



Crudine Ridge Wind Farm Modification 2

Revised Internal Access Tracks
State Significant Development Modification Assessment
(SSD 6697 MOD 2)

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Executive Summary

Crudine Ridge Wind Farm Nominees Pty Ltd, serviced by CWP Renewables (CWP), has approval to develop the Crudine Ridge Wind Farm, approximately 45 km south of Mudgee and 45 km north of Bathurst in the Mid-Western Regional Council and Bathurst Regional Council local government areas.

Since its approval in 2016, the project has undergone one modification, which involved changes to the road design for Aarons Pass Road and an alignment of the development consent with the Commonwealth approval. The approved project includes the construction and operation of up to 37 turbines, and associated infrastructure.

Proposed Modification

The original application designed the internal access tracks to connect more wind turbines than the approved project. The modification application seeks approval to amend a section of the approved internal access tracks by removing 1,590 metres (m) of tracks and replacing it with two shorter tracks totalling 730 m. The proposed changes would reduce the length of tracks by approximately 860 m, and thereby reduce impacts on native vegetation and Aboriginal heritage, and avoid crossing four watercourses.

Engagement

The Department published the modification application on its website on 29 April 2020 and sought comment from Mid-Western Regional Council and the Department's Biodiversity and Conservation Division. Neither of the agencies objected to the proposed modification.

Assessment

In assessing the merits of the proposed modification, the Department has considered the existing conditions of consent, previous environmental assessments for the project, the modification application and supporting information, applicable government policies and guidelines and requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The key matters considered in the Department's assessment are impacts on biodiversity values and Aboriginal heritage.

The proposed modification would result in a net reduction of 860 m of tracks, thereby reducing the net clearing required to construct the tracks by 0.51 ha, from 0.95 ha down to 0.44 ha. Further, the replacement tracks would avoid crossing four first order streams with active gully erosions.

As approved, sections of the track would be constructed through an area that contains known Aboriginal cultural heritage artefacts. The proposed track changes would avoid this area and be constructed in an area that has no known Aboriginal cultural heritage items.

In accordance with the existing approval, CWP is required to revise its strategies to include the scope of this modification. Subject to existing conditions, the Department considers the modification would result in negligible impacts on the environment.

Summary

The Department's assessment has concluded that the modification would not result in any impacts beyond those that were assessed and approved. Further, the revised internal access tracks would result in a more efficient construction process and operation of the wind farm, as well as reduced environmental impacts. As such, the Department considers the proposed modification should be approved.

1 Introduction

Crudine Ridge Wind Farm Nominees Pty Ltd, serviced by CWP Renewables (CWP), has approval to construct and operate the Crudine Ridge Wind Farm (the project). The project is located approximately 45 km south of Mudgee and 45 km north of Bathurst on the Central Tablelands of NSW. The project is located in the Mid-Western Regional Council and Bathurst Regional Council local government areas (see **Figure 1**).

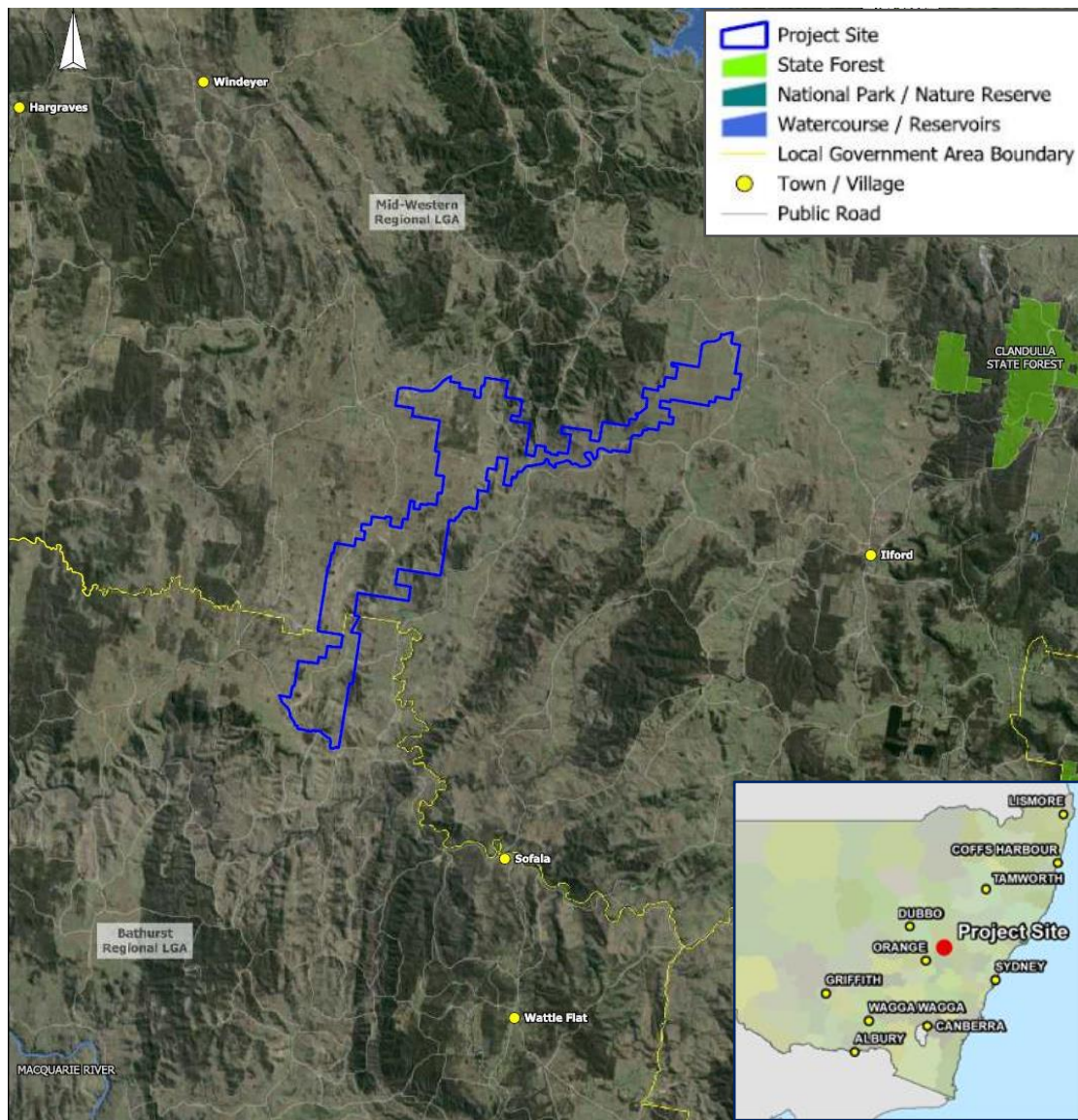


Figure 1 | Regional Context

1.1 Consent History

The project was granted development consent by the then NSW Planning Assessment Commission (now Independent Planning Commission) (the Commission) in 2016 for the construction of up to 77 wind turbines. The project received Commonwealth approval on 4 April 2017 (EPBC 2011/6206). However, this approval only allows construction of up to 37 of the 77 wind turbines.

A subsequent modification to the consent (Modification 1) involved a revised road design for Aarons Pass Road and an alignment of the development consent with the Commonwealth approval.

The modified consent permits the construction and operation of:

- up to 37 turbines (up to 160 metres in height), associated infrastructure and access tracks;
- a project substation, internal access tracks and transmissions cabling; and
- grid connection of the switchyard to TransGrid's existing 132 kilovolt (kV) transmission line.

CWP commenced construction of the project in August 2018.

1.2 Internal Access Tracks

As part of the original proposal, CWP designed the internal tracks to enable access between the proposed 77 wind turbines. Since the Commonwealth approval was issued in 2017 and Modification 1, CWP has undertaken further detailed design of the internal access tracks based on the approval of 37 wind turbines. Detailed design identified sections of tracks that could be revised without reducing accessibility across the site and reduce the associated impacts of the project.

2 Proposed modification

The modification application seeks to amend two sections of the approved internal access tracks, enabling the project to reduce the length of tracks by about 840 metres (m). This will involve joining three sections of the approved development corridor for a total length of 322 m and width of 30 m.

The modification is described in detail in the Modification Report (**Appendix B**) and seeks to:

- remove 1,410 m of Track 11;
- remove 180 m of Track 10;
- construct 470 m of track between wind turbines A35 and A38;
- construct 280 m of track from Chainage 1400 on Track 9 to Chainage 800 on Track 11;

Importantly, the proposed modification would reduce disturbance to native vegetation by 0.5 ha and would no longer require four first order stream crossings with active gully erosion.

The approved project layout, approved and proposed track layouts are illustrated in **Figure 2, 3** and **Figure 4**.

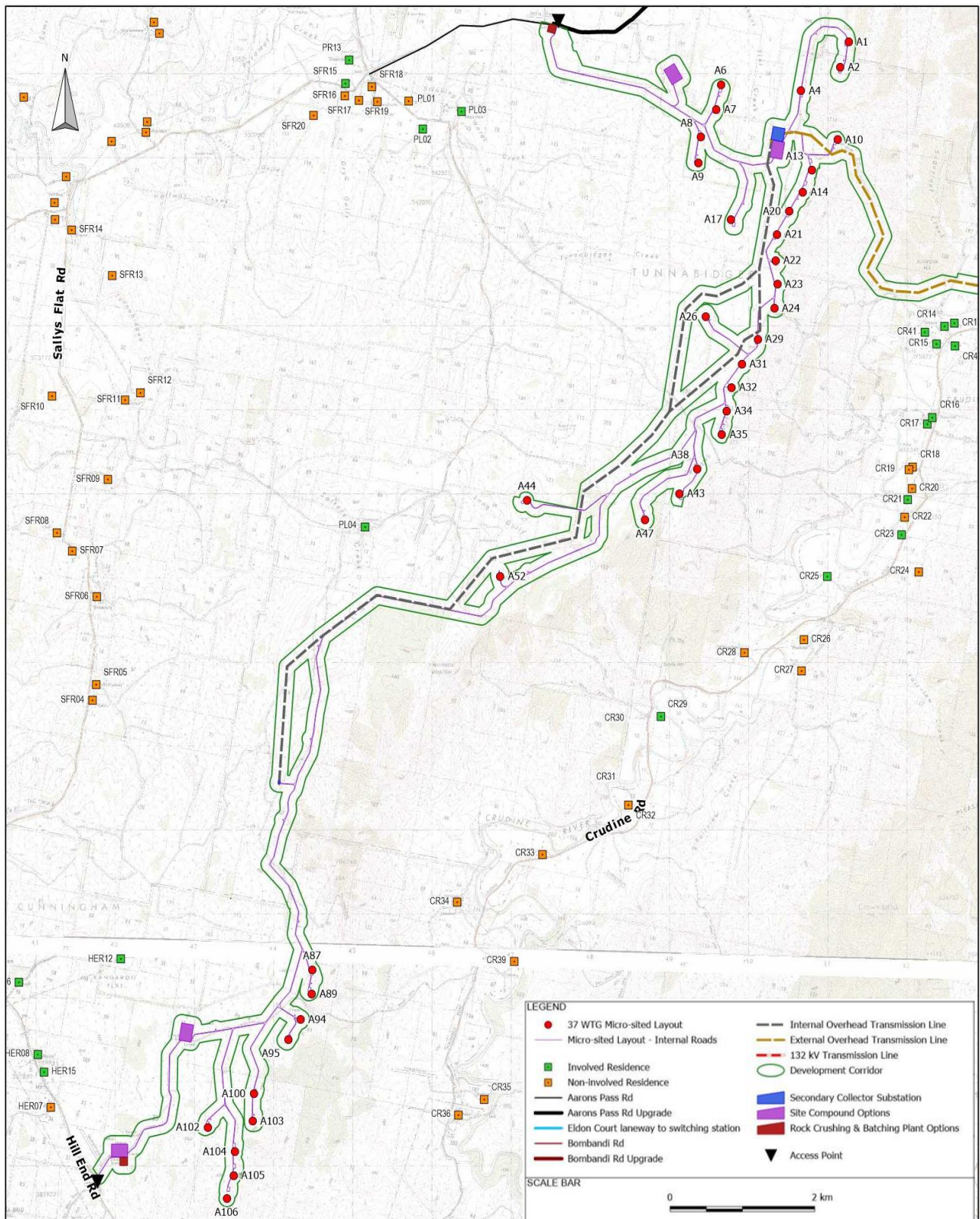


Figure 2 | Approved Project Layout

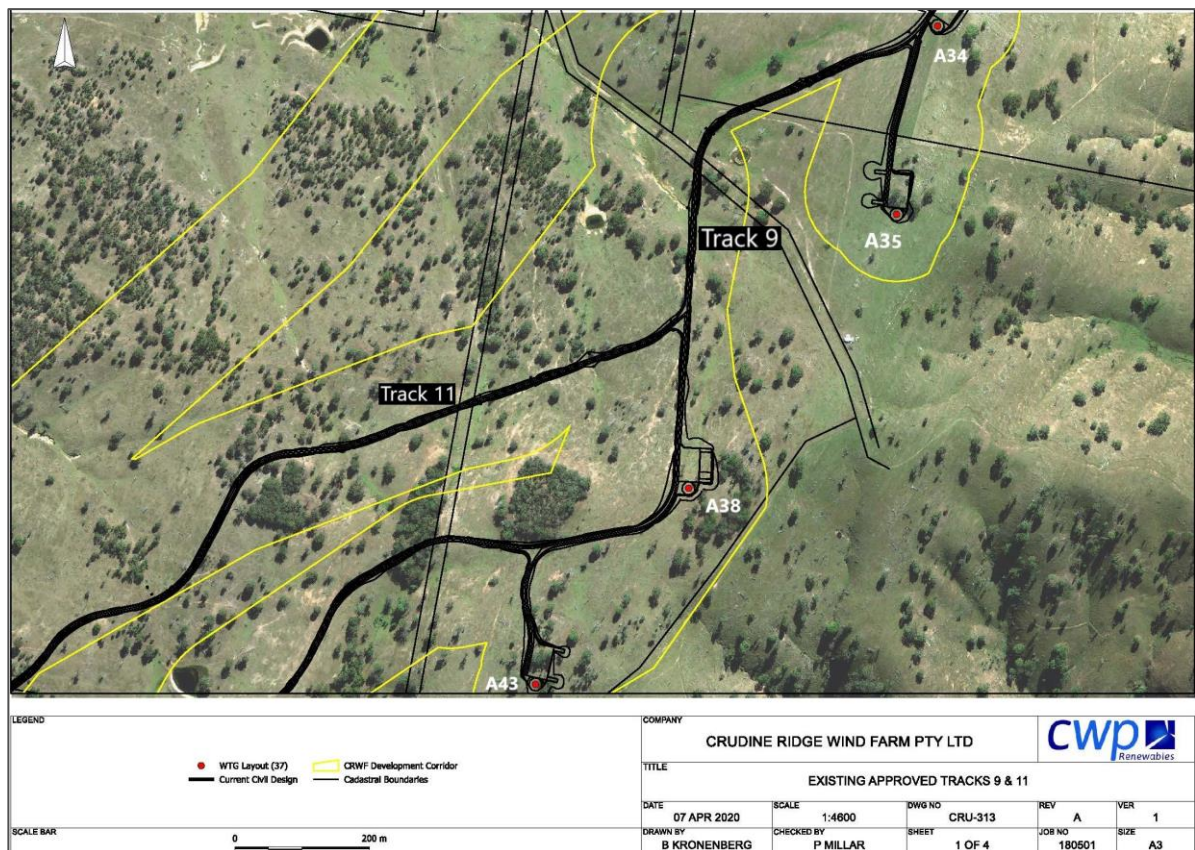


Figure 3 | Approved internal access tracks

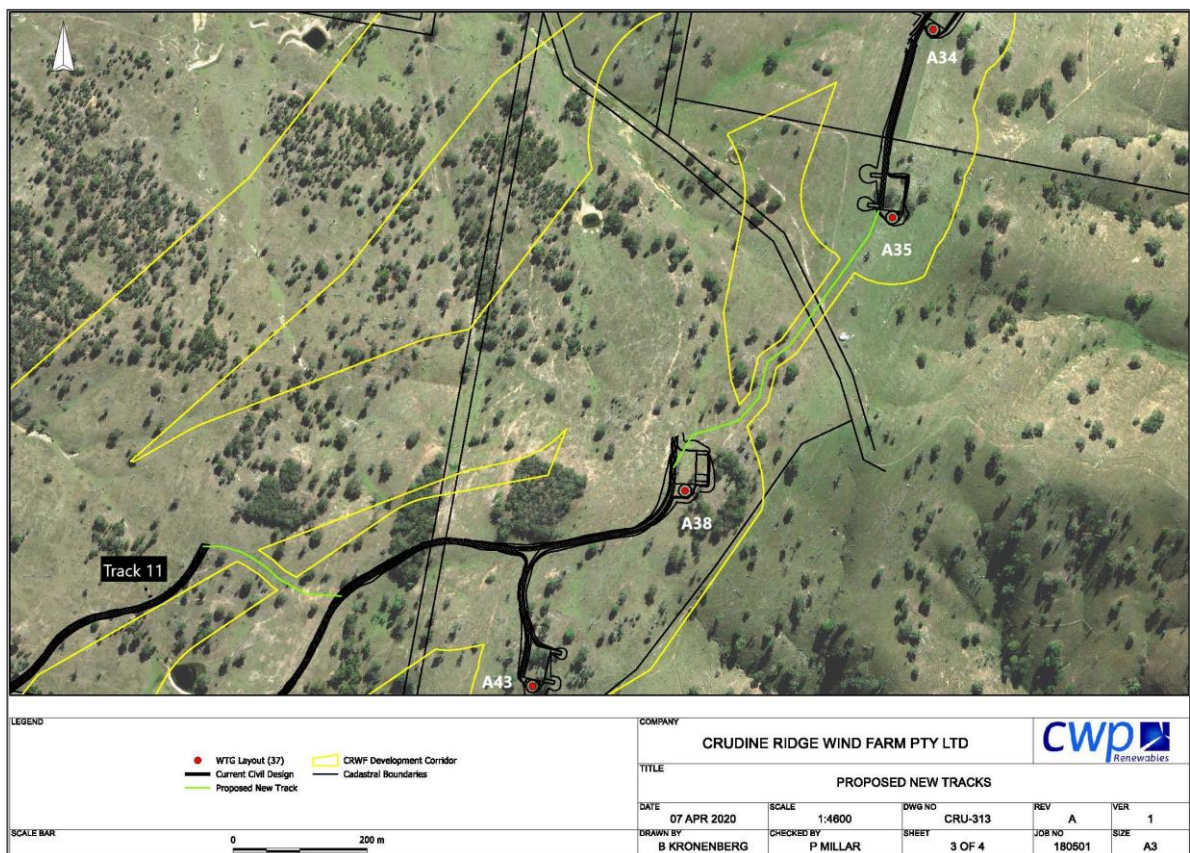


Figure 4 | Proposed revised access tracks

3 Statutory context

3.1 Scope of modifications

Consideration as Modification

The development was originally approved by the Commission on 10 May 2016 under Part 4 of the EP&A Act.

CWP considered that the modified project would be substantially the same as the development that was originally considered 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 not significantly increase 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 is within the scope of Section 4.55(1A) of the EP&A Act. Accordingly, the application may be assessed and determined under this section.

3.2 Consent authority

Although the Minister for Planning and Public Spaces is the consent authority for the application, the Director, Energy Assessments, may determine the application under the Minister's delegation dated 9 March 2020 as Mid-Western Regional Council (Council) did not object to the proposal, CWP did not make any political donations and there were no 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 granting the modification application as relevant to the application:

- environmental planning instruments, proposed instrument or development control plan;
- any planning agreement;
- 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;
- the reasons for granting the consent for the original application.

The Department has considered the relevance of the considerations for the modification application below.

Environmental planning instruments, proposed instrument or development control plan

The environmental planning instrument relevant to this modification is the *Mid-Western Local Environment Plan 2012* (Mid-Western LEP).

There are no proposed or draft LEPs or development control plans for Mid-Western Regional LGA for consideration in this modification.

Any planning agreement

CWP currently has a voluntary planning agreement with both Mid-Western Regional Council and Bathurst Regional Council. This modification application does not relate to these agreements and is not relevant to the modification application.

EP&A Regulation

There are no additional considerations relevant to the modification application in the EP&A Regulation.

Likely impacts of the modification application

The likely impacts of modification are considered in **Section 5**.

Suitability of the site

The suitability of the project site was assessed and considered by the Department in the original application and is not considered relevant to the modification application.

Submissions

The Department notified and sought advice from Mid-Western Regional Council and the Department's Biodiversity and Conservation Division, and this is discussed in **Section 4**.

Public Interest

The consideration of public interest is provided in **Section 6**.

The reasons for granting the consent for the original application

The Commission considered the impacts (including biodiversity, heritage and water impacts) and benefits of the wind farm in accordance with the EP&A Act in granting consent.

4 Engagement

4.1 Department's engagement

In accordance with the EP&A Regulation, the Department is not required to notify any other parties of the modification application. Notwithstanding, the Department sought comment from Council and the Department's Biodiversity and Conservation Division. The application was also made publicly available on the Department's website on 29 April 2020.

While none of the government agencies objected to the proposed modification, advice was provided. This advice is summarised below and considered in more detail in **section 5**.

The Department's **Biodiversity and Conservation Division** (BCD) requested additional information on the potential habitat for the Pink-tailed Legless-lizard. On receipt of the additional information provided by CWP, BCD confirmed it is satisfied the proposed modification would not increase biodiversity impacts and has no outstanding issues.

Mid-Western Regional Council (Council) raised no concerns and provided no comments on the proposed modification.

5 Assessment

The Department has considered the merits of the proposed modification application in accordance with 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. A list of the key documents that informed the assessment is provided in **Appendix A**.

The Department has considered whether the proposed changes would result in any material increases in the environmental or amenity impacts of the project. The key matters for consideration on this project include impacts to biodiversity values. Other matters for consideration are discussed in **section 5.2**.

5.1 Biodiversity

The proposed new tracks comprise sections of land outside the approved development corridor. CWP prepared an assessment of the biodiversity impacts of the proposed new tracks as part of its modification application (see **Appendix B**).

The assessment concluded that the changes would reduce the area of disturbance from the approved 0.95 ha down to 0.45 ha, resulting in a 0.5 ha net reduction of impacts on plant community type (PCT) 290 (*Red Stringybark – Red Box – Long-leaved Box – Inland Scribbly Gum tussock grass shrub low open forests on hills in the southern part of the NSW South Western Slopes Bioregion*).

The Department accepts that the proposed track revisions have avoided impacts on native vegetation as far as practicable.

In requesting this modification, CWP is not seeking to reduce the biodiversity credit liability under the existing consent, and as part of the approved project has already committed to the enhancement and protection of 674 ha biodiversity offset area in accordance with the biodiversity offset strategy described in the original application.

The Department, in consultation with BCD, considers that the proposed revision to the internal access tracks would result in a net reduction of impacts to biodiversity values, that the existing conditions of consent adequately manage the biodiversity impacts of the modification and do not require any changes and is satisfied that a further BDAR is not required.

5.2 Other Considerations

Heritage

As approved, Track 11 would be constructed through an area that contains known Aboriginal cultural heritage items. The proposed new sections of tracks would avoid this area and be constructed in an area that has no known Aboriginal cultural heritage items.

The Department and BCD consider that the proposed modification would not increase the Aboriginal heritage impacts of the project or require any changes to the heritage management conditions under the existing consent.

Water and Soil

As approved, the access tracks would cross four first order streams with active gully erosion, which would require significant cut and fill to construct adequate water crossings. The proposed new tracks would avoid all four watercourses reducing the impacts to these waterways associated with the approved tracks that would be removed.

The Department considers that the proposed modification would improve environmental outcomes as the new tracks would not require any water crossings.

5.3 Summary

In summary, the Department considers the proposed modification would result in a net reduction of impacts to those currently approved for the project and that the existing conditions of consent would adequately address any potential impacts.

6 Evaluation

Proposed modification

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the Modification Report and documentation relating to the currently approved project. The Department has assessed the proposed modification to modify the project layout, including the changes to the development footprint within the project site, as described in **section 2**.

Likely impacts of the modification application

In assessing the merits of the proposal, the Department has considered the:

- relevant matters for consideration identified in section 3.3;
- existing conditions of approval;
- previous Environmental Assessments for the project; and
- requirements of the EP&A Act.

The Department considers that the proposed modification application meets these requirements as:

- the proposed modification would reduce the impact on the natural and built environments, and there would not be any social and economic impacts beyond those already assessed;
- there are no draft environmental planning instruments, development control plans and planning agreement or requirements in the EP&A Regulations relevant to the modification application;
- the biodiversity and heritage impacts and impact on watercourses are reduced by the proposed modification and the existing approval would effectively manage and minimise any residual impacts associated with the project; and
- the modification application is consistent with the reasons given for the original approval.

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. Any residual environmental and amenity impacts associated with the proposed modification could be mitigated and managed through the existing conditions of consent.

Importantly, the proposed modification would reduce the loss of native vegetation, avoid crossing four waterways and avoid areas known to have Aboriginal heritage items.

Consequently, the Department considers that the proposed modification is in the public interest, and recommends that it should be approved.

The Department has drafted a Notice of Modification (see **Appendix C**) and a consolidated version of the development consent as modified (see **Appendix D**). To permit the proposed modification, the conditions have been updated with a new definition of the EA and updated the development layout plan and other minor administrative changes (see **Appendix E**).

CWP has reviewed the proposed changes to the conditions and does not object to them.

7 Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application Crudine Ridge Wind Farm Modification 2 falls within the scope of section 4.55(1A) of the EP&A Act;
- **forms the opinion** under section 7.17(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application;
- **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 6697); and
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



21 May 2020

Natasha Homsey

Senior Environmental Assessment Officer
Energy Assessments

8 Determination

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



22/5/20

Nicole Brewer

Director

Energy Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Crudine Ridge Wind Farm Modification Application, CWP, April 2020.

Additional Information, Eco Logical Australia Pty Ltd, dated May 2020.

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/project/32611>

Appendix E – Summary of Administrative Changes to Conditions

Condition Number	Considerations	Reasons for changes
Definitions	Definitions	- Amend definition of EA to include the Modification Application Report and additional information provided to the Department; and - Update relevant government agency names.
Schedule 5: conditions 6 and 6a	Reporting	Conditions updated to reflect contemporary notification process