



5 September 2024

Nicole Brewer
Director, Wind & Transmission Assessments
Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear Nicole,

**Spicers Creek Wind Farm (SSD-41134610)
Questions on Notice**

I refer to the State significant development application for the Spicers Creek Wind Farm Project (SSD-41134610) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

Following the Commission's Public Meeting on 29 August 2024, the Commission is seeking a response from the Department of Planning, Housing and Infrastructure (**Department**) on the following matter:

1. Considering recent guidance from the NSW Court of Appeal in the matter of *Bingman Catchment Landcare Group Incorporated v Bowdens Silver Pty Ltd [2024] NSWCA 205*, are there any likely impacts of the proposed development that, although they may not form part of the present SSD application, the Panel should still consider in its determination?

The Commission requests that the Department provide a response by **5pm on Wednesday 11 September 2024**.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Kendall Clydsdale at [REDACTED] or at [REDACTED]

Yours sincerely,

[REDACTED]

Stephen Barry
Planning Director