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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: CRUDINE RIDGE WIND FARM MOD 1

PANEL: **PETER DUNCAN**
PETER COCHRANE

ASSISTING PANEL: **DAVID KOPPERS**

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **MIKE YOUNG**
STEVE O'DONOGHUE
NATASHA HOMSEY

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

DATE: **11.44 AM, WEDNESDAY, 5 JUNE 2019**

MR P. DUNCAN: Good morning. Thank you for coming in. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal people. I would also like to pay my respects to their elders, past and present. Welcome to the meeting today on the proposal whereby CWP Renewables, the
5 applicant, is seeking to modify the approval of the Crudine Ridge Wind Farm to reduce the maximum number of wind turbines from 77 to 37 to align the development consent with the Commonwealth approval under the Environmental Protection and Biodiversity Conservation Act and also to revise the road design for
10 Aarons Pass Road and associated increasing vegetation clearing by approximately 5.05 hectares.

My name is Peter Duncan. I'm the chair of the panel – this panel today. Joining me is my fellow commissioner, Peter Cochrane. The other attendees of the meeting are
15 David Koppers, from the secretariat of IPC, Mike Young, executive director of the department, Steve O'Donoghue, director of the department, and Natasha Homsey, also from the department. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be provided and made available on the commission's website as usual.
20 The meeting is one part of the commission's decision-making process. It is taking place at the preliminary stage of the process and will form one of several sources of information upon which the commission will base its decision.

It's important for the commissioners to ask questions of attendees and to clarify
25 issues whenever we consider it appropriate. If you're asked a question and you're not able to answer, please feel free to take the question no notice and provide any information in writing which we will then put on our website. We also request – or could I also request that members here today introduce themselves before speaking
30 for the first time and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript? Thank you for coming in and we will now begin. Over to you, Mike.

MR M. YOUNG: Thank you, Peter and Peter.

MR DUNCAN: Yes.
35

MR YOUNG: My name is Mike Young. As you've indicated, I am the executive
40 director of Resource Assessments and Compliance at the Department of Planning and Environment. Thank you for having us today to talk about the proposed modifications to the Crudine Ridge Wind Farm. You would have our detailed assessment report of the modification, so I don't propose to go through that in a lot of detail and certainly I would be happy to answer specific questions that you may have on that, but I will, I guess, outline some of the background, some of the context for the project and some key aspects of our assessment findings and then we can perhaps
45 have a discussion or if you've got any questions on that going forward.

MR DUNCAN: That's good. Thank you.

MR YOUNG: So the Crudine Ringe Wind Farm was approved by the former planning assessment commission. I think it was in 2016, following a full and comprehensive assessment process involving the usual sorts of public consultation processes both by the department and by the Planning and Assessment Commission at the time. CWP Renewables is the proponent for the project. They are, obviously, a renewables energy – renewable energy company that do have a number of projects within New South Wales that have been either constructed or approved or seeking approval. So they're a relatively large player in the renewable market in New South Wales.

10 The Crudine Ridge Wind Farm was originally approved under the state legislation with 77 turbines. The project required approval also at the Commonwealth level under the EPBC Act, a separate approval, and for various reasons that I won't go into now that the Commonwealth governor or the Minister for the Environment at the Commonwealth level, Josh Frydenberg at the time, approved the project, but only with 37 out of the 77 turbines that were approved under the state jurisdiction. Hence, I think that's one of the key modifications to the approval or the state approval of that – that CWP Renewables is proposing to make so that it aligns then with the state approval and the Commonwealth approval both with providing 37 – the ability to construct and operate 37 turbines on the site.

20 So that's some of the – the, I guess, approvals history. 77 turbines, obviously, there was other ancillary aspects to the project, including a transmission line and various road upgrades. In particular, a road upgrade for Aarons Pass Road, which was the key access road to the site. I think you've got it there even on the first page of the report there, showing Aarons Pass Road as the main access point from the Castlereagh Highway. So the approval was granted in 2016.

30 There's various management plans, etcetera, required under the state approval. Those were submitted and approved and CWP Renewables then, in the middle of last year, around August last year, as I understand it, commenced construction of the wind farm and, in particular, commenced some clearing activities on Aarons Pass Road to enable the agreed upgrades to be constructed to allow – which would then facilitate the access to the site by the over-dimensional vehicles via Aarons Pass Road.

35 That was subject to section 138 approval under the Roads Act by the Midwestern Regional Council. At that time, the community raised some concerns about the nature and extent of the clearing and whether it was fully consistent with the approved or the approval for the project. From a compliance perspective, the department investigated that matter and lost – the department considered there was no non-compliance with – at that stage. It was clear that the amount of clearing, if it continued to occur along the other parts of Aarons Pass Road, may well exceed the amount of clearing that was envisaged in the original assessment for the project and, as a result of those investigations, CWP voluntarily stopped clearing along the road and hasn't recommenced that clearing since August of last year.

Attached to that also, there was some concerns about construction commencing on the site itself at the wind farm and the department also undertook a compliance investigation in that regard and actually fined the company for commencing construction of the wind farm itself, as the conditions required Aarons Pass Road upgrades to be completed prior to construction on the site itself and, based on a voluntary undertaking, the company has also ceased construction of the wind farm itself. So, apart from maintenance activities on the site, CWP Renewables has ceased construction of the wind farm now since, I think, before Christmas. So almost six months now, which brings us, I guess, to our – if that’s kind of clear from a background perspective, Peter and Peter?

MR DUNCAN: Yes. Yes.

MR YOUNG: Which brings us to, I guess, the modification and the process we went through in that regard. So it was as a result of those compliance activities and those concerns raised by the community, it was clear that the company either needed to design the road such that it would meet the clearing limits or – not limits, but the amount of clearing envisaged in its assessment or, if it was unable to do that, that it would lodge then a modification to potentially increase the amount of clearing in order to design the road to facilitate the access to the site, and that’s obviously what they have elected to do, is lodge a modification application. We exhibited that earlier in the year. We received 242 submissions.

The majority of those were supporting of the modification, really, for reasons such as improving road safety, because the roadworks would improve certain aspects of Aarons Pass Road and, obviously, economic and social sort of benefits associated with the construction and operation of a large-scale wind farm. We did receive, I think – I think it was 98 objections. Is that correct? 98 objections raising a range of concerns, some of which relate to the approval of the original project and others which relate to, you know, the concern about clearing more vegetation along the road and also concerns about the reduction of the number of turbines on the site and claim that that would also reduce biodiversity impacts.

So there was a range of concerns raised in those objections. The department also held a community information meeting during its assessment process, in Pyramul Hall, which I think is where you’re proposing to have your meetings shortly, and so we did, I guess – we feel that we’ve undertaken detailed consultation. We’ve visited the site. We’ve met with some individual landowners who had concerns who lived close to the proposed windfarm, and we’ve captured those concerns and, we believe, addressed those concerns in our assessment.

At the end of the day, really, the fundamental aspect of the modification is really to allow a road design that is capable of enabling the oversized and overdimensional vehicles, particularly the turbine blades, to access the site and a recalibration, I suppose, of the road design and the associated clearing that’s going to be necessary in order to facilitate that. Now, the company has indicated that it has – it has worked with engineers and ecologists to minimise the amount of clearing, and so we believe

that the original assessment indicated that that clearing ought to not exceed about one and a half hectares, and the company, I think, originally, when this issue came to light last August, said that they would need to clear up to 11 hectares, but, through a detailed design process with, as I said, engineers, including council and ecologists, they've been able to propose a design that is around six and a half hectares.

So around about a five-hectare increase from what we say is what the original assessment envisaged in terms of the area of clearing. So in terms of additional impacts associated with the modification, really, we're talking about five hectares of additional clearing along Aarons Pass Road. That was the idea between, I guess, largely what was approved and what now they're seeking approval. Obviously, they're reducing the number of turbines, but that's a reduction of impacts, as opposed to an increase in impacts. So that's really the main change that they're making. So I guess our view is that, you know, through consultation or considering their assessment and liaising with and seeking advice from Office of Environment and Heritage, the assessment indicates that the additional clearing would not result in any significant impacts on threatened species or EECs and, whilst there would be some impacts on other communities, that those impacts are not so significant that the modification ought not to be allowed to proceed.

Obviously, if the application is not approved, then it does mean that – it does make it very difficult for the future of the – the ability for the proponent to deliver the project because, essentially, they're saying that to have a compliant road design, they need to clear, essentially, the six hectares, and they can't reduce it any more, and during – the other aspect that's important to note is that, during the assessment of the original project, they looked at a number of other options to access the site. Those other options were – also had their own issues, either with noise adjacent and disturbance of residence, some fundamental problems with certain types of crossings.

So they would need to do upgrades or various sort of bridges and other infrastructure, and there was also – and council's position was that they favoured the Aarons Pass Road as the best option, amongst others, and that, subject to upgrading to address some aspects of the road design, the lack of suitability of the current road, then that was the best option. So I guess, you know, we consider that the additional five hectares in the scheme of the assessment and allowing the project to proceed is not unreasonable.

And, of course, in accordance with the offsetting policies in New South Wales, there would be an obligation to offset those impacts of the additional five hectares of clearing, and, as part of the original approval, there was a very large land-based offset required to be set aside for conservation purposes, I think, of 674 hectares or thereabouts, and my understanding is that the – that that's locked in, and they're proposing to offset in addition – or propose additional offsets to that which was already approved to offset the additional five hectares. One of the concerns of the community was that they – that the reduction of 40 turbines and then the associated reduction in clearing and other impacts associated with that would be used as a basis for then offsetting the clearing on the road.

MR DUNCAN: Right.

MR YOUNG: And we've made that clear. And, certainly, in our recommendations
5 is that that be treated separately, in the sense of the five hectares along the road
should be offset separately, in addition to the existing offsets.

MR DUNCAN: Okay.

MR YOUNG: So, look, I think, in a nutshell, that's, I guess, the basis of our
10 assessment. We also do note that there are a number of people who put in
submissions and, indeed, presented at the community information session who did
raise concerns about the need to ensure road safety and the need to ensure that the
road is upgraded to be safe prior to its construction recommencing and that, whilst
15 there would be some additional clearing – that the road safety aspects and the access
to the site to facilitate the development of the project were things that outweighed
those concerns about the additional clearing. So, whilst there has been a long history
to this project and, you know, a relatively large number of submissions, both for and
against, for the modification, we consider it actually boils down to some fairly simple
20 an additional five hectares of vegetation along the roadside to be cleared to facilitate
the development and to improve road safety for the local residents in the community.

MR DUNCAN: Okay. Thank you.

25 MR YOUNG: Did you have anything else you wanted to add?

MR S. O'DONOGHUE: Not really. I guess the only other – in terms of – Steve
O'Donoghue, director of resource and energy assessments. Just in terms of the
offsetting as well, there is – apart from the vegetation, there is offsetting
30 requirements for species, impacts on a number of species ecosystem credits under the
BC Act, which we've already incorporated into the conditions of – recommended
conditions for the project as well, just to point that out.

MR DUNCAN: Okay. Thank you.
35

MR YOUNG: So there are a couple of threatened species – individual threatened
species, plants, along the road, and there's obviously some concern of some members
of the community about that.

40 MR DUNCAN: Yes.

MR YOUNG: OEH has been out there to look very carefully at that with their
ecologists, and, for one of those species, we're looking at a translocation and a
transplantation program. One of the other species, that's probably not suitable. So
45 there would be a direct impact on that species.

MR P. COCHRANE: Well, that is highly localised.

MR YOUNG: Highly localised and - - -

MR COCHRANE: It only occurs in a 70-metre area

5 MR YOUNG: That's right. That's right. And there was some debate about, you know, what the actual species was, and, you know, whether it was a locally – local version of the species, etcetera, but OEH essentially looked at those things and, in the scheme of things, considered that the clearing of those individual plants would not result in a significant impact on the particular threatened species.

10 MR DUNCAN: Good. Thanks, Mike. Just a clarification on the road safety issue that was brought up. Is it the current road safety, during-construction road safety or post-construction road safety?

15 MR YOUNG: All of the above.

MR DUNCAN: All of them.

MR YOUNG: Yes.

20 MR DUNCAN: So there's obviously a concern about the road is not safe now.

MR YOUNG: Correct.

25 MR DUNCAN: Okay. So there – some people see it as an opportunity.

MR YOUNG: Yes.

MR DUNCAN: And it's the most important aspect for the project for them.

30 MR YOUNG: Yes.

MR DUNCAN: Okay.

35 MR YOUNG: Indeed.

MR DUNCAN: Okay.

40 MR YOUNG: Our view, obviously, is we need to manage the construction period and then, obviously - - -

MR DUNCAN: Yes.

45 MR YOUNG: - - - the operational period - - -

MR DUNCAN: Yes.

MR YOUNG: - - - and I guess both the council and us, you know, we – and, obviously, the local residents are of the view that it needs to be upgraded for those purposes, but there is the tangential benefit or the benefit that would happen regardless of the project.

5

MR DUNCAN: All right. Peter, do you have some questions?

MR COCHRANE: I notice the biodiversity credits are largely a result of the fauna species, I think, rather than the flora, even though the flora figure quite large in the assessment report, and they must be, presumably, dependent on hollows as well. A number of those species would be, and I'm – the assessment report says there's 150 hollow-bearing trees that would be removed. So I'm just wondering do we know what proportion of the overall total that is. Is that a very large proportion of the available hollow-bearing trees, or is it a small proportion?

10
15

MR O'DONOGHUE: We would have to get that information for you too - - -

MR COCHRANE:

MR O'DONOGHUE: - - - the total number of – total number of trees, but it's driven – it's largely driven by the area, rather than the habitat trees per se. So it's the condition – in terms of doing – running the calculator - - -

MR COCHRANE: Yes.

25

MR O'DONOGHUE: - - - it's – the number of hollow-bearing trees doesn't come into it. It's more the conditions they – of the community, and the type of community sort of drives the species credits.

MR YOUNG: And whether those particular vegetation communities are potential habitat for those particular species, as opposed to them being present, and therefore, on that basis, part of the credits that need to then be retired include both ecosystem and then species credits.

MR COCHRANE: Yes. Right.

MR O'DONOGHUE: I think, in this – for three of the species here, they're included because they – the surveys were undertaken outside the area. So, from a conservative point of view, they assume that the species were present, but they weren't observed in any surveys because it was outside – outside the season.

40

MR YOUNG: I should say that part of the issue and part of the recommendations in our – the conditions that we would seek the consent authority to impose involve quite detailed surveillance of the clearing activities, you know, in the sense of ensuring that, you know, where possible, things get locked instead of cleared, where hollow-bearing trees can be avoided, that they are avoided, that there is a revegetation process, there's an offsetting process.

45

5 And there's also strict parameters around ensuring that they record and calculate and monitor the area of clearing so that it's no greater than what was approved and so that's going to be one of the challenges for the compliance aspect of this, you know, post, you know, the construction period to ensure that those matters are adhered to, and that the company adequately demonstrates that to the satisfaction of the department that those things had been properly done.

10 MR DUNCAN: Sure, and I guess the way they clear it too by leaving some of the material behind and things like that, that sort of - - -

MR YOUNG: Yes.

15 MR DUNCAN: The one on figure 5 sort of just taking it all out, but, you know, there could have been things left on the ground and stuff like that, I suppose

MR YOUNG: I think once you visit the site, you will see that there's actually a lot of material been left on the ground.

20 MR DUNCAN: Is there? Okay.

MR YOUNG: Yes, yes, for those purposes.

MR DUNCAN: Yes. Okay.

25 MR YOUNG: But there is – there's a whole process where they go through and do pre-clearing surveys to look at whether there's any particular fauna present.

MR DUNCAN: Okay.

30 MR YOUNG: Whether they can – if there are fauna present, do they need to capture those and then, you know, release them elsewhere and manage that, and in terms of tree hollows, etcetera, there would be a requirement to establish suitable habitat through leaving certain material behind on the site, you know, etcetera, and replanting.

35 MR DUNCAN: Okay. Good. Good. Peter?

MR COCHRANE: Okay. I mean, seeing the site will be the - - -

40 MR DUNCAN: Yes. I think it's important for us to see the site.

MR YOUNG: Yes. I think you will – yes. Yes.

45 MR COCHRANE: What's the length of the turbine blades? Are they 75 metres

MR YOUNG: No. So - - -

MR COCHRANE: not that long?

MR YOUNG: The original indication was that they would be, I think, 63 metres.

5 MR COCHRANE: Okay.

MR YOUNG: There is a concern that – anecdotally, that the company is proposing to increase those to 67 metres. Now, the consent doesn't regulate the length of blade. It regulates the height of the turbine at 160 metres, so my understanding is there's no
10 change of 160 metres, but within reason, you know, companies, when they're developing these wind farms, you know, if the blade length does alter marginally, it's not something that the department would seek to regulate or we could consider those minor changes in blade length to be generally in accordance with what was approved. Now - - -

15 MR COCHRANE: But, of course, it's blade length that determines the road-clearing requirements.

MR YOUNG: Well, no. I don't think the issue of four metres on a 67 metre blade –
20 63 or 67 metre blade with a truck and low loader, etcetera. It's something you could ask the company in terms of the difference, but the additional five hectares is not as a result of the - - -

MR DUNCAN: The blades.

25 MR YOUNG: Of slightly longer blades.

MR COCHRANE: Just on that, the reduction in turbines, is there – is it necessary to have a modification for that issue alone or is that simply - - -

30 MR YOUNG: Well, they could seek to – they're essentially removing, wanting – seeking it to remove a development right.

MR COCHRANE: So it - - -

35 MR YOUNG: To put it beyond doubt.

MR COCHRANE: Okay. So that's them – that's the applicant really clarifying the situation.

40 MR YOUNG: That's right.

MR COCHRANE: Okay.

45 MR YOUNG: And we're supportive of that in the sense of it does provide certainty for all stakeholders that this is all that there are – and there's no inconsistency between the different jurisdictions.

MR COCHRANE: So an opportunity in this modification - - -

MR YOUNG: Now, arguably, they would need to comply with both approvals, in which case, in practice, they would only be able to construct 37 turbines.

5

MR COCHRANE: Yes. Yes. Okay. Okay. So, you talked – in the assessment report, mentioned the – there was a possible question of the reduction of clearing because of the smaller number of turbines playing into this for the road clearing, but the EBPC – according to the assessment report, the EBPC rejection, if you like, of the 77 was on social and amenity impacts, not on - - -

10

MR YOUNG: That's right.

MR COCHRANE: - - - clearing.

15

MR YOUNG: That's right.

MR COCHRANE: So it's a kind of different issue.

20

MR YOUNG: Yes.

MR COCHRANE: Do you know what's on the ridge, what is being cleared? It must be woodland of some sort.

25

MR YOUNG: Well, once you see the site, you will see that it's the – the site for the wind farm itself is largely cleared. There are clearing involved with both the turbines, the cabling between the turbines, the access tracks and the transmission line, but both the planning assessment commission and the Commonwealth – well, certainly the Planning Assessment Commission approved on the basis of 77 turbines and the appropriate offset for that being that 674 hectare offset. The issue of the potential impacts on biodiversity, particularly in regard to matters of national environmental significance, so those EBPC listed species, was not something that was determinative in the reduction of turbines. It was clearly for social and amenity impacts on nearby neighbours.

30

35

MR COCHRANE: Yes.

MR YOUNG: There is a question as to – or it would be fair to say that, under most assessments done at the Commonwealth level, it focuses on matters of national environmental significance, which are obviously listed there, being mostly biodiversity in this case, and it's not typical that a decision would be made at that level for grounds other than potential impacts on matters of national environmental significance.

40

45 MR COCHRANE: No. That's interesting.

MR DUNCAN: It is interesting.

5 MR COCHRANE: And the – so the submissions on this revised – or comments on this revised proposal don't seem to be as strong a set of objections to the revised project. So there's a difference between, I guess, the number of people that presumably objected to the 77 and those that are now kind of comfortable enough with the

10 MR YOUNG: Well, although that – I agree. That being said, the local residents who were very concerned about the original proposal and who, as a result of the removal of 40 turbines, would arguably have significantly less impacts – amenity impacts on them - - -

MR COCHRANE: Yes.

15 MR YOUNG: - - - have still and are still objecting to the current modification.

MR COCHRANE: Okay. Right. Because there seems to be quite an aggregation of houses more to the north of the project site.

20 MR YOUNG: Yes. Yes.

MR COCHRANE: By looking at the – where the sort of buildings are. I'm assuming they're residents. It's not entirely clear, but I would presume that that's - - -

25 MR YOUNG: The majority of concerns being expressed in terms of local residents to the proposal tend to be to the – directly to the west of the project.

MR COCHRANE: To the west. Okay.

30 MR YOUNG: Not to the north.

MR COCHRANE: Okay. Because there's a few to the east as well.

35 MR DUNCAN: So over this – on - - -

MR YOUNG: Correct. On Sallys Flat Road.

MR DUNCAN: Diagram on figure 3, that area there.

40 MR YOUNG: Yes. That's correct.

MR DUNCAN: And they – I assume they look back - - -

45 MR YOUNG: That's correct.

MR DUNCAN: - - - towards the site. Yes.

- MR YOUNG: And so where you had the turbines all the way along that string - - -
- MR DUNCAN: Yes.
- 5 MR YOUNG: - - - obviously, there's a cluster of turbines that has been removed and a number of those properties, obviously, were very concerned at the time.
- MR DUNCAN: Yes.
- 10 MR YOUNG: But they remain – they continue to object to the current modification.
- MR DUNCAN: Okay. And the compliance action, is that all complete?
- MR YOUNG: It's complete in the sense of - - -
- 15 MR DUNCAN: At every level, like Commonwealth or anybody else involved?
- MR YOUNG: Commonwealth has taken no compliance action, as far as I'm aware.
- 20 MR DUNCAN: Okay. Okay.
- MR YOUNG: It's complete in the sense of we're not proposing to take any further action unless there is reason to do so. However, at some point, the undertakings that the company has given to not commence construction will need to be lifted, I
- 25 suppose, but we would see that would be – those undertakings are contingent upon having upgraded Aarons Pass Road.
- MR DUNCAN: Next steps.
- 30 MR YOUNG: Yes.
- MR DUNCAN: And the compliance action was for that issue of starting work before the roadworks were done.
- 35 MR YOUNG: On the site. Yes.
- MR DUNCAN: Yes. Yes.
- MR YOUNG: That's right.
- 40 MR DUNCAN: Yes. Okay. I don't think I have any other questions, Peter. We really need to see it onsite and have the meeting. David, anything from your point of view?
- 45 MR D. KOPPERS: No.
- MR DUNCAN: Okay. Unless - - -

- MR COCHRANE: Sorry. One last question. Do we know the additional biodiversity credits that are listed because of the road clearing? Do we know what they – the specific requirement for that is they would need to just do that subsequently or - - -
- 5 MR YOUNG: Yes.
- MR COCHRANE: - - - does that need to be in place before - - -
- 10 MR YOUNG: No, they've got the conditions. They can retire those credits within two years - - -
- MR COCHRANE: Two years. Okay.
- 15 MR YOUNG: - - - of recommencing construction or from commencing construction, which was – where they started last August.
- MR COCHRANE: Okay. All right. That's - - -
- 20 MR O'DONOGHUE: Which I think is consistent with the current conditions in terms of these – it does take time to go through a process of securing those and then putting the necessary arrangements in place.
- MR COCHRANE: Yes. Okay.
- 25 MR DUNCAN: Great. Well, unless you've got something further, I think that's it.
- MR COCHRANE: No, that's it.
- 30 MR DUNCAN: We will close the meeting at that stage. Thank you.

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[12.14 pm]