



Rye Park Wind Farm Modification 2

Amendment to Development Corridor
State Significant Development Modification Assessment
(SSD 6693 MOD 2)

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Executive Summary

Rye Park Renewable Energy Pty Ltd (the applicant), owned by Tilt Renewables Limited (Tilt), received consent in 2017 to develop the Rye Park Wind Farm in the Southern Tablelands of NSW. The development consent permits the construction of 92 wind turbines with a capacity of 322 megawatts (MW).

Tilt, on behalf of the Applicant, seeks to modify the development corridor to facilitate revisions to indicative access tracks, in response to detailed design work and landowner discussions. The revisions would increase the approved development corridor by 14.59 hectares. However, the total length of the access tracks would be reduced by 1.44 km with a net reduction in biodiversity impacts due to a decrease in the extent of native vegetation clearing required.

The Department exhibited the application for 14 days from 27 July 2022 to 8 August 2022. One public submission (an objection) was received. Comments were also received from Hilltops Council, Upper Lachlan Shire Council and Yass Valley Council as well as three government agencies, none of which objected to the modification.

Key issues raised in the public submission included potential increased environmental and traffic impacts.

The Department considers the proposed modification would not result in any significant impacts beyond those that were assessed and approved under the existing consent, and in particular, would result in reduced impacts on the natural environment through an optimisation of the access track layout and associated reduced biodiversity impacts.

The Department's assessment has concluded that the modification should be approved to enable a reduction in the previously approved impacts of the project. Any residual environmental impacts could be mitigated and managed through the revised conditions. Consequently, it is in the public interest and should be approved.

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1 Introduction

Rye Park Renewable Energy Pty Ltd (the applicant), owned by Tilt Renewables Limited (Tilt), received consent in 2017 to develop the Rye Park Wind Farm in the Southern Tablelands of NSW. The development consent permits the construction of 92 wind turbines with a capacity of 322 megawatts (MW).

The project has been modified on one occasion (April 2021), including reducing the number of turbines from 92 to 77 and increasing the maximum turbine dimensions, which increased the generating capacity of the project to 462 MW. Construction of the project commenced in December 2021.

2 Proposed modification

Tilt is proposing to modify the development consent to amend the development corridor to facilitate revisions to several sections of indicative access track. There are seven locations where alterations to the access tracks are proposed (shown on **Figure 1**) including both temporary tracks for construction of the transmission lines and permanent wind farm access tracks. The key reasons for modifying the alignment of the tracks are:

- topography and constructability to ensure the tracks follow the landforms natural contours, minimising the need for cut and fill;
- avoiding crossing waterways or drainage features in low-lying areas;
- making use of existing farm tracks and lanes; and
- avoiding some Telstra assets.

Although the modification seeks to remove some sections of construction tracks, there would be no corresponding reduction in the development corridor in these locations as the same corridor is still required to facilitate the transmission lines.

The proposed modification would result in:

- an increase in the development corridor area by approximately 14.59 ha (from 1,275.57 ha to 1,290.16 ha);
- a reduction in the total length of access tracks by 1.44 km (from 123.78 km to 122.34 km); and
- the use of a small section of Walla Lane which may require some minor road works to ensure the road is suitable for all weather access.

The modification is described in detail in the Modification Report (**Appendix A**). Key components and features of the modification are shown on **Figure 1**.

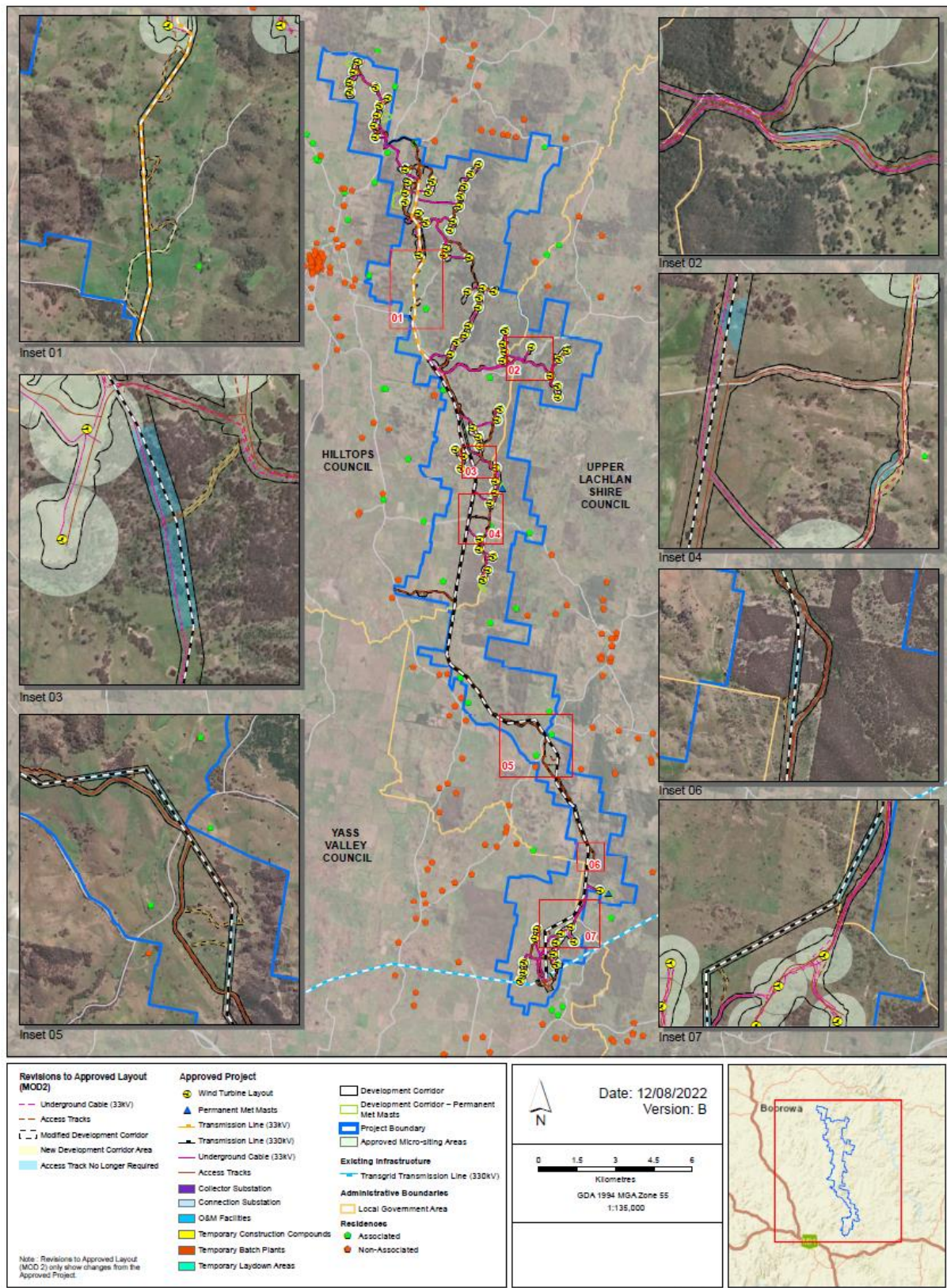


Figure 1 | Location of proposed modifications

3 Statutory context

The Department considers the application is substantially the same development as originally approved, noting the changes to the development footprint are minor, and the environmental impacts of the modification would be minimal. Consequently, the modification is within the scope of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

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 9 March 2022, the Director, Energy Assessments, may determine the application as the Council did not object to the proposal, the applicant did not make any political donations and there were less than 15 public objections.

The Department has considered all the matters listed under section 4.55(3) of the EP&A Act in its assessment of the modification, as summarised in **section 5** of this report.

4 Engagement

The Department publicly exhibited the modification application from 27 July 2022 to 8 August 2022 and advertised the exhibition in the Young Witness. During the exhibition period, one community submission was received which objected to the proposed modification. Key issues raised in this submission included concerns around additional biodiversity impacts, traffic and access.

Advice was also provided by three government agencies and Upper Lachlan Shire Council and Hilltops Council also provided comments on the modification. Yass Valley Council were also consulted and raised no concerns with the proposed modification.

Full copies of the submissions are attached in **Appendix B**. Tilt responded to issues raised in the submission and by agencies on the project in its Submissions Report (**Appendix C**). Key issues raised by government agencies are summarised in **Table 1**.

Table 1 | Summary of Advice from Agencies and Council

Agency	Key Issues
Department's Biodiversity, Conservation and Science Directorate (BCS)	Confirmed the modification would result in an overall reduced area of direct ecological impact to all entities aside from one non-threatened Plant Community Type (PCT) which does not support any threatened species.
Heritage NSW	Confirmed the assessment and recommendations provided in the Aboriginal Cultural Heritage Assessment Addendum are adequate and appropriate.
Crown Lands	Confirmed no additional Crown Land, roads or waterways would be impacted by the proposed modification outside of those already approved under the existing Crown Land Licence for the project.
Upper Lachlan Shire Council	No objection to the modification.
Hilltops Council	No objection to the modification and supports the overall reduction in biodiversity impacts.

5 Assessment

5.1 Biodiversity

The public submission raised concerns regarding potential increased environmental impacts from the modification.

The proposed modification would result in a reduction in the approved access track length and the extent of associated vegetation clearing required (see **Table 2**). The new areas of the development corridor have been subject to additional surveys and biodiversity assessment. BCS advised that the assessment was accurate and demonstrates that the proposed modification would reduce the area of ecological impact to all entities, with the exception of one plant community type (PCT).

The proposed modification would increase clearing by 0.03 ha of PCT 355, which is not listed as a threatened ecological community under either the *Biodiversity Conservation Act 2016* (BC Act) or *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and does not provide habitat for any threatened species.

Importantly, the modification would result in a reduction in the amount of clearing of BC Act and EPBC Act listed White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box Gum Woodland) Critically Endangered Ecological Community (CEEC) (PCT 350) and a reduction in clearing of Golden Sun Moth habitat.

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

The biodiversity impacts of the project would be reduced as a result of the modification. However, due to periodic updates to the data referenced by the Biodiversity Assessment Method Calculator (BAM-C), the credit obligation has increased for some impacted entities (see **Table 3**). An additional condition is therefore recommended to capture the retirement of these additional biodiversity credits prior to the commencement of construction works associated with Modification 2. Tilt has committed to retiring these credits by making payments into the biodiversity offset fund.

Table 2 | Biodiversity impacts

Ecosystem and Species Credit Entities	Approved clearance (ha)	Modification 2 clearance (ha)	Change in clearance (ha)
289 Mugga Ironbark - Inland Scribbly Gum - Red Box shrub/grass open forest on hills in the upper slopes sub-region of the NSW South Western Slopes Bioregion	0.77	0.73	-0.04
335 Tussock grass - sedgeland fen - rushland - reedland wetland in impeded creeks in valleys in the upper slopes sub-region of the NSW South Western Slopes Bioregion	5.72	5.75	0.03
350 Candlebark - Blakely's Red Gum - Long-leaved Box grassy woodland in the Rye Park to Yass region of the NSW South Western Slopes Bioregion and South Eastern Highland Bioregion	37.45	33.00	-4.45
→ Box Gum Woodland CEEC (BC Act)*	37.34	32.89	-4.55
→ Box Gum Woodland CEEC (EPBC Act)*	35.54	31.10	-4.44
351 Brittle Gum - Broad-leaved Peppermint - Red Stringybark open forest in the north-western part (Yass to Orange) of the South Eastern Highlands Bioregion	459.02	411.89	-47.13
Golden sun moth (<i>Synemon plana</i>)	85.22	76.32	-8.90
Striped legless lizard (<i>Delma impar</i>)	43.07	41.00	-2.07
Superb parrot (<i>Polytelis swainsonii</i>) (breeding habitat)	19.92	19.24	-0.68
Squirrel glider (<i>Petaurus norfolcensis</i>)	103.23	84.59	-18.64
Southern myotis (<i>Myotis macropus</i>)	<0.01	<0.01	-

* Note: Some areas of PCT 350 meet the condition thresholds for the BC Act and or EPBC Act listings for Box Gum Woodland CEEC. The discrepancy in these numbers relates to small patches of PCT 350 which do not meet the required condition thresholds.

Table 3 | Biodiversity credit liability

Ecosystem and Species Credit Entities	Existing credit liability	Revised credit liability for modification 2	Additional credit liability for modification 2
Tussock grass - sedgeland fen - rushland - reedland wetland in impeded creeks in valleys in the upper slopes sub-region of the NSW South Western Slopes Bioregion (PCT 335)	126	137	11
Candlebark - Blakely's Red Gum - Long-leaved Box grassy woodland in the Rye Park to Yass region of the NSW South Western Slopes Bioregion and South Eastern Highland Bioregion (PCT 350)	1,024	1,032	8
Superb parrot (<i>Polytelis swainsonii</i>) (breeding habitat)	579	588	9
Squirrel glider (<i>Petaurus norfolcensis</i>)	2,993	3,127	134

5.2 Other issues

Other issues are discussed in **Table 4**.

Table 4 | Other issues

Traffic

- The public submission raised concerns regarding a perceived additional access point to the site, however the modification does not seek to alter the approved access points.
- The public submission also raised concerns about the local impact of oversized construction vehicles causing traffic congestion and impacts to local road surfaces. The existing conditions require Tilt to minimise disruptions to local road users and to undertake an independent dilapidation survey and to make good any development related damage.
- The modified project would use a small section of Walla Lane which may require some minor road works to ensure the road is suitable for all weather access. The work would be located within the footprint of the existing carriageway and would result in no additional impacts.
- Depending on the time of year for construction and the condition of the road at that time, the works may not be required.
- Approximately 15-20 heavy vehicles would use Walla Lane in order to facilitate the construction of a section of the 33 kV transmission line. It has been identified that this is a small no-through-road used only by two associated landowners to access their properties. The Department therefore considers this is unlikely to impact the broader community.
- Discussions with Crown Lands have confirmed that this section of Walla Lane is under the management of Hilltops Council.

Heritage

- Supplementary heritage assessments have been undertaken in the form of an addendum to the Aboriginal Cultural Heritage Assessment which assessed the additional areas of the modification application footprint.
- The assessment identified one isolated stone artefact and one Potential Archaeological Deposit, however the modification works would not result in harm to these items.
- Heritage NSW is satisfied the modification would not increase Aboriginal heritage impacts.

6 Evaluation

The Department has assessed the modification application, the public submission and advice received from relevant government agencies and Councils. 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 modify the development corridor to facilitate revisions to access tracks. The proposed revisions would reduce the biodiversity impacts of the approved development as the reduction in the total length of access tracks would result in an associated reduction in the extent of vegetation clearing required. However, due to updates to the data referenced by the BAM-C, the credit obligation has increased for some entities. This is resolved via an additional recommended condition pertaining to the retirement of these additional biodiversity credits prior to the commencement of construction works associated with Modification 2.

The Department's assessment also considered potential impacts on traffic and Aboriginal heritage. The Department considers any impacts would either be substantially the same as previously assessed and approved, or a net reduction, and are manageable with some modifications to the existing 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 D**) and consolidated version of the development consent (see **Appendix E**). The applicant, government agencies and Councils have reviewed the conditions and no objections have been raised.

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 Rye Park Wind Farm Modification 2 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 6693); and
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



16/09/2022

Julia Green

Senior Environmental Assessment Officer
Energy Assessments

Recommended by:



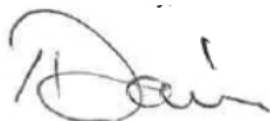
16/09/2022

Andy Nixey

Team Leader
Energy Assessments

8 Determination

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



23/09/2022

Iwan Davies

A/Director
Energy Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – Modification report

Appendix B – Submissions and Government Agency advice

Appendix C – Submissions report

Appendix D – Notice of modification

Appendix E – Consolidated Consent

Appendices A to E available at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-amendment-development-corridor>

Appendix F – 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 5** 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 5 | Assessment of Section 4.15(1)

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 3 .
(a)(ii) any proposed instrument	
(a)(iii) any development control plan	
(a)(iiia) any planning agreement	Not applicable
(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 modification applications (Part 5), the requirements for notification (Part 5, Division 2) and fees (Part 13) (refer to Section 3).
(b) the likely impacts of that development including environmental impacts on both the	The Department considers the proposed changes to be minor and would not result in

natural and built environments, and social and economic impacts in the locality.	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 3 and 5 .
(d) any submissions	The Department has considered the submissions received. Refer to Sections 4 and 5 .
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would provide flow-on benefits to the local community and a reduction in biodiversity impacts

Appendix G – Summary of minor and administrative changes to conditions

Condition Number	Minor and Administrative Changes	Reason for Change
Definitions	Update new title for the Department (Department of Planning and Environment)	To reflect current departmental titles
Definitions	Update the definition of EIS in the consent	To include the modification report and the submissions report provided to the Department in the assessment of the modification application
Definitions	Include a definition of Modification 2	Definition required as Modification 2 is referenced in the revised conditions
Appendix 2	Replace with updated figure	To reflect the modified development corridor
Appendix 5	Insert 2 additional rows in Table 1 and provide details for two newly identified Aboriginal heritage items	To provide the item name and AHIMS number for two additional Aboriginal Heritage Items identified in the third addendum to the ACHA.
Appendix 5	In table 3, replace the AHIMS number for PAD 1 with “45-5-4051”	To reflect updated AHIMS number as reported in the third addendum to the ACHA.
Appendix 5	Replace the figure with an updated figure	To reflect the modified development corridor and additional Aboriginal Heritage Items
Appendix 6	Insert additional row and provide details for Walla Lane	To capture the potential upgrade of this road as part of Modification 2.