

# Notice of Modification

## Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Member of the Commission



Member of the Commission

Sydney

21 June 2019

### SCHEDULE 1

The development consent for the Crudine Ridge Wind Farm (SSD-6697), granted by the Planning Assessment Commission, as delegate of the Minister for Planning, on 10 May 2016.

### SCHEDULE 2

1. In the list of definitions in Schedule 1, delete the definitions for 'Material harm to the environment' and 'TSC Act' and insert the following in alphabetical order:

BC Act	<i>Biodiversity Conservation Act 2016</i>
Clearing	Clearing of native vegetation as per the meaning in Part 5A of the <i>Local Land Services Act 2013</i>
Material harm	Is harm that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health and safety of human beings or to the ecosystems that is not trivial; or</li><li>• results in actual or potential loss of property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li></ul>
2. In the definition of 'Ancillary infrastructure', after 'electricity transmission lines' insert ', wind monitoring masts'.
3. In the definition of Minister, after the word 'Planning' insert 'and Public Spaces'.
4. In the definition of 'EA', delete '.' at the end of the last dot point and insert the following:
  - the documents submitted in support of the first application to modify the consent, including the *Environmental Assessment* dated December 2018, the *Response to Submissions* dated January 2019; and the *Supplementary Information* dated February 2019.
5. In the definition of 'EEC', delete 'TSC' and replace with 'BC'.
6. In the definition of 'Pre-construction minor works', in the fifth bullet point, after 'enabling works' insert ', wind monitoring masts'.
7. In condition 5 of Schedule 2, delete '77' and replace with '37'.
8. In condition 13 of Schedule 3, after 'commencement of operations', insert 'unless otherwise agreed by the Secretary,'.

9. In condition 18 of Schedule 3:
- delete the words 'OEH's' and 'DPI's'; and
  - after '(Landcom, 2004) manual', 'Fish Friendly Waterway Crossings (2004)' and 'Waterway Crossings (2004)' and 'Waterfront Land (2012)', insert ', or its latest version;'.
10. In condition 19 of Schedule 3, delete (a) and (b) and replace with the following:
- (a) ensure, unless the Secretary agrees otherwise, that no more than:
- 5.7 hectares of Box Gum Woodland is cleared for the development, including the 0.95 hectares that would be cleared for the Aarons Pass Road upgrades;
  - 5.64 hectares of Red Stringybark - Red Box - Long-leaved Box – Inland Scribbly Gum is cleared for the Aarons Pass Road upgrades; and
- (b) implement all reasonable and feasible measures to minimise:
- impacts on the Small-Purple Pea (*Swainsona recta*), *Acacia meiantha* and *Pomaderris cotoneaster*;
  - limb-logging of hollow bearing trees along Aarons Pass Road;
  - impacts on threatened bird and bat populations;
  - the approved clearing of native woodland vegetation and fauna habitat, including hollow-bearing trees; and

11. Delete condition 20 of Schedule 3, including the subheading 'Biodiversity Offset Strategy' and replace with the following:

#### **Biodiversity Offset Strategy - Wind Farm**

20. Within 2 years of the commencement of construction, unless the Secretary agrees otherwise, the Applicant must enter into a stewardship agreement under the BC Act for the enhancement and protection of the 674 Biodiversity Offset Area (see the figure in Appendix 5) in accordance with the biodiversity offset strategy described in the EA for the development.
12. Delete condition 21 of Schedule 3, and replace with the following:

#### **Biodiversity Offset - Aarons Pass Road**

21. Within 2 years of the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Tables 5 and 6 below.

The retirement of credits must be carried out in accordance with the requirements of the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- making payments into the Biodiversity Conservation Fund; and
- funding a biodiversity conservation action that benefits the threatened entity impacted by the development, consistent with the 'Ancillary rules: Biodiversity conservation actions'.

*Table 5: Ecosystem Credit Requirements*

<b><i>Vegetation Community</i></b>	<b><i>PCT ID</i></b>	<b><i>Credits Required</i></b>
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

*Table 6: Species Credit Requirements*

<b><i>Species</i></b>	<b><i>Credits Required</i></b>
Glossy Black Cockatoo	154
Powerful Owl	154
Masked Owl	154
Koala	156
<i>Acacia meiantha</i>	5
<i>Pomaderris cotoneaster</i>	1

13. In condition 22 of Schedule 3:
- delete 'Prior to the commencement of construction' and replace with 'Prior to carrying out further work on the upgrades on Aarons Pass Road after the date of approval of Modification 1';
  - delete 'shall prepare a' and replace with 'must prepare a revised';

- in (b):
  - delete:
    - 'minimising the amount of clearing within the approved development footprint as far as practicable, including clearing associated with the widening of Aarons Pass Road;
    - managing potential indirect impacts on threatened plant species, including the Small-Purple Pea (*Swainsona recta*);' and
  - replace with:
    - 'satisfying the requirements in condition 19 above;'
- in (b):
  - delete:
    - 'bushfire management;' and
  - replace with:
    - 'minimising bushfire risks;'
- in (b), delete the bullet point starting with 'Biodiversity Offset Management Plan', and replace with:
  - a Translocation Plan for moving any *Acacia meiantha* in the approved development area for the Aarons Pass Road upgrades;
- in (b), after the bullet point 'adaptive management of turbines to reduce mortality; and', insert the following:
  - a program to monitor and report on the vegetation clearing required for the Aarons Pass Road upgrades, including:
    - a clear methodology to calculate and verify the vegetation clearing;
    - verification of the vegetation clearing by suitably qualified experts;
    - regular reporting on the scale and nature of the vegetation clearing on the proponent's website; and
    - the publication of a detailed report documenting all the clearing undertaken for the road upgrades on the proponent's website within 4 weeks of completing the final clearing; and'
- in (c), delete 'the performance of these measures over time, including annual reporting of bird and bat strike monitoring or as otherwise directed by the Secretary' and replace with the following:
  - the effectiveness of these measures and plans; and
  - bird and bat strike annually, or as otherwise directed by the Secretary.'

14. Delete condition 24 of Schedule 3.

15. In condition 28 of Schedule 3:

- after 'other than pre-construction minor works' insert 'or the construction of the external overhead transmission line';
- in (b), after 'to the satisfaction of the RMS' insert ', unless the RMS determines these upgrades are unnecessary'; and
- after (c), insert the following:

The Applicant may commence construction of the external overhead transmission line (as identified in Appendix 2), prior to completion of the Aarons Pass Road upgrades set out in this condition, provided that all heavy and over-dimensional vehicles associated with the construction of this transmission line:

- (a) access the site from Bombandi Road; and
- (b) do not use Aarons Pass Road before it has been upgraded in accordance with this condition.

16. In condition 29 of Schedule 3:

- delete 'on the switching station site' and replace with 'of the external transmission line (see the figures in Appendix 2)'; and
- in (b), after 'to the satisfaction of the RMS', insert ', unless the RMS determines these upgrades are unnecessary.'

17. In condition 32 of Schedule 3, delete 'applicable roads authority' and replace with 'Secretary'.

18. In condition 33 of Schedule 3:

- delete 'Prior to the commencement of construction, the Applicant shall prepare a' and replace with 'Prior to carrying out further work on the upgrades on Aarons Pass Road after the date of approval of Modification 1 or the commencement of the Bombandi Road upgrades, whichever occurs first, the Applicant must prepare a revised';
- in (d), after 'transport route/s during', insert 'any road upgrades and'.

19. In condition 42 of Schedule 3, delete all references to 'Table 6' and replace with 'Table 7'.

20. Delete condition 6 of Schedule 5 including the subheading 'Incident Reporting' and replace with the following:

#### **Incident Notification**

6. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of the incident. The notification must identify the development, including the development application number and the name of the development, and set out the location and nature of the incident.

#### **Non-Compliance Notification**

- 6A. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within 7 days after the Applicant becomes aware of any non-compliance. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be undertaken, to address the non-compliance.
21. In condition 8 of Schedule 5, after 'This audit must:', insert the following condition:
- (a1) be prepared in accordance with the relevant *Independent Audit Post Approval Requirements* (DPE 2018, or its latest version);
22. In condition 8 (c) of Schedule 5, delete 'and assess whether it is complying with the requirements in this consent and any relevant EPL/s' and replace with ', and whether it complies with the relevant requirements in this consent'.
23. In condition 8 (d) of Schedule 5, delete 'approvals' and replace with 'consent'.
24. In condition 8 (e) of Schedule 5, delete 'these approvals' and replace with 'this consent'.
25. In Appendix 1:
- above the first table, insert the sub-heading 'Wind Farm'; and
  - after the first table, insert the following:

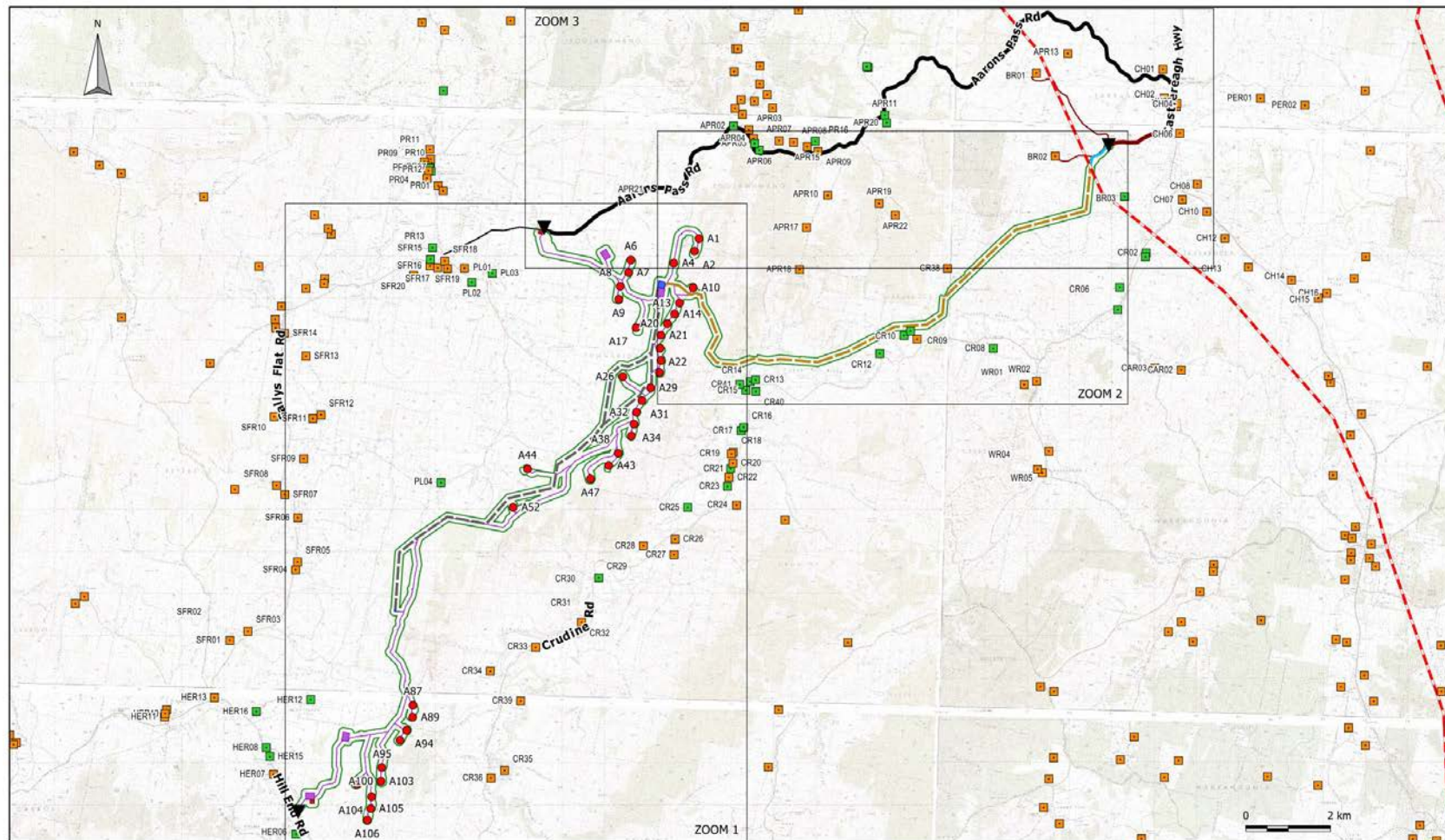
#### **Aarons Pass Road Upgrades**

<b>Tenure</b>	<b>Lot</b>	<b>DP</b>
Freehold	9	246645
Freehold	140	756909
Freehold	144	756909
Freehold	154	756909
Freehold	155	756909
Freehold	1	246645
Freehold	8	246645
Freehold	1	1154792
Freehold	4	563144
Freehold	143	756909
Freehold	1	1101182
Freehold	134	756909
Crown Land	51	1160463
Crown Land	101	1063263


*Note: The project site will also be taken to include any crown land, and any road reserves, contained within the project site.*

26. Delete Appendix 2 and replace with the following:

## APPENDIX 2 GENERAL LAYOUT OF THE DEVELOPMENT



<p>● 37 WTG Micro-sited Layout</p> <p>— Micro-sited Layout - Internal Roads</p> <p>■ Involved Residence</p> <p>■ Non-involved Residence</p> <p>— Aaron's Pass Rd</p> <p>— Aaron's Pass Rd Upgrade</p> <p>— Eldon Court laneway to switching station</p> <p>— Bombandi Rd</p> <p>— Bombandi Rd Upgrade</p>	<p>— Internal Overhead Transmission Line</p> <p>— External Overhead Transmission Line</p> <p>— 132 kV Transmission Line</p> <p>— Development Corridor</p> <p>— Secondary Collector Substation</p> <p>— Site Compound Options</p> <p>— Rock Crushing &amp; Batching Plant Options</p> <p>▼ Access Point</p>
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COMPANY		CRWF NOMINEES PTY LTD			
TITLE					
DPE OVERVIEW MAPS					
DATE	19 MAR 2019	SCALE	1:89000	DWG NO	CRU311
DRAWN BY	B KRONENBERG	CHECKED BY	M BRANSON	SHEET	1 OF 4
				REV	A
				VER	2
				JOB NO	080401
				SIZE	A3

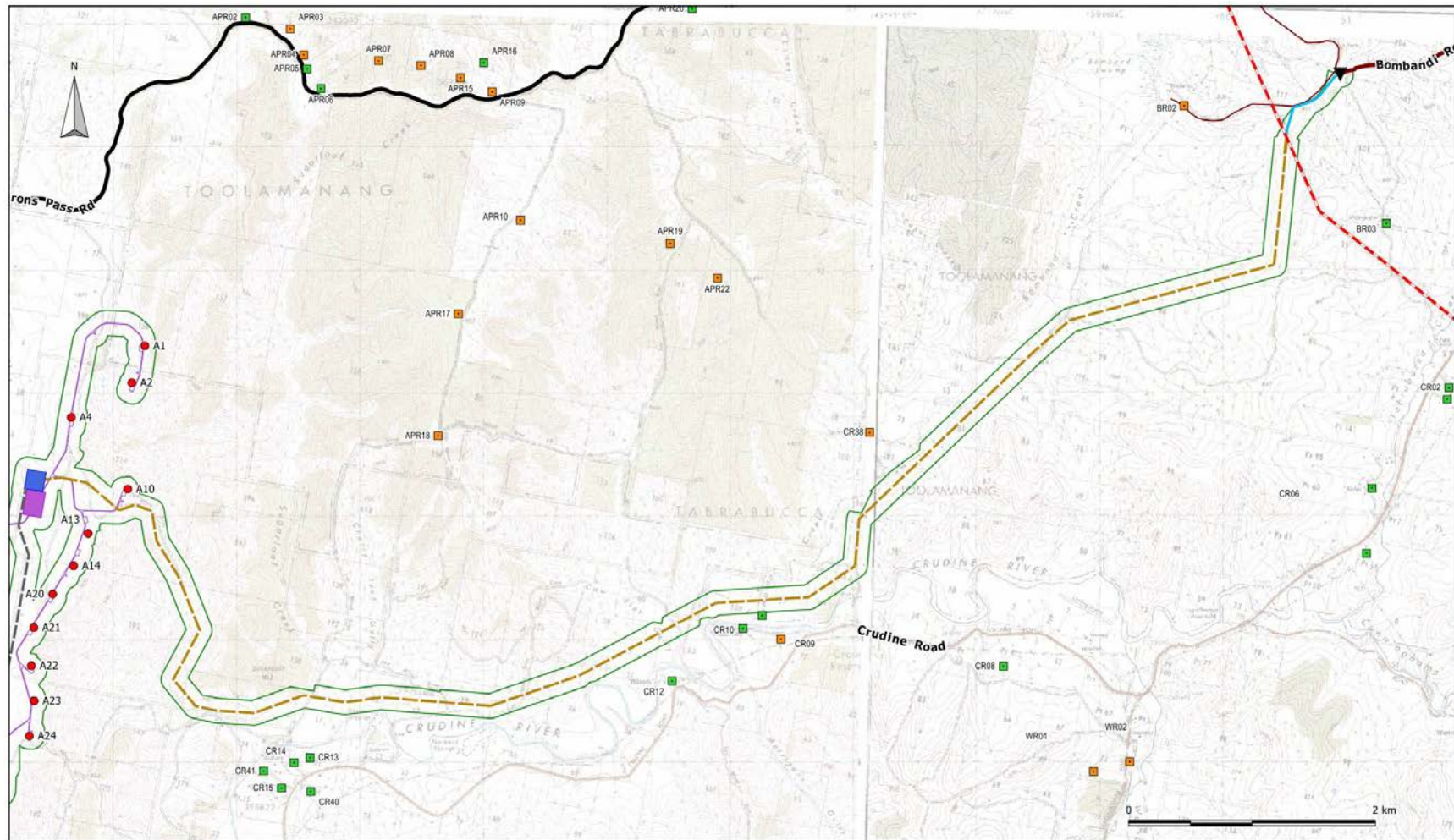
### Wind Turbine Coordinates

X	Y	ID
751340.9	6356501	A1
751252	6356181	A2
750785.3	6355965	A4
749769	6356019	A6
749694	6355769	A7
749498.5	6355437	A8
749443	6355112	A9
751219	6355394	A10
750903.1	6355110	A13
750819	6354844	A14
749929.7	6354425	A17
750594	6354469	A20
750427.5	6354203	A21
750476.4	6353901	A22
750469	6353644	A23
750440.8	6353372	A24
749560.7	6353341	A26
750207.5	6352954	A29
750018.6	6352707	A31
749816.3	6352445	A32
749847.4	6352174	A34
749751.9	6351903	A35
749465.2	6351478	A38
749242.9	6351107	A43
747298.4	6351105	A44
748805.1	6350872	A47
746971.7	6350212	A52
744607.1	6345442	A87
744562.6	6345251	A89
744469.3	6344920	A94
744267	6344662	A95
743867	6344045	A100
743293.6	6343722	A102
743862.5	6343758	A103
743615.9	6343396	A104
743624.8	6343149	A105
743544.7	6342873	A106









#### LEGEND

- 37 WTG Micro-sited Layout
- Micro-sited Layout - Internal Roads
- Involved Residence
- Non-involved Residence
- Aaron's Pass Rd
- Aaron's Pass Rd Upgrade
- Eldon Court laneway to switching station
- Bombandi Rd
- Bombandi Rd Upgrade
- Internal Overhead Transmission Line
- External Overhead Transmission Line
- 132 kV Transmission Line
- Development Corridor
- Secondary Collector Substation
- Site Compound Options
- Rock Crushing & Batching Plant Options
- ▼ Access Point

COMPANY

CRWF NOMINEES PTY LTD

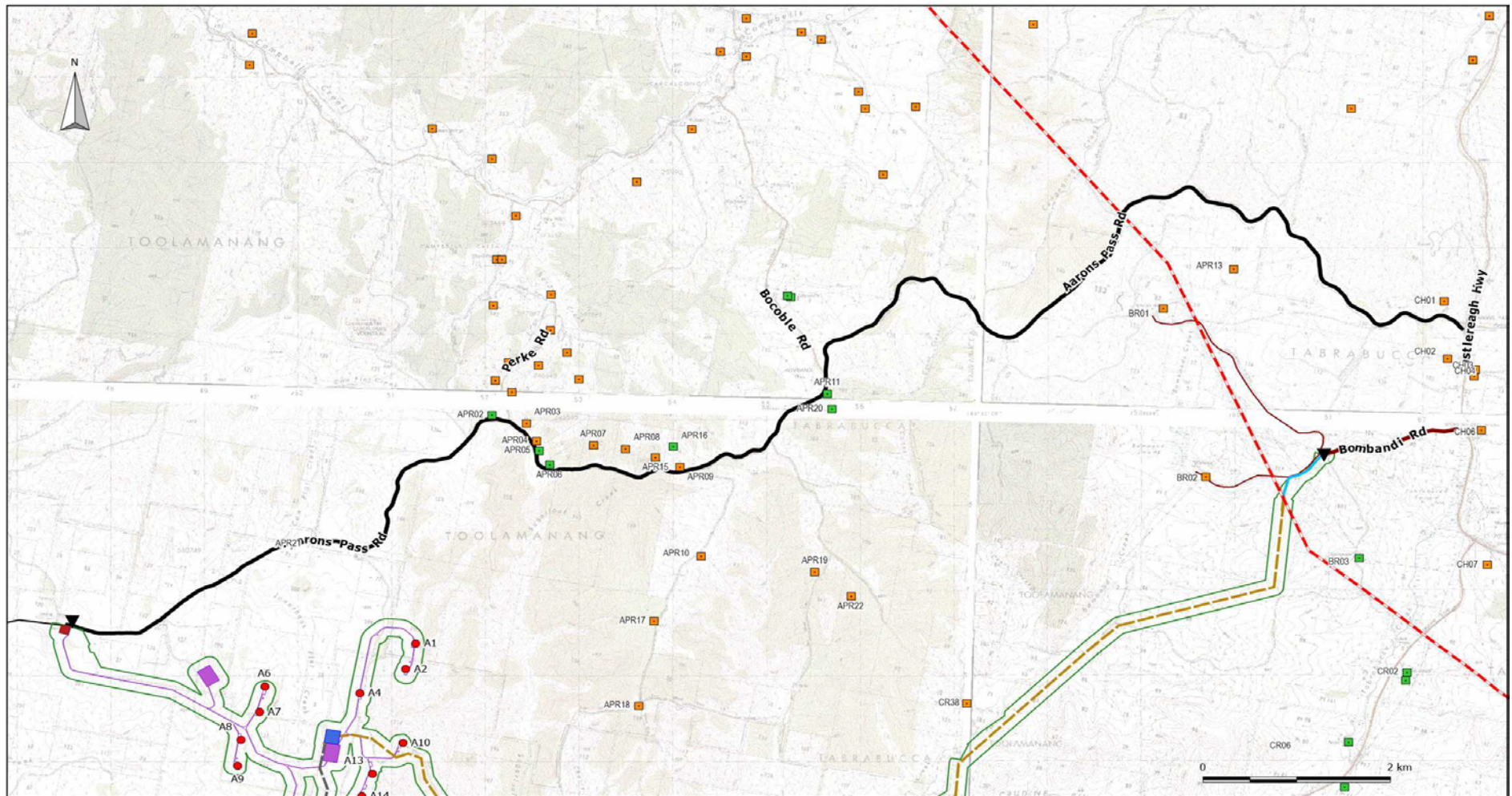


TITLE

DPE OVERVIEW MAPS

DATE	19 MAR 2019	SCALE	1:31000	DWG NO	CRU311	REV	A	VER	2
DRAWN BY	B KRONENBERG	CHECKED BY	M BRANSON	SHEET	3 OF 4	JOB NO	080401	SIZE	A3





#### LEGEND

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TITLE

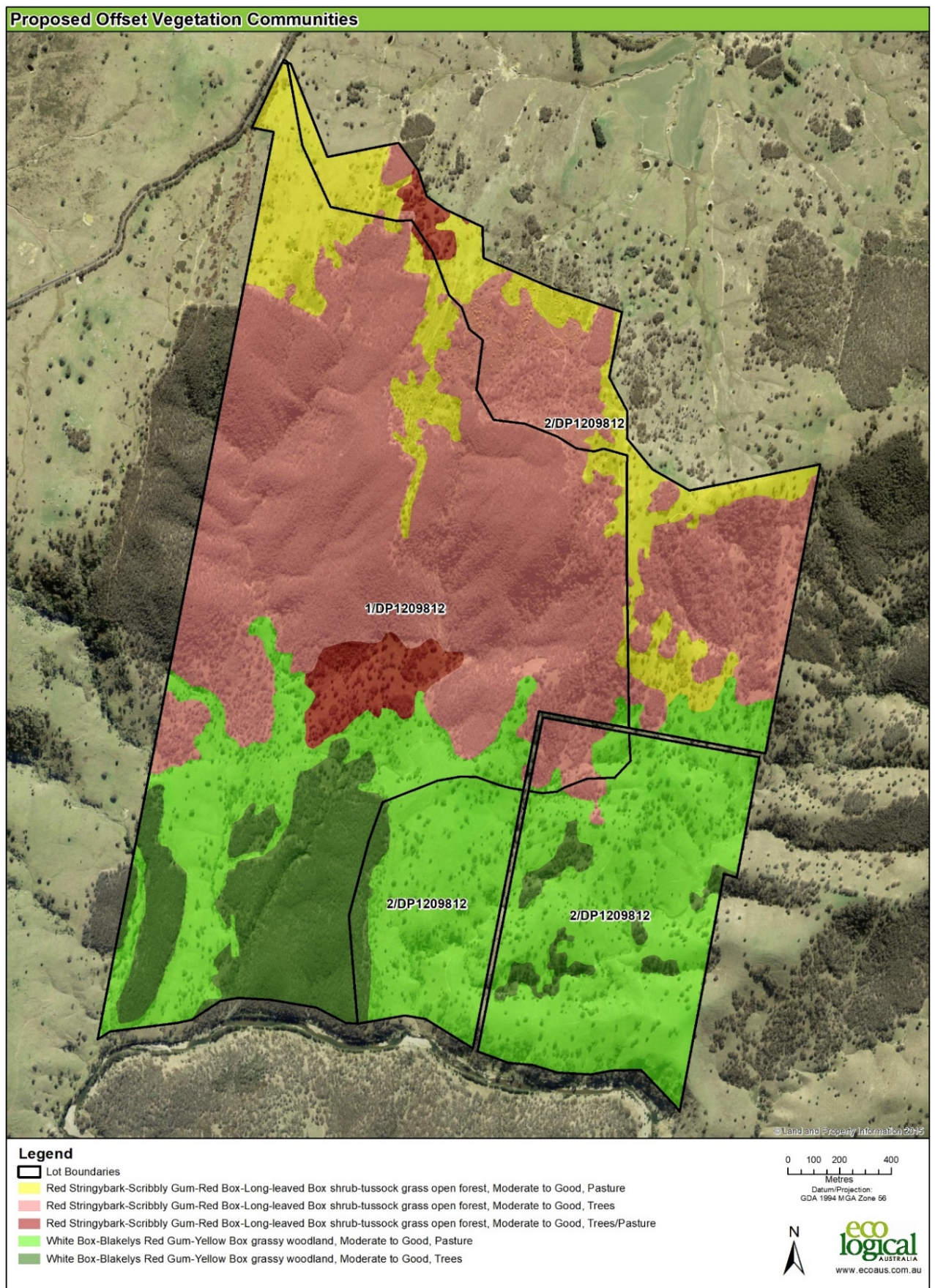
FIGURE 2: PROPOSED MODIFICATION

DATE	24 JAN 2019	SCALE	1:42000	DWG NO	CRU308	REV	A	VER	1
DRAWN BY	B KRONENBERG	CHECKED BY	M BRANSON	SHEET	3 OF 3	JOB NO	080401	SIZE	A3



27. Delete Appendix 5 and replace with the following:

## APPENDIX 5 BIODIVERSITY OFFSET AREA



28. In Appendix 6, delete the table and replace with the following:

Geometry / Feature Description		Design Specifications
Min. Road Width		6.0 m
Max. Gradient		15%
Min. Radius (H)		60 m
Min. Radius (V)		400 m
Passing Opportunities		Passing bays to be constructed at approximate 1 km intervals at the locations to be agreed with MWRC
Fill Batters		1:2 or as otherwise agreed with MWRC
Cut Batters		Generally 1:2 (1:1 at steep batters) or as otherwise agreed with MWRC
Longitudinal Drainage.		Longitudinal drain capacity 1:2 or as otherwise agreed with MWRC
Cross-road Drainage.		Cross road drainage designed to meet MWRC requirements