



# ***Crudine Ridge Wind (Mod 1)***

*State Significant  
Development  
Modification Assessment  
(SSD 6697 MOD 1)*

May 2019

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# Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
BRC	Bathurst Regional Council
CIV	Capital Investment Value
CIP	Community Involvement Plan
Commonwealth	Commonwealth Government
Consent	Development Consent
Department	Department of Planning and Environment
DoI – L&W	Department of Industry – Lands and Water
EA	Environmental Assessment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
GWh	Gigawatt hours
ha	hectare
km	kilometre
LEP	Local Environmental Plan
m	metre
Minister	Minister for Planning and Public Spaces
MWRC	Mid-Western Regional Council
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RTS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
The Commission	Independent Planning Commission of NSW
TSC Act	<i>Threatened Species Conservation Act 1995</i> (repealed)



# Executive Summary

Crudine Ridge Wind Farm Nominees Pty Ltd, serviced by CWP Renewables (CWP), has approval to construct and operate the Crudine Ridge Wind Farm (the project). The project is located approximately 45 km north of Bathurst and 45 km south of Mudgee in the Central Tablelands of NSW.

The project was originally approved on 10 May 2016 by the Independent Planning Commission (formerly the Planning Assessment Commission) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) following a comprehensive assessment process. This approval allowed for the construction and operation of up to 77 wind turbines and associated ancillary infrastructure.

The project also required approval from the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1979* (EPBC Act). The project received Commonwealth approval on 4 April 2017 (EPBC 2011/6206). However, this approval only allows construction of up to 37 wind turbines. The remaining 40 turbines were not approved under the EPBC Act due to social (amenity) impacts.

CWP currently has approval to transport over-dimensional turbine components to the northern entry point of the site via a local road (Aarons Pass Road), subject to the completion of road upgrades to the satisfaction of Mid-Western Regional Council (MWRC). The existing conditions of consent require CWP to complete these upgrades prior to transporting any wind turbine components to the site. These upgrades were identified during the assessment of the project to facilitate safe access and delivery of over-dimensional turbine components to the wind farm. The safety of Aarons Pass Road was raised as a key issue of concern during the assessment of the project, and MWRC was supportive of the proposed upgrades given that they would also benefit the local community and residents on Aarons Pass Road by improving the safety of the road during both construction and operations.

Construction of the project commenced on 2 August 2018. This involved the commencement of clearing of approximately 0.3 hectares (ha) of vegetation at the eastern end of Aarons Pass Road. However shortly after construction commenced, the Department received several complaints from the local community in relation to the nature and extent of the clearing of vegetation approved for the road upgrades. In response, the Department initiated an investigation into the clearing and CWP voluntarily ceased further work on the road upgrades.

The Department's investigation found that the clearing undertaken by CWP did not exceed the estimated 1.54 hectares (ha) of vegetation clearing for the road upgrades as documented in the Preferred Project Report (PPR) for the original project.

However, CWP identified that it would need to clear more than 1.54 ha to implement the proposed civil works package required to satisfy MWRC's requirements for road safety.

The Department separately imposed a penalty notice of \$15,000 on CWP for breaching its conditions of consent by commencing construction on the wind farm site before completing the road upgrades on Aarons Pass Road.

All construction along Aarons Pass Road and at the site currently remains suspended.

## Proposed Modification

CWP is now seeking to modify the development consent (SSD 6697) for the Crudine Ridge Wind Farm. The key aspects of the proposed modification (Modification 1) include:

- a reduction in the maximum number of wind turbines from 77 to 37 to align the development consent with the Commonwealth (EPBC Act) approval; and

- a revised road design for Aarons Pass Road and associated increase in vegetation clearing by approximately 5.05 hectares (ha).

The proposed modification is to be assessed and determined under Section 4.55(2) of the EP&A Act.

The Independent Planning Commission is the consent authority for the purposes of Section 4.55(2) of the EP&A Act, as more than 25 public submissions by way of objection were received.

### **Engagement**

The Department publicly exhibited the modification application and accompanying Environmental Assessment from 5 December 2018 to 19 December 2018 and received 242 submissions, including 98 objections, 129 submissions in support of the proposal and 3 comments.

The Department also notified MWRC and Bathurst Regional Council, relevant Government agencies and previous submitters about the modification application.

The Department held a community information session in Pyramul in December 2018, which was attended by approximately 50 people, mostly comprised of local landholders and CWP employees or contractors in support of the modification.

While approximately 70% of submitters objecting to the proposal reside over 100 km from the project, 31 submissions were from residents within 5 km of the project site, of which 7 objected to the proposal.

Road safety was the most commonly cited issue with over 77 submissions supporting the modification based on improved road safety. Of the 10 owners of residences along Aarons Pass Road that made submissions, all referenced safety as the key concern, with eight residences indicating strong support for the modification. The broader socio-economic benefits of the project were also cited in the majority of submissions supporting the modification.

The key issues raised in community submissions objecting to the modification related to the increased biodiversity impacts and the adequacy and accuracy of the environmental assessment.

None of the government agencies objected to the proposal and instead provided advice regarding existing licences and titles and/or provided recommended conditions.

### **Road Design**

In regard to the revised road design, the Department has also closely consulted with MWRC to develop conditions relating to the proposed upgrades on Aarons Pass Road, and MWRC has advised it accepts the proposed amendments. MWRC is fully supportive of the upgrade of the road as it is necessary to manage road safety issues given the current condition of the road.

The proposed upgrade works are anticipated to take between 8-12 weeks to complete and would be scheduled and staged in consultation with MWRC as the applicable roads authority. In addition to the approval to modify the project, CWP must also obtain a new or revised section 138 approval under the *Roads Act 1993* for the road works from MWRC.

MWRC also advised that it continues to support the requirement to upgrade the road prior to the commencement of construction of the wind farm to ensure the safety of all road users.

### **Biodiversity Impacts**

In relation to biodiversity impacts, although the modification would result in a localised increase in vegetation clearing for the road, there would be a net reduction in clearing of 31 ha for the project as a whole due to the removal of 40 turbines and associated infrastructure.

The residual biodiversity impacts would therefore be limited to an additional 5.05 ha of clearing, as well as impacts to two threatened flora species (*P. cottonoester* and *A. meiantha*).

The proposed total disturbance to vegetation classified as Box Gum Woodland endangered ecological community for the project (as modified) would be within the approved limits identified in the development consent (i.e. no more than 5.7 ha of clearing of woodland and grassland) and Commonwealth approval (i.e. no more than 3.28 ha of clearing of woodland), and the Department has retained this clearing limit for the project in the development consent.

Both the Department and the Office of Environment and Heritage (OEH) accept that CWP has adequately sought to avoid and minimise the required clearing along Aarons Pass Road and that further avoidance of impacts is not achievable whilst still meeting the road safety requirements of MWRC.

The Department has also consulted with OEH to develop strengthened biodiversity conditions for the project to manage the residual biodiversity impacts associated with the additional clearing. These conditions include requirements to:

- adhere to revised operating conditions including vegetation clearing limits for the wind farm and the Aarons Pass Road upgrades;
- minimise impacts on threatened species including *A.meiantha* and *P.cotoneasteras* well as to minimise limb-logging of hollow bearing trees along Aarons Pass Road;
- retire the required biodiversity offset credits for the proposed modification within 2 years of the commencement of construction; and
- update the Biodiversity Management Plan for the project to include a translocation plan for *A.meiantha* and to include a detailed program to monitor and report on the effectiveness of the biodiversity measures, including a clear methodology to calculate and verify the clearing required for the upgrades on Aarons Pass Road.

Additionally, CWP would be required to offset the residual impacts of the modified project in accordance with the *NSW Biodiversity Offsets Scheme*. This would be in addition to the 674 ha biodiversity offset area already required to be secured under the development consent, despite the reduction in the number of turbines and associated clearing permitted under the Commonwealth approval.

Subject to these conditions, OEH has no residual concerns with the impact of the modification on biodiversity.

### **Other Matters**

The Department has also considered the other potential environmental and amenity impacts of the proposed modification in its assessment and considers that there would be no significant additional impacts compared to the approved project. In many instances, these impacts would be reduced due to the removal of 40 turbines and associated infrastructure. In this regard, the Department considers that the existing conditions are consistent with contemporary standards and would ensure matters such as erosion and sediment control, visual amenity, Aboriginal heritage, air quality and rehabilitation are appropriately managed to ensure adequate protection for the community and the environment.

While there is some opposition to the proposed modification from local landowners and special interest groups, this opposition primarily relates to the project as approved or compliance-related matters, which are not relevant to the Department's assessment of the merits of the application.

In this context, it is noted that any complaints and alleged non-compliances with the existing conditions of consent are subject to comprehensive investigation and regulatory action by the Department's compliance unit and by the Environment Protection Authority through regulation of the Environment Protection Licence for the wind farm. Importantly, the Department's compliance team would continue to have an ongoing role in monitoring and enforcing the conditions of consent in accordance with the Department's Compliance Policy, and specifically in monitoring the implementation of the road upgrades.

## Summary

As evidenced in submissions, there is also significant support for the proposed modification to improve road safety and allow for the recommencement of construction activities to ensure the financial viability of contractors and small businesses currently involved in the delivery of the project. In this regard, the modification is consistent with the objectives of the project as approved, whereby improving road safety on Aarons Pass Road was a key condition of approval and the use of Aarons Pass Road as the preferred transport route remains strongly supported by MWRC.

More broadly, the modification would allow the socio-economic benefits of the project to be realised. In this regard, the project would deliver a range of economic benefits, including up to 240 construction jobs, capital investment of up to \$200 million, and CWP's proposed funding contributions of up to \$168,000 a year through voluntary planning agreements with MWRC and Bathurst Regional Council.

The project as modified would continue to produce up to 135 megawatts of installed electricity capacity, which would produce enough energy to power about 56,700 homes. The project would also save around 363,500 tonnes of greenhouse gas emissions each year and contribute approximately 0.67% towards the national Renewable Energy Target of 20% by 2020.

Finally, the Department notes that various alternate access routes to the site were investigated during the assessment of the original project in consultation with the relevant road authorities including MWRC and in consideration of community submissions. This included assessment of the originally preferred alternate northern access route via Hill End Road, Windeyer Road and Pyramul Road to the site entry point on Aarons Pass Road. However, this route was subsequently discounted during the assessment of the project due to objections raised in submissions from both the relevant road authorities and the local community about road safety and capacity constraints.

Consequently, without the modification to enable the delivery of wind turbine components via Aarons Pass Road, the project is unable to proceed, and the benefits of improved road safety and the project are unable to be realised.

Given these benefits can be achieved without resulting in any significant additional adverse impacts on the environment or the local community, the Department considers that the proposed modification is approvable, subject to the imposition of the recommended revised conditions of consent.



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# 1. Introduction

Crudine Ridge Wind Farm Nominees Pty Ltd, serviced by CWP Renewables (CWP), has approval to construct and operate the Crudine Ridge Wind Farm (the project). The project is located approximately 45 km south of Mudgee and 45 km north of Bathurst on the Central Tablelands of NSW. The project is located in the Mid-Western Regional Council and Bathurst Regional Council local government areas (see **Figure 1**).

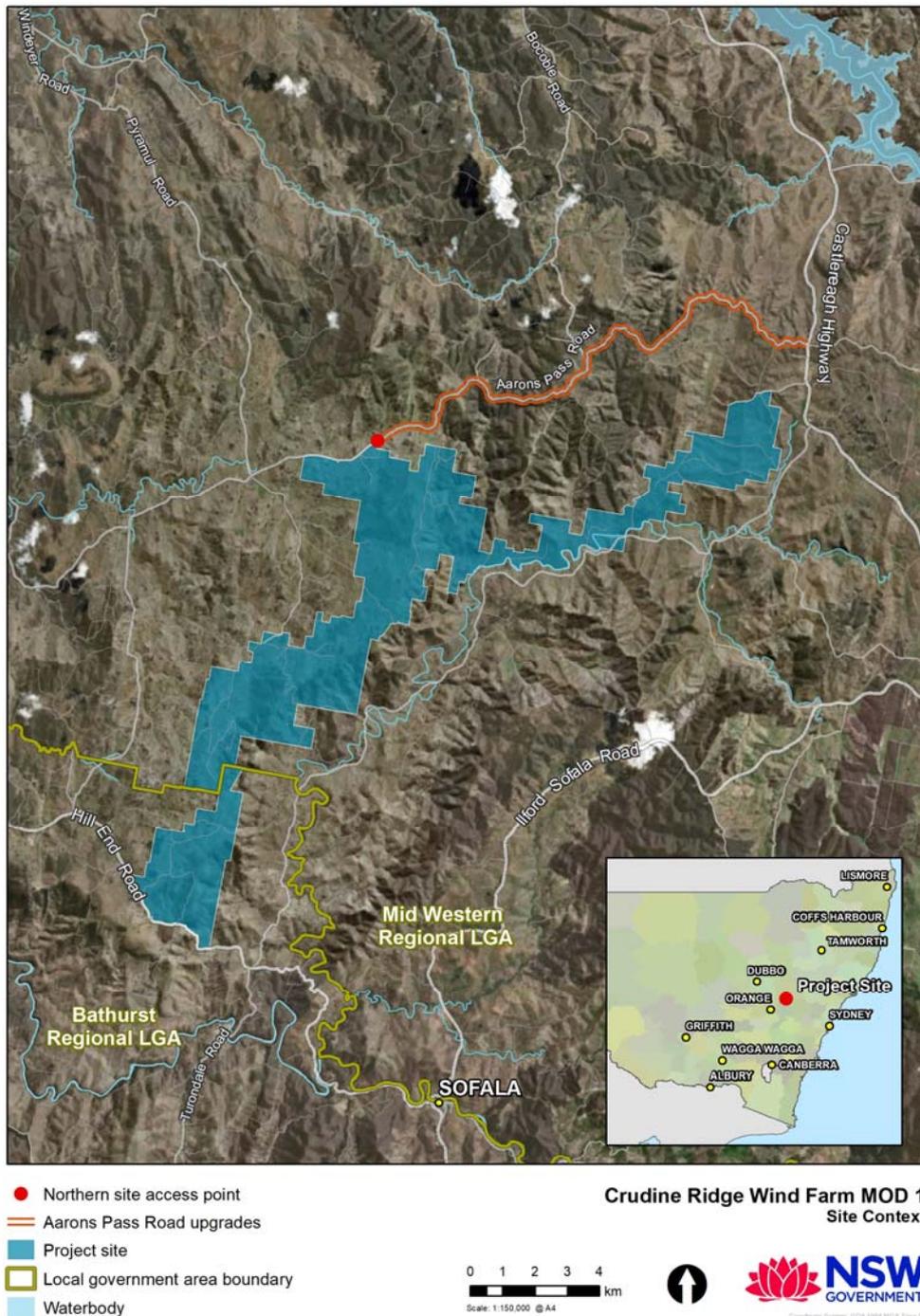


Figure 1 | Regional Location

## 1.1 Approvals History

The project was approved by the NSW Planning Assessment Commission (now Independent Planning Commission) in 2016 and allows for the construction and operation of:

- up to 77 turbines (up to 160 m in height), associated infrastructure and access tracks;
- a project substation, internal access tracks and transmissions cabling; and
- grid connection of the switchyard to Transgrid's existing 132 kilovolt (kV) transmission line.

The project also required approval from the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1979* (EPBC Act) as it was declared a 'controlled action' due to the potential for significant impact to listed threatened species, vegetation communities and migratory species.

The project received Commonwealth approval on 4 April 2017 (EPBC 2011/6206). However, this approval only allows construction of up to 37 wind turbines. The remaining 40 turbines were not approved under the EPBC Act due to social (amenity) impacts.

Construction of the project commenced on 2 August 2018.

## 1.2 Aarons Pass Road

As part of the initial construction works, CWP commenced road upgrades and associated vegetation clearing on Aarons Pass Road. Aarons Pass Road is an unsealed rural road which forms part of the approved access route to the site connecting the Castlereagh Highway (a State road) to the northern site entrance point located approximately 20 km to the west.

These upgrades were identified during the assessment of the original project to facilitate safe access and delivery of over-dimensional turbines components to the wind farm and are required to be implemented prior to the commencement of construction. The safety of Aarons Pass Road was raised as a key issue of concern during the assessment of the project, and MWRC was supportive of the proposed upgrades given that they would also benefit the local community and residents on Aarons Pass Road by improving the safety of the road during construction and operations.

Appendix 6 of the development consent includes a schedule of the proposed road upgrades and including adjustments to the horizontal and vertical alignment of the road, localised widening, installation of passing bays and culvert and drainage structures. These works are designed to enhance visibility, increase safe passing opportunities, improve the overall road alignment and condition and provide a safer roadway for all users during project construction and beyond.

Since the consent was issued in 2016, CWP developed a more detailed civil works package and improved road design for Aarons Pass Road in consultation with MWRC and was granted a section 138 approval for the works in July 2018.

Shortly after the commencement of works on 2 August 2018, the Department received several complaints from the community in relation to the nature and extent of clearing of vegetation on Aarons Pass Road. In response, the Department initiated an investigation into the clearing and CWP voluntarily ceased all works on the road upgrades on 21 August 2018.

The Department's investigation found that the clearing undertaken by CWP did not exceed the estimated 1.54 hectares (ha) of vegetation clearing for the road upgrades as documented in the Preferred Project Report (PPR) for the project. However, CWP identified that based on the proposed civil works package, it would require clearing of more than 1.54 ha.

The Department separately imposed a penalty notice of \$15,000 on CWP for breaching its conditions of consent by commencing construction before completing the road upgrades on Aarons Pass Road.

All construction along Aarons Pass Road and at the site remains suspended pending determination of the proposed modification.



## 2. Proposed Modification

CWP is seeking to modify the development consent (SSD 6697) for the Crudine Ridge Wind Farm. The modification is described in detail in the Environmental Assessment (EA) (see **Appendix B**), the Response to Submissions (RTS) (see **Appendix D**) and supplementary information provided by CWP (see **Appendix E**).

In summary, the modification involves two main components, including:

### 1. Project layout changes:

- A reduction in the maximum number of wind turbines from 77 to 37 and associated ancillary infrastructure to align the development consent with the Commonwealth approval.

This change would lead to a reduction in the overall footprint of the wind farm and associated biodiversity, heritage, noise and visual impacts attributed to the number of turbines and associated surface disturbance for the wind farm as assessed and approved under the development consent. There would also be reduced traffic impacts due to the reduced number of over-dimensional and construction material deliveries. The project layout showing the locations of the 77 turbines approved under the development consent is shown on **Figure 2**. The amended project layout is shown on **Figure 3**.

### 2. Revised road design for Aarons Pass Road:

- Revised road design for Aarons Pass Road to accommodate the delivery of over-dimensional components to the wind farm.

This change would lead to a localised increase in the total disturbance footprint and associated vegetation clearing for the road upgrades from approximately 1.54 ha to 6.59 ha (an incremental increase of 5.05 ha).

## 2.1 Project Layout

CWP is seeking to amend the development consent to reflect the number of turbines approved by the Commonwealth, and to provide certainty to stakeholders regarding the extent of the approved project.

The reduction in the number of wind turbines and ancillary infrastructure would reduce the overall disturbance footprint of the project as approved under the development consent. Although there would be a reduction of around 36 ha in overall vegetation clearing for the project (from around 105 ha to 69 ha), there would be a localised increase of around 5 ha in native vegetation clearing for the revised road design, as discussed below.

No changes are proposed to the turbine tip height (i.e. a total height of 160 m from ground to blade tip), the locations of the turbines (i.e. they would be constructed in locations previously assessed and approved, subject to micro-siting allowances) or the overall wind farm envelope.

The Department is aware that CWP are proposing to use blades that are 67 metres in length and not 63 m which was assessed in the project Environmental Impact Statement (EIS). The Department notes that vegetation clearance required along Aarons Pass Road is due to several factors, principally MWRC's road safety requirements including adequate passing bays and site distances. The road design also considers the delivery dimensions of the wind turbines. In this regard, the Department does not consider that the proposed change in blade length would result in any material difference to the extent of vegetation clearing that needs to occur on Aarons Pass Road to facilitate delivery of the wind turbines. Accordingly, the Department considers that the increase in blade length is consistent with the existing consent. In terms of regulating the turbine dimensions, the development consent does not regulate blade length, but it does set a limit for the height of the turbines which would remain unchanged at 160 m or less from ground to tip.

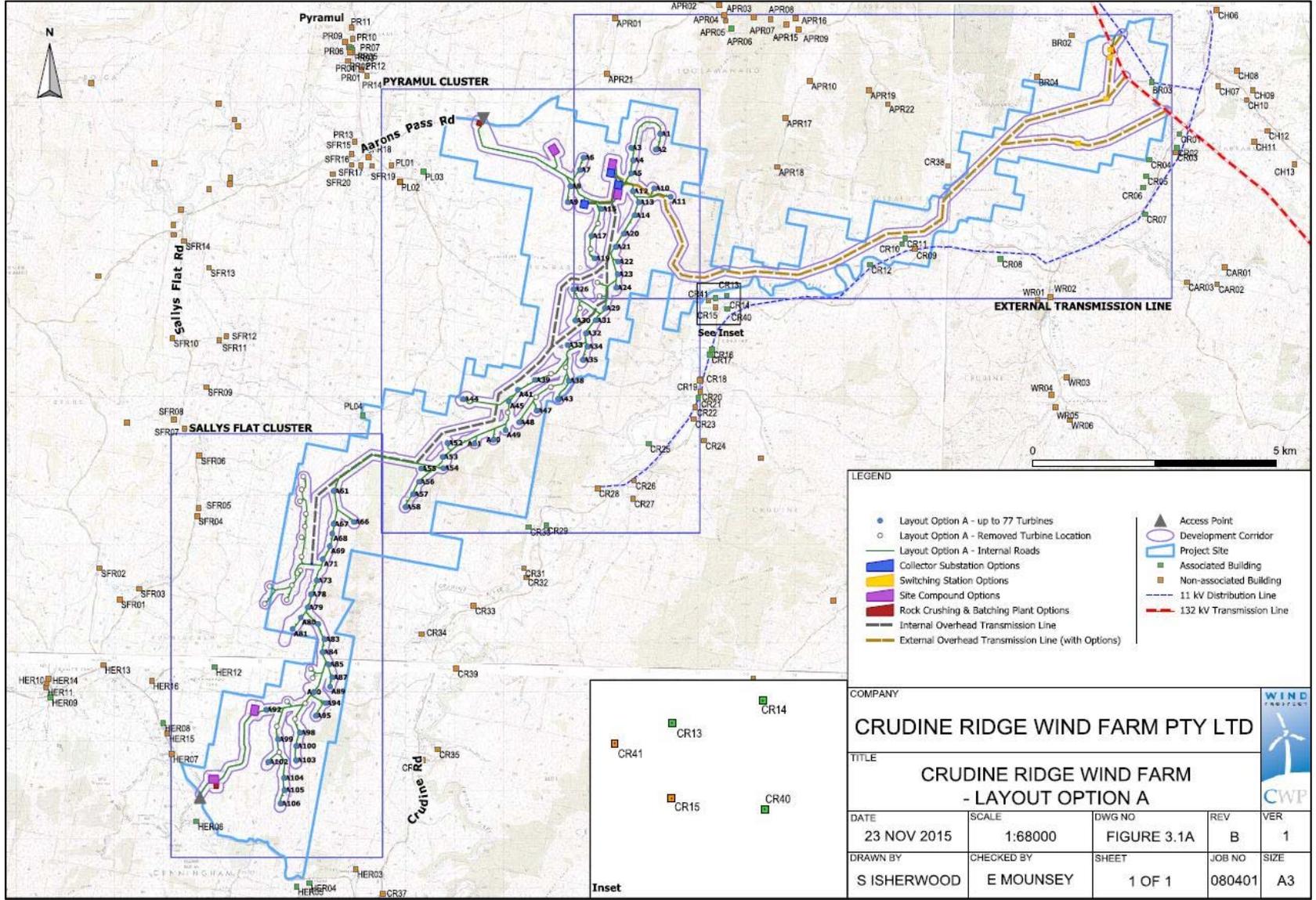
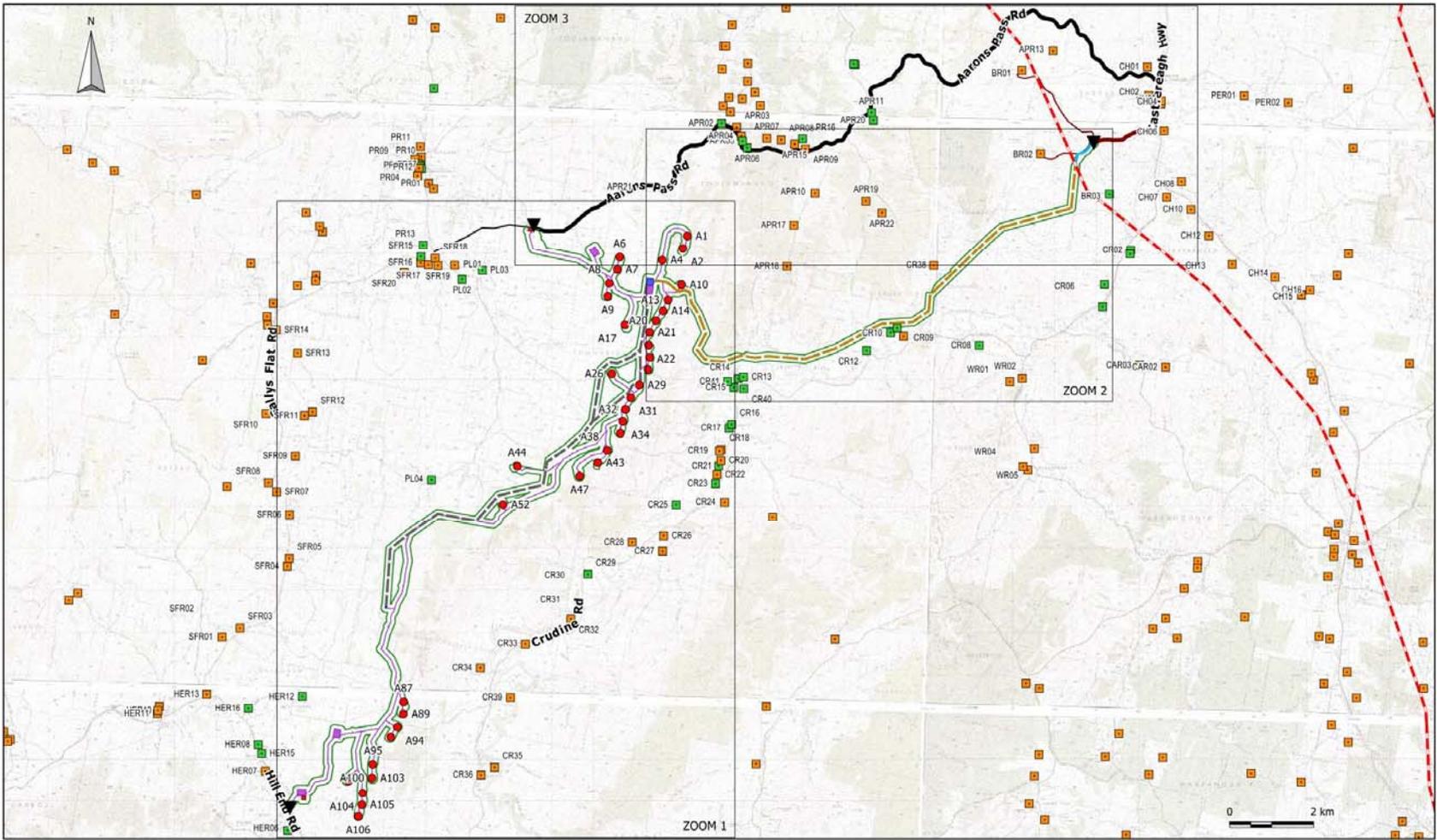


Figure 2 | Development Consent Layout



LEGEND	
● 37 WTG Micro-sited Layout	— Internal Overhead Transmission Line
○ Micro-sited Layout - Internal Roads	— External Overhead Transmission Line
■ Involved Residence	— 132 kV Transmission Line
■ Non-involved Residence	○ Development Corridor
— Aarons Pass Rd	■ Secondary Collector Substation
— Aarons Pass Rd Upgrade	■ Site Compounding Options
— Eldon Court laneway to switching station	■ Rock Crushing & Batching Plant Options
— Bombandi Rd	▼ Access Point
— Bombandi Rd Upgrade	

COMPANY		CRWF NOMINEES PTY LTD			
TITLE					
DPE OVERVIEW MAPS					
DATE	SCALE	DWG NO	REV	VER	
19 MAR 2019	1:89000	CRU311	A	2	
DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE	
B KRONENBERG	M BRANSON	1 OF 4	080401	A3	

Figure 3 | Modification Layout

CWP has also updated the project layout to reflect the transmission line connection agreed with Transgrid to its existing 132 kV line and the removal of a separate switching station now proposed to be embedded into the approved substation site within the wind farm envelope.

### 2.2 Revised Road Design

Aarons Pass Road currently provides access to properties in the Aarons Pass and Carcalgong areas. The existing road alignment is mostly comprised of curves and turns with undulations, primarily following the ridgeline. Some areas within the road reserve are comprised of exotic/cleared vegetation, whereas other areas contain remnant woodland vegetation (see **Figures 4** and **5**).



**Figure 4:** Aarons Pass Road – Remnant Woodland Vegetation



**Figure 5:** Aarons Pass Road – Cleared Vegetation

As discussed in Section 1, CWP initially developed a road works package based on the agreed scope with MWRC at the time the development consent was granted in 2016.

However, following further consultation with MWRC and review of the over-dimensional components available on the market, CWP identified that the requirements set out in the development consent were only the minimum set of requirements for the roadworks scope and a more detailed civil design package was required to meet the applicable Austroads Standards and MWRC's requirements for road safety.

The proposed revised road design would include passing bays spaced at approximate 1 km intervals and appropriate widening to allow for over-dimensional vehicle access.

In addition to the estimated 1.54 ha of clearing described in the PPR, the revised road design would require clearing of an additional 5.05 ha of native vegetation. The overall development footprint for the revised road design would be around 26.3 ha, comprising of 6.47 ha of native vegetation, 6.27 of exotic/cleared vegetation and 13.59 ha of the existing gravel road.

In preparing the modification, CWP considered alternatives to reduce the biodiversity impacts including the use of a 'javelin' trailer option. This option would involve the attachment of the blade to a specialised articulated trailer towed by a prime mover, which enables the blade to be raised and manoeuvred to avoid contact with obstacles along the transport route. However, javelin trailers require unimpeded overhead clearance in areas of restricted lateral movement, which would have resulted in additional clearing on Aarons Pass Road given the existing canopy cover across some sections of the road (see **Figure 4**).

CWP also considered the use of the original preferred northern transport route identified in the EIS involving Hill End Road, Windeyer Road and Pyramul Road. However as noted in the PPR, this route was discounted during the assessment of the project due to objections raised in submissions from both the relevant road authorities and the local community about road safety and capacity constraints.

The proposed upgrade works are anticipated to take between 8-12 weeks to complete and would be scheduled and staged in consultation with MWRC as the applicable roads authority. In addition to the approval to modify the project, CWP must also obtain a new or revised section 138 approval under the *Roads Act 1993* for the road works from MWRC.

Without the modification to enable the delivery of wind turbine components via Aarons Pass Road, the project is unable to proceed, and the benefits of improved road safety and the project are unable to be realised.



## 3. Statutory Context

### 3.1 Scope of Modification

The development was originally approved by the Independent Planning Commission (the Commission) (formerly the Planning Assessment Commission) on 10 May 2016 under Part 4 of the EP&A Act.

Section 4.55(2) of the EP&A Act allows for a development consent granted in this way to be modified by the consent authority if it is satisfied that the proposed project as modified is substantially the same as the project for which consent was originally granted.

The proposed modification does not seek to significantly alter the approved project as:

- there would be no change to the land associated with the wind turbines (i.e. the 'host' properties);
- the proposed revised road design is generally in accordance with the approved project;
- 40 turbines have been removed; and
- no changes to the turbine dimensions or locations (subject to micro-siting limits) are proposed.

Consequently, the Department is satisfied that the application can be characterised as a modification to the existing consent under Section 4.55(2) of the EP&A Act, as it would result in substantially the same project as the project for which consent was originally granted.

### 3.2 Consent Authority

The Commission is the consent authority for the purposes of section 4.55(2) of the EP&A Act, because more than 25 public submissions by way of objection were received during the exhibition of the application.

### 3.3 Objects of the Act

For Section 4.55 modifications, the consent authority should consider the objects of the EP&A Act when making decisions. The objects of the EP&A Act changed on 1 March 2018. The Department has assessed the proposed modification against the objects of the EP&A Act (see section 1.3 of the Act). The objects of most relevance to the decision on whether or not to approve the proposed modification are:

- Object 1.3(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;*
- Object 1.3(b): *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;*
- Object 1.3(e): *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;*
- Object 1.3(f): *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);* and
- Object 1.3(j): *to provide increased opportunity for community participation in environmental planning and assessment.*

The Department considers that the proposal would permit the continued proper management and development of the wind farm (Object 1.3(a)).

The Department has considered the principles of ecologically sustainable development (ESD, Object 1.3(b)) in its assessment of the proposed modification and given that there are minimal incremental impacts compared to the approved project, considers that the proposed modification is able to be carried out in a manner that is consistent with the principles of ESD and consistent with the determination of the approved project. The Department's assessment has sought to integrate all significant environmental, social and economic considerations.

Consideration of the protection of the environment and heritage (Objects 1.3(e) and(f)) is provided in **Section 5** of this report.

The Department exhibited the modification application and accompanying EA and made them publicly available (Object 1.3(j)). The Commission is also likely to hold a public meeting prior to determining the application.

### 3.4 Commonwealth Approvals

As noted in Section 1, the project operates under EPBC 2013/7606 that allows up to 37 turbines to be constructed. CWP consulted with the Commonwealth Department of Environment and Energy about the proposed modification. The Commonwealth noted that the modification would not exceed the total clearing limit of 3.28 ha of White Box – Blakeley's Red Gum – Yellow Box grassy woodland ecological community specified in the EPBC Act approval. The Commonwealth also noted CWP's self-assessment that concluded that the revised road design would not have a significant impact on additional matters of national environmental significance (including the two Commonwealth-listed threatened species, *Pomaderris reperta* and *Acacia meiantha*) within the revised footprint. The Commonwealth also noted that the final design would be required to be designed and implemented within the scope and conditions of the EPBC Act approval for the project and with the agreement and approval of MWRC.

Finally, the Commonwealth advised it has an active compliance monitoring program and CWP must ensure it implements the project in accordance with the EPBC approval conditions.

Consequently, CWP is not required to obtain any additional approvals under the EPBC Act to facilitate the changes proposed under this modification.



## 4. Engagement

### 4.1 Department's Engagement

The Department publicly exhibited the modification application and EA from 5 December 2018 until 19 December 2018 on the Department's website, the offices of MWRC and BRC, the Nature Conservation Council, and advertised in the Bathurst Western Times and Mudgee Guardian.

The Department also notified MWRC and BRC and relevant Government agencies. Previous submitters were also notified of the modification application and invited to make a submission.

The Department held a community information session at Pyramul Hall, Pyramul on 12 December 2018, which was attended by approximately 50 people, mostly comprised of local landholders and CWP employees or contractors in support of the modification.

Departmental assessment officers also inspected Aarons Pass Road in December 2018. An officer from the Department's compliance team separately visited the site in August, November and December 2018 as part of the compliance investigation into the clearing on Aarons Pass Road.

The Department’s consultation satisfies the requirements of the EP&A Act and Regulations regarding public notification requirements.

## 4.2 Summary of Submissions

In response to the exhibition, the Department received 242 submissions, including:

- advice from 6 government agencies;
- 6 submissions from special interest groups; and
- 230 submissions from the public.

A summary of submissions is provided in **Table 2**, and a full copy of the submissions is provided in **Appendix C**.

**Table 1** | Summary of Submissions

Submitters	Number	Position
<b>Government Agencies</b>	<b>6</b>	
<ul style="list-style-type: none"> <li>• Office of Environment and Heritage (OEH)</li> <li>• Mid-Western Regional Council</li> <li>• Roads and Maritime Services (RMS)</li> <li>• Department of Industry - Lands &amp; Water (DoI – L&amp;W)</li> <li>• Fire &amp; Rescue NSW</li> <li>• Environment Protection Authority (EPA)</li> </ul>		Comment
<b>Special interest groups</b>	<b>6</b>	
<ul style="list-style-type: none"> <li>• Crudine Ridge Environment Protection Group (CREPG)</li> </ul>	1	Object
<ul style="list-style-type: none"> <li>• Australian Wind Alliance</li> <li>• Central West Environment Council</li> <li>• Ryde Gladesville Climate Change Action Group</li> <li>• Rylstone Kandos Chamber of Commerce</li> <li>• Wellington Valley Wiradjuri Aboriginal Corporation</li> </ul>	5	Support
<b>Community</b>	<b>230</b>	
	98	Object
	129	Support
	3	Comment
<b>TOTAL</b>	<b>242</b>	

## 4.3 Key Issues – Government Agencies

The Department received advice from 6 government agencies. While none of the agencies objected to the proposed modification, several commented on aspects relevant to their regulatory responsibilities, including recommended conditions. These comments and recommendations are summarised below, and where relevant, considered in more detail in Section 5 of this report.

The **Office of Environment and Heritage** (OEH) is satisfied that the biodiversity development assessment report (BDAR) adequately assessed the biodiversity impacts of the modification as required by the Biodiversity Assessment Method (BAM). OEH representatives also visited the site and provided advice to CWP confirming that the plant species recorded on Aarons Pass Road which had been formally identified as *Pomaderris reperta* was *Pomaderris cotoneaster* (*P. cotoneaster*). OEH also advised it was satisfied with the vegetation mapping following the provision of additional information by CWP (see **Appendix E**) and the methodology used to calculate the clearing impacts.

OEH also recommended that the proposed translocation plan for *Acacia meiantha* (*A. meiantha*) should include striking of cuttings as an additional means of establishing plants for translocation. CWP incorporated this recommendation into an updated translocation plan and OEH had no further comments.

As *P. cottonoeaster* and *A. meiantha* are both listed as endangered under the EPBC Act, OEH also recommended that CWP should consult with the Commonwealth Department of Environment and Energy about the modification.

Finally, OEH advised it was supportive of CWP's commitment to offset any residual impacts through an additional offset liability, and that the consent conditions should be updated to reflect the new BC Act provisions and a requirement to update the Biodiversity Management Plan for the project.

**Mid-Western Regional Council** (MWRC) is fully supportive of the upgrade of the road, noting that the revised road design must be approved by Council prior to any works being undertaken through a new or amended section 138 approval under the *Roads Act 1993*. MWRC also advised that it continues to require that the upgrade of the road is undertaken prior to the commencement of construction of the wind farm to ensure the safety of all road users. The Department has updated and strengthened the consent conditions to include the indicative design parameters for the revised road design, and Council has advised it agrees with the proposed amendments.

MWRC also advised that it did not object to the proposed vegetation clearing subject to an adequate assessment of impacts and that any clearing is undertaken in accordance with an approved Biodiversity Management Plan.

Further, MWRC requested that CWP continue to consult with the community during all phases of the project to ensure the community has current and accurate information available. CWP has confirmed its ongoing commitment to work closely with the community, including via the Community Consultative Committee, community hotline, newsletters and media releases.

**Roads and Maritime Services** (RMS) does not object to the modification, subject to the existing conditions of consent. RMS notes that any proposed changes to the intersection of Aarons Pass Road with the Castlereagh Highway must be designed in accordance with the *Austrroads Guide to Road Design* and in consultation with RMS, as required by the existing consent conditions. Although no alterations to this intersection are proposed as part of the modification, RMS requested that this condition be retained pending the final revised design as agreed with MWRC. RMS also noted that the upgrades required for Bombandi Road, including the Bombandi Road and Castlereagh Highway intersection, would be completed prior to any further works on the transmission line and had no further comments on the proposed modification.

**Department of Industry – Lands and Water** (DoI – L&W) requested CWP provide further details on water demands of the proposed Aarons Pass Road upgrade and recommended CWP be required to develop a Soil and Water Management Plan and an Erosion and Sediment Control Plan for the project. DoI - L&W also advised that CWP should consult with Crown Lands and the Crown Land Manager prior to the commencement of construction. The Department notes the existing conditions of consent already require CWP to comply with several of these obligations including operating conditions relating to erosion and sediment control and ensuring that any activities are undertaken in accordance with the relevant guidelines, including the *Guidelines for Controlled Activities on Waterfront Land*. Water supply was considered during the assessment of the original project and the existing conditions require CWP to ensure that it has adequate, licensed water supplies for the project, including the road upgrades.

**Fire & Rescue NSW** (FRNSW) recommended that CWP be required to develop a Fire and Emergency Response Plan for the project. The Department notes that the existing conditions include provisions for responding to emergencies and bushfire risk, and that the modification would not increase these risks. CWP has advised that it has separately developed an emergency response plan for the project and that it would update this plan to reflect FRNSW's recommendations.

No concerns with the proposed modification were raised by the **Environment Protection Authority** (EPA).

## 4.4 Key Issues – Community

Of the 230 submissions from the public, 98 objected to the modification, 129 supported and 3 commented. Approximately 70% of submitters objecting to the proposal reside over 100 km from the project (see **Table 2**).

**Table 2** | Community Submissions

Submitters	Total	Object	Support	Comment
< 5 km	31	7	23	1
5 – 50 km	64	14	49	1
> 50 km	135	77 <sup>1</sup>	57	1
<b>TOTAL</b>	<b>230</b>	<b>98</b>	<b>129</b>	<b>3</b>

The Department has summarised the key issues raised in these submissions in **Table 3** and addressed these issues (where relevant to the modification) in Section 5.

**Table 3** | Summary of matters raised in community submissions

Issue	
Biodiversity	<ul style="list-style-type: none"> <li>increased clearing of native vegetation</li> <li>loss of endangered and vulnerable species</li> </ul>
Misleading / Inadequate Information	<ul style="list-style-type: none"> <li>misrepresentation of the amount of clearing along Aarons Pass Road (both undertaken and proposed)</li> <li>CWP misleading the community about the true purpose of the modification</li> <li>claim of reduced environmental impact is misleading as Commonwealth approval of 37 wind turbines overrides the development consent for 77 wind turbines</li> </ul>
Compliance	<ul style="list-style-type: none"> <li>compliance with the development consent (including turbine blade length)</li> <li>concerns about impacts of longer blades including associated biodiversity and amenity (visual, noise) impacts</li> </ul>
Community Consultation	<ul style="list-style-type: none"> <li>lack of adequate consultation with the surrounding land owners and local community about the wind farm</li> </ul>
Other	<ul style="list-style-type: none"> <li>increased dust generation during road upgrades</li> <li>objection to the project as approved (including concerns from some residents on Crudine Road about noise levels when construction commenced) and wind farms in general including ongoing concerns about depreciation of land values, noise impacts, visual impacts/changes in landscape character and increased bushfire risk</li> </ul>

The key issues of concern raised in the objections relating to the impacts of the modification are the increased clearing on Aarons Pass Road and associated biodiversity impacts.

More broadly, a strong theme in the objections related to the level of trust in the adequacy and accuracy of the environmental assessment and ongoing concerns about CWP’s compliance (or ability to comply) with the development consent. The compliance performance of CWP is not a determinative issue in the merit assessment of this modification. Any complaints and alleged non-compliances are subject to comprehensive investigation and regulatory action by the Department’s compliance unit and by the EPA through regulation of the Environment Protection Licence for the wind farm.

<sup>1</sup> Of these 77 objections, 69 were from submitters located more than 100 km from the project.

As noted in Section 1, the clearing undertaken by CWP on Aarons Pass Road was already the subject of an investigation, and the Department's compliance team would continue to have an ongoing role in monitoring and enforcing the conditions of consent, including the upgrades, in accordance with the Department's Compliance Policy. Under the existing conditions, CWP is also required to commission an Independent Environmental Audit of the project within 1 year of the commencement of construction (i.e. August 2019).

Several submissions also raised concerns about the relative reductions in environmental impacts stated for the proposed modification given the Commonwealth approval only allows for the construction of 37 turbines (i.e. the modification does not provide these benefits). The Department notes that whilst there would be an overall net benefit due to the reduction in turbines, the modification would result in additional biodiversity impacts that would need to be appropriately managed and offset as considered further in Section 5.1.

Approximately 30% of submissions raised concerns about the broader impacts of the project as approved or objected to the proposal without stating any specific concerns. While important, these issues are not relevant to the modification and were comprehensively assessed and considered by the Department and the Commission in the assessment and determination of the project.

In regard to community consultation, the Department notes that the Community Consultative Committee (CCC) has recently been re-established in accordance with the Department's *Community Consultative Committee Guidelines for State Significant Projects 2016* and it is expected that the CCC will continue to play an important role in facilitating ongoing engagement between CWP and the local community about the project. Further, as noted in Section 4.1, the Department adhered to the statutory consultation requirements and consulted extensively with the local community about the proposed modification through the public notification process and by holding a community information session.

#### 4.5 Key Issues – Special Interest Groups

Of the 6 submissions from special interest groups, 1 objected to the modification and 5 were in support.

The Crudine Ridge Environment Protection Group (CREPG) represents a group of concerned residents in the Crudine Ridge locality. The CREPG submission objected to the proposed modification and mostly reiterated several concerns that were raised and considered in detail in the merit assessment process for the project. Concerns were also raised about the characterisation of the modification with respect to the Commonwealth approval, the justification for the revised road design and the adequacy and accuracy of the environmental assessment undertaken to support the modification.

The Australian Wind Alliance, Central West Environment Council, Ryde Gladesville Climate Change Action Group, Rylstone Kandos Chamber of Commerce and Wellington Valley Wiradjuri Aboriginal Corporation were all supportive of the proposed modification. The submissions cited the road safety benefits of the modification to the local and regional community and were supportive of the advancement in turbine technology and overall reduced disturbance footprint. Further, these submissions provided support for the project more broadly in providing strong economic benefits to the community and local businesses, and in assisting NSW and Australia's transition away from fossil fuels to renewable energy.

#### 4.6 Response to Submissions

CWP provided a response to all matters raised in submissions (see **Appendix D**), as well as additional information during the Department's assessment (see **Appendix E**). The additional information included conceptual design drawings for the proposed road design and an updated BDAR to reflect a change in species identification for threatened flora.



## 5. Assessment

In assessing the merits of the modification application, the Department has considered the:

- existing conditions of approval;
- previous documentation associated with the original application for the project,
- EA, submissions, RTS and additional information for the proposed modification;
- relevant environmental planning instruments, policies and guidelines; and
- relevant provisions of the EP&A Act, including the objects of the Act.

A list of the key documents that informed the Department's assessment is provided in **Appendix A**. The following is a summary of the findings of the Department's assessment.

### 5.1 Biodiversity

#### Introduction

As noted in Section 2, the vegetation along Aarons Pass Rd comprises of both exotic and woodland vegetation, the latter of which contains habitat for threatened species and EECs. An example of the typical roadside vegetation is shown on **Figure 6**.



**Figure 6:** Roadside Vegetation

The proposed modification would increase the native vegetation clearing by 5.05 ha, of which 0.67 ha is EEC listed under the *Biodiversity Conservation Act 2016* (BC Act) and 0.32 ha of which meets the criteria for Critically Endangered Ecological Community (CEEC) under the EPBC Act.

The Department acknowledges that the construction of a maximum of only 37 turbines means that including the proposed additional clearing on Aarons Pass Road, there would be a net reduction of 31 ha in the total approved clearing for the project as a whole. However, it is noted that the project as approved only estimated clearing of 1.54 ha of native woodland vegetation along Aarons Pass Road (including 0.28 ha of EEC). It is also noted that CWP is not seeking to use the reduced clearing across the site as a way of offsetting the impacts of the modification but has separately assessed the increase in biodiversity impacts of the proposed additional clearing required for the revised road design.

The NSW Government's policies in relation to biodiversity impact assessment and offsetting have changed since the project was approved, including changes to the classification of native vegetation condition and the introduction of new procedures. The biodiversity impacts of the approved project were assessed and determined under the *NSW Biodiversity Offsets Policy for Major Projects* and the offset requirements were calculated using the Framework for Biodiversity Assessment (FBA) credit calculator.

The EA included a BDAR undertaken by Eco Logical Australia, which assessed the impacts of the clearing required for the revised road design prepared in accordance with the NSW Biodiversity Offset Scheme and the supporting Biodiversity Assessment Methodology (BAM). A revised BDAR was provided in the RTS which included updated survey results to address seasonal survey requirements for fauna species in accordance with the BAM.

OEH representatives also visited the site in January 2019 to inspect the road-side vegetation and threatened flora populations, which lead to a reclassification of one flora species. The BDAR was subsequently revised in February 2019 to reflect the identification of *P. cotoneaster* and not *P. Reperta*. *P. cotoneaster* is listed as endangered under both the BC Act and the EPBC Act.

### **Avoidance and Mitigation**

The existing conditions of consent include several avoidance and mitigation measures requiring CWP to:

- avoid impacts to known threatened flora species (i.e. Small-Purple Pea);
- minimise the approved clearing of native woodland vegetation and fauna habitat;
- clear no more than 5.7 hectares of Box Gum Woodland EEC;
- prepare and implement a comprehensive Biodiversity Management Plan; and
- implement a biodiversity offset strategy that includes securing a 674 ha offset area.

As noted in Section 2, CWP considered other transport alternatives to minimise vegetation clearing on Aarons Pass Road such as the use of a 'javelin trailer' to transport the blades, however this would have resulted in even greater biodiversity impacts due to the required clearing of canopy vegetation.

Both the Department and OEH accept that CWP has adequately sought to avoid and minimise the required clearing and that further avoidance of impacts is not achievable whilst still meeting the road safety requirements of MWRC.

The residual biodiversity impacts of the modification are discussed further below.

### **Vegetation Community Impacts**

Two Plant Community Types (PCT) are present along the length of Aarons Pass Road and have been mapped as PCT 277 and PCT 290.

The entire area of PCT 277 (0.67 ha) meets the criteria for the Endangered Ecological Community (EEC) '*White Box Yellow Box Blakely's Red Gum Woodland*', listed under the BC Act. Smaller patches of this PCT (0.32 ha, intact condition) also meets the criteria for CEEC '*White Box Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland*', listed under the EPBC Act.

In summary, the modification would increase the native vegetation clearing requirements for Aarons Pass Road by 5.05 ha, from 1.54 ha to 6.59 ha comprised of woodland/forest vegetation. The revised road design would increase the required clearing of EEC from 0.28 ha to 0.95 ha.

CWP has advised that the proposed total disturbance to Box Gum Woodland EEC for the project (as modified) would be within the approved limits identified in the development consent (i.e. no more than 5.7 ha of clearing of woodland and grassland) and EPBC Act Approval (i.e. no more than 3.28 ha of clearing of woodland<sup>2</sup>). It is recommended that the clearing limit for Box Gum Woodland be retained in the development consent.

**Table 4** | Vegetation Community Impacts

Native Vegetation Community/PCT	Conservation Significance	Approved Road Design	Revised Road Design	Difference (Direct Impacts)
Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion [PCT #277]	EEC	0.28	0.95	+ 0.67
Red Stringybark – Red Box – Long-leaved Box – Inland Scribbly Gum tussock grass shrub low open forest on hills in the southern part in the NSW South Western Slopes Bioregion [PCT #290]	-	1.26	5.64	+ 4.38
<b>Total native vegetation</b>		<b>1.54</b>	<b>6.59</b>	<b>+ 5.05</b>
<b>Total EEC</b>		<b>0.28</b>	<b>0.95</b>	<b>+ 0.67</b>

### Flora Impacts

Nine threatened flora species were identified as known, likely or having the potential to occur within the proposed disturbance area, with two of these identified and confirmed during field surveys.

*A. meiantha* (a small shrub commonly around 1.5 m high) occurs throughout a 1.5 km section of the proposed modification area and is listed as endangered under the BC Act and EPBC Act. *A. meiantha* occurs along the side of Aarons Pass Road and in adjoining bushland including within drainage swales, soil mounds and graded debris adjacent to the road. Germination of this species from seed can be stimulated by disturbance which explains its extensive occurrence within the graded soil banks on the roadside. *A. meiantha* occurs on both sides of the existing road, very close to the road surface, meaning there are limited options to further avoid impacts to this species. The proposed modification would impact up to 59 individual *A. meiantha*, some of which are proposed to be removed and translocated to a safe area to be identified in an updated Biodiversity Management Plan (BMP).

As noted above, one plant species formally identified as *P. cotoneaster* (a small flowering shrub) occurs in a single corner of the proposed road works area in close proximity to the road reserve, covering an area of approximately 70 m. *P. cotoneaster* is listed as endangered under the BC Act and EPBC Act. A number of *P. cotoneaster* individuals are within the blade swept path of the road upgrade and would not be directly impacted by vegetation clearing. Only one individual *P. cotoneaster* would be impacted by the revised road design and OEH has advised that it is not a species suitable for translocation.

CWP proposes to further minimise impacts through implementation of pre-clearance protocols, engagement of a qualified arborist to oversee vegetation clearing and pruning, dust mitigation and weed management. The Department has recommended revised consent conditions requiring CWP to ensure impacts are minimised to both species during the construction of the project.

The Department has also recommended a new condition requiring CWP to prepare a translocation plan for *A. meiantha* in consultation with OEH as part of the updated BMP.

CWP would also be required to fully offset the impacts on these species in accordance with the NSW Biodiversity Offset Scheme (see below).

<sup>2</sup> Note: The listing criteria differs between the NSW and EPBC Act regulatory systems.

## Fauna Impacts

Thirty-one threatened fauna species were identified from the data audit as known, likely or having the potential to occur within the development site area, with three of these identified and confirmed during the field survey namely *Artamus cyanopterus cyanopterus* (Dusky Woodswallow), *Daphoenositta chrysoptera* (Varied Sittella) and *Petroica boodang* (Scarlet Robin). All are listed as Vulnerable under the BC Act (not listed under the EPBC Act) and identified as ecosystem credit species. Threatened fauna habitat was also assessed, comprising mainly 150 individual hollow-bearing trees to be removed for the revised road design.

An updated BDAR was provided in the RTS, which reflected the results of additional targeted fauna surveys undertaken in December 2019 for seven threatened species credit species (Bush stone curlew, Gang-gang Cockatoo, Eastern Pygmy Possum, Squirrel Glider, Brush tailed Phascogale, Barking Owl, and Koala). No signs or observations were made for six of these species. However scratches on tree trunks and a possible Koala scat was found indicating that Koalas potentially utilise the habitat within the proposed modification area. Three of these species (the Glossy Black Cockatoo, Powerful Owl and Masked Owl) were also not able to be surveyed as the timing of the surveys were outside of the survey period. Therefore, all four threatened fauna species were presumed to be present, and species credits were calculated accordingly for these species.

Potential Koala habitat was assessed in accordance with State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) and the 'EPBC Act referral guidelines for the vulnerable Koala' (Department of the Environment [DoE], 2014). The impact area was not determined to be either potential or core Koala habitat in accordance with SEPP 44. The impacts to koala were also not found to be significant based on the EPBC Act referral guidelines, therefore, no further assessment under the EPBC Act was undertaken.

## Biodiversity Offset

**Tables 5 and 6** summarise the ecosystem and threatened species offset requirements for the revised road design.

**Table 5** | Ecosystem Offset Requirements

Vegetation community type (PCT name)	PCT ID	Credits Required
Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	277	16
Red Stringybark – Red Box – Long-leaved Box – Inland Scribbly Gum tussock grass shrub low open forest on hills in the southern part of the NSW South Western Slopes Bioregion	290	123
<b>Total</b>		<b>139</b>

**Table 6** | Threatened Species Offset Requirements

Threatened Species	Credits required
Glossy Black Cockatoo	154
Powerful Owl	154
Masked Owl	154
Koala	156
<i>A. meiantha</i>	5
<i>P. cotoneaster</i>	1
<b>Total</b>	<b>624</b>

CWP is proposing to supplement the existing biodiversity offset strategy for the project with an additional offset strategy to compensate for these residual biodiversity impacts.

The existing approval conditions require CWP to make arrangements for the establishment of a 674 ha land-based offset area. CWP has proposed to meet this requirement by establishing a biodiversity stewardship site through a Biodiversity Stewardship Agreement for the “Glen Maye” property, as identified in the development consent.

The enactment of the BC Act, which occurred after the granting of the development consent on 10 May 2016 and prior to the commencement of construction on 2 August 2018, means that the project is no longer able to establish a biobanking site through a biobanking agreement under the repealed *Threatened Species Conservation Act 1995* (TSC Act). However, Clause 22 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* provides that obligations to retire credits under the TSC Act become obligations to retire credits under the BC Act (where those TSC Act credits have not been retired by 25 August 2017).

Accordingly, the Department has recommended updating the consent conditions to reflect the changes in legislation and the proposed security mechanism for the existing offset liability.

The BAM Credit Calculator determined that the additional clearing associated with the modification would require a total of 139 ecosystem credits as well as 154 species credits each to offset the Glossy Black-Cockatoo, Powerful Owl, and Masked Owl. A total of 156 species credits would also be required for the Koala to offset any potential impacts.

Additionally, a total of five species credits are required to offset the impacts on *A.meiantha*, and one species credit is required to offset the impact on *P.cotoneaster*.

The NSW Biodiversity Offsets Scheme allows for the retirement of biodiversity offset credits to be achieved by several mechanisms (not just through land-based offsets), namely:

- acquiring or retiring ‘biodiversity’ credits within the meaning of the BC Act;
- making payments into an offset fund that has been established by the NSW Government; or
- funding a biodiversity conservation action that benefits the threatened entity impacted by the development.

## Conclusion

The Department considers that the impacts of the revised road design, and proposed offsets, are reasonable and there are limited opportunities to further avoid the residual impacts on roadside vegetation. Overall, the Department considers that the modified project could be undertaken in a manner that maintains the biodiversity values of the locality over the medium to long term, with the implementation of appropriate mitigation and offsetting measures.

The Department has also consulted with OEH to develop strengthened biodiversity conditions for the project to manage the residual biodiversity impacts associated with the additional clearing. These conditions include requirements to:

- adhere to revised operating conditions including vegetation clearing limits for the wind farm and the Aarons Pass Road upgrades;
- minimise impacts on threatened species including *A.meiantha* and *P.cotoneaster* as well as to minimise limb-lopping of hollow bearing trees along Aarons Pass Road;
- retire the required biodiversity offset credits for the proposed modification within 2 years of the commencement of construction; and
- update the Biodiversity Management Plan for the project to include a translocation plan for *A.meiantha* and to include a detailed program to monitor and report on the effectiveness of the biodiversity measures, including a clear methodology to calculate and verify the clearing required for the upgrades on Aarons Pass Road.

Importantly, the Department and OEH note that the existing offset commitments for the project would not be reduced in response to the reduced total area of clearing resulting from fewer turbines, representing a total reduction of around 31 ha including the new clearing for the revised road design. Notwithstanding, CWP is still required to secure a 674 land-based offset based on the original turbine configuration. The Department has strengthened the conditions by requiring this offset to be secured via a Biodiversity Stewardship Agreement within 2 years of commencing construction.

## 5.2 Other Issues

The Department’s consideration of other issues is summarised in **Table 7**.

**Table 7** | Other Issues

Issue	Findings	Recommended Condition
Aboriginal Heritage	<ul style="list-style-type: none"> <li>• A cultural heritage assessment of the revised road design was undertaken by NSW Archaeology Pty Ltd, and no Aboriginal or European heritage sites were recorded.</li> <li>• Surveys undertaken in 2013 for the original road upgrade design and in 2018 for the revised road design identified the area as being of low heritage potential, with no heritage constraints identified.</li> <li>• Under the existing conditions of approval, CWP is required to prepare and implement an Aboriginal Heritage Management Plan (AHMP) for the project and to ensure the project does not cause any direct or indirect impacts on Aboriginal heritage items outside of the approved disturbance area.</li> <li>• Should the modification be approved, CWP would be required to update the AHMP in consultation with OEH. The Wellington Valley Wiradjuri Aboriginal Corporation also indicated its support for the modification in its submission.</li> <li>• The Department considers that the proposed modification would not increase the Aboriginal heritage impacts of the development or require any changes to the existing approved heritage management regime, and OEH raised no concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with the existing conditions and no additional conditions required.</li> </ul>
Visual	<ul style="list-style-type: none"> <li>• The area around Aarons Pass Road close to the project is densely vegetated and the proposed vegetation removal is restricted to the area immediately within and adjacent to the existing road corridor.</li> <li>• Based on the viewshed analysis, the proposed increase in vegetation removal would not increase the visibility of the project from residences on Aarons Pass Road.</li> </ul>	<ul style="list-style-type: none"> <li>• No additional conditions required.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>• Two submissions from residences living on Aarons Pass Road raised concerns about potential dust emissions affecting road safety during the upgrade works.</li> <li>• The Department notes these issues were raised in the assessment of the original project and the existing conditions of approval require CWP to implement all reasonable and feasible measures to minimise the off-site dust emissions of the project.</li> <li>• Although the proposed modification itself would not generate increased dust, the Department notes that as part of the revised road design, CWP has committed to sourcing road base material from an alternative quarry source (Glenroy quarry) which has a higher strength and lower dust emissivity than the currently approved road design.</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with the existing conditions and no additional conditions required.</li> </ul>

Issue	Findings	Recommended Condition
Noise	<ul style="list-style-type: none"> <li>The types of construction vehicles and proposed construction hours would not change to that previously assessed as part of the construction noise assessment for the approved project.</li> <li>The operational noise assessment for the modified turbine layout also confirmed that the project would continue to comply with the strict criteria as set out in the existing conditions of consent.</li> </ul>	<ul style="list-style-type: none"> <li>Comply with the existing conditions and no additional conditions required.</li> </ul>



## 6. Evaluation

The Department has assessed the merits of the modification in accordance with the relevant requirements of the EP&A Act.

With the implementation of the amended conditions, the Department is satisfied that the modified project achieves a reasonable balance between allowing the safe delivery of over-dimensional components to the project site via the approved transport route and minimising the potential impacts on the local community and environment.

Notwithstanding, the Department acknowledges the ongoing concerns of some members of the local community about the impacts of the project and the localised increase in biodiversity impacts on Aarons Pass Road.

The Department has considered the potential biodiversity impacts of the modified project, and specifically the incremental change between the approved and proposed clearing on Aarons Pass Road, acknowledging that there would be a net overall reduction in clearing on 31 ha for the project as a whole.

In this regard, the Department and OEH accept that CWP has sought to avoid and minimise the residual biodiversity impacts of the revised road design as far as practicable based on the available over-dimensional transport options and refining the design to avoid known threatened flora species whilst still meeting the road safety requirements of MWRC.

The Department has worked closely with OEH to update the biodiversity conditions for the project, and both the Department and OEH consider that the recommended revised conditions of consent (including the additional offsetting requirements) would effectively manage and minimise any residual biodiversity impacts.

The Department has also considered the other potential environmental and amenity impacts of the proposed modification in its assessment and considers that there would be no significant additional impacts compared to the approved project. In many instances, these impacts would be reduced due to the removal of 40 turbines and associated infrastructure. In this regard, the Department considers that the existing conditions are consistent with contemporary standards and would ensure matters such as erosion and sediment control, visual amenity, Aboriginal heritage, air quality and rehabilitation are appropriately managed to ensure adequate protection for the community and the environment.

There is opposition to the proposed modification from some local landowners and special interest groups, this opposition relates in part to the additional clearing but also to the project as approved or compliance-related matters. Neither of these last matters are relevant to the Department's assessment of the merits of this application.

In this context, it is noted that any complaints and alleged non-compliances with the existing conditions of consent are subject to comprehensive investigation and regulatory action by the Department's compliance unit and by the Environment Protection Authority through regulation of the Environment Protection Licence for the wind farm. As is the case for all major projects in NSW, the Department's compliance team would continue to have an ongoing

role in monitoring and enforcing the conditions of consent in accordance with the Department's Compliance Policy, and specifically in monitoring the implementation of the road upgrades.

As evidenced in submissions, there is also significant support for the proposed modification to improve road safety and allow for the recommencement of construction activities to ensure the financial viability of contractors and small businesses currently involved in the delivery of the project. In this regard, the modification is consistent with the objectives of the project as approved, whereby improving road safety on Aarons Pass Road was a key condition of approval and the need for the upgrades and the use of Aarons Pass Road as the preferred transport route remains supported by MWRC.

More broadly, the modification would allow the socio-economic benefits of the project to be realised. In this regard, the project would deliver a range of economic benefits, including up to 240 construction jobs, capital investment of up to \$200 million, and CWP's proposed funding contributions of up to \$168,000 a year through voluntary planning agreements with MWRC and BRC.

The project is also consistent with the Commonwealth's *Renewable Energy Target* and the NSW *Climate Change Policy Framework* as it would generate approximately 420 gigawatt hours (GWh) of renewable energy per year over its operating life, equivalent to 56,700 homes annually, with estimated emissions savings in the order of 363,500 tonnes CO<sub>2</sub>-e per year.

Finally, the Department notes that various alternate access routes to the site were investigated during the assessment of the original project in consultation with the relevant road authorities including MWRC and in consideration of community submissions. This included assessment of the originally preferred alternate northern access route via Hill End Road, Windeyer Road and Pyramul Road to the site entry point on Aarons Pass Road. However, this route was subsequently discounted during the assessment of the project due to objections raised in submissions from both the relevant road authorities and the local community about road safety and capacity constraints.

Consequently, without the modification to enable the delivery of wind turbine components via Aarons Pass Road, the project is unable to proceed, and the benefits of improved road safety and the project are unable to be realised.

Given these benefits can be achieved without resulting in any significant additional adverse impacts on the environment or the local community, the Department considers that the proposed modification is approvable, subject to the imposition of the recommended revised conditions of consent (outlined in **Appendix G**). This assessment report is hereby presented to the Independent Planning Commission of NSW for determination.

Recommended by:

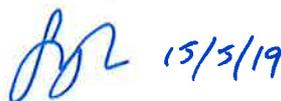


**Phillipa Duncan**

Team Leader

Resource and Energy Assessments

Recommended by:



**Steve O'Donoghue**

A/Executive Director

Resource Assessments and Business Systems



## 7. Appendices



## Appendix A – List of Documents

Crudine Ridge Wind Farm Modification 1 – Environmental Assessment, CWP, 2018

Crudine Ridge Wind Farm Modification 1 – Response to Submissions Report, CWP, 2019

Crudine Ridge Wind Farm Modification 1 – Supplementary Information, CWP, 2019

## Appendix B – Environmental Assessment

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9777](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9777)

## Appendix C – Submissions

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9777](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9777)

## Appendix D – Response to Submissions

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9777](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9777)

## Appendix E – Supplementary Information

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9777](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9777)

## Appendix F – Consolidated Consent

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9777](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9777)

## Appendix G – Notice of Modification

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9777](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9777)