding area. Additionally, due to the undulating nature of the topography in the area, most receivers will not experience extensive horizontal views."*
124. The Applicant's 2 September 2019 correspondence also contends that *"taller rotors are perceived as having a slower motion and are less likely to draw the eye than smaller rotors (such as those used at the Crookwell 1 windfarm)."*
125. The Applicant has advised that it has entered into agreements with 11 landowners around the eastern cluster. In its 2 September 2019 correspondence, the Applicant states that *"all but four of the landholders within a 2-kilometre radius of any turbines proposed for the Eastern cluster have entered into Neighbour Agreements with the proponent. One of the four remaining landholders (Rosedale, residence #106) is marginally under 2 km, and the proponent commits to microsite the proposed A3, A4 and A5 turbines further south (less than 100 m), to achieve a 2-kilometre distance from the residence ... subject to the microsite commitment stated above, there would only be 3 properties within 2 km of a proposed Eastern Cluster turbine without a Neighbour Agreement. This means 80% of those properties accept the proposed Development and there would be only 3 inhabitants within the two-kilometre buffer which have not accepted Neighbour Agreements."*
126. The Applicant's 2 September 2019 correspondence states *"[w]ith overwhelming local support for the Project, the significant benefits that it will generate in terms of renewable energy, and the Proponent's commitments to reducing impacts for landholders identified as being affected, a small number of properties without Neighbour Agreements should not be sufficient reason to reject the Project."*
127. In relation to the cumulative impacts of the Project with other wind farms in the region, the Applicant's 2 September 2019 letter states: *Although other windfarms exist in the area, most are more than 20 kilometres away from Crookwell 3 and are unlikely to be sufficiently discernible (through a combination of distance, topography and vegetation) to influence the view."*
128. The Applicant's 2016 LVIA notes that the cumulative impacts of the Project would not significantly differ from the conclusion reached in the 2012 LVIA, which is that *"overall the*

*Crookwell 3 wind farm is not considered to significantly increase the magnitude of visual impact for the majority of residential view locations within the Crookwell 3 wind farm 10 km viewshed. The potential for the occurrence of 'direct' and 'indirect' cumulative visual impact is mitigated to a degree by the screening or partial filtering of views toward approved and existing wind farms."*

129. The Applicant's 2 September 2019 letter states that the *"landscape surrounding the Windfarm is not a natural landscape and is generally highly modified, altered through agriculture and existing windfarms."* The Applicant also noted that its 2012 LVIA *"found that the surrounding landscape had overall medium sensitivity to accommodate change of the kind contemplated by the Windfarm."*

#### *Department's consideration*

##### *Impacts on residences*

130. The Department's Addendum Assessment Report assessed the visual impacts of the proposal against the Wind Energy Guideline (**Framework**) which includes the Bulletin. The Department noted: *"while the Applicant was not required to consider the principles of the Framework in its EIS, the Framework is relevant to the assessment of wind farm applications in NSW. Importantly, the Framework provides relevant guidance to decision-makers about the NSW Government's current policy position for assessing key impacts of wind energy developments, including in regard to visual and noise impacts on local communities."*
131. The Department's Addendum Assessment notes *"in accordance with the Bulletin, 157 m turbines have the potential to result in high visual magnitude impacts on residences within 3.1 km and potentially significant visual impacts on residences within 2.1 km. In accordance with the Bulletin's visual performance objectives, proponents should avoid, provide detailed justification or manage impacts as far as practicable for 157 m turbines located within 3.1 km of residences located within VIZ 1 and VIZ 2 zones."*
132. The Department commissioned O'Hanlon Design Pty Ltd (**OHD**) to prepare the report titled *Independent Review – Crookwell 3 Wind Farm Proposal*, dated July 2018 (the **Independent Visual Impacts Review**), to inform the Department's Addendum Assessment Report.
133. The Department's Addendum Assessment Report found that of the 34 non-associated residences in the vicinity of the Project, 27 would have high or moderate-to-high visual impacts from the Project. For 19 of these residences, the Department noted that the impacts are due to the proximity of the turbines, with all proposed turbines having a residence within 3.1 km and 17 of the 23 proposed turbines located within 2.1 km of non-associated residences. The Department's Addendum Assessment Report noted that the other eight residences may not experience significant direct impacts by turbines from the Project, but that *"they would be subject to significant cumulative impacts associated with other wind farms in the area, with turbines visible in 3 or more sectors (i.e. up to 180° views of turbines)."*
134. In response to the Applicant's proposal to accept the removal of all turbines in the southern cluster, the Department's Supplementary Assessment stated that: *"there are still up to 11 residences that would be highly impacted by the eastern cluster, and the cumulative visual impacts of the remaining 17 wind turbines on the landscape values of the locality would be noticeable, with at least 8 of these residences predicted to experience significant cumulative impacts and many residents would still be able to view up to 5 wind farms from their properties."*
135. The Department's Supplementary Assessment found that in the eastern cluster: *"12 of the 17 turbines are located within 2.1 km of non-associated dwellings (being turbines A2, A3, A4, A5, A8, A9, A10, A12, A15, A16, A20 and A24) and 11 of the 17 turbines have at least 3, and as many as 8, non-associated dwellings within 3.1 km."*

136. In relation to mitigation of visual impacts by vegetation screening, the Department's Supplementary Assessment concluded that *"there continue to be significant limitations for vegetation screening due to the large numbers of non-associated residences with significant direct and cumulative visual impacts (16 residences), the varying elevations of many of these residences in comparison to the eastern cluster turbines, the proximity of the turbines to dwellings, and, in particular, the extensive horizontal views experienced by many receivers. The Department considers that in most cases visual screening would not provide a practical or effective option for mitigating the visual impacts of the modified project."*
137. The Department's Supplementary Assessment concluded that: *"[g]iven the close proximity of the majority of turbines in the eastern cluster to non-associated residences, the resultant magnitude and significant direct visual impacts predicted, together with the predicted significant cumulative impacts, adequately addressing the residual visual impacts of the project would also involve removing the vast majority of the eastern cluster turbines."*
138. Despite the Applicant entering into an agreement with 11 landowners as stated in paragraph 125, the Department's Supplementary Assessment notes that *"the Applicant has not been able to reach agreement with a number of key landowners that are located in close proximity to the eastern cluster despite having many years to do so."*
139. The Department's Supplementary Assessment concluded that *"acquisition should only be considered where the broader benefits of the project are so significant or important that they outweigh the potential impacts on local residents. In this case, the Department considers that the benefits associated with developing a maximum of only 17 turbines are not so significant from a public interest perspective that the provision of voluntary acquisition rights to landowners would be justified."*

#### Landscape impacts

140. Department's Addendum Assessment Report considered the cumulative impacts of the Project on the landscape, in combination with other constructed and approved wind farm projects in the region. The Department's report found that the *"broader landscape character in the region can be generally characterised as "pastoral". However, due to the presence of the existing approved Crookwell 1, Crookwell 2 and Gullen Range wind farms the Department considers that the local landscape character has been gradually transformed over the last few years towards a more "windfarm pastoral" landscape."*
- "As a result of these changes, the advice of OHD is that the landscape now has limited capacity to absorb further change arising from the introduction of additional turbines without resulting in further transformation and industrialisation of the pastoral character of the landscape."*
- "The value that local residents place on the existing pastoral landscape is supported by the nature of submissions opposing the project, with over 90% of the submissions from residents within 5 km of the site objecting to project and raising visual impacts as the principal reasons for their opposition."*
141. The Department's Addendum Assessment Report concluded: *"Despite the changes to the project, and based on the advice of O'Hanlon Design (OHD), the Department considers that the project would have an unacceptable impact on the broader landscape due to cumulative impacts with other wind farms and impacts on key landscape features in the immediate vicinity of the wind farm. The Department also considers that the existing landscape has limited capacity to absorb further change from additional turbines and there are limited opportunities to make further changes to the project that would effectively mitigate these impacts to acceptable levels."*

142. The Department's Supplementary Assessment Report found that *"Notwithstanding the removal of the southern cluster, the project involves installation of turbines on elevated ridges extending to the east of the Crookwell 2 Wind Farm. Combined with Crookwell 2, this would result in turbines covering an area extending more than 10 km along the ridgeline on the approaches to Crookwell. There are also a number of other wind farms visible from the site and surrounds, including the Crookwell 1, Gullen Range and Gunning Wind Farms."*

*"If the project proceeds, it would be possible for local residents and visitors to view at least 5 wind farms in the local area, with a number of these residences located directly between the Crookwell 2 and Crookwell 3 (East) Wind Farms."*

*"The project would also extend views of turbines on both sides of Woodhouselee Road, albeit a local road with lower traffic volumes."*

*"The removal of the southern cluster does not change the Department's consideration that the local landscape already has limited capacity to absorb further change from wind farm projects, and that the particular location and layout of the project would result in material impacts on the local and surrounding landscape."*

143. The Department's Supplementary Assessment concludes: *"Overall, the Department considers that, even with the removal of the southern cluster, the project is located in a landscape with relatively high scenic value that has limited capacity to absorb further change. The sensitivity of the landscape is also apparent due to the proximity of the eastern cluster turbines to residences. The Department considers that from a community perspective, the project would have an undesirable impact on the landscape character and values, and would have significant cumulative impacts on the broader landscape, public viewpoints and residences."*

#### *Commission's consideration*

144. The Commission notes that the 2012 LVIA (Figure 4 in paragraph 119) predicted up to 96 residents would be able to view the Project's eastern cluster turbines, 19 of which are predicted to experience high or moderate to high visual impacts.
145. The Commission also notes the majority of local residents who made a submission object to the Application, as noted by the Department's Addendum Assessment Report in paragraph 33.
146. The Commission accepts the Department's conclusions in paragraph 130 that the Bulletin is relevant to the assessment of the Project's visual impacts, and notes that the Bulletin is generally consistent with the principles in the Draft 2012 NSW Wind Farm Planning Guidelines, particularly those recognising the visual impacts of turbines within 2 km of residences.
147. While the Commission acknowledges that the removal of the turbines in the southern cluster would reduce the visual impacts of the Project, it accepts the Department's conclusions in paragraph 142 that the turbines in the eastern cluster would still impact a significant number of residences and increase the cumulative impacts of wind farm projects in the locality.
148. The Commission also accepts the Department's conclusions in paragraph 136 that the effectiveness of visual screening through vegetation plantings is limited given the surrounding topography.
149. The Commission notes that the Applicant has managed to secure agreements with a majority of affected residents as stated in paragraph 125, however agreements with landowners that would be significantly impacted by the project are still outstanding, despite the extended duration of this Application's assessment.

150. The Commission also accepts the Department's conclusion in paragraph 139 that compulsory acquisition is not an acceptable option for the Project.
151. The Commission accepts the Department's conclusion in paragraph 137, which suggests that the only feasible measures to further reduce visual impacts on affected residences would be to delete more turbines from the Project. As stated in paragraph 60, the Applicant has indicated that it would not be willing to entertain this option as it would undermine the economic viability of the Project.
152. Therefore, the Commission is of the view that the visual impacts of the Project are not acceptable for the reasons set out in paragraphs 145 to 149 and summarised below:
- the predicted significant visual impacts on residences in close proximity to the Project turbines;
  - the Applicant has not obtained agreements with all affected landowners; and
  - the Applicant has not committed to removing or relocating additional turbines in the eastern cluster.
153. On the basis of the unacceptable visual impacts of the Project on the local community, the Commission is of the view that Application should be refused.

### 6.7.2 Biodiversity

#### *Applicant's consideration*

154. The Applicant's Addendum 2012 EA noted that "*the vegetation across the site is primarily represented by cleared grazing paddock, of which the majority is highly disturbed.*"
155. Of the remaining turbines in the eastern cluster of the Project that would require clearing of vegetation, section 14.3 of the Applicant's 2012 EA noted that Turbine A12 would require the removal of 4,814 square metres of woodland, comprising 314 square metres for the turbine, approximately 2,000 square metres for its access track, and up to 2,500 square metres for the temporary crane hard stand area. The vegetation surrounding the proposed turbine A12 is shown in Figure 5.



Figure 5: Vegetation to be cleared for Turbine A12 (Source: Applicant's 2012 EA)

156. In relation to the impacts of turbine A12 on the surrounding woodland, the Applicant's 2018 RtS states that the "woodland surrounding turbine A12 is unlikely to provide important habitat for threatened fauna. In addition, the proposed works would not result in the removal of any hollow bearing trees. As such, the turbine is not intended for removal as part of this proposal."
157. The Applicant's Addendum EIS includes a revised ecological impact assessment which assessed the impacts of the changes made to the Project since the 2012 EA assessment. The Addendum EIS concluded "[g]iven the reduced overall impacts on biodiversity, it is considered that the draft conditions of approval recommended in the Secretary's Assessment Report are sufficient for ensuring that any potential biodiversity impacts are properly mitigated."

#### Department's consideration

158. The Department's Addendum Assessment Report notes the position of the then Office of Environment and Heritage (OEH) that: "OEH has significant concerns regarding the potential impact of turbine A12 on birds and bats." The Department states: "In its advice on the [Applicant's] final proposed layout, OEH has reiterated its concerns regarding the location of turbine A12 due to its location in the middle of remnant woodland. In this regard, OEH notes that the [Applicant's] Supplementary Ecology Report (2013) supports the sensitivity of the area surrounding this turbine, including the presence of:
- 2 threatened bat species;
  - 3 threatened bird species;
  - 9 hollow-bearing trees (HBT) within 100 m of the turbine, providing potential habitat for threatened species;
  - 30 hollows in 12 HBTs near A12; and
  - good condition open woodland providing potential habitat for several other threatened species."

159. The Department's Addendum Assessment Report also noted that "OEH has raised concerns about turbines located immediately adjacent to woodland remnants that present a risk to birds and bats, particularly if the woodland is at a higher elevation than the turbines where fauna would fly out of the canopy at a similar elevation to the turbine rotor-swept area (RSA)...OEH has calculated the distance required between the edge of habitat and the turbines and advises that the risk to fauna would be minimised by ensuring a buffer distance of at least 82.6 m between turbines and remnant woodland. OEH recommends that 6 turbines (A15, A17, A20, A22, A24 and A25) should be micro-sited further from vegetation and adhere to the recommended buffer distances."
160. The Department's Addendum Assessment Report concluded that the impacts on biodiversity could be managed or conditioned, however it highlighted that the issues raised by the OEH were a residual matter that would require further consideration should the Commission decide to approve the Application.

#### *Commission's consideration*

161. The Commission notes that the Applicant's assessments have identified that the area is sparsely vegetated and highly disturbed grazing paddock. The Commission also notes the OEH concerns around the proposed location of turbine A12 and impacts on birds and bats that are present in the woodland. Therefore the Commission is of the view that the clearing of vegetation for turbine A12 may be avoidable if an alternate location could be identified given the sparse vegetation in the locality, or the turbine could be deleted from the Project.
162. While the impacts of the proposed turbine A12 on native vegetation alone do not warrant refusal of the Application, the Commission is of the view that further justification would be necessary to demonstrate that the selected site for turbine A12 is essential and that no suitable alternative site is available.

## **6.8 Suitability of the site for the development**

#### *Public and Council comments*

163. The Commission heard concerns from Council, speakers at the public meeting, and received written comments regarding the suitability of the Site and the locality for the Project. These concerns primarily included the cumulative and direct visual impacts on residences and the public, but also noted concerns around the inconsistency with the Upper Lachlan LEP 2010, disruption of television signals and bushfire response.

#### *Applicant's consideration*

164. The Applicant's Mersonn Review notes that the Project locality has been identified in the NSW Wind Atlas and Council's *Upper Lachlan Strategy Vision 2020* as a "desirable area for wind energy generation." Figure 6 indicates the Project's location in the context of the mapped wind resource in the NSW Wind Atlas.

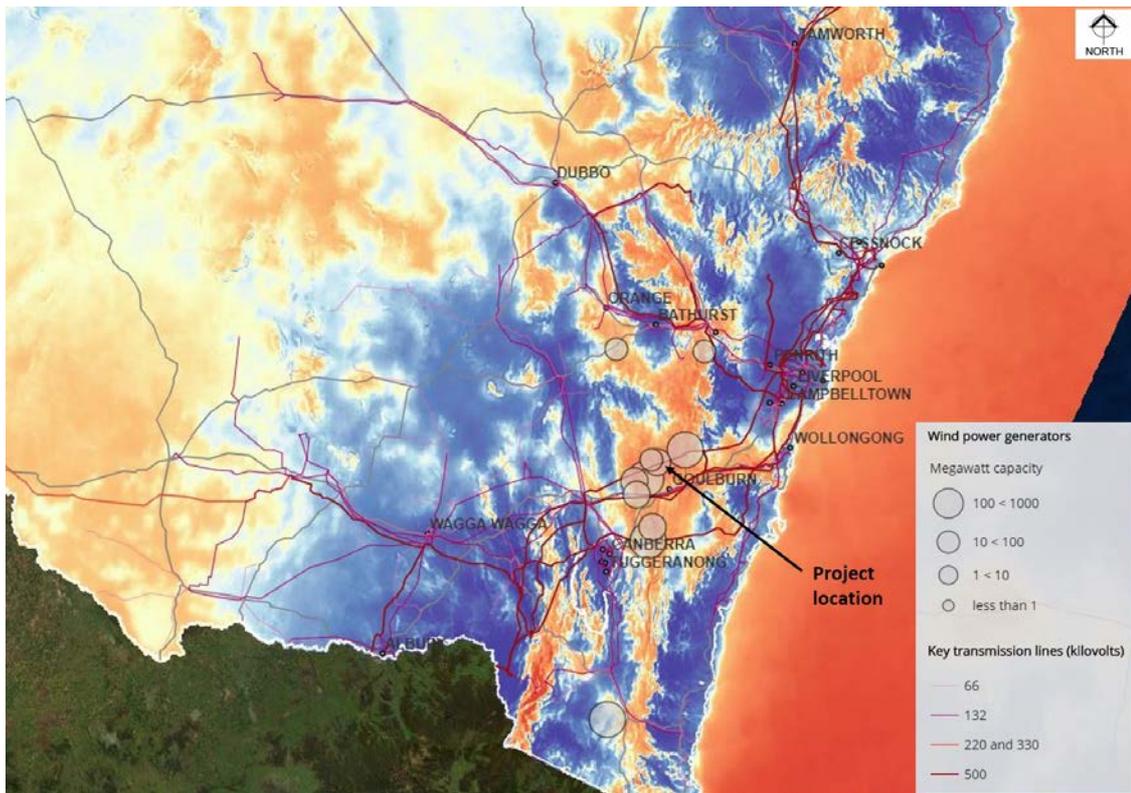


Figure 6: NSW Wind Atlas - Orange denotes the most desirable wind conditions for wind farms (Source: Resources and Geoscience NSW)

165. In its 2012 EA, the Applicant states that the “location of the Crookwell 3 Wind Farm has partly been driven by its proximity to the approved Crookwell 2 Wind Farm. The viability of Crookwell 3 is increased by the sharing of infrastructure with Crookwell 2, such as the approved substation on the Crookwell 2 site.”

“The subject site is also favoured by the presence of the existing 330kV high voltage power line, which runs through both components of the site. As a result, long distance overhead power line connections are not required.”

“Further, the majority of residents support the ongoing development of wind farms in Upper Lachlan Shire, including within the Crookwell area surrounding the subject site.”

*Department’s consideration*

166. The Department states in its Addendum Assessment Report that the “best wind resources in NSW are generally located along the Great Dividing Range and the Western Slopes, including the Southern and Central Tablelands. The site for the Crookwell 3 Wind Farm falls within this area and the EIS indicates the site has high average wind speeds.”

As a consequence of the region’s superior wind resources and proximity to major electricity transmission lines, there are 8 operational and approved wind farms within approximately 30 km of the site (see Table 3 and Figure 3). The closest is the Crookwell 2 Wind Farm which is currently under construction and located adjacent to the site, with the Crookwell 3 site essentially forming an extension of Crookwell 2.

*Commission’s consideration*

167. The Commission accepts the region represents a desirable location for wind farm projects, which is evident in the number of wind farm projects that are approved or operational.

168. The Commission notes the objectives of the Bulletin as stated in paragraph 72 and recognises that development of wind farm projects should be carefully planned to avoid transformation of the landscape to become dominated by wind turbines.
169. The Commission acknowledges the desirability of the region for the development of wind farms, given the favourable wind conditions. However, this needs to be balanced against an appropriate assessment of the environmental and social impacts of the Project. As outlined in paragraphs 144 to 153, the Commission is of the view that the proximity of turbines within 2 km of residences and the visual impacts of the Project are of such significance to warrant refusal of the Project.
170. Based on its consideration of the Material, particularly the visual impacts as discussed in section 6.7.1, the Commission finds that the Site is unsuitable for the Project, because of the nature and scale of visual impacts on residences and the community.

## 6.9 The public interest

### *Department's consideration of public interest*

171. The Department's Addendum Assessment Report considered the public interest and acknowledged that that Project would:
- *“contribute to the development of the renewable energy industry in NSW, and implementation of the state's Renewable Energy Action Plan, making efficient use of the region's significant wind resources;*
  - *contribute to the Commonwealth Government's Renewable Energy Target and is broadly consistent with the NSW Government's Renewable Energy Action Plan and Climate Change Policy Framework;*
  - *generate approximately 275 GWh of electricity a year, or enough power for 59,000 homes, and assisting Australia to meet its renewable energy target by 2020;*
  - *generate a range of economic benefits in the local area and more broadly for NSW, including generating up to 96 MW of renewable energy, attracting up to \$120 million in capital investment, and creating up to 40 jobs during construction and up to 6 jobs during operations; and*
  - *reduce the greenhouse gas emissions associated with electricity production in NSW.”*
172. The Department's Addendum Assessment Report considered these benefits in the context of renewable energy development in NSW and noted that *“these benefits are relatively low compared to other renewable energy projects in the State. In addition, although there are associated benefits from this renewable energy generation, the Department considers that these moderate renewable energy benefits cannot be realised without adverse impacts on the environment and the local community, particularly in regard to visual impacts.”*
173. The Department's Supplementary Assessment noted the benefits associated with the proposed removal of the southern cluster from the Project, particularly the reduced visual impacts on residences to the south west of the Project and reduced landscape impacts for motorists travelling on the Crookwell to Goulburn Road and landscape features and heritage items including Pejar Dam and St Stephen's Church.
174. However, the Department also noted the reduced renewable energy benefit, stating in its Supplementary Assessment that *“the removal of another 6 turbines from the proposed layout would materially reduce the broader renewable energy benefits of the project by more than 25% (from 96 to 71 MW)”* and providing the comparison between the Project with and without the southern cluster as shown in Figure 7.

	Proposed Project	Revised Project
<b>Turbines</b>	23	17
<b>Capacity (MW)</b>	96 MW	71 MW
<b>Annual Generation (GWh)</b>	275 GWh	204 GWh
<b>Equivalent Homes Powered</b>	48,000	35,000

Figure 7: Comparison between proposed Project and Project with the southern cluster excluded  
(Source: Department's Supplementary Assessment)

175. In its conclusion and as discussed in paragraph 64, the Department's Supplementary Assessment identified that the *"removal of the southern cluster would reduce the 'benefits' of the project as a whole and hence diminish the justification for approving the project despite its adverse impacts on the landscape and the local community."*
176. With regard to public interest, the Department's Addendum Assessment Report concluded that *"[o]n balance, the Department considers that the Crookwell 3 Wind Farm is a project where the impacts of the project on the local community significantly outweigh its potential benefits to the broader community of NSW".*
177. The Department's Supplementary Assessment concluded that *"while the approval of additional renewable energy projects remains desirable (subject to detailed assessment), there are a range of suitable alternatives that would deliver similar benefits to the Crookwell 3 Wind Farm without the significant adverse impacts that developing this project would entail. Ultimately, the project is a relatively small wind farm compared to other projects in the State with relatively significant adverse impacts."*
178. The Department's Supplementary Assessment also concluded that *"the project would result in a range of social and economic benefits for the wider community. However, the Department considers that these social and economic benefits cannot be realised without adverse impacts on the environment and the local community, particularly in regard to visual impacts."*

#### Commission's consideration

179. The Commission has set out its findings in section 6 of the Statement of Reasons for Decision. In reaching those findings and ultimately deciding whether the Project is in the public interest and should be approved, the Commission has had regard to all the Material before it and carefully considered the issues raised by the public.
180. The Commission considers that the Project would include the following social and economic benefits as outlined in paragraphs 110 to 112, 171 and 174:
- development of the renewable energy industry in NSW and generation of up to 71 MW of renewable energy to power 35,000 homes;
  - attracting up to \$120 million in capital investment, and creating up to 40 jobs during construction and up to 6 jobs during operations (although the Commission notes this may be reduced with the exclusion of the southern cluster); and
  - contributions towards the upgrade of local infrastructure and community projects in accordance with a VPA with Council.
181. The Commission considers that the negative impacts of the Project would include the:
- adverse visual impacts as set out in paragraph 152; and
  - potential adverse impacts on biodiversity as set out in paragraph 161;
182. The Commission considers that the following objects of the EP&A Act, as set out in Section

1.3 of the EP&A Act, are relevant to the Project.

**(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**

183. The Commission acknowledges that, as set out in section 1.4, the Project would reduce the State's reliance on fossil fuels and therefore it would contribute to the conservation of the State's natural resources.

184. However, given the visual impacts of the Project described in section 6.7.1 and community concerns as discussed in paragraphs 114, 115 and 117, the Commission is not satisfied that the Project would promote the social welfare of the community and a better environment by the proper development of the State's natural resources.

**(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment**

185. The Commission has considered the stated economic and environmental benefits of the Project described in section 1.4 and paragraphs 171 to 175 and considered these benefits against the predicted impacts on the environment and community as described in section 6.7.

186. Based on this assessment, the Commission accepts the Department's conclusions as noted in paragraphs 40 and 64 that the benefits of the Project are outweighed by the impacts.

**(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats**

187. As noted in paragraph 162, the Commission is not satisfied that the Applicant has provided sufficient justification for the Project's impacts on native vegetation.

**(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)**

188. The Department's Supplementary Assessment concluded that the removal of the southern cluster would avoid potential impacts on the amenity of the landscape as viewed from the St Stephen's Church, a State heritage item.

189. The Department's Supplementary Assessment notes that the "OEH continues to have concerns regarding ... Aboriginal cultural heritage, including additional areas requiring survey and the Aboriginal consultation process", however it concluded that these concerns may be addressed through additional surveys and mapping.

190. The Commission is satisfied that additional archaeological surveys and mapping may satisfy the object of the EP&A Act that the Project promotes the sustainable management of built and cultural heritage.

**(g) to promote good design and amenity of the built environment**

191. Given the predicted unacceptable impacts on the visual amenity of the locality as described in section 6.7.1, the Commission is not satisfied that the Project would adequately promote good design and amenity of the built environment.

**(j) to provide increased opportunity for community participation in environmental planning and assessment**

192. The Commission is satisfied that the community has been provided ample opportunity to participate in the assessment of the Project, as set out in sections 2.1, 3.3 and 4.4.
193. For the reasons set out above, the Commission finds that the Project is inconsistent with the objects (a), (b), (e) and (g) of the EP&A Act and is not in the public interest.

**6.10 Other relevant issues**

194. Section 6.6, Table 9 of the Department's Addendum Assessment Report identified the following 'residual matters' relevant to the Application, including:
- biodiversity (as discussed in section 6.7.2);
  - TV signal;
  - traffic and transport;
  - electricity cable crossings;
  - water quality; and
  - Aboriginal cultural heritage.
195. In relation to these residual matters, the Department's Addendum Assessment Report concludes: *Some of these matters remain outstanding, as outlined in Table 9. However, the Department considers that the majority of these matters could be managed or conditioned should the project be approved. In summary, should the project be approved, the residual matters that would need to be addressed in the assessment process include:*
- *OEH concerns regarding biodiversity impacts of turbine A12;*
  - *a single access point to the Crookwell 3 eastern cluster would need to be identified;*
  - *ULSC concerns regarding impacts on TV signal caused by turbines A32 and A33;*
  - *a single route for the electrical cables to connect the southern and eastern clusters to the substation located on the Crookwell 2 Wind Farm site would need to be confirmed;*
  - *detailed consideration of whether the project would have a neutral or beneficial effect on water quality; and*
  - *an agreement between CDPL and Council would be required regarding road upgrades."*
196. The Commission is satisfied with the Department's assessment of other issues as set out in section 6.6 of its Addendum Assessment Report.

**7. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING DECISION**

197. The views of the community were expressed through public submissions and comments received as part of exhibition and as part of the Commission's determination process as set out in sections 2.1, 3.3 and 4.4.
198. In summary, the community raised a number of significant concerns about the visual impacts of the Project on surrounding residences and the cumulative effect of wind farm projects with residences potentially able to view wind turbines in multiple viewing sectors. The community expressed concern that wind farm projects will transform the landscape from an attractive rural landscape towards an industrial landscape dominated by wind turbines.
199. The Commission carefully considered all of these 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 6** above.

## 8. CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

200. The Commission has considered all the Material before it as set out in paragraph 67. The Project has been assessed in accordance with the current statutory and policy framework as set out in this Statement of Reasons for Decision.
201. The Commission has considered the merits of the Project and finds that, while the Project would result in the public benefits of delivering renewable energy and reduce the reliance on fossil fuel consumption (see sections 1.4 and 6.9), there are significant residual issues with the Project including:
- the visual impacts of the Project are unacceptable given the significant visual impacts on multiple residences and the proximity of turbines to non-associated residences (see paragraphs 144 to 152);
  - the Site is not suitable for the Project, because of the proximity to and the nature and scale of visual impacts on residences and the community (see paragraphs 167 to 170);
  - the Project is inconsistent with objects (a), (b), (e) and (g) of the EP&A Act (see paragraph 193) and therefore not in the public interest; and
  - the Project does not satisfactorily address the objectives of the E3 – Environmental Management Zone of the Upper Lachlan LEP 2010 that require the protection of aesthetic values (see paragraphs 104 to 109).
202. In determining the Application for the Project, the Commission has taken into account all of the matters in this Statement of Reasons for Decision, including the anticipated benefits and adverse impacts of the Project and on balance has reached the following conclusion.
203. For all the reasons outlined in this Statement of Reasons for Decision (not limited to those set out in this conclusion) the Commission has determined to refuse consent for the Project.
204. The reasons for the Decision are given in this Statement of Reasons for Decision dated 25 October 2019.



**Peter Duncan AM (Chair)**  
Member of the Commission



**Prof Zada Lipman**  
Member of the Commission



**Adrian Pilton**  
Member of the Commission