




CRWF Proposed Modification 2 SSD 6679

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1. Introduction & Background

Crudine Ridge Wind Farm (the Project) is an approved wind farm under-construction approximately 45 km south of Mudgee in NSW within the Mid-Western Regional Council (MWRC) and Bathurst Regional Council (BRC) areas. The Project commenced development in 2011 following site identification in 2008 and subsequent on-site wind monitoring assessments. The initial Project Environmental Impact Statement (EIS) lodged in 2013 included a Project design comprising 106 wind turbine generators (WTGs) of up to 160 m in tip height to accommodate the breadth of WTG capacities that were available in the market at that time.

CWP Renewables Pty Ltd, on behalf of CRWF Nominees Pty Ltd (the Proponent), has prepared this application to modify the Development Consent under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (the Modification). The application for Modification has been prepared in accordance with the Draft Environmental Impact Assessment Guidance Series: Modifying and Approved Project (DPE 2017).

This Modification deals with the removal of 1590 metres of track from the development and replacement with 730m of track. This will involve joining three sections of the approved Development Corridor for a total length of 322 metres and width of 30 metres.

1.1. SSD Consent

State Significant Development Consent (SSD-6697) was issued on 10 May 2016 for the construction and operation of up to 77 WTGs. The Development Consent was modified 21 June 2019 to reduce the number of wind turbines constructed and revise the road design for Aarons Pass Road (SSD 6697 MOD1).

The proposed Project is substantially the same Project as has been previously assessed. For the purposes of section 4.55 of the EP&A Act, the Modification is to be assessed as a Type 1A Modification involving minimal environmental impact.

1.2. EPBC Act Approval

EPBC Act Approval (EPBC 2011/6206) was issued on 4 April 2017 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) permitting up to 37 WTGs to be constructed. This proposed Modification will be constructed under the existing EPBC Act Approval.

2. Proposed Modification

The purpose of the Modification is to remove 1590 metres of track from the development and replace it with 730m of track. The Modification would see 1410 metres of Track 11 not constructed and 180 metres of track 10 not constructed. This would be replaced with 470 metres of track linking WTG A35 with WTG A38. This includes 260 metres of new Construction Corridor to a width of 30 metres. The second section of track to be constructed is 280 metres from Chainage 1400 on Track 9 to Chainage 800 on Track 11. This includes 60 metres of new Construction Corridor to width of 30 metres.

Figure 1 The existing development layout for the Project

Figure 2. Detailed layout of the existing approved tracks

Figure 3 Track section to be removed

Figure 4 New tracks and amendments to the Development Corridor.

Figure 5 Proposed new track location.

The Modification will reduce the development footprint by approximately 5,160m², avoid areas of identified erosion hazard, avoid areas potentially containing Indigenous cultural items and reduce the amount of clearing of PCT290 by 0.5ha. This will result in a lower environmental impact of the Development

2.1. Key Considerations

There are two key considerations which have been made in the development of this Modification by the Proponent in order to minimise the impacts of the proposed changes. The impact on biodiversity and the impact on Indigenous cultural heritage items.

The reduction in length of track to be constructed substantially reduces the vegetation clearing and other impacts associated with the development. The existing track has a clearing footprint of 9,540m² which will not be cleared. The proposed Modification has a footprint of 4,380m².

The Proponent has already committed to establish a biobank on the property known as “Glen Maye” which will guarantee 674 ha of biodiversity offset which was designed to offset both permanent and temporary impacts of the original development.

The proposed new track is located in an area that has no known Indigenous cultural heritage items, whereas Track 11 currently passes through an area containing known Indigenous cultural heritage artefacts which can now be avoided due to the Modification.

Overall, the Modification is expected to reduce key impacts associated with the Project, in particular: biodiversity and heritage as described in Section 4 and the associated appendices.

The Proponent has undertaken extensive consultation with the directly affected neighbours who have raised no issues with the proposed modification.

These considerations have been fundamental to the development of the proposed Modification to ensure that the Project can continue to deliver a net gain to the local community.



Figure 1 Approved Layout

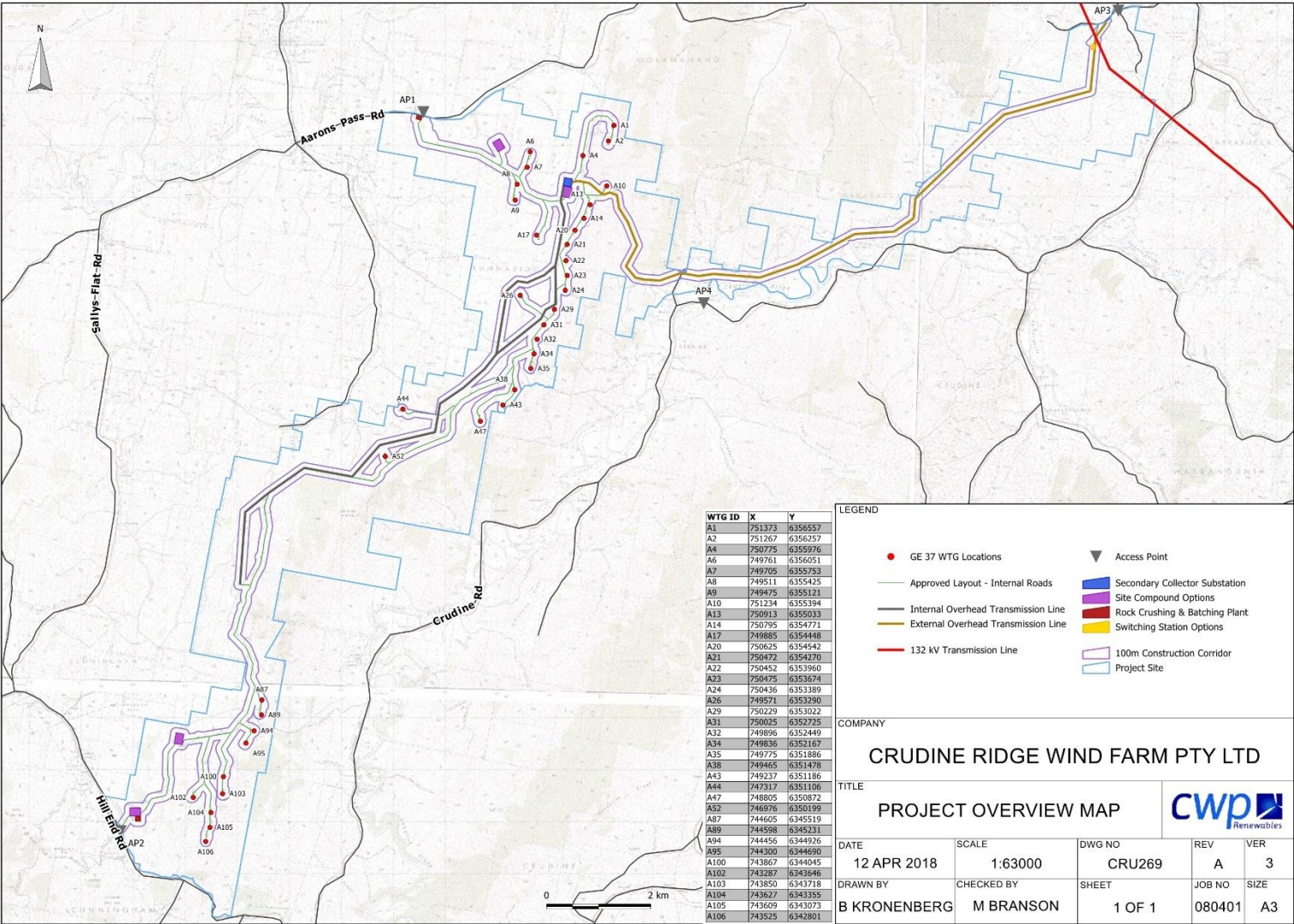


Figure 2 Existing Approved tracks 9 and 11

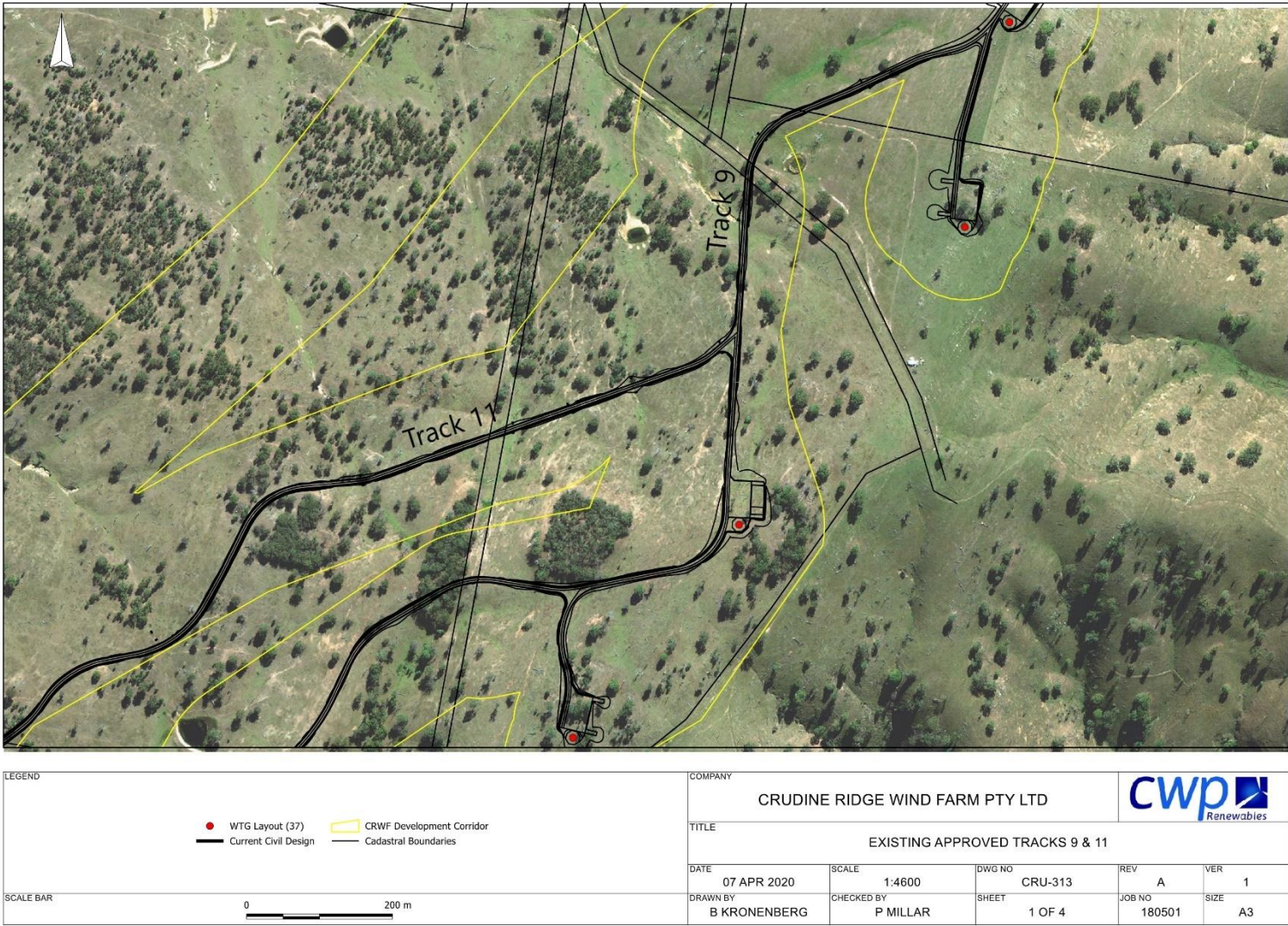


Figure 3 Proposed tracks to be removed

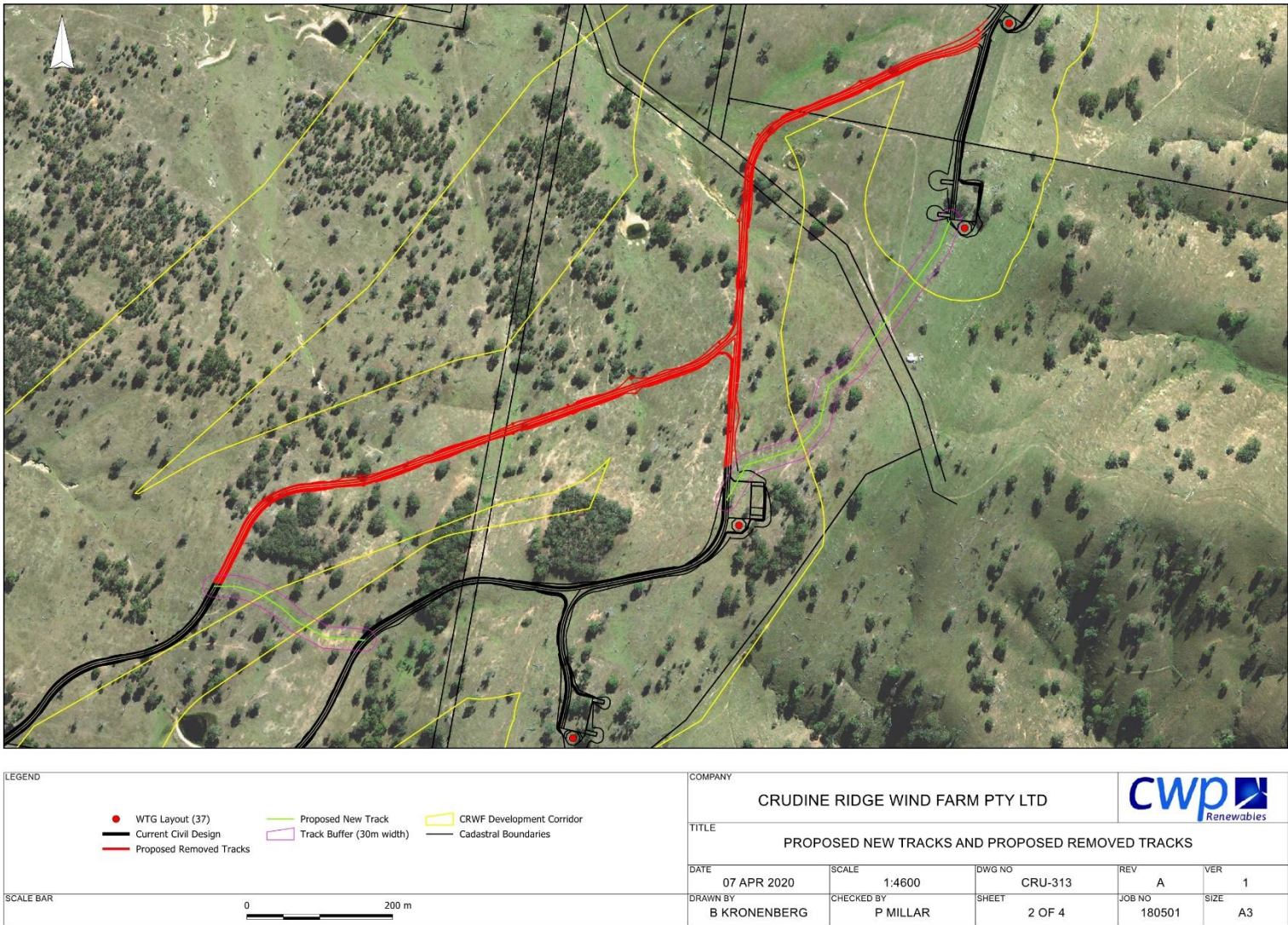


Figure 4 Proposed Modified Project Corridor



Figure 5 Proposed New Tracks



2.2. Project Benefits

The project will employ up to 240 people during the construction period with a large portion of the workforce being engaged from the local area. Although the project is in the early stages of construction of the 45 employees who are currently engaged on the project, 24 are from the local area. The Proponent is publicly advertising for a number of positions which they hope to fill with local people. To date \$3 million of contracts have been awarded to local businesses, which along with 45 employees now based in the Mudgee region contributing to the local economy through accommodation and retail spend.

The Project recommenced construction on Aarons Pass Road in August 2019 and on site in March 2020 and the economic flow-on effects were immediate. Several local businesses ramped up activity and increased employment immediately. These businesses are onboarding staff and purchasing equipment to support the Project activity. One local earthworks company employing local people as plant operators, truck drivers and administrative support has employed an additional 15 local employees full-time and committed to purchasing a number of machines (in excess of \$1.5 million spent in the local region) to cater with the increased long-term demands of the undertaking.

The Project provides an important function in diversifying the local economy which is largely dependent on the agricultural and mining industries, making the economy more robust, and providing greater opportunities for local suppliers and contractors. Feedback has been received from accommodation providers, hospitality businesses and transport providers looking to secure further ongoing work with many concerned about any slowdown in activity. The project will continue to release further tenders for contracts with an emphasis on employing local contractors, this is handled externally through the Industry Capability Network.

In addition to the direct and indirect economic benefits, the Project will contribute over \$168,000 annually to the community funds established with MWRC and BRC, upon the commencement of Project operations. The Proponent finalised the Voluntary Planning Agreements with the two councils in August 2017, requiring that \$1,250 (indexed) for each MW installed in the government area, is contributed annually to the funds for the life of Project operations. These funds will provide significant boost to regional funding for community projects and grants administered by the councils in the local region.

2.3. Land Tenure

The proposed Modification and amendment to the internal track design will not impact on the land tenure or the Licences and Leases already held by the Proponent. The Proponent has lease agreements in place with the owners of the affected portions of land. The proposed Modification has a positive impact on Crown Land by not constructing a section of track over the Crown Road located adjacent to Lot 188 in DP 756913 in an areas of active gully erosion. The proposed Modification crosses Old Crudine Road on Lot 169 in DP 756913. The EPC Contractor holds an S138

Permit with Mid-Western Regional Council to allow for track construction across Old Crudine Road on Lot 169 in DP 756913.

Table 2.1 Land Tenure Table

Proposed works	Lot	DP
New Track A35 to A38	177	756913
	169	756913
New Track linking Track 9 and Track 11	188	756913

3. Community Consultation

Community consultation for the Project commenced in 2011 when the Project was first publicly announced. Since that time there has been ongoing direct landowner consultation, extensive community liaison, Council and government agency interface, establishment of Voluntary Planning Agreements with both Mid-Western Regional (MWRC) and Bathurst Regional Council (BRC), as well as twelve meetings of the Community Consultative Committee (CCC).

Consultation in relation to the proposed Modification has been directly with the affected landholders.

4. Impact Assessment

A preliminary risk assessment was undertaken across all technical aspects of the development to ensure that the proposed Modification would be technically feasible. The risk assessment was used to inform the Project design as well as the commissioning of technical studies to evaluate potential impacts of the proposal. A summary of the risk assessment is provided in Table 4.2. A technical assessment of the proposed Modification is provided in Table 4.1. Further discussion of each technical aspect is provided in Sections 4.1 and 4.2. The technical studies which informed the impact assessment are provided as appendices.

Table 4.1 Summary of Impacts

Track	Waterways	Vegetation Impact Types	Estimated Veg Removal Amount (based on 6m disturbance and estimated centre line)	Trees for Removal (estimated)	Cultural Heritage (surveyed areas)
Approved	Four first order stream crossings with active gully erosion	Red Stringybark - Scribbly Gum - Red Box - Long-leaved Box shrub - tussock grass open forest the NSW South Western Slopes Bioregion (Benson 290)	9,540m ²	10	Nil impact
Proposed	Nil crossings	Red Stringybark - Scribbly Gum - Red Box - Long-leaved Box shrub - tussock grass open forest the NSW South Western Slopes Bioregion (Benson 290)	4,380m ²	3	Nil impact

Table 4.2 details the technical feasibility assessment for biodiversity and heritage impacts of the proposed Modification.

Table 4.2 Modification Technical Feasibility Assessment

Technical Assessment	Key element(s) of the Modification	Consideration of change in impact	Summary of findings / recommendations
Biodiversity	Removal of 1590 metres of Track	<p>The 1,590 m existing approved access track would comprise a total disturbance area of 0.95 ha, mapped as Plant Community Type (PCT) 290; <i>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</i> (previously assigned Biometric Vegetation Type CW176). The existing access track would cross four gullies.</p> <p>The proposed modification will result in a reduction in the number of trees cleared by 7 trees.</p> <p>There are no identified habit trees within the proposed modification are. As a result, the proposed modification will not involve impacts to hollow dependent fauna such as Powerful Owl, Barking Owl, Mask Owl, Gang-gang Cockatoo, Glossy Black Cockatoo, Eastern Pygmy-possum, Brush-tailed</p>	<p>The two new proposed sections of track would comprise 730 m with a total disturbance area of 0.45 ha, assuming a track width of just over 6 m. The vegetation was found to be consistent with the already approved area, mapped to PCT 290, and included <i>Eucalyptus macrorhyncha</i> (Red Stringybark), with <i>E. polyanthemos</i> (Red Box), <i>E. rossii</i> (Inland Scribbly Gum) and <i>E. mannifera</i> (Brittle Gum) as scattered paddock trees or in small clumps along ridges. The ground layer was characterised by mainly native grasses with a few native herbs</p> <p>The Modification has been designed to ensure that on-ground impacts are reduced. This has been achieved by realigning access areas and reducing the overall footprint of the access tracks and avoiding crossing four actively eroding gullies.</p> <p>There are no threatened species or habitat trees present within the area subject to the Modification.</p> <p>Potential Koala habitat was assessed in accordance with the</p>

		<p>Phascogale and Squirrel Glider.</p> <p>The proposed modification will avoid areas of known soil erosion and require four less gully crossings to be constructed in dispersible soils.</p>	<p>State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) and the ‘EPBC Act referral guidelines for the vulnerable Koala’ (Department of the Environment [DoE], 2014). The impact area was not determined to be either potential or core Koala habitat under in accordance with SEPP 44.</p> <p>There will be an improved water quality outcome through not constructing the four gully crossings in the areas of known dispersible soil.</p>
Cultural Heritage	<p>Construction of new section of access track</p> <p>Not constructing sections of Access Track 11.</p>	<p>Proposed impacts were considered by archaeological consultants NSW Archaeology Pty Ltd (NSWA) during the formulation of the Project, survey effort included the areas affected by the proposed Modification.</p> <p>Through not constructing a section of Access 11 an area containing identified Indigenous Cultural heritage items will be avoided.</p>	<p>The approved Project site was originally assessed by NSW in 2012. The reduction in track construction will result in less disturbance to known sites within the Project area.</p>

Figures 3 to 7 show the landscape and vegetation that the proposed new track will traverse.

Figure 6 Proposed track alignment from WTG A35 to A38



Blue arrow indicated proposed route from WTG A35 to A38.

Figure 7 Proposed track alignment from Track 9 to Track 11



Blue arrow depicts approximate route of proposed track joining Track 9 and Track 11.

Figure 8 Gully in current Track 11 alignment.



Blue arrow indicates current alignment of Track 9 at chainage 550. Note active gully and dispersible B horizon

Figure 9 Significant cut and fill avoided if new track constructed



Blue line depicts proposed track 11 surface red arrow indicated 3.25 m of fill.

Figure 10 Vegetation and gullies avoided if new track constructed.



Blue line depicts current cut track 11 alignment near chainage 1400. Note the active gullies and vegetation to be removed.

4.1. Biodiversity Impact Assessment

Background

An ecological assessment (EA) has been undertaken to assess impacts upon ecology associated with the proposed Modification (ELA 2020). The assessment considers the changes to impacts associated with the reduction in the length of track constructed and the amount of vegetation disturbed. The full Ecological Assessment is contained in Appendix 1. The EA builds on previous ecological assessments undertaken by ELA in 2012, 2013 and 2019. The proposed Modification does not require any additional offsetting as the offset associated with the Project was determined previously and the property known as “Glen Maye” has been purchased to cover all vegetation associated with the construction of the Project, but not the offsets associated with the upgrade of Aarons Pass Road.

Existing Environment

The proposed Modification is wholly contained within the 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* (previously assigned Biometric Vegetation Type CW176).

Database searches identified 87 threatened species (21 flora and 66 fauna) as known, likely or having the potential to occur within the proposed new access tracks. Whilst fourteen (14) of these species have been previously recorded across the entire CRWF development footprint, only three (3) species were identified as potentially occurring within the proposed access track locations based on the presence of suitable habitat within these areas. These species were *Climacteris picumnus victoriae* (Brown Treecreeper), *Aprasia parapulchella* (Pink-tailed Legless Lizard) and *Stagonopleura guttata* (Diamond Firetail). All of these species have been previously assessed under the EIS (2011) and it is unlikely that the proposed access track redesign will have a significant impact upon these species.

ELA (2020) did not observe any threatened fauna species during the survey effort. However, based on habitat features present within the proposed new access track areas, there is potential habitat present for hollow-dependent species in the form of stags, LWD and rock patches. Two small rocky patches and 18 trees were located, with no hollows within these trees noted. Additionally, 14 stags were identified along the proposed access tracks containing a total of 23 hollows ranging in size from small to large). There was approximately 230 m of LWD located within the two new sections of proposed access tracks. The proposed track alignment may result in the removal of three *Eucalyptus macrorhyncha* specimens in the section from WTG A35 to WTG A38. The track connecting Track 9 and Track 11 has been designed to not impact on any standing vegetation.

Approved Project Impacts

The previous Environmental Assessments have identified the type and amount of vegetation allowed to be cleared during the Project. Condition 19 of Schedule 3 of the Conditions of Consent for SSD 6697 MOD1 detail the type and amount of clearing approved for the Project. Within the Project a

total of 97.87 ha of PCT 290 is allowed to be cleared which is outlined below in Table 4.2. This will be reduced by a further 0.50 ha.

Table 4.3 Native vegetation impacts approved under the Development Consent¹

BIOMETRIC VEGETATION TYPE	CONDITION	EIS	PPR	Overall Project
Red Stringybark - Scribbly Gum - Red Box - Long-leaved Box shrub - tussock grass open forest the NSW South Western Slopes Bioregion (Benson 290)	DNG	89.9	0.17	90.07
Red Stringybark - Scribbly Gum - Red Box - Long-leaved Box shrub - tussock grass open forest the NSW South Western Slopes Bioregion (Benson 290)	Woodland	6.6	1.2	7.80
Sub-total		96.5	1.37	97.87

Therefore, it is considered that the change in design by replacing the existing approved 1,590 m of access track with two proposed shorter sections of track totalling 730 m complies with Condition 19 (b) of SSD-6697.

Biodiversity Summary

The Modification would result in an overall reduction of 0.5 ha of impacts to vegetation and fauna habitat. The Works for the Revised Design would result in non-significant impacts to biodiversity values through removal of native vegetation, threatened flora species and threatened species habitat.

The proposed track redesign will reduce the area of vegetation clearing and result in a reduction in impacts to biodiversity. The current approved track design would impact 0.95 ha, whilst the proposed access track would reduce the amount of disturbance by 0.5 ha to 0.45 ha. The proposed access tracks are in the same vegetation type (PCT 290) and comparable condition state to the current approved access tracks. Habitat features and potential habitat for threatened species is consistent between the two areas.

Therefore, it is considered that the change in design by replacing the existing approved 1,590 m of access track with two proposed shorter sections of track totalling 730 m complies with Condition 19 (b) of SSD-6697. This is detailed in ELA 2020.

Minimisation of impacts will be achieved through implementation of the mitigation and management measures described within the approved Project BMP.

¹ This table does not include impacts to disturbed terrain and exotic pasture described in the EA.

4.2. Heritage Impact Assessment

In summary, the proposed Modification will result in the Project having reduced impact on Aboriginal and European heritage across the heritage sites and no changes to the Development Consent conditions will be required to accommodate the Modification.

NSW Archaeology Pty Ltd (NSWA) (Dibden 2012) assessed the heritage values (European and Aboriginal) present within the study area during the Heritage Impact Assessment (HIA) undertaken for the Project in 2012. The study area surveyed encompassed the footprints of both original layout options, including 106 WTGs and 77 WTGs, and ancillary infrastructures. Additional studies have been undertaken post-completion of the original HIA (Dibden, 2012) and include:

- New South Wales Archaeology (Dibden), 2013. Aaron's Pass Road – Heavy Haulage Route Upgrade for the Proposed Crudine Ridge Wind Farm European and Aboriginal Cultural Heritage Assessment Report.
- New South Wales Archaeology (Dibden), 2018a. Crudine Ridge Wind Farm – Heritage Addendum Report. Letter prepared for CWP Renewables.
- New South Wales Archaeology (Dibden), 2018b. Crudine Ridge Wind Farm – Aaron's Pass Road. Letter prepared for CWP Renewables.

Dibden (2018a) undertook further site investigations within the wind farm and transmission line area with Registered Aboriginal Parties to address some field survey gaps in the EIS to ensure that the heritage dataset was complete prior to the commencement of construction.

The results of all field surveys and impact assessments undertaken for the Project have identified a total of 85 Aboriginal heritage sites and nine (9) European heritage structures. The complete artefactual assemblage within the study area was dominated by tuff artefacts. All sites were highly disturbed by erosion, likely due to historical and recent agricultural activities. Several sites (SU3/L5, SU12/L2, and SU13/L3; Dibden 2012:77, 127, 133) were identified as having some potential to contain subsurface Potential Archaeological Deposits (PADs) and may be representative of occupation events.

The spatial patterning of the Aboriginal heritage sites was concluded to be unfocused and characteristic of general 'background scatter' across the landscape, the result of artefact deposition from hunting activities and general mobility rather than sustained inhabitation (Dibden 2012:31). A tendency for some sites to be located on the eastern side of the plateau and associated with springs was noted (SU2/L1, SU7/L3, SU7/L4, and SU13/2; Dibden 2012:47) and previously recorded (Flood 1980:158-159, Lance and Koettig 1986:26-32; Hall 1992:62) and may indicate a deliberate preference for locations for longer-term occupation events.

European heritage structures identified within the Project area were associated with sheep management and indicative of the agricultural history of the area. All structures were likely of late nineteenth or broadly twentieth century date, with two (CRWF SU3 Sheep yards and loading ramp and CRWF SU6 Sheep crutching yards and fold) potentially still being in use (Dibden 2012:154-167).

None of the heritage sites identified during heritage assessments, either Aboriginal or European, were considered to warrant further investigation or recording on a heritage database (Dibden 2012:2-3). No European heritage structures were within the construction impact area of the Project.

An Aboriginal Heritage Management Plan (AHMP) has been developed and approved for the Project. This was done in consultation with OEH and DP&E to ensure compliance with conditions 26 and 27 of Development Consent SSD-6697 (Table 4.4). Where possible, the Project seeks to avoid and minimise impacts to ground surfaces containing heritage items, to ensure as little impact as possible to Aboriginal objects in the development corridor. The AHMP sets out the practical measures that may be taken to protect and conserve Aboriginal objects in the development corridor. Where impacts are unavoidable, the AHMP describes the appropriate impact mitigation required which entails salvage (artefact collection from the ground surface) before construction impacts.

The AHMP will continue to be implemented during construction and operation of the modified project.

In accordance with the AHMP, sites were identified during detailed design, avoided where possible and fenced where required to prevent inadvertent impacts. Where sites could not be avoided, they were salvaged and recorded in accordance with the procedures in the AHMP. Sites not salvaged during the exercise were outside of the revised footprint of the Project and will therefore remain unimpacted, allowing for their cultural heritage significance to be conserved in situ. The detailed design work undertaken prior to commencement of construction enabled the conservation of several in situ Aboriginal heritage sites and all European heritage sites identified within the HIA.

Table 4.4: Approval Conditions: Heritage Impacts

Ref	Condition	Proposed amendments
3.25	<p>Protection of Aboriginal Heritage Items</p> <p>The Applicant shall ensure that the development does not cause direct or indirect impact on any Aboriginal heritage items located outside the approved disturbance area.</p>	Nil
3.26	<p>Aboriginal Heritage Management Plan</p> <p>Prior to commencement of construction, the Applicant shall prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>Be prepared in consultation with OEH and Aboriginal stakeholders; and</p> <p>Include a description of the measures that would be implemented for:</p> <p>minimising ground disturbance within the Project area during construction and decommissioning works;</p> <p>managing impacts to Aboriginal heritage items within the Project disturbance area;</p> <p>managing the discovery of human remains or previously unidentified Aboriginal heritage items on site; and</p> <p>ensuring workers onsite receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions.</p>	<p>The reduced track footprint will further reduce disturbance, and therefore impacts upon cultural heritage.</p> <p>No changes are required to be made to the approved Aboriginal Heritage Management Plan.</p>
3.27	<p>Following approval, the Applicant must implement the measures described in the Aboriginal Heritage Management Plan.</p>	Nil.

5. Evaluation and Conclusion

The application for Modification comprises two key elements which have been assessed in the technical reports and Impact Assessment section of this document:

- A reduction in the length of track constructed, and
- Linking three section of the Development Corridor.

The Modification will reduce the development footprint by approximately 5,160m², avoid areas of identified erosion hazard, avoid areas potentially containing Indigenous cultural items, require four less gully crossings on dispersible soils and reduce the amount of clearing of PCT 290 by 0.5 ha. This will result in a lower environmental impact of the Development.

The proposed track redesign will reduce the area of vegetation clearing and result in a reduction in impacts to biodiversity. The current approved track design would impact 0.95 ha, whilst the proposed access track would reduce the amount of disturbance by 0.5 ha, to 0.45 ha. The proposed access tracks are in the same vegetation type (PCT 290) and comparable condition state to the current approved access tracks. Habitat features and potential habitat for threatened species is consistent between the two areas.

Therefore, it is considered that the change in design by replacing the existing approved 1,590 m of access track with two proposed shorter sections of track totalling 730 m complies with Condition 19 (b) of SSD-6697.

The proposed Modification would result in the Project having reduced impact on Aboriginal heritage across the Project area. Additionally, the implementation of the chance finds measures already described within the Project AHMP will further safeguard any Aboriginal heritage items that have not been previously identified. The changes will also result in a reduction of construction related impacts including directly on areas identified as potential heritage sites.

The Proponent considers that the proposed Modification would involve minimal environmental impact and result in positive environmental outcomes. The Proponent respectfully requests that the approval authority consider this application for Modification on its merits and make a determination pursuant to Section 4.55 (1A) of the E.P.&A Act in consideration of the existing Development Consent, the size and scope of the proposed Modification and the approved management plans.

6. References

Eco Logical Australia (ELA), 2012, Crudine Ridge Wind Farm Part 3A Ecological Assessment, report prepared for CWP Renewables

Eco Logical Australia (ELA), 2013, Addendum - Crudine Ridge Wind Farm Part 3A Ecological Assessment, report prepared for CWP Renewables

Eco Logical Australia (ELA), 2017, Revised Crudine Ridge Wind Farm Biodiversity Offset Strategy, report prepared for CWP Renewables

Eco Logical Australia (ELA), 2020, Crudine Ridge Wind Farm Access Track Redesign

New South Wales Archaeology (Dibden), 2012, Crudine Ridge Wind Farm European and Aboriginal Cultural Heritage Assessment Report.

New South Wales Archaeology (Dibden), 2018a, Crudine Ridge Wind Farm – Heritage Addendum Report. Letter prepared for CWP Renewables.

Appendix 1 Ecological Assessment 2020

Appendix 2 European and Aboriginal Cultural Heritage Assessment Report