Department of Planning, Housing & Infrastructure

Samantha McLean
Executive Director
Office of the Independent Planning Commission NSW

24 June 2024

Response to questions regarding the Hills of Gold Wind Farm (SSD-9679)

Dear Ms McLean

I refer to your requests seeking a response to the questions raised by the Commission Panel following the receipt of the Applicant's written submissions dated 12 February 2024 and 15 February 2024 (see **Attachment A**) for the Hill of Gold Wind Farm (the Project).

Further to this request, the Department requested additional information from the Applicant (22 February 2024) relating to the economic viability of the project, consideration of the DAD01 property and the visual impact assessment (see **Attachment B**) which Engie responded to on 27 March 2024 (see **Attachment C**).

The Department also referred the economic viability information to the Independent Advisory Panel on Energy Transition for advice (see **Attachment D**).

The Department's responses to each of the Commission Panel's questions, including an assessment of the new information are set out below.

Question 1: Confirm whether the Materials constitute an amendment to the development application.

Amendments to a State significant development application (DA) are only required if the Applicant wants to change what it is seeking consent for and needs to amend the project description in the environmental impact statement (EIS). Although the Department recommended fewer turbines for approval, the Applicant has not sought further changes to its application for 64 turbines. The Applicant's proposal to develop 62 of the 64 turbine locations fit within the project description in the EIS (as amended) and does not change what the Applicant is seeking consent for, or require an amendment to the DA for the project.

Question 2: Undertake further assessment and provide any updates or corrections to the Department's Assessment Report arising from the Applicant's Materials.

This additional assessment from the Applicant provides new information following the Department's initial Assessment Report (December 2023). The assessment detailed herein addresses the new information provided by the Applicant subsequent to the Department recommendation to the Commission Panel.

It is important to note that if a particular matter is not covered in this additional assessment, it is because the Department considers the findings of the main Assessment Report remain valid.

2.1 Assessment Weighting

Engie's letter dated 12 February 2024 suggests that the Commission Panel should give very little (if any) weight to the Complying Development Certificate (CDC) at DAD01 when balanced against the public interest in renewable energy generation in NSW. The six key reasons why Engie believes the IPC should reinstate WP53 63 are summarised below:

1. The timing of the CDC approval at DAD01 came after the wind farm DA
2. Legal validity of the CDC
3. It would be possible for a person to apply to the Land and Environment Court to restrain a breach under the EP&A Act
4. The landowner has not acted on the CDC
5. The public benefit in renewable energy generation outweighs the private disbenefits to individual landowners
6. WP53 63 have some of the highest yields, and the removal because of DAD01 would set a dangerous precedent for other proposed wind farm developments in NSW.

Regarding reasons 1 to 4, in accordance with general administrative law principles, the CDC is valid until declared invalid and it is not, in our view, appropriate for the Department to speculate about whether or not it is likely to be acted upon, or if so, when. The landowner has until 12 November 2025 to act upon the CDC before it lapses.

The Applicant has also raised concerns that the existing road providing access to the CDC is technically located outside the paper easement. This issue is common in regional areas and could be regularised by a Council in a transfer of land for the paper easement. Importantly, the road is already routinely used by locals and the National Parks and Wildlife Service, and can currently be accessed by other members of the general public (including the Department on its site visits). Therefore, this issue should not be given substantial weighting.

As presented in paragraph 102 of the Department's Assessment Report, more weighting was given in favour of existing dwellings over potential future dwellings due to their uncertain nature and the ability for them to be designed, sited and orientated to avoid or reduce impacts. However, the proximity of a number of turbines to this dwelling location, and more broadly to the lot, limits the effect of this weighting.

While Engie did identify an alternative location for a potential dwelling at DAD01 at the eastern end of the lot that could comply with operational noise criteria and visual performance objectives in its letter dated 18 March 2024, the Department notes that on preliminary assessment, there are significant bushfire and access constraints, and requirements for additional clearing to achieve bushfire protection zones at the location that may render this alternate location not feasible.

As it stands, the CDC is an accrued right benefitting the property, and the Department has weighed it as such in its assessment of the project.

2.2 Visual impact assessment

One key criticism in the Moir Report accompanying Engie's letter dated 12 February 2024 is the Department's subjective interpretation of the visual performance objectives detailed in the *Visual Assessment Bulletin* (DPE, 2016).

The Department notes that the 2016 Guideline relies on visual performance objectives but does not provide specific guidance on how the assessment against those objectives should occur, which means it open to a level of subjectivity.

However, following the Department's referral of the Project to the Commission Panel, the public exhibition of the draft Wind Energy Guideline (Draft Guideline 2023) and associated technical supplements closed on 29 January 2024.

As explained in paragraph 22 of the Assessment Report, the Draft Guideline 2023 does not apply to the assessment of this Project. However, in this assessment the Department has adopted the approach prescribed in the Draft Guideline 2023 as an exercise in quantifying the visual magnitude when considering the visual performance objectives of the existing 2016 *Visual Assessment Bulletin*.

A summary of the methodology from the Draft Guideline 2023 *Technical Supplement for Landscape and Visual Assessment* can be found below.

- **Setback** – wind turbines occupying greater than 7 degrees of a person's vertical field of view can be visually dominating. If a sensitive receiver is located within the setback distance it will trigger a high visual impact unless the turbine(s) would be largely screened by topography or vegetation. For turbines with a maximum tip height of 230m, the setback is 1.88 km.
- **Visual sensitivity** – a function of the viewpoint sensitivity and scenic quality at a receiver. For rural dwellings, primary views are assigned moderate viewpoint sensitivity and the scenic quality at these locations are considered moderate, resulting in a moderate overall sensitivity level.
- **Visual magnitude** –the apparent size of a project within the viewshed determined by counting the number of cells 1 degree high and 10 degrees wide that the Project would occupy. Cells where turbines occupy 2 degrees or less (> 6.6 km), or less than 25% of a cell do not count. The magnitude rating bands are: Very Low 1 5 cells, Low 6 11 cells, Moderate 12 19 cells, High 20 27 cells and Very High 28+ cells.
- **Impact rating** – derived by combining the overall sensitivity and magnitude rating at a receiver, ranging from very low to high visual impact.

Under the Draft Guideline 2023, a high 'impact rating' should be avoided unless it can be justified that:

- all reasonable efforts have been made to avoid the impact and alternative project designs are not feasible or would be unlikely to materially reduce the impact
- all reasonable mitigation options have been considered
- the proposed mitigation measures would effectively mitigate the impact and would not result in a significant obstruction of views
- the project site is strategically important because of its location, and
- the project is in the public interest.

The application of the Draft Guideline 2023 approach is presented in **Table 1** below.

Table 1. Visual Impact Assessment – Draft Guideline 2023

Receiver	Turbines <setback 1.88 km	Overall Sensitivity	Magnitude rating (cells)	Impact Rating	Performance objective under draft Guideline 2023
DAD01 (North view)	T53-62	Moderate	Very High (80)	High	Avoid high impact rating unless it can be justified in accordance with the considerations in the Draft Guideline 2023.
DAD01 (South view)	T53-62	Low	Very High (114)	High	
NAD05	T59-60	Low	Very High (30)	High	Avoid high impact rating unless it can be justified in accordance with the considerations in the Draft Guideline 2023.
NAD33	-	Moderate	Low (9)	Low	No mitigation required
NAD67	-	Moderate	Low (8)	Low	No mitigation required
NAD69	-	Moderate	High (23)	Moderate	Consider mitigation
NAD72	-	Moderate	High (21)	Moderate	Consider mitigation
NAD98	-	Moderate	High (24)	Moderate	Consider mitigation

Turbines 53 - 63

Under the consideration of the Draft Guideline 2023, for those receivers with turbines with a high impact, this level of impact should be avoided unless the applicant can provide further justification.

For NAD05, the Applicant states that the impact at NAD05 could be mitigated by vegetation screening that would take two to five years to effectively screen visible turbines and the screening would not obstruct views particularly as the views to the east towards the turbines are not in the primary view of the dwelling which it considers is to the north.

For DAD01, however, the Applicant accepts that both visual and noise impacts cannot be mitigated due to the proximity of a large number for turbines (i.e. ten are within the setback of the Draft Guideline 2023). Mitigation options would not be effective and would completely obstruct views.

The Applicant also considers that alternative project designs are unfeasible as these turbines are very productive and it impacts the viability of the project overall (discussed further in 2.3 below). While the Applicant suggested an alternate location for the dwelling at the eastern extremity of the lot, the Department considers that this proposed alternate location would have likely worse issues for access, bushfire and biodiversity clearing as the proposed CDC location.

Therefore, for receiver DAD01, the Department must consider other elements of the justification, such as the strategic importance of the project location and whether it is in the public interest.

In regard to whether the project is in the public interest, the Applicant waited until its briefing with the Commission (January 2024) to provide initial evidence supporting a claim that the recommendation would impact viability. This was followed by some further information provided at

the public meeting on 1 and 2 February, and then further information provided to the Commission on 12 February 2024 and 14 February 2024.

The Applicant is now placing the burden on the decision maker to resolve this matter against the wishes of the previous landowner by requesting a condition enabling the Applicant acquisition rights. The Department notes there is no other energy project currently in the system where an applicant is forcing the burden of resolving such matters onto the decision maker.

Given the high generation yield potential at this location, the Department considers that further effort by the Applicant to resolve the issue should have occurred much earlier in the process. By not resolving this issue, the Applicant has contributed to heightened tensions in the local community and unresolved uncertainties for affected stakeholders.

Turbines 9 – 11

The Department's Assessment Report originally recommended deleting turbines T9 T11 to mitigate impacts to dwellings NAD72 and NAD98 in order to reduce the dominance of the turbines and minimise key feature disruption. However, based on the quantitative cell count approach presented in the Draft Guideline 2023 at these locations, deleting turbines T9 T11 would not be required.

The Department noted in its recommendation that it was *"unreasonable to solely rely on vegetation screening for mitigation, and the deletion of T9 to T11 is warranted".* The Applicant's landscape expert states that *"removal of turbines T9 T11 will not have a material effect on the extent of visual impact on NAD72. Even with the removal of turbines T9 T11 from the view there will still be turbines in the view and the character of the view will have changed from the existing conditions*...[and] *that the impacts on NAD72 are acceptable within the performance objectives of the Bulletin."*

The Department considers that vegetation screening could be implemented at this location with consideration that the Draft Guideline 2023 states that it would not be an expectation this mitigation should eliminate the view of the development entirely but it must reduce the impact to an acceptable level. The Department considers that it would be possible for vegetation to be planted so that while it may not eliminate the view of the development, it could reduce it to an acceptable level.

Turbine 24

The Department's Assessment Report recommended deleting turbine T24 for biodiversity and visual impacts reduce the dominance of the turbines and minimise key feature disruption at NAD69. Based on the quantitative cell count approach presented in the Draft Guidelines 2023 at this receiver (see **Table 1**), deleting turbine T24 would not be required. However, the Applicant has accepted the removal of T24 (discussed further in 2.4 below for biodiversity reasons).

2.3 Project viability / public interest

The Department sought advice from the Independent Expert Advisory Panel for Energy Transition (IEAPET) (see **Attachment D**) to examine the Applicant's claim that the Project is commercially unviable without reinstating 15 of the 17 turbines the Department has recommended deleting in its recommendation in December 2023.

Findings on Levelised Cost of Electricity (LCOE)

The IEAPET advice considered the Applicant's modelling and its own modelling for LCOE which is a measurement used to assess and compare the cost of various methods of energy production.

The key finding of the IEAPET advice is that only the 62 turbine scenario is commercially viable.

Using its own LCOE model, the IEAPET stated that if the LCOE is less than $114, *"a project that is in all other respects satisfactory should be considered viable and would be likely to proceed"*.

The IEAPET found that Scenario 47, which is the layout originally recommended as approvable by the Department, is *"not viable"*. It concludes that other scenarios are (emphasis added):

> *"Scenario for 55 turbines – **marginal**. Based on the model this scenario is **non-viable**. However, viability might be possible if one or more of the following occurs: the project would deliver strategic benefits for Proponent; costs could be reduced through optimisation and tendering; wholesale power prices are expected to increase; costs of capital fall; or green energy policy settings change favourably.*
>
> *Scenario 50 – **not recommended**. Removing the lowest performing turbines makes only a slight difference to LCOE. If the lowest performing turbines are considered acceptable on other grounds, then the decision to include or remove them should be left with the Proponent."*

In relation to the Applicant's reference to an LCOE of $110, the IEAPET notes that:

> *"...they use an LCOE as a benchmark for assessing the financial viability of NSW wind farms.*
>
> *The $110 figure is not reported by AEMO, but rather is calculated by the Proponent based on AEMO parameters, including a build cost for a generic NSW wind farm of $2,564/kW and a capacity factor of 32%."*

The comparison of the LCOE from the Applicant and the IEAPET is provided in **Table 2**.

Table 2. IEAPET advice compared to Applicant modelling

Scenario	Applicant advice LCOE ($/MWh)	IEAPET advice LCOE ($/MWh)	IEAPET conclusion
Benchmark for viability	*110**	*114*	
Scenario 62	108	112	Viable
Scenario 47	122	126	Not viable
Scenario 55	-	119	Marginal
Scenario 50	-	118	Not recommended

* IEAPET notes that *the $110 figure is not reported by AEMO, but rather is calculated by the Proponent based on AEMO parameters.*

LCOE uncertainties

There are fundamentally a range of uncertainties involved in developing any type of model to establish commercial viability for a project. In that regard, the IEAPET states *"there is no single financial metric that will invariably indicate that a project is 'viable' and would therefore proceed"*.

The IEAPET states that:

> *"The model results suggest that Scenario 62 is the only one that is commercially viable as it is the only one showing a positive net present value. However, the model is not a perfect representation of reality and there are a range of factors not captured by the model that could make other scenarios viable."*

The IEAPET also developed another model based on average inputs from the draft Integrated System Plan (ISP), which established an LCOE of $97. Under this model, all potential layouts for the Hills of Gold Wind Farm would be unviable. The IEAPET noted that:

> *"the Department asked the Panel to calculate an LCOE based purely on the average inputs from the draft ISP and to consider whether this might provide a more reliable benchmark to use in the analysis. The Panel found that this was not a straightforward matter as there were choices to be made on which values to average. With this caveat in mind, the Panel calculated an LCOE of $97, which is considerably lower than the $114 benchmark."*

The IEAPET also compared rates for power purchasing agreements (PPA) which it states:

> *"the Panel's understanding of the necessary 'going rate' for new PPAs for wind in NSW is around $85 90, which is 20 to 25% below the $114 benchmark."*

Notwithstanding any uncertainties about the exercise of assessing commercial viability, the Department notes the IEAPET's clear finding that the 62 turbine scenario is the only viable layout.

Conclusion

Only following the Department's recommendation to delete turbines 53 63 has the Applicant presented clear evidence that the entire wind farm would be unviable without those turbines. This evidence highlights the relative importance of turbines 53 63 for the project given the substantially higher capacity factors (i.e. 32.4% 40.7%, with an average of 37.2%) than all other turbines.

The Department considers that the layout of the project is such that the relative importance of these turbines and proximity to adjacent land means the adjacent land should have been secured through an agreement with the landowner very early in the Applicant's design for the project and preparation of the EIS, potentially considering them with similar weight as hosts on a project.

The Department notes that model wind farm applicants invest significant effort prior to the submission of the Scoping Report for a project until it has sufficient resolution of the key merit issues such as visual impacts through redesign or securing neighbour agreements.

Nevertheless, based on the IEAPET's advice that constructing 62 turbines is the only viable option for a wind farm to proceed at this location and given the lack of other mitigation provided by the Applicant, the Department recommends that it would be in the public interest to approve turbines 53 62 to provide 384 MW of renewable energy to the State of NSW, with strict conditions for the acquisition of Lot 47 DP753722 (the land which contains DAD01).

The Department has not come to the recommendation for the acquisition of private land lightly and this approach should certainly not be seen as a precedent for other projects.

The Department notes that in NSW, all levels of government (including state owned corporations) can acquire privately owned land for a public purpose. Separately, the NSW Government has published a Voluntary Land Acquisition and Mitigation Policy which applies to extractive industry developments and provides for a consent authority to condition voluntary acquisition rights through a development consent, but only as a mitigation of last resort.

Whereas the design and layout of a mine or quarry depends on the location of the mineral resource of interest, the same does not apply strictly to wind farm developments. There are a significant number of wind farm projects proposed, with close to 22,000 MW nameplate capacity in the planning assessment pipeline in NSW.

2.4 Biodiversity impacts

Removal of turbine T28

The Department's Assessment Report recommended removing turbines T24 and T28 to reduce impacts on the Ribbon Gum Mountain Gum Snow Gum by 3.53 ha and threatened species habitat for species including the Koala, Barking Owl and Large eared Pied bat.

The Applicant has accepted the deletion of T24 and is only seeking the reinstatement of T28, which would require clearing approximately 1.5 ha of the endangered ecological community which is in good condition.

Should the Commission Panel agree with the advice from the Applicant and the IEAPET that the feasibility of project is dependent on the approval of 62 turbines, the Department considers the benefits of the project outweighs the relatively minor biodiversity impacts of reinstating T28.

The Department notes that although construction of this turbine would require clearing of an endangered ecological community, all clearing would be offset through the biodiversity offset scheme and the recommended conditions of consent require the Applicant to minimise the clearing of native vegetation and key fauna habitat, including hollow bearing trees, within the development footprint and protect native vegetation and key fauna habitat outside the approved disturbance area in accordance with limits in the recommended conditions.

Detailed design layout optimisation

Clearing limits and the offset liability for the Project are addressed in Condition B23, Schedule 2 and Appendix 5 of the Recommended Instrument of Consent. The Planning Secretary's discretion, included in condition B24, Schedule 2 already allows for a reduction in credit liability and provides an incentive for the Applicant to reduce biodiversity impacts further through detailed design.

In addition, the proposed condition by the Applicant in Annexure 6 of the letter dated 12 February 2024 is based on the previous approach to conditioning offsets and still refers to the outdated Framework for Biodiversity Assessment which was superseded by the Biodiversity Assessment Method under the *Biodiversity Conservation Act 2016*. Therefore, the Department recommends condition B24, Schedule 2, remains as is.

The biodiversity clearing limits and credit liabilities in Appendix 5 of the Recommended Instrument of Consent should be updated to accurately reflect the layout should approval be granted.

The setback distance from Ben Halls Gap Nature Reserve

The Department agrees to a correction to condition A10, Schedule 2 in the Recommended Instrument of Consent, which should refer to the zone of disturbance identified in the BDAR as a maximum of 135 m from the rotor hub rather than 130 m from the blade tip. Corrections to this condition are detailed under Question 3.

2.5 Traffic and Transport Condition

After reviewing Maddocks Legal Opinion dated 25 January 2024 and the approach presented in the Herbert Smith Freehills letter to the IPC dated 15 February 2024, the Department considers proposed conditions B23 and B33 in Schedule 2 are not unclear or ambiguous, do not lack certainty and do not defer a fundamental aspect of the assessment of the proposed as they are currently drafted.

Question 3: Advise the Panel of any consequential changes to the Department's **recommended conditions of consent.**

The Department has revised its Recommended Instrument of Consent (see **Attachment E**) in response to the additional information provided by Engie, and questions from the Commission Panel. **Table 3** below summarises the suggested changes and reasons for doing so.

Table 3. Summary of Changes

Condition	Change	Reason for Change
A5 Schedule 2	Increasing maximum allowable turbines from 47 to 62.	Outcomes of additional visual assessment and balancing against public interest
A6 Schedule 2	Removing restrictions on developing turbines 9, 10, 11, 28, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 and 63	Outcomes of additional visual assessment and balancing against public interest
A10 Schedule 2	Removing reference to blade tip for setback distance from Ben Halls Gap Nature Reserve	Drafting error, zone of disturbance was mapped in BDAR as 135 m from the rotor hub rather than blade tip
B1 Schedule 2	Inserting acquisition rights for the landowner of DAD01/NAD67	Outcomes of balancing visual impacts against public interest
B12 Schedule 2 B13 Schedule 2	Applying operational noise criteria at any built non-associated residence.	Compliance against operational noise criteria not required until a non-associated residence which includes DA approved dwellings is built and occupied
B46 Schedule 2	Removing condition relating to Safety Management System	Blade throw is a non-dangerous goods hazard and the BESS which is a Class 9 dangerous good is not covered under the SEPP. Appropriate safety management for workplace still applies under the Work Health and Safety Act.
C14 Schedule 2	Inserting notification requirements as per condition B1 Schedule 2	Outcomes of balancing visual impacts against public interest
D1 Schedule 2	Inserting land acquisition procedures	Outcomes of additional assessment
Appendix 1	Adding the locations of turbines 9, 10, 11, 28, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 and 63	**Updated figure required from Applicant to reflect the final layout should the Commission Panel grant consent for the Project.**
Appendix 4	Subdivision	Drafting error, indicative subdivision plan for Lot 3 DP1103716 added
Appendix 5	Biodiversity impact and ecosystem credit liability	**Updated numbers required from Applicant to reflect the final layout should the Commission Panel grant consent for the Project.**

Closing comments

Impacts on the local community

In a first for the Department for a wind farm, in response to community concerns about the project and engagement from the Applicant, a town hall style meeting was held prior to the issue of the Secretary's Environmental Assessment Requirements (SEARs) in 2018.

The Department continued to receive complaints through the EIS preparation up to referral about the Applicants approach to engagement (such as missing Timor and Crawney). This was also further hampered by claims of unlawful clearing of land that were consequently found to have weight.

This project received 382 objections on the original EIS and 280 on the amended application which was the second most received on a wind farm application (second to Jupiter Wind Farm in 2017 with 402 objections).

Delays

The Department acknowledges that the assessment process for this project has been protracted but considers that this is primarily due to delays from the Applicant in responding to matters that were material to the merits of the proposal.

The Department considers if the Applicant had resolved the significant merit issues for the project in a more timely manner, the Department would have been in a position to refer the project significantly earlier with less uncertainty caused in the community. By comparison, another wind farm EIS (Uungula Wind Farm) also lodged in 2020 with more turbines, was exhibited 5 months prior to Hills of Gold Wind Farm in May 2020 and **was approved 12 months later** in May 2021.

Importantly, the visual impacts of the Hills of Gold Wind Farm project were certainly not the only matter that caused delays in the assessment process.

The Department raised major concerns throughout the assessment process about a range of issues, including the transport route, the constructability of the project, the community benefit sharing arrangements with local councils, and visual impacts.

The Department considered the project, as it was proposed in the EIS, had substantial issues that would have likely led to a recommendation for refusal.

In relation to the transport route, the original proposal included an access road cutting through a Crown reserve with significant historic value and potential issues with a native title claim. This issue was not resolved until an amendment was submitted in November 2022, some **two years after the EIS was exhibited**. As this contained a substantially different route, the Department exhibited the amendment report for four weeks and the Applicant then provided the Submissions Report two months after the close of the second exhibition.

In relation to constructability, the amended transport route influenced construction costs that underpinned the economic analysis for the project as all over dimensional vehicles have to travel into the site from the west along the length of the project to get to the northern arm. This change requires additional earthworks to facilitate the construction of the project overall. The Department commissioned a specialist engineering review, which raised concerns about the constructability of the project. After several meetings on this issue, the Applicant provided additional information in November 2023, four months after it was requested.

In relation to community benefit sharing, the Department requested in principle agreement with the relevant councils on the Voluntary Planning agreement offer by the Applicant. This was identified as an issue in the council's submissions on the EIS and again requested by the Department formally in June 2023. Final information was not provided until November 2023 and the issue remained unresolved with Tamworth Council at referral to the Commission, such that the Department has been forced to include an alternate condition of consent.

In relation to visual impacts, the Applicant made only incremental changes to the project (via amendment 10 months after exhibition in January 2022 and additional removal of turbines and additional visual impact assessment, two years after exhibition in May 2023) that addressed some, but not all, of the Department's concerns.

In order to bring the project to a conclusion in late 2023, the Department ultimately advised the applicant that the unresolved issues would be addressed through 17 turbines not being recommended for approval. The Applicant did not provide any advice or further evidence to the Department for consideration at that stage regarding the potential impacts to viability on the project. The Department therefore referred the project to the Commission with the recommendation that 17 turbines should not be approved in December 2023.

The Applicant subsequently waited until its briefing with the Commission (January 2024) to provide initial claims that the recommendation would impact project viability. After that, the Applicant provided some further information at the public meeting on 1 and 2 February, and then again further information to the Commission on 12 February 2024 and 14 February 2024.

The Commission consequently sought advice on 16 February 2024 from the Department on the additional information. The Department requested that the Applicant provide a consolidated information package (rather than the piecemeal information provided to the Commission through different forums and in different formats such as verbal presentations, slides and written submissions to the Commission), and additional information on the economic assessment and additional visual information to support its claims made to the Commission. This information was provided on 22 February 2024.

Due to the technically specific information provided, the Department sought advice from the IEAPET to undertake a review and its opinion of the Applicant's new information. This also required further information from the Applicant to provide justification for assumptions made in the modelling the Applicant had provided. This led to a process of engagement between the Department and the IEAPET to resolve the assessment of the new information.

Table 4 below summarises the delays in the assessment process for this project.

Table 4. Summary of Delays

Department's request	Applicant's response	Applicant delay
November 2018 (SEARs request): The Department raised concerns about location of the project in proximity to a high number of existing and proposed dwellings.	**November 2020 (EIS):** The Applicant reduced the proposed number of turbines from 97 to 70.	**2 years**
2 December 2020 until 29 January 2021 (Exhibition of EIS)	**December 2021:** RTS received	**11 months**

Department's request	Applicant's response	Applicant delay
October 2021: Requested detailed assessment and consideration of visual impacts on properties within the vicinity of the project. Requested detailed assessment of **transport issue** and consideration of alternate routes rather than route through Crown reserve	**January 2022: Amendment** the project to remove two turbines (T19 and T23) to reduce visual impact to NAD 69. No information on dwelling assessment provided.	**10 months**
February 2022: Requested further information on visual agreements, mitigation. Requested detailed assessment of transport issue and consideration of alternate routes rather than route through Crown reserve	**March 2022:** Provided dwelling entitlement assessment. No further information provided on the mitigation proposed, instead relying on the earlier information in the LVIA (2020) and LVIA Addendum (January 2022). No further information provided on access route though Crown reserve	
March 2022: Reiterated the Department's request of October 2021 and February 2022, regarding visual assessment. Requested further information on transport regarding proposed retaining walls required for the transport route.	**May 2023:** Removal of one turbine (T41) to reduce biodiversity impacts as well as to reduce visual impacts to dwellings to the south of the project. Second LVIA Addendum (2023) provided with further information provided on dwelling assessments and consideration of screen planting. Route altered in Amendment 2 (November 2022)	**13 months**
Amendment Report 2 exhibition 16 November 2022 until 13 December 2022 (1 month)	**RTS provided March 2023**	**3 months**

Thank you for the opportunity to provide this additional information to support the Commission Panel's deliberations regarding the Project.

If you wish to discuss the matter further, please contact Nicole Brewer on [redacted] or [redacted]

Yours sincerely

[redacted]

Clay Preshaw
Executive Director
Energy, Resources and Industry

Attachment A

Hills of Gold Wind Farm Pty Ltd submission 12 February 2024 submission letter

Hills of Gold Wind Farm Pty Ltd submission 12 February 2024 annexures

Hills of Gold Wind Farm Pty Ltd submission 12 February 2024 Biosis report

Hills of Gold Wind Farm Pty Ltd submission 12 February 2024 Moir report

Hills of Gold Wind Farm Pty Ltd submission 15 February 2024 submission letter

Hills of Gold Wind Farm Pty Ltd submission 15 February 2024 Herbert Smith Freehills letter redacted

Documents above are available at: Independent Planning Commission - Hills of Gold Wind Farm (nsw.gov.au)

Attachment B Department request for further information dated 22 February 2024

Attachment C Engie response to request for further information dated 27 March 2024

Attachment D Independent Expert Advisory Panel for Energy Transition Advice

Attachment E Recommended Instrument of Consent