

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	10_156 Mod 2 - Grid Connection & Road Upgrade
Applicant	Ratch-Australia Development Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the approval subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/12101>.

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/12101>.

Date of decision

15 May 2019

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the project to which the approval as modified relates is substantially the same project as the project authorised by the approval (as last modified under section 75W).

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits, including allowing the project to more efficiently connect into the electricity grid and allow access to the site while meeting the requirements of Upper Lachlan Shire Council for road safety the modification is permissible with consent, and is consistent with NSW Government policies;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended revised conditions of consent (see Attachment 1); and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 17 October 2018 until 1 November 2018 (16 days) and received 2 submissions from members of the public living within 5 kilometres of the project site.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include the biodiversity impacts resulting from the proposed upgrade of Lerida Road South. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<i>Biodiversity impact</i> Clearing of additional native vegetation	<i>Assessment</i> - A condition requiring the upgrade of Lerida Road South was included in Modification 1. The upgrades were requested by Upper Lachlan Shire Council to improve access to the site and ensure road safety during construction. - This condition requires Ratch to upgrade approximately 6.1 km of Lerida Road South from the intersection with Hume Highway to a point 250 m south of the southernmost vehicle crossing point including the upgrade of 3 proposed crossings of the road with wind farm access tracks, to the satisfaction of Council prior to the commencement of construction. - The upgrade works for Lerida Road South would result in clearing of 11.64 hectares of native vegetation, of which approximately 50% is derived native grassland in a low or poor condition. However, the road reserve contains some areas of remnant woodland listed as endangered ecological communities (EECs) under the <i>Biodiversity Conservation Act 2016</i>. - Further consultation with Council and the Office of Environment and Heritage (OEH) and some minor departures from Council's requirements for road design has reduced the additional clearing of EEC from 9.84 ha (as originally proposed in the EA) to 5.02 ha and reduced the number of HBTs requiring removal from 17 to 13. - Both the Department and OEH accept that due to the existing road alignment and the nature of the vegetation on the roadside and the requirement to upgrade the road to Council's requirements, further avoidance of impacts is not achievable. <i>Conditions</i> Conditions include: - updating the biodiversity conditions to include the additional offset liability calculations for the project. - adding a requirement for the Ratch to retire the required biodiversity offset credits for the proposed modification within 2 years of the commencement of construction, and in accordance with the NSW Biodiversity Offsets Scheme.
<i>Visual impacts</i> Visual impacts of the project on surrounding residences	<i>Assessment</i> - The modification does not involve any changes to the number, dimensions or location of turbines (subject to existing micro-siting limits). - The transmission connection changes would reduce the area of disturbance, decrease the length of the transmission line connection and reduce the substation footprint. This would result in an overall reduction in visual impacts to that of the approved project. - The Department notes the submission was made from a resident in Collector, which is located more than 7 km from the southern extent of the proposed road upgrade and more than 10 km from the grid connection arrangements. - Further, the visual impacts of a wind farm are generally associated with the wind turbines. As there are no proposed changes to the wind turbines, the Department considers there are negligible visual impacts associated with this modification. <i>Conditions</i> - No changes to existing conditions.