

Notice of decision – Rye Park Wind Farm

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	SSD 6693 MOD1 Rye Park Wind Farm
Applicant	Tilt Renewables Australia Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Deputy Secretary, Assessment and System Performance 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 consent 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/26241>.

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/26241>.

Date of decision

15 April 2021

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;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- 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 development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including a \$230,000 annual contribution for the life of the project (adjusted annually to increases in CPI from July 2021) to be distributed between the Councils, to be spent towards local community enhancement, and generate enough energy to power the equivalent consumption of about 225,000 homes;
- the modification is permissible with consent, and is consistent with NSW Government policies including the *Climate Change Policy Framework* and *Net Zero Plan Stage 1: 2020 – 2030*;
- 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 changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 13 May 2020 until 3 June 2020 and received 94 submissions from the public, including 74 objections, primarily from residents living within 25 kilometres of the project site.

The Department consulted with government agencies and the three Councils throughout the assessment process and visited surrounding landowners on 4 – 5 November 2020. Following feedback from the Department and the community, Tilt removed three additional approved turbine locations that have led to better outcomes for the community in and around Rye Park village.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include impacts on visual and noise amenity, biodiversity and the road network. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual impact</i></p> <ul style="list-style-type: none"> • Larger turbines would increase visual impacts of the project; • Night lighting impacts; • Cumulative visual impacts with Bango Wind Farm 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • There are 94 non-associated residences within 4 km of the proposed turbines, including 27 within 2.7 km of turbines. Approximately one-third of the residences within 4 km are near or within Rye Park village itself. • Although the increase in turbine height has the potential to increase the visual magnitude impact, the overall visual impacts would not be significantly increased with the visual impact for the modified project ranging from low to moderate due to existing mature vegetation, topography and with the removal of 15 approved turbines at most non-associated residences existing vegetation except for R38. • Acquisition rights available to the landowner of R38 remains appropriate • The Department acknowledges that the addition of obstacle lighting has the potential to increase visual impacts at residences. The installation of an aircraft detection system would reduce the visual impact of night lighting by only activating lights when an aircraft is detected nearby. <p>Conditions include</p> <ul style="list-style-type: none"> • install low-intensity obstacle warning lights with an aircraft detection system that only activates when an aircraft is nearby at night or poor weather; • offer visual impact mitigation measures (e.g. landscaping and/or vegetation screening) to all non-associated residences within 1 km of the overhead transmission line.
<p><i>Noise</i></p> <ul style="list-style-type: none"> • Larger turbines are noisier than those approved; • Construction traffic noise impacts. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Noise Assessment identified the need to implement a turbine curtailment strategy, which involves operating 19 turbines in a noise reduced mode (i.e. limiting the speed of the turbine's rotor at wind speeds of 8m/s and above) to meet the applicable noise criteria at all non-associated residences. • The Department notes that such curtailment strategies are a recognised noise mitigation measure in the <i>Wind Energy Noise Assessment Bulletin</i> and the Department and Environment Protection Authority (EPA) is satisfied that such an approach would be appropriate. • The project will require an Environment Protection Licence administered by the EPA to operate. <p>Conditions include</p> <ul style="list-style-type: none"> • Update noise criterion requiring the operation noise to be measured in accordance with the requirements of the <i>Wind Energy Noise Assessment Bulletin</i>; • Require the operation of ancillary infrastructure to comply with the requirements of the <i>NSW Noise Policy for Industry</i>; and • Require the preparation and implementation of a Noise Management Plan to manage noise emissions from the operation of the wind farm and to detail the turbine curtailment strategy once a final turbine model has been selected.
<p><i>Biodiversity impacts</i></p> <ul style="list-style-type: none"> • Increasing the disturbance footprint by 240 ha; • Bird and bat strike with the larger turbine rotor swept path 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Despite the considerable increase to the development footprint from 260 ha to 501 ha of vegetation, the increase is largely related to an increase in clearing of exotic vegetation (from 20 ha to 105 ha) and derived native grassland (96 ha to 192 ha). • The modification would decrease clearing of the Box Gum Woodland Critically Endangered Ecological Community (CEEC) by 12.9 ha compared to the project as approved.

<i>Issue</i>	<i>Consideration</i>
	<ul style="list-style-type: none"> The modification would increase clearing of potential Golden Sun Moth habitat from 66.94 ha to 83.22 ha. <p>Conditions include</p> <ul style="list-style-type: none"> Updating clearing limits to reflect the reduction in Box Gum Woodland CEEC clearing, and adding a limit to clearing of Golden Sun Moth habitat.
<p><i>Traffic</i></p> <ul style="list-style-type: none"> Road safety with the large number of heavy vehicle movements proposed during construction; Oversize deliveries would encroach upon private land where landowner's agreement has not been acquired. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The modification seeks to increase one-way heavy vehicle movements over the construction period from 15,055 to 33,000. Despite the significant increase, the road network is considered to have sufficient capacity to accommodate these movements. Tilt is also seeking to commence civil works within the site in conjunction with upgrades to the local road network. This would not involve any oversize-overmass vehicle movements and could reduce construction timeframes by up to nine months. Tilt have advised agreements with all necessary landowners for the transport route have been acquired. With suitable road upgrades agreed with the local Councils, regular road maintenance, and the implementation of standard traffic control measures to be detailed in a Traffic Management Plan, the Department is satisfied that the proposed modification would not result in any unacceptable impacts on the capacity, efficiency or safety of the road network. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Update the conditions to allow flexibility commencing road upgrades in parallel with works on internal access roads subject to consultation with Hilltops Council as the local road authority. Update the Schedule of Road Upgrades and consolidation permissible site access points.