

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	MP09_0103-Mod-1 Boco Rock Wind Farm Modification 1
<b>Applicant</b>	Boco Rock Stage Two Pty Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

The Executive Director under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the approval subject to the recommended conditions

A copy of the instrument of modification and conditions is available at:  
<https://www.planningportal.nsw.gov.au/major-projects/projects/boco-rock-wind-farm>.

A copy of the Department of Planning & Environment's assessment report is available at:  
<https://www.planningportal.nsw.gov.au/major-projects/projects/boco-rock-wind-farm>.

### Date of decision

23 December 2022

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the approval authority for the grant of the original approval;
- the objects of the Act;
- the considerations under s 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's assessment report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the approval as modified relates is substantially the same development as the development for which approval was originally granted was modified.

The key reasons for granting the modification are as follows:

- *Benefits* - the modification would provide a range of benefits for the region and the State as a whole, including up to 80 full time construction jobs and 10 full time operational jobs, with a capital investment of up to \$130 million, a \$80,000 Community Enhancement Fund annually, and will generate enough electricity to power about 170,000 homes;
- *Consistent with NSW Government Policy* - the modification is permissible with approval and is consistent with NSW Government policies including the *NSW Climate Change Policy Framework* and *NSW Net Zero Plan Stage 1: 2020-2030*.
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of approval.
- *Public interest* – weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 29 November 2018 until 13 December 2018 (15 days) and received 55 submissions, including 27 objections.

The Department visited the site and consulted with Council throughout the assessment process.

After the exhibition period CWP amended the project to delete an additional 5 turbine locations from the proposed Yandra Cluster, deletion of all 23 approved turbines within the Boco Cluster, relocation of the construction compound and additional contributions to the Community Enhancement Fund.

The key issues raised by the community (including in submissions) and considered in the Department’s assessment report and by the decision maker include impacts on visual amenity, inadequate community consultation, noise impacts, energy security, traffic impacts and economic impacts. Other issues are addressed in detail in the Department’s assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual</i></p> <ul style="list-style-type: none"> <li>• Larger turbines would increase visual impacts of the project</li> <li>• Personal property views</li> <li>• Amenity of the existing landscape</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department notes that the potential amenity impacts would be minor as CWP has secured landholder agreements with all residences in the vicinity of the project.</li> <li>• The Department considers that the increase in turbine height would not result in substantial visual differences compared to the original project approval.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Offer visual impact mitigation measures (e.g., landscaping and/or vegetation screening) to all non-associated residences within 5 km of any Stage Two turbine.</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>• Infrasound and Low Frequency Noise concerns due to increased height, and the extended distance this could travel</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department concluded there would be no predicted exceedances of the current operational noise limits placed upon the project.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Noise generated by the operation of the Stage Two wind turbines is to be measured in accordance with the relevant requirements of the Department’s <i>Wind Energy: Noise Assessment Bulletin</i> (2016) (or its latest version).</li> </ul>
<p><i>Traffic</i></p> <ul style="list-style-type: none"> <li>• Potential road dilapidation and closures</li> <li>• Transportation of turbines along Monaro Highway</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department acknowledges the decrease in overall levels of traffic.</li> <li>• CWP has stated that there is potential for turbine blades to be transported in smaller parts and assembled on site.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• A Construction Environmental Management Plan (CEMP), including measures to monitor and manage traffic impacts, would be required to be prepared in consultation with the relevant roads authorities.</li> </ul>
<p><i>Community Consultation undertaken by CWP</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• CWP consulted with the public, as well as Council, relevant agencies and the Department throughout the assessment process.</li> <li>• The Department exhibited the project and uploaded the application to the Department’s website.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Operation of a Community Consultive Committee from the commencement of construction of Stage Two.</li> </ul>
<p><i>Economic impacts and contribution to reduction in carbon emissions</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department’s assessment acknowledges the increase in funds to the Boco Rock Community Enhancement Fund (CEF) as a positive outcome.</li> <li>• The Department notes that the project would include up to 80 full-time construction jobs and 10 full time operational jobs, with a capital investment of up to \$130 million.</li> <li>• The Department concluded that the project, as modified, would remain consistent with the strategic need and justification for the overall project, including contribution to renewable energy development.</li> </ul>