

ASSESSMENT REPORT

Taralga Wind Farm - Modification

(DA 241/04 MOD 7)

1 BACKGROUND

The Taralga Wind Farm is located 35 km north of Goulburn and 3 km east of Taralga Village in the Southern Tablelands of NSW (see Figure 1). The development is located wholly within the Upper Lachlan local government area.

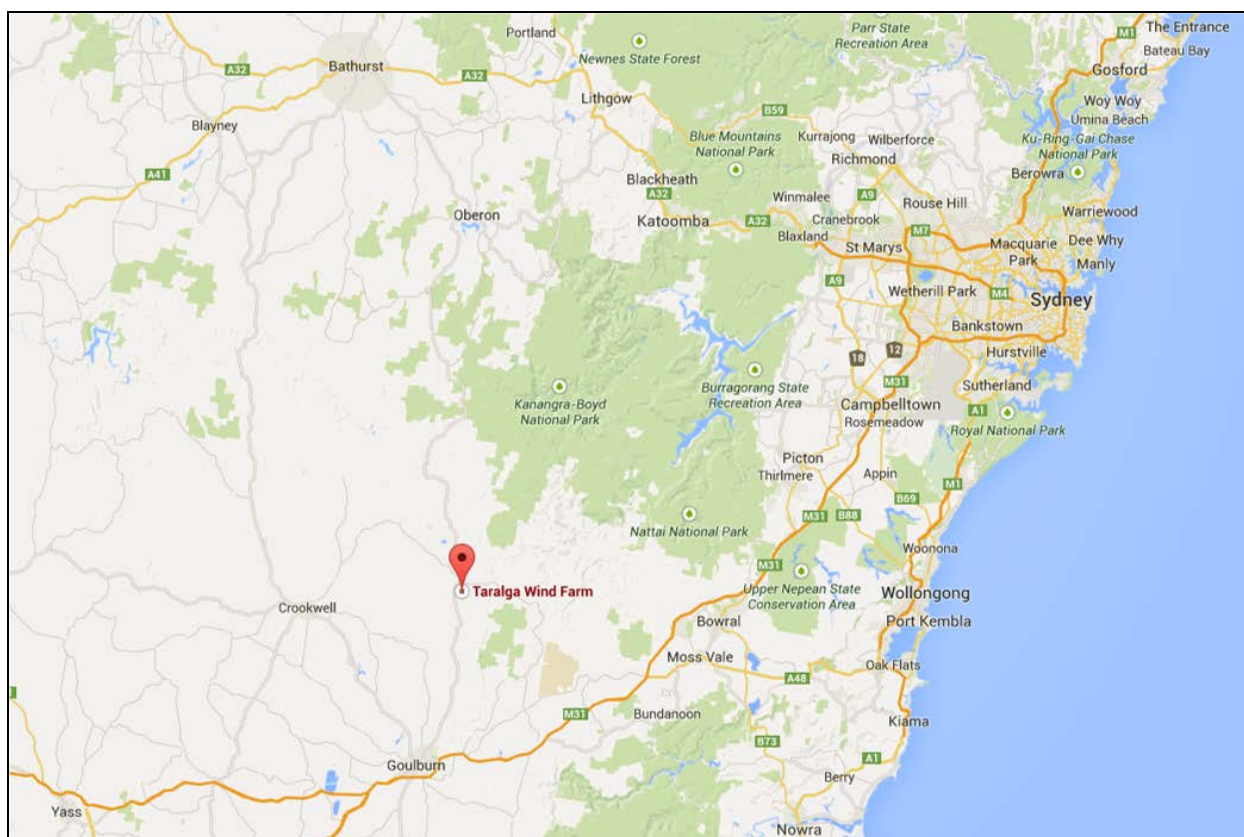


Figure 1: Location of the Taralga Wind Farm

The Taralga Wind Farm was approved by the NSW Land & Environment Court on 23 February 2007, following a merit appeal of the Minister's approval of the project by the Taralga Landscape Guardians.

The Court's approval allowed Taralga Wind Farm Pty Limited (Taralga) to construct and operate 62 wind turbines across the site to generate up to 186 MW (see Figure 2). The consent has subsequently been modified 6 times, as summarised in Table 1.

Table 1: Outline of Modifications

Date of Modification	Modifications
20 April 2009	Remove one turbine and increase the height of the turbines from 110m to 131.5m
18 June 2013	Remove 10 turbines from the development footprint
November 2013	Replace two site compounds with an alternative compound and create new access routes
6 November 2013	Install 13 meteorological masts
20 June 2014	Modify the heavy vehicle transport route through Goulburn
11 November 2014	Relocation and realignment of electricity lines and access tracks, and minor changes to other surface infrastructure.

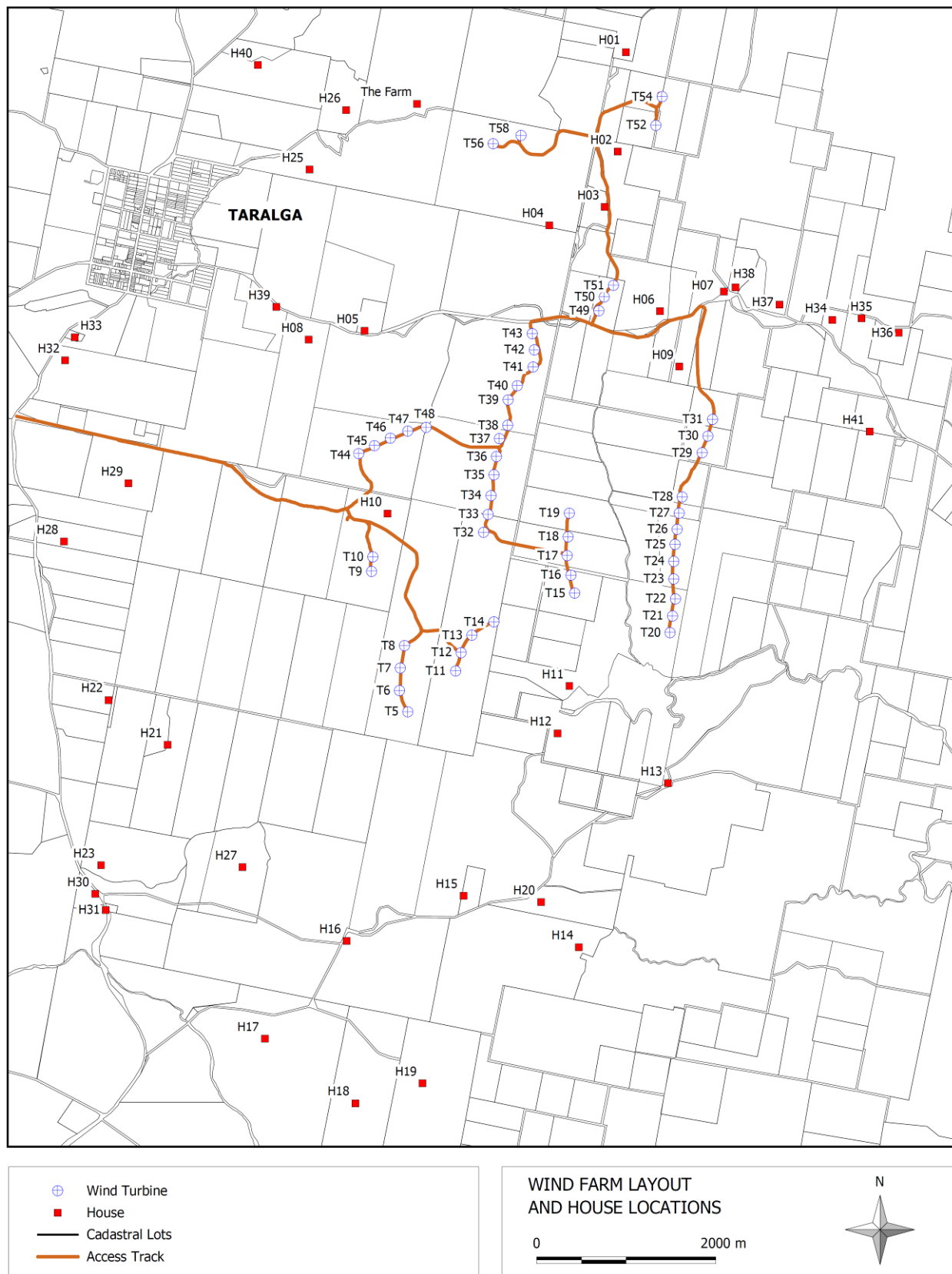


Figure 2: Wind Farm Layout

At this stage, 30 of the wind turbines have been constructed, and Taralga is proposing to proceed with constructing the remaining 21 turbines following the consideration of the modification application, and approval of applicable management plans.

2 PROPOSED MODIFICATION

The proposed modification has 4 components:

1. Removing the current restriction on undertaking works within 50 metres of *Natural Temperate Grassland* in respect of the proposed upgrade of Riparosso Road. The works would be undertaken within the existing road reserve and enable construction vehicles to access the sites for turbines T56 and T58 (see Figure 3).
2. Minor re-alignment of 640 metres of underground electricity cable near Bannaby Road. This is required because Taralga has not been able to reach an agreement with the landowner along the original alignment (see Figure 4).
3. Amend the definition of 'operation' to clarify that the consent's operational requirements do not take effect until all construction is completed.
4. Allow the road dilapidation report for the project to be completed within 3 months of the completion of construction, rather than immediately after construction and prior to operations.

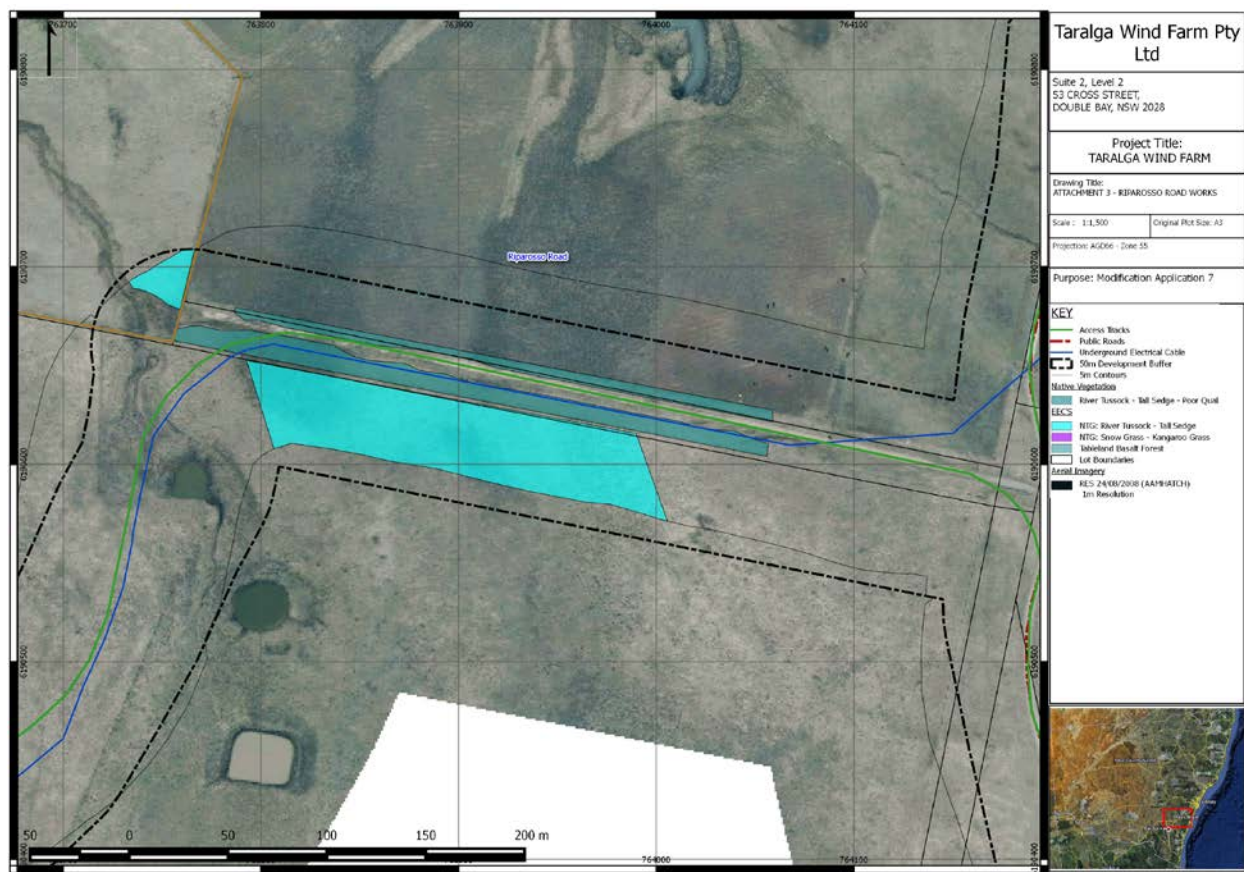


Figure 3: Riparosso Road Upgrade

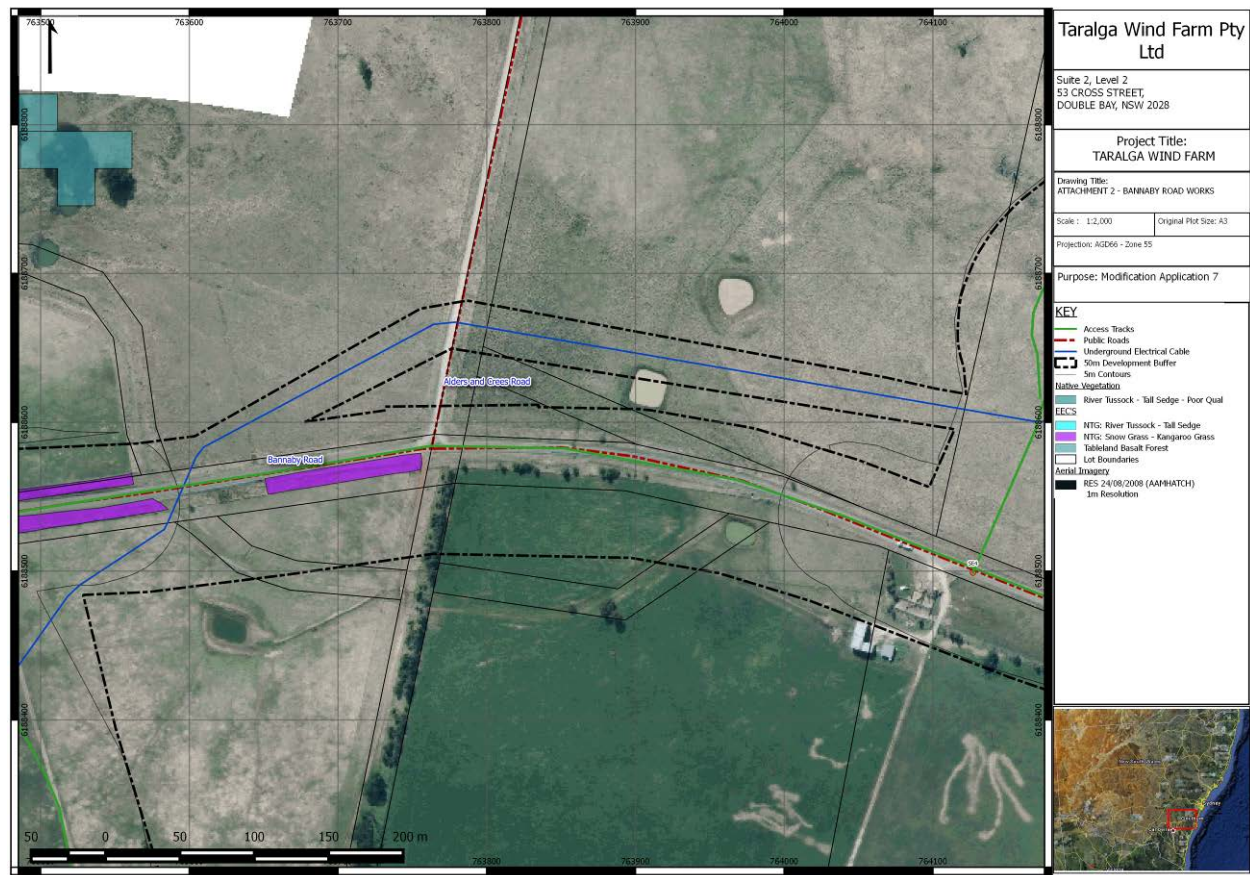


Figure 4: Bannaby Road Cable Re-Alignment

STATUTORY CONTEXT

3.1 Section 75 W

The wind farm was originally approved under Part 4 of the EP&A Act. However, under the *Environmental Planning and Assessment Regulation*, all existing consents for State Significant Development (i.e. those which were State Significant Development prior to the introduction of Part 3A) are to be modified under Section 75W of the EP&A Act. Although Part 3A (which includes Section 75W) was repealed on 1 October 2011, the development is subject to the transitional provisions under Schedule 6A of the EP&A Act and the proposed modification is required to be determined under the former Section 75W of the Act.

Given the minor nature of the proposed changes to the approved development, the Department considers that the modification application falls within the scope of a request to modify under Section 75W.

3.2 Approval Authority

The Minister for Planning was the approval authority for the development application, and is therefore the approval authority for this modification application.

However, under the Minister's delegation of 16 February 2015, the Executive Director, Resource Assessments, may determine the application. This is because there were less than 25 objections, no reportable political donations were made, and Upper Lachlan Shire Council (Council) did not object to the proposal.

4 CONSULTATION

The Department made the application available on its website from 1 December, 2014, and consulted with the NSW Office of Environment Heritage (OEH) and Council. The Department did not receive any submissions from the public. However, both OEH and the Council provided submissions (see Appendix D).

Office of Environment and Heritage (OEH) raised a number of issues in relation to the level of Aboriginal cultural heritage and biodiversity assessment provided to support the applications. In particular, OEH raised concerns about potential impacts on 2 identified Aboriginal cultural heritage sites (TWF OS4 and TWF OS1) in the vicinity of the proposed works, and made a number of recommendations in regard to managing potential impacts on these sites. These concerns have been addressed by Taralga, and the Department has incorporated OEH's recommendations in the conditions of consent.

In regard to biodiversity, OEH acknowledges that there is some potential for Natural Temperate Grassland to exist in the areas where works are proposed, but that the area has been highly disturbed by pastoral activities and the conservation values of the site are low. OEH also supports the avoidance of rocky outcrops and Taralga's commitment to enhance offsets for Natural Temperate Grassland in its Biodiversity Offset Strategy.

Upper Lachlan Shire Council did not object to the proposal and did not raise any significant issues in regard to the proposed modification.

5 ASSESSMENT

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

- the original Environmental Impact Statement (EIS), previous modifications and existing conditions of consent;
- the application, submissions and response to submissions for the proposed modification; and
- the requirements of the EP&A Act.

The Department considers the key issues, in relation to the road upgrade and cable re-alignment, relate to biodiversity and Aboriginal heritage. Consideration is also given to the implications of the requested changes to the definition of 'operation' and to road dilapidation requirements.

5.1 Biodiversity

Condition 86 of the development consent requires that any construction activities be re-located so that they are at least 50 metres from Natural Temperate Grassland. In this case, there is an area of Natural Temperate Grassland that has been identified adjacent to the road reserve for Riparosso Road.

Taralga requires access for construction vehicles along Riparosso Road in order to construct two turbines (T56 and T58) that were part of the original approval. The current road is unsuitable for construction vehicles (see Figure 5), and it is necessary to undertake a range of upgrade works within the road reserve, including widening the road to 5.5 metres, importing gravel for the road base, and installing culverts. The need to upgrade local access roads was contemplated in the original EIS for the project, and Council has issued a Section 138 approval under the *Roads Act 1993* for the proposed works.



Figure 5: Riparosso Road

The assessment indicates that the vegetation that would be disturbed by the proposed works comprises River Tussock – Tall Sedge vegetation community, and Taralga is proposing to implement a 5 metre buffer from any Natural Temperate Grassland and offset any unavoidable impacts through the Biodiversity Offsets Strategy for the project.

Overall, the Department considers that the request to allow a local road to be upgraded within an existing road reserve is entirely reasonable, and the restriction on undertaking works within 50 metres of the Natural Temperate Grassland should be removed in this location to allow the project to be constructed as approved. The Department also considers that the proposed works would have no material impacts on Natural Temperate Grassland or other biodiversity values in the vicinity.

The proposed realignment of a 640 metre section of the underground electricity cable to the north of Bannaby Road would be located on disturbed pasture land. While detailed biodiversity surveys have not been undertaken along the re-alignment, both the Department and OEH consider that any vegetation would be highly disturbed and likely to be of low conservation value. Furthermore, given that the maximum native vegetation disturbance footprint would be less than 0.2 hectares, and that the alignment would be re-instated following construction, the Department considers that any impacts on biodiversity would be negligible.

Finally, the Department notes that the construction activities would be subject to a Construction Environmental Management Plan (CEMP) which would need to be revised to take into account the commitments in regard to the proposed upgrade.

5.2 Aboriginal Heritage

A Due Diligence Assessment was undertaken by NSW Archaeology on behalf of Taralga to assess potential impacts on Aboriginal cultural heritage at Bannaby Road and Riparosso Road. This assessment was based on the surveys conducted in January 2015, and identified 9 recorded Aboriginal sites in the vicinity, but none in the areas that would be directly disturbed by the proposed construction works.

The area within the road reserve is highly disturbed and of very low archaeological sensitivity. The Department notes that Taralga has committed to maintaining a distance of 100 metres between the road upgrade works and the nearest Aboriginal site (TWF OS4 with PAD), in accordance with its approved CEMP. In regard to the proposed cable re-alignment, the Department notes that the nearest Aboriginal heritage site (TWF OS1) is more than 100 metres from the proposed route (see Figure 6).



Figure 6: Cable Re-Alignment

Given the above, both the Department and OEH consider that any risks to Aboriginal heritage would be negligible, and that no additional measures apart from those in the CEMP are warranted. In this regard, the Department notes that the existing conditions require Taralga to cease works and notify OEH if any Aboriginal sites are identified during construction.

5.3 Definition of Operation

Taralga is seeking to modify the definition of 'operation' in the development consent so that it does not apply until all construction components of the project have been completed. The proposed wording is as follows (underlined section):

Operation - Any activity at the site that results in the production, or intended production of electricity for contribution to the electricity grid, but does not include any period prior to the completion of construction and commissioning.

The Department understands that Taralga is seeking this amendment because it is concerned that turbines may not be able to generate electricity until all operational requirements of the consent have been achieved.

However, the Department notes that in reality the construction and operational phases of wind farms routinely overlap, and that the existing definition provides sufficient flexibility as it enables the turbines to commence generating electricity through the commissioning process, without triggering the consent's operational requirements.

Furthermore, if the proposed amendment is adopted, there is a risk that should one or more turbines not be constructed, the operational requirements under the consent would never come into force.

Consequently, the Department does not support the proposed amendment.

5.4 Road Dilapidation Requirements

The existing conditions of consent require Taralga to submit a road dilapidation report for local roads after the completion of construction, but before commencing operations. However, as outlined above, the transition from construction to operations for a wind farm is not sequential, but often occurs in parallel.

As a result, Taralga has requested that it be allowed to submit the dilapidation report within 3 months of completing construction rather than prior to operations.

The Department considers this is a reasonable request, and notes that Council has raised no objections to the proposed timing. However, to address the risk that construction never be 'completed', the Department has amended the condition to give the Secretary the discretion to require the report to be submitted at any stage (i.e. potentially prior to the completion of all construction works).

6 RECOMMENDED CONDITIONS

The Department has drafted a recommended notice of modification (see Appendix A) for the proposal as well as a consolidated version of the development consent (see Appendix B). These conditions would allow Taralga to finalise construction of the wind farm in a timely manner, and ensure that any additional environmental impacts are appropriately managed, mitigated and/or offset. Taralga does not object to the recommended conditions.

7 CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department considers that the proposed modification would allow the construction of this \$ 250 million project to be constructed in a timely manner, and without any significant environmental impacts.

The Department notes that it received no objections to the proposal, and that both OEH and Upper Lachlan Shire Council have not raised any significant concerns.

The Department considers that the benefits of the modification significantly outweigh any costs, and that the proposed modification is clearly in the public interest and should be approved, subject to conditions.

8 RECOMMENDATION

It is RECOMMENDED that the Executive Director, Resource Assessments, as delegate of the Minister:

- **consider** the findings and recommendations of this report;
- **determines** that the modification is within the scope of section 75W of the EP&A Act;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (Appendix A).


Mike Young
A/Director
Resource Assessments
12.3.15.

 13/3/15
David Kitto
Executive Director
Resource Assessments and Business Systems

APPENDIX A: NOTICE OF MODIFICATION

APPENDIX B: CONSOLIDATED DEVELOPMENT CONSENT

APPENDIX C: APPLICATION

APPENDIX D: SUBMISSIONS