



Uungula Wind Farm Modification 1

Turbine Removal and Access Track Amendments
State Significant Development Modification Assessment
(SSD 6687 MOD 1)

April 2022



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Ungula Wind Farm

Subtitle: Modification 1

Cover image: *Sapphire Wind Farm, CWP Renewables:*

<https://www.sapphirewindfarm.com.au/gallerypost/vestas-wind-turbines/>

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
BCS	Biodiversity, Conservation and Science Division
CIV	Capital Investment Value
Council	Dubbo Regional Council
Crown Lands	Crown Lands, DPE
CWP	CWP Renewables Pty Ltd
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
SEPP	State Environmental Planning Policy
SSD	State Significant Development

Executive Summary

Uungula Wind Farm Pty Ltd, owned by CWP Renewables Pty Ltd, has approval to develop the Uungula Wind Farm (the project), located approximately 14 kilometres (km) east of Wellington, within the Dubbo Regional Council local government area.

The approved project involves the construction, operation, and decommissioning of up to 97 wind turbines up to 250 m in height, with an estimated capacity of 400 megawatts (MW), ancillary infrastructure and temporary facilities, grid connection infrastructure and road upgrades.

Proposed Modification

The modification application seeks to remove four wind turbines at the northern end of the site and make minor alterations to the approved layout and development corridor. The alterations would result in reducing access track length and the extent of vegetation clearing required and avoid four approved creek crossings. The modification also seeks to add three freehold land lots to the schedule of land, being Crown roads that have been closed and transferred since development consent was granted.

Engagement

The Department published the application on its website on 29 March 2022 and sought comments from Dubbo Regional Council (Council), Crown Lands, Heritage NSW and the Biodiversity Conservation and Science Division of the Department. None of the agencies or Council objected to the proposed modification.

Assessment

In assessing the merits of the proposed modification, the Department has considered the merits of the proposal in accordance with the relevant matters for consideration under the *Environmental Planning and Assessment Act 1979*.

The Department considers that the proposed modification application would result in a reduction of impacts to the natural and built environment. In particular, the removal of four wind turbines would result in visual and amenity benefits for nearby residents, and the revised layout would also avoid a previously identified Aboriginal object locale. Furthermore, the addition of two minor areas to the development corridor is justified by the avoidance of larger areas of a similar vegetation type and quality.

Summary

The Department's assessment has concluded that the modification would reduce the previously approved impacts of the project through a reduction in number of wind turbines and an optimisation of the project layout. Consequently, it is in the public interest and should be approved.

Contents

1	Introduction	1
1.1	Consent History	1
2	Proposed modification	2
3	Statutory context	4
3.1	Scope of modifications	4
3.2	Consent authority	4
3.3	Mandatory matters for consideration.....	4
4	Engagement.....	5
4.1	Department's engagement.....	5
4.2	Key Issues – Government Agencies	5
4.3	Key Issues – Council.....	5
5	Assessment	6
5.1	Biodiversity	6
5.2	Other issues	7
6	Evaluation.....	9
7	Recommendation.....	10
8	Determination.....	11
	Appendices	12
	Appendix A – List of referenced documents	12
	Appendix B – Modification Report	12
	Appendix C – Notice of Modification.....	12
	Appendix D – Consolidated Consent.....	12
	Appendix E – Statutory considerations.....	12
	Appendix F – Summary of Administrative Changes to Conditions.....	13

1 Introduction

Uungula Wind Farm Pty Ltd (the Applicant), owned by CWP Renewables Pty Ltd (CWP), proposes to develop a 400 megawatt (MW) wind farm, approximately 14 kilometres (km) east of Wellington in the Central West and Orana region of NSW.

The project involves the development of up to 97 wind turbines, with a maximum tip height of 250 metres (m) and a hub height of 166 m. Construction has not yet commenced.

1.1 Consent History

The project was granted development consent by the Executive Director for Energy, Industry and Compliance on 7 May 2021 as the delegate of the then Minister for Planning and Public Spaces. The development consent allows the Applicant to build and operate up to 97 wind turbines with a maximum height of 250 m (see **Figure 1**) which is capable of generating 400 MW and includes:

- a battery energy storage facility capacity of up to 150 MW / 150 MWh;
- ancillary infrastructure and temporary facilities;
- connection to Transgrid's existing 330 kilovolt (kV) Wellington – Wollar transmission line via a new 330 kV overhead transmission line; and
- internal access tracks, equipment storage shed, staff office and amenities, vegetation screening, fire breaks and security fencing.

2 Proposed modification

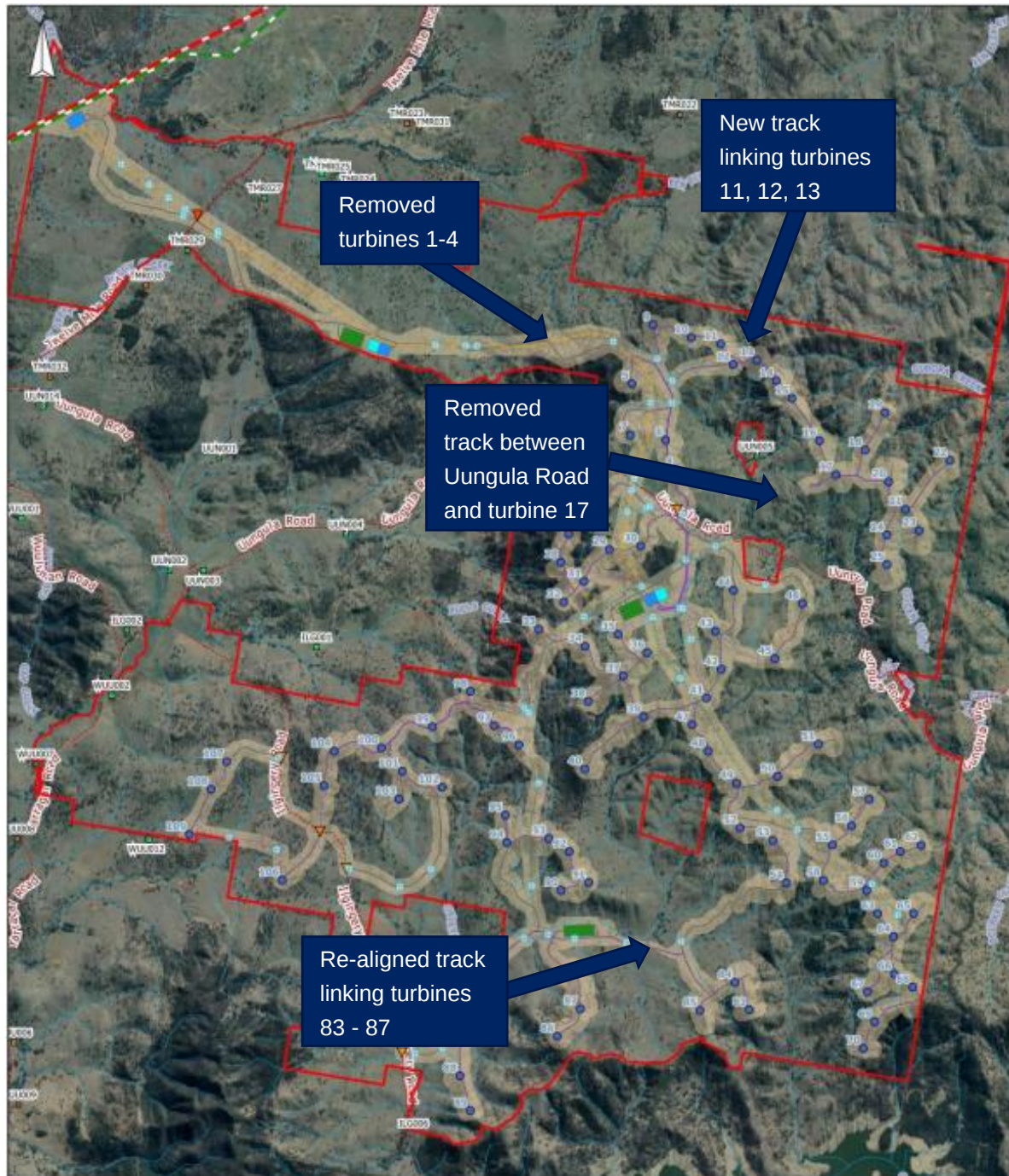
CWP is proposing to modify the development consent to update the Schedule of Land, provide for minor alterations to the approved layout and development corridor in order to reduce environmental and non-associated residence impacts. The modification is described in detail in the Modification Report (**Appendix B**) and proposes:

- the removal of four wind turbine generators;
- adjusting the site layout and development corridor, removing certain areas of access track and underground cabling and adding others; and
- the addition of three freehold land lots in an updated Schedule of Land (being Crown roads that have been closed and transferred since Development Consent SSD 6687 was granted).

The proposed modification would result in a net 2.5 km reduction in track length and a net 11.14 ha reduction in the area of vegetation clearing (see **Table 1**). **Figure 1** identifies the location of the proposed modified works.

Table 1 | Summary of modification

Modification element	Linear Distance (m)	Area (ha)
Remove wind turbines 1,2,3 and 4, retaining access track	-870	-8.19
New track and underground cable to link wind turbines 11,12 and 13	+410	+1.89
Remove track link between Uungula Road and wind turbine 17, avoiding one waterway crossing	-1,732	-4.74
Remove tracks and underground cable south of Uungula Road, avoiding one waterway crossing	-350	-0.81
New track and underground cable to realign the link between wind turbines 86 and 87 and wind turbines 83, 84 and 85 south of Ilgingery Creek	+980	+3.19
Remove track between wind turbines 86 and 87 and wind turbines 83, 84 and 85, avoiding two crossings over Ilgingery Creek, shifting one proposed waterway crossing south.	-917	-2.46
Update Schedule of Land (Appendix 1 to the Development Consent) to add the new references to the freehold lots created after Crown Roads were closed and transferred since Development Consent	N/A	N/A
Sum addition	1,390	5.08
Sum reduction	-3,869	-16.21
Net balance	-2,479	-11.14



LEGEND		COMPANY	
- Residences: - Involved - Non-involved - Existing Unsealed Road - Existing Sealed Road - Development Corridor - Project Site - Access tracks - Primary Project Site entry - Secondary intersections - Waterway Crossing		UUNGULA WIND FARM PTY LTD 	
- Wind Turbine Generator (WTG) - Site Compound - Substation - Energy Storage Facility - Existing Powerlines: 132kV 33kV - Proposed powerlines: - Overhead (high voltage) - Overhead (medium to low voltage) - Underground (medium to low voltage)		Project Layout	
DATE 20/04/2022		SCALE 1:48000	DWG NO UWF-146
DRAWN BY B KRONENBERG		CHECKED BY M FLOWER	REV C
SCALE BAR 0 5 km		SHEET 1 OF 1	VER 1
		JOB NO 110247	SIZE A3

Figure 1 | Modified Project Layout

3 Statutory context

3.1 Scope of modifications

Consideration as modification

The project was originally approved on 7 May 2021 under Section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any modification to this consent must be made under Section 4.55 of the EP&A Act.

CWP has given an undertaking that the modified project remains substantially the same as the project that was originally approved in accordance with section 115(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The Department has considered the scope of the modification application and the existing consent and considers that the modification is substantially the same development as originally approved and can be considered as a modification and does not require a new development application.

Type of modification

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would reduce the environmental impacts of the project as approved;
- would not substantially change the approved development footprint; and
- is substantially the same development as originally approved.

Consequently, the Department is satisfied that the application can be characterised as a modification to the existing consent under Section 4.55(1A) of the EP&A Act. Accordingly, the application may be assessed and determined under this section.

3.2 Consent authority

The Minister for Planning is the consent authority for the application, under section 4.5 (a) of the EP&A Act. However, under the Minister's delegation to determine SSD modifications, signed on 26 April 2021, the Director, Energy Assessments, may determine the application as Council did not object to the proposal, CWP did not make any political donations and there were less than 15 public objections.

3.3 Mandatory matters for consideration

In accordance with section 4.55 (3) of the EP&A Act, the following must be considered in determining the modification application as relevant to the application:

- environmental planning instruments, proposed instrument or development control plan;
- any planning agreements;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;

- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the modification, as summarised in **section 5** of this report and listed in **Appendix E**.

4 Engagement

4.1 Department's engagement

Section 105(4) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 29 March 2022 and was referred to Crown Lands, Biodiversity Conservation and Science (BCS) and Heritage NSW for comment.

4.2 Key Issues – Government Agencies

BCS agreed that the modification would result in an overall reduction in biodiversity values and noted that the two areas proposed to be added to the development footprint are the same vegetation type as those being removed and will be offset using credits to be retired for areas no longer requiring removal.

Heritage NSW noted the modification has been designed to ensure on-ground impacts are reduced and would result in a net benefit to cultural heritage values through the avoidance and conservation of a previously identified Aboriginal object locale.

Crown Lands noted that there are no changes to the proposed use or occupation over Crown land, and that the proposed use is authorised under an existing Crown Land Licence.

4.3 Key Issues – Council

Dubbo Regional Council (Council) raised no objection to the proposed modification but questioned the addition of the additional lots to the schedule of land. CWP subsequently confirmed these lots were part of the original development consent for the project, listed as Crown lands.

5 Assessment

The Department has considered the merits of the modification application in accordance with all the relevant matters for consideration described in **section 3.3**.

In assessing the merits of the proposed modification, the Department has considered the existing development consent, previous environmental assessments for the project, the modification application, applicable government policies and guidelines, agency advice and requirements of the EP&A Act.

The Department has considered whether the proposed changes would result in any material increases in the impacts of the project. The key matter for the assessment of this modification is biodiversity.

5.1 Biodiversity

The proposed modification includes a reduction in the approved access track length and the extent of associated clearing required.

All of the areas proposed to be added to the development footprint have been subject to previous vegetation surveys as part of the original Environmental Impact Statement (EIS), except for approximately 2 ha located within the southern area linking wind turbines 86 and 87 to wind turbines 83, 84 and 85. A review of aerial imagery and surrounding vegetation mapping conducted by Eco Logical Australia indicated that the vegetation is consistent with the surrounding area, mapped as BVT CW211 - *White Box - Rough-barked Apple alluvial woodland on the NSW western slopes*. No issues were raised by BCS regarding this approach.

While two new areas are proposed to be added to the development corridor, the revised layout facilitated by these additions will mean that larger areas of the same vegetation type and habitat potential can be avoided elsewhere (see **Table 2**).

Table 2 | Summary of biodiversity impacts

Vegetation Community	Condition	Approved clearance (ha)	Change due to modification (ha)
Blakely's Red Gum - Yellow Box grassy woodland of the NSW South Western Slopes Bioregion	Moderate/Good_ Moderate (BC Act / EPBC Act CEEC)	6.28	
	Moderate/Good_ Poor – Grassland	61.1	
Red Stringybark woodland of the dry slopes of the South Western Slopes Bioregion	Moderate/Good_ Moderate	18.78	-1.39
	Moderate/Good_ Poor – Grassland	26	
	Moderate/Good_ Other - Weedy	7.21	+0.53
Tumbledown Red Gum – Black Cypress Pine – Red Box low woodland of hills of the NSW South Western Slopes Bioregion	Moderate/Good_ Moderate	16.27	
	Moderate/Good_ Poor - Grassland	11.27	
	Moderate/Good_ Moderate (BC Act / EPBC Act CEEC)	7.87	-0.27

White Box – Rough-barked Apple alluvial woodland on the NSW western slopes	Moderate/Good_Poor - Grassland	45.3	-1.81
White Box - Tumbledown Gum woodland on fine-grained sediments on the NSW central western slopes	Moderate/Good_Moderate (BC Act CEEC)	14.56	
	Moderate/Good_Poor - Grassland	301.67	-8.20
	Moderate/Good_Other - Grassland	72.16	
	Low – Poor_weedy	37.11	
Total		625.58	-11.14 (614.44)

*note – bolded communities are those listed as Critically Endangered Ecological Communities (CEEC) under either the BC Act and/or the EPBC Act.

The proposed modification would therefore reduce the total amount of surface disturbance and native vegetation to be cleared by 11.14 ha. It would also result in a minor reduction (0.27 ha) in the amount of BC Act listed White-Box-Yellow Box-Blakely's Red Gum Woodland CEEC, and EPBC Act listed White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC to be cleared.

The Department and BCS support the proposed changes to the site layout, including the additional areas added to the development corridor, given they will have the net impact of reducing impacts on biodiversity.

In addition, noting the proposed modification will result in a net reduction in impacts on biodiversity and in accordance with Section 7.17(2(c)) of the *Biodiversity Conservation Act 2016* (BC Act), the Department, in consultation with BCS, has determined that a Biodiversity Development Assessment Report is not required to support the proposed modification.

The Department recommends that the clearing limits specified in Condition B20 for the two CEEC communities be reduced to 28.73 ha and 13.88 ha respectively.

5.2 Other issues

The potential impacts of changes resulting from the amended project are considered in **Table 3**.

Table 3 | Other issues

Issue	Findings	Recommendation
Aboriginal and Cultural heritage	There are no identified cultural heritage artefacts in the proposed new impact areas and realignment will result in the avoidance of a previously identified Aboriginal object locale (locale SU96/L6). Heritage NSW are satisfied that the modification will reduce Aboriginal heritage impacts.	Include SU96/L6 in table of aboriginal heritage items to be avoided.
Soil and water	The modification will result in the avoidance of four waterway crossings, which will result in a reduction of impacts to aquatic ecology and landscape stability across the site. Existing conditions around minimising soil erosion and	No additional or modified conditions recommended.

avoiding water pollution remain appropriate for the modified project.

Traffic and Transport	The removal of the access track between turbine 17, Uungula Road and south of Uungula Road will result in the removal of one of the two secondary intersections along Uungula Road. This could potentially result in an increased utilisation of the remaining secondary intersection. Condition B31 requires CWP to undertake an independent dilapidation survey of the remaining intersection and to repair it, if the survey identifies that the road has been damaged. Council have raised no concerns with the proposal and the Department is satisfied that this adequately mitigates the potential impact.	No additional or modified conditions recommended.
Visual	The removal of wind turbines 1 to 4 will result in a reduction in visual impacts for non-associated residences north of the project site, along Twelve Mile Road. The removal of these wind turbines will improve visual amenity for these residences and reduce the cumulative visual impact of wind turbines, given the nearby operational Bodangora wind farm, located approximately 9 km north of the project. Condition B1 of the development consent states that the applicant must not construct wind turbines 1 to 4 unless agreement was reached with the owner(s) of relevant residences. As agreement was not reached with the respective owners, the Department considers the proposed deletion of wind turbines 1 to 4 is consistent with the intent of the condition.	Condition B1 deleted as the modification removes turbines 1 to 4.

6 Evaluation

The Department has assessed the modification application and Modification Report and advice received from relevant government agencies and Council. The Department has also considered the objectives and relevant considerations under sections 4.55 (3) and 4.15 of the EP&A Act.

The proposed modification seeks to delete four wind turbines and make two minor additions to the development footprint to facilitate a revised access track layout. This will result in a significant reduction in total access track length and the extent of vegetation clearing and also avoids four waterway crossings.

The Department considers that the areas of vegetation which would be avoided through the revised layout are of an appropriate vegetation type and quality to justify clearing in the two new areas, resulting in a significant net environmental benefit from the modification. In addition, the Department considers that the deletion of four wind turbines will result in both a significant environmental benefit and amenity benefit for nearby non-associated residences.

The Department's assessment also considered potential for impacts on aboriginal heritage, visual amenity, traffic, and soil and water. The Department considers any impacts would be either substantially the same as previously assessed and approved or a net reduction and are can be managed under the existing conditions of consent.

The Department also considers that the additional lots to be added to the Schedule of Land is a minor administrative change contemplated in the original assessment of the project and approved conditions of consent.

In summary, the Department's assessment has found that the proposed modification would not result in any significant impacts beyond those that were assessed and approved under the existing consent.

The Department has drafted a Notice of Modification (see **Appendix C**) and a consolidated version of the development consent as modified (see **Appendix D**). CWP has reviewed the conditions and does not object to them.

The Department is satisfied that the proposed modification is in the public interest and should be approved subject to these conditions.

7 Recommendation

It is recommended that the Director, Energy Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application Uungula Wind Farm Modification 1 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modify** the consent (SSD 6687); and
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Nestor Tsambos

Senior Environmental Assessment Officer
Energy Assessments

Recommended by:



Andy Nixey

Team Leader
Energy Assessments

8 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in blue ink, appearing to be 'NB', with a long horizontal line extending to the right.

Nicole Brewer

Director

Energy Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

Uungula Wind Farm Modification Report, March 2022

Appendix B – Modification Report

Appendix C – Notice of Modification

Appendix D – Consolidated Consent

Appendices B to D – see the Department’s Major Projects Website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-turbine-removal-and-access-track-amendments>

Appendix E – Statutory considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 4** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report, as referenced in the table.

Table 4 | Assessment of Section 4.15(1)

Section 4.15(1) Matters for consideration	The Department’s assessment
(a)(i) any environmental planning instrument	The environmental planning instrument relevant to this modification is the <i>Dubbo Local Environmental Plan 2011</i> . There are no proposed or draft LEPs of development control plans (DCPs) for Dubbo Regional Council LGA for consideration in this modification.
(a)(ii) any proposed instrument	
(a)(iii) any development control plan	
(a)(iiia) any planning agreement	CWP committed to entering into a VPA with Council during the assessment of the original project. This agreement is still applicable with the proposed changes as it operates on a ‘per turbine’ basis.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> , including the procedures relating to applications (Parts 3-5), the

	requirements for notification (Part 3, Division 5) and fees (Part 13).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed changes to be minor and would not result in adverse environmental impacts (refer to Section 5).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 5 .
(d) any submissions	Not applicable.
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the development of the wind energy facility while and minimising the potential impacts on surrounding land users and the environment.

Appendix F – Summary of Administrative Changes to Conditions

Table 5 | Summary of Minor and Administrative Changes

Condition Number	Minor and Administrative Changes	Reason for Change
Definitions	Update the definition of EIS in the consent	To include the Modification Report provided to the Department in the assessment of the modification application
Definitions	Update new titles for the Department (Department of Planning and Environment), its agency head (Planning Secretary) and Minister (for Planning)	To reflect current Departmental and Ministerial titles and responsibilities
Definitions	Update reference to new EP&A Regulation	To reflect recent changes to the EP&A Regulations
Appendix 2	Update layout plan and development layout	To incorporate the modified layout.
Appendix 6	Update subdivision plans	To incorporate the modified layout
Appendix 9	Update over-dimensional access route restrictions	To incorporate the modified layout