



30 October 2014

NSW Department of Planning and Environment
Attn: Justin Woodhouse
Planning Officer – Infrastructure Projects
23-33 Bridge Street
Sydney NSW 2000

Our ref: 41/27256
Your ref: 204635

Dear Justin,

**Taralga Wind Farm
Modification to Condition 86 - Addendum to Modification 7**

CBD Energy and Taralga Wind Farm Pty Ltd (TWF) are submitting this letter to the Department of Planning and Environment (DP&E), formally requesting the amendment to Condition 86 of the Conditions of Consent for the Taralga Wind Farm project (the project) for consideration under Section 75W of the *Environmental Planning and Assessment Act 1979*.

Specifically, TWF are requesting the amendment of Condition 86 to permit the upgrade of Riparosso Road, which is within 50 metres of Natural Temperate Grasslands (NTG) which is an endangered ecological community (EEC) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to enable construction vehicles to access the approved site of Turbines 56 and 58. Condition 86 of the Conditions of Consent currently precludes construction within 50 metres of NTG.

This letter provides:

- details of what TWF are proposing;
- justification for the proposal and why it is unavoidable;
- the potential impact of the proposal and why this is acceptable; and
- proposed mitigation measures to mitigate (where possible) and/or minimise the impacts associated with the proposal.

1.1 Background

The original Environmental Impact Statement (EIS) for the project identified and assessed the use of Riparosso Road during construction (also referred to as Track 8). The EIS also identified that some upgrading of public access roads would be required to enable construction traffic to safely access and egress the site.

Riparosso Road is an unsealed dirt road servicing farms (see Figure 1). The Upper Lachlan Council is the relevant road authority.

To enable heavy vehicles to access to the site during construction, the upgrade of this road will include:

- Widening of the track from approximately 3 metres to 5.5 metres with drainage channels on either side at various locations (see Attachment 1 for the indicative layout).
- Installation of two drainage culverts.

- Construction of a track to Turbine 58 to same standard as works on Riparosso Road.
- The material that will be used to build up/level the road will be gravel that passes the specification and is weed free. It may be site won or imported.

The overall track width will be approximately 8 metres with a disturbance area of approximately 14 metres. Where the road deviates to go south, the disturbance footprint would be approximately 20 metres to allow for cabling beside the road.

Upper Lachlan Shire have reviewed a set of drawings as part of their review and assessment of proposed works in this area and have issued a Section 138 approval and applicable drawing stamped for approval for the works.

The vegetation community within the Riparossa Road reserve is classed as River Tussock – Tall Sedge. This is of low quality condition and did not meet the definition of EEC criteria for NTG.

The paddock to the south of Riparosso Road comprises a local occurrence of NTG which is listed as an EEC under the EPBC Act.



Figure 1 Riparosso Road (Track 8)

1.2 What is proposed?

Condition 86 of the Conditions of Consent (Land and Environment Court of NSW Case Number 11216 of 2007) requires that "where Natural Temperate Grassland or *Diurus aequalis* is found to occur either on, or adjacent to these locations, the area must be fenced during construction and that component of the development (including construction components) must be relocated at least 50 metres from the

grassland or orchid population but no more than 250 metres from the original location of that component”.

Riparosso Road is within 50 metres of NTG. TWF are proposing that Condition 86 be amended so that the upgrade of this road can be undertaken. This will enable construction vehicle access to the previously approved Turbines 56 and 58.

TWF are also proposing that the amended Condition 86 is appropriately worded to permit works within 50 metres of NTG or the disturbance of NTG (subject to appropriate offsetting) for other approved areas of the project.

The disturbance of any other patch of NTG outside of Riparosso Road and Turbine 56 and 58 will be discussed with DP&E prior to commencing.

The proposed wording is provided below.

1.2.1 Proposed wording for Condition 86

86 The Applicant must design, construct, operate and maintain the development in a manner that avoids or minimises damage to or loss of suitable habitat for Natural Temperate Grassland and the orchid, *Diurus aequalis*.

To ensure compliance with this condition, the Applicant must engage a suitably qualified person(s) who is to receive the prior approval of the Director-General, to undertake a detailed botanical survey, prior to the commencement of construction, of:

- turbine rows 4, 5, 6, 7 and 10; and
- all access roads requiring construction or upgrading,

during the appropriate season (that is, November to December).

Where Natural Temperate Grassland or *Diurus aequalis* is found to occur either on, or adjacent to these locations, that component of the development (including construction components) must be:

- (a) relocated at least 50 meters from the grassland or orchid population but no more than 250 metres from the original location of that component. Where a buffer of 50 metres is not achievable, the Applicant must demonstrate that any incursion into the 50 meter buffer area will not have any impact on Natural Temperate Grassland or *Diurus aequalis*. Signage and exclusion barriers must be erected prior to the commencement of works in the 50 meter buffer area; or
- (b) Where the Applicant is unable to avoid damage to and/or loss of the Natural Temperate Grassland community suitable compensation shall be provided for the loss of the community.

Construction of the relevant component(s) of the development must not commence until the Secretary has confirmed the results of the survey and approved the position of any relocated development component. Compensation works, including offsets, must be designed and implemented in consultation with OEHL and must also be approved by the Secretary prior to the commissioning of any turbine within the development unless otherwise agreed by the Secretary. Compensation works relating to this condition are to be generally consistent with the *Taralga Wind Farm Biodiversity Offset Package (Final Draft)* prepared by GHD Pty Ltd as submitted to OEHL and the Department and dated August 2014.

1.3 Justification for the proposal

Critical for Construction of Turbines 56 and 58

The original EIS identified and assessed the use of Riparosso Road during construction and also identified that some upgrading of public access roads would be required to enable construction traffic to safely access and egress the site. Access to Turbines 56 and 58 would be via this public road.

There is no alternate access to the site of Turbines 56 and 58 that has been assessed and approved. This road is within 50 metres of NTG.

The amendment of Condition 86 is required to enable works to occur within 50 metres of NTG.

1.4 What is the impact and is it acceptable?

Negligible impact on Natural Temperate Grassland

The road upgrade would impact on River Tussock – Tall Sedge vegetation community which is present in Riparosso Road reserve. This low quality vegetation did not meet the definition of NTG EEC.

The paddock to the south of Riparosso Road comprises a local occurrence of NTG which is listed as an EEC under the EPBC Act.

The upgrade of Riparosso Road would maintain a 5 metre buffer from the southern fenceline to avoid the moderate-good quality NTG in the paddock south of the road reserve. The only location where this would not be achieved is the western extent where the road deviates south towards Turbine 56 and 58.

TWF is confident that Contractors and site staff can complete the road upgrade without impacting the NTG located in the paddock south of the road reserve. Mitigation measures detailed in Section 1.5 below will be implemented to mitigate impacts on the NTG.

A Biodiversity Offset Package has been developed for the project. The offset package will compensate for unavoidable residual impacts arising from the project.

The vegetation within the road reserve at Riparosso Road has also been incorporated in the project Biodiversity Offset Package. The Offset Package has been developed in consultation with OEH. TWF have previously consulted with DP&E in relation to the Offset Package and will be provided to DP&E for approval prior to commissioning.

1.5 Mitigation Measures

TWF propose the following mitigation measures to minimise and/or mitigate potential impact on the NTG located adjacent to Riparosso Road:

- Installation of fencing with fluorescent bunting to delineate the 5 metre buffer from the southern fenceline where this adjoins mapped NTG as agreed with OEH;
- Inspections of the fenced area of NTG to confirm that no impacts outside the designated construction zone have been caused to adjoining areas of NTG; and
- TWF have included the vegetation located within the road reserve of Riparosso Road in the project Biodiversity Offset Package and will provide suitable offset for any indirect disturbance of the NTG.



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1.6 Conclusion

The proposal to modify Condition 86 of the Conditions of Consent is considered justified on the basis that:

- the impact on NTG from works within the road reserve is likely to be negligible;
- the final footprint and disturbance area will be calculated and any impacts on NTG will be offset as part of the Biodiversity Offset Package; and
- there are no alternative access tracks to the site of Turbines 56 and 58 that have been assessed and approved for the project.

I trust that the information provided above is sufficient to facilitate the modification of Condition 86. Should you have any queries, or require any additional information, please do not hesitate in contacting Pedro Vozzone or David Smith (02) 8297 2323.

Sincerely

Pedro Vozzone
Renewable Energy Engineer
Ph: 02 8069 7978

Attachments:

Attachment 1 – Indicative layout of road upgrade



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Attachment 1 Indicative layout of the road upgrade