

# Attachment A – Department of Planning, Housing & Infrastructure Responses to Commission’s Draft Proposed Conditions of Consent Table for *Hills of Gold Wind Farm (SSD 9679)*

## Draft proposed changes to definitions table

Item	Definition (additions in <b>bold and underlined</b> , deletions in <del>strikethrough</del> )	Commission comment and/or question	Department comment
<u>Department’s assessment</u>	<p>The Department’s assessment as detailed in:</p> <ul style="list-style-type: none"> <li><u>the State Significant Development Assessment Report for Hills of Gold Wind Farm (SSD 9679) dated December 2023; and</u></li> <li><u>the Department’s response to questions regarding the Hills of Gold Wind Farm (SSD 9679) dated 24 June 2024.</u></li> </ul>	To capture all material relevant to the Department’s assessment.	<p>The proposed conditions of consent refer to the ‘<i>Department’s assessment</i>’ in only one location in condition A3. This condition relates to the Department’s review and assessment of strategies / plans / reports or audits arising from the consent post approval.</p> <p>The proposed change would have the unintended consequence of incorrectly linking condition A3 to the Department’s assessment of the development application which is not the intent of condition A3.</p>
BCS of NSW DCCEEW	Biodiversity Conservation and Science <del>Group</del> of NSW Department of Climate Change, Energy, the Environment and Water	Please confirm these changes are accurate and advise if any other definitions need to be updated.	<p>For consistency reason, the Department recommends using the following definitions:</p> <ul style="list-style-type: none"> <li>BCS - Biodiversity Conservation and Science Group within NSW DCCEEW;</li> <li>Water Group - Water Group within NSW DCCEEW.</li> </ul>
NSW DCCEEW – Water Group <del>DPE Water</del>	NSW Department of Climate Change, Energy, the Environment and Water – Water Group <del>Water Group</del> within the Department		
NCC-BCA	National Construction Code <del>Building Code of Australia</del>		

## Draft proposed changes and questions related to recommended conditions of consent

### Notes:

- Not all conditions in the table below are replicated in full – please read this document in conjunction with the [Department’s recommended instrument of consent](#). Only necessary parts of the conditions are included to demonstrate draft changes or provide context to comments/questions.
- As a result of new draft conditions, re-numbering of conditions may be required/undertaken.

Condition reference	Draft proposed condition (additions in <b>bold and underlined</b> , deletions in <del>strikethrough</del> )	Commission’s comments and/or questions on draft proposed conditions	Department’s response (including, where relevant, comment on workability, enforceability and unintended consequences)
<b>PART A – ADMINISTRATIVE CONDITIONS</b>			
<b>LIMITS ON CONSENT</b> <b>Wind turbines</b> <b>A7.</b>	No wind turbine may be located within 135 metres from the surveyed boundary of Ben Halls Gap Nature Reserve.	<p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>As the definition of ‘wind turbine’ includes ‘blades’, can you please clarify that the intent of these conditions is still being met with this definition, noting that these conditions previously referred to ‘wind turbine blade tip’?</li> <li>With regard to the ‘surveyed boundary of Ben Halls Gap Nature Reserve’, it is noted that the Ben Halls Gap State Forest is in close proximity to turbines as well. Can the Department advise how any contribution by Ben Halls Gap State Forest to biodiversity values is also protected by this condition?</li> </ul>	<p>As was noted in the Department’s response to the Commission dated 3 July 2024, the 135 metres distance in Conditions A7 and A10(d) corresponds to the zone of disturbance buffer identified in the project’s Biodiversity Development Assessment Report. This distance is calculated from the centre of the tower.</p> <p>The predicted zone of disturbance around wind turbines equates to the area outside (and additional to) rotor swept area where indirect effects of rotating turbine blades are likely to cause changes in air pressure, and/or other characteristics, that may impact upon aerial fauna which fly into this space. For this project, zone of disturbance is equal to the rotor swept area of the proposed turbines (85 metres either side of the turbine hub) and an additional 50 metres beyond the blade tip (resulting in 135 metres distance calculated from the centre of the turbine). The additional 50 metres is where effects would dissipate away from the rotor swept area, and is estimated as the maximum extent an aerial fauna species would likely be disturbed by fluctuations in the air space around rotating turbines.</p> <p>This distance is applied to the Ben Halls Gaps Nature Reserve as it is a dedicated area under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>Condition A7 can be revised to “No wind turbine may be located within 135 metres <b><i>(measured horizontally from the centre of the tower)</i></b> from the surveyed boundary of Ben Halls Gap Nature Reserve.”</p>
<b>LIMITS ON CONSENT</b> <b>Micro-siting restrictions</b> <b>A10.</b>	<p>Wind turbines and ancillary infrastructure may be micro-sited without further approval providing:</p> <p>(d) the revised location of a wind turbine is at least 135 metres away from the surveyed boundary of Ben Halls Gap Nature Reserve;</p> <p>(e) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent;</p>		

Condition reference	Draft proposed condition (additions in <b>bold and underlined</b> , deletions in <del>strike through</del> )	Commission's comments and/or questions on draft proposed conditions	Department's response (including, where relevant, comment on workability, enforceability and unintended consequences)
	(c) the revised location of the blade of a wind turbine is at least 50 metres away from the canopy of existing native vegetation; or where the proposed location of the blade of a wind turbine is already within 50 metres of the canopy of existing native vegetation, the revised location is not any closer to the existing native vegetation and the revised location would not increase the turbines risk rating to bird and bat strike, as assigned in the finalised Biodiversity Development Assessment Report (BDAR), dated 25 May 2023;	<b>Questions:</b> <ul style="list-style-type: none"> <li>Should 'blade' be clarified to include 'blade tip' for this part of the condition?</li> </ul>	Condition A10(c) requires the revised location of the blade of a wind turbine to be located no closer than 50 metres from the canopy of existing native vegetation. The Department considers this condition sufficiently addresses the risk to Ben Halls Gap State Forest and a change to add the State Forest would have the unintended consequence of not being consistent with the difference in consideration between the two areas given the dedication for the Nature Reserve under the <i>National Parks and Wildlife Act 1974</i> .  The Department notes that BCS reviewed and accepted the recommended conditions. As such, the Department considers the biodiversity risk to Ben Halls Gap Nature Reserve and Ben Halls Gap State Forest will be appropriately managed by this condition.  Agreed  Condition A10(c) can be revised as follows consistent with the Department's clarification to the question above regarding the zone of disturbance:  <i>"the revised location of the blade <b>tip</b> of a wind turbine is at least 50 metres away from the canopy of existing native vegetation; or where the proposed location of the blade <b>tip</b> of a wind turbine is already within 50 metres of the canopy of existing native vegetation"</i>
<b>UPGRADING OF WIND TURBINES AND ANCILLARY INFRASTRUCTURE</b> <b>A11.</b>	The Applicant may upgrade the wind turbines and ancillary infrastructure on site provided these upgrades remain within the approved development disturbance area.  Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.	<b>Questions:</b> <ul style="list-style-type: none"> <li>The 'development disturbance area' referenced in this condition is undefined – is this referring to the 'Development corridor' as defined in the definitions and the site map at Appendix 1?</li> </ul>	The Department recommends that that the first paragraph of Condition A11 can be replaced with the following:  <i>The Applicant may upgrade the wind turbines and ancillary infrastructure on site provided these upgrades remain within the <del>approved development disturbance area</del> <b>footprint and would not result in any non-compliance with the conditions of this consent.</b></i>  The Department proposes the following definition be added to the consent:  Development footprint      The area within the Development corridor on which the components of the development will be constructed following micro-siting (in accordance with condition A10) of turbines and transmission towers, internal access tracks and ancillary infrastructure.  The Department proposes that references to "approved disturbance area" the following definition be replaced with "Development footprint" in condition B27(vi), B27 (vii) and B30 (iv).
<b>CROWN LAND</b> <b>A12.</b>	Prior to commencing the development, the Applicant must:  (a) Obtain <b>any</b> relevant licences as required under the Crown Land Management Act 2016 to construct a private haulage road through Crown Reserve 339 being Lot 7301 of DP 1136648 for access to the wind farm site;  (b) forward a copy of <del>the any</del> <b>licence obtained under condition A12(a)</b> , <del>consent, approval or determination (as the case may be)</del> to the Department; and	<ul style="list-style-type: none"> <li>To simplify and capture any potential licenses or other approvals required under the <i>Crown Land Management Act 2016</i>.</li> </ul>	Agreed
<b>STRUCTURAL ADEQUACY</b> <b>A13.</b>	The Applicant must ensure that:  (b) all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the <b>NCC BCA</b> .	<ul style="list-style-type: none"> <li>Updated to align with current code name.</li> </ul>	Agreed
<b>EVIDENCE OF CONSULTATION</b> <b>A20.</b>	Where conditions of this consent require consultation with an identified party, the Applicant must:  (a) consult with the relevant party prior to submitting <b>any</b> the <del>subject</del> document <b>the subject of consultation</b> to the Planning Secretary for approval; and	<ul style="list-style-type: none"> <li>Minor update to clarify wording of the condition.</li> </ul>	Agreed

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<b>COMMUNITY CONSULTATIVE COMMITTEE</b> A21.	The Applicant must <b>establish and</b> operate a Community Consultative Committee (CCC) for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2023), or its latest version.	<ul style="list-style-type: none"> <li>Minor update to clarify wording of the condition.</li> </ul>	Agreed  Although a CCC was established and operated during the preparation of the EIS, its meetings were paused in October 2022 following submission of the EIS and it may be appropriate to re-establish CCC under current guidelines and given time lapsed. This would not preclude existing members or the previous chair being reappointed.
<b>COMMUNITY ENHANCEMENT</b> A24.	The amount is to be adjusted at the time of actual payment in accordance with the provisions of the Tamworth Regional Council Section 94 (Indirect) Development Contributions Plan 2013 and directed to infrastructure, services and community projects in towns, villages and rural areas within the Tamworth LGA <del>including</del> . <b>Priority must be given to projects located within Nundle and Hanging Rock.</b>	<ul style="list-style-type: none"> <li>Updated to require priority of projects within Nundle and Hanging Rock.</li> </ul>	The additional wording and requirement imposed by use of 'must' may have unintended consequences of seeking to impose a requirement on Council for how it can spend of funds that may not already be contained in the contributions plan.  The Department recommends a change to the following reference <i>"Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013"</i>

**PART B – SPECIFIC ENVIRONMENTAL CONDITIONS**

<b>ACQUISITION UPON REQUEST</b> B1.	<p><del>For a period of 5 years from the commencement of construction of any of the applicable wind turbines, the owner of the land listed in Table 1 may request the Applicant to acquire their land <b>at any time over the life of the development.</b></del></p> <p>Upon receiving a written request from this owner, the Applicant must acquire the land in accordance with the procedures in conditions D1 and D2 of Schedule 2.</p> <p>However, this agreement does not apply if the Applicant has an agreement with the owner of the relevant land in regard to the visual impacts associated with the development, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p><b>Table 1: Receiver subject to acquisition upon request</b></p> <table border="1" data-bbox="397 1150 1139 1297"> <thead> <tr> <th>Receiver</th> <th>Lot/DP</th> <th>Applicable Wind Turbines</th> </tr> </thead> <tbody> <tr> <td>DAD01</td> <td>47/753722</td> <td>53, 54, 55, 56, 57, 58, 59, 60, 61, 62</td> </tr> </tbody> </table> <p><i>Note: To identify the residence and wind turbines referred to in Table 1, see the applicable tables and figures in Appendix 2.</i></p>	Receiver	Lot/DP	Applicable Wind Turbines	DAD01	47/753722	53, 54, 55, 56, 57, 58, 59, 60, 61, 62	<ul style="list-style-type: none"> <li>To enable acquisition upon request for the life of the development, given that there are no further measures available to DAD01 to mitigate impacts of the development.</li> </ul> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>Regarding the third paragraph, can the Department clarify what the "agreement with the owner of the relevant land in regard to the visual impacts associated with the development" is referring to? Should this also refer to the mitigation of noise and other impacts (such as blade and ice throw, and shadow flicker) as well?</li> </ul>	<p>The Department considers that these changes would have the unintended consequence of creating uncertainty for the applicant and it is not considered reasonable to require an applicant to be subject to acquisition for the life of the development. The Department notes that the life of the development could be substantially longer than 35 years if an applicant upgrades turbines as allowed by the consent. This would have an unintended consequence of acquisition being available to potential future owners for an extended undefined period of time. The relevant lot also does not currently have an existing dwelling but has been considered as it has a complying development certificate.</p> <p>The Department notes that a restricted the time period of 5 years has been applied for the limited instances where acquisition has been applied on other wind farm projects.</p> <p>Condition B1 could be amended to</p> <p><i>However, this agreement does not apply if the Applicant has an agreement with the owner of the relevant land in regard to the <del>visual</del> impacts associated with the development (<b>visual, noise, blade throw and ice throw and shadow flicker</b>), and the Applicant has advised the Department in writing of the terms of this agreement.</i></p>
Receiver	Lot/DP	Applicable Wind Turbines							
DAD01	47/753722	53, 54, 55, 56, 57, 58, 59, 60, 61, 62							
<b>VISUAL</b> <b>Visual impact mitigation</b> B2.	<p><del>For a period of 5 years from the commencement of construction</del> <b>Over the life of the development</b>, the landowners of any <del>other</del> non-associated residence (<del>excluding DAD01</del>) within 5 km of any wind turbine identified in the Final Layout Plan (<b>but also including NAD33</b>) may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage). Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.</p>	<ul style="list-style-type: none"> <li>Delete exclusion of DAD01 to enable opportunity for additional measures of visual mitigation.</li> <li>Inclusion of NAD33 given it may be excluded by the requirement to be 5km from a wind turbine.</li> <li>Included wording 'for the life of the development' to: <ul style="list-style-type: none"> <li>capture future dwellings on sites within 5km of a wind turbine (including NAD33).</li> <li>enable landowners sufficient time to request visual mitigation after a period of the development's operation.</li> <li>support ongoing visual impact mitigation especially, for example, where mitigation is reliant on existing</li> </ul> </li> </ul>	<p>The Department considers that these changes to extend the ability to request mitigation measures for the life of the project would have the unintended consequence of uncertainty for the applicant and it is not reasonable or workable to require an applicant to be subject to requirements for landscaping for the life of a project.</p> <p>The proposed timing from the commencement of construction allows receivers to request the landscaping early in the development of the project when there is the most benefit from mitigation measures such as vegetation screening being established by the time the turbines are erected and operating and provide sufficient time for receivers to realise the visual impacts and request screening after construction concludes (construction is anticipated to be approximately 24 months).</p> <p>The Department considers that the exclusion of DAD01 should be retained as there is provision for the landowner to be acquired.</p> <p>The Department has considered the impact to NAD 33 in its revised recommendation as low with no mitigation required. The approach for other wind farm approvals has been for landscaping to be offered to receivers within the blue line of the Visual Bulletin for the proposed turbine height and including a receiver that is beyond the blue line and with a low visual impact is not consistent with the assessment of the impact at that receiver.</p> <p>The Department does not agree with the inclusion of future dwellings as this has unintended consequences of the lack of certainty for an applicant and is not reasonable to require an applicant to</p>						

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	<p>These mitigation measures must:</p> <ul style="list-style-type: none"> <li>(a) be reasonable and feasible;</li> <li>(b) be aimed at reducing the visibility of the <del>turbines</del> <b><u>development</u></b> from the residence and its curtilage, and <del>commensurate with the level of visual impact on the residence;</del></li> <li>(c) <del>consider</del> <b><u>address</u></b> bushfire risk (including the provisions of Planning for Bushfire Protection 2019);</li> <li>(d) be implemented within 12 months of receiving the written request unless the Planning Secretary agrees otherwise.</li> </ul>	<p>vegetation located on neighbouring properties.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• In regards to the reference to 'residence', would it be more appropriate to define this in the Definitions table to include existing and new dwellings that may be built within 5km?</li> <li>• Updated to capture visual mitigation of the development, not just wind turbines.</li> <li>• Consideration is being given to deleting parts of the recommended condition that are not necessary for the condition to address the Panel's concerns and that might be difficult to implement, or give rise to conflicting interpretations (e.g. what is the practical meaning of "commensurate" in this context – does it mean that the mitigation measure must completely mitigate the visual impact or that there is some scale of reduction and mitigation measure? Who decides what level of visual impact with which the measures must be commensurate?)</li> </ul>	<p>provide landscaping to an unknown number of future dwellings that may be constructed once an approval is given.</p> <p>The recommended Development Consent includes the following definition of 'residence':</p> <p style="text-align: center;"><b>Residence - Existing or approved dwelling <u>at the date of grant of this consent.</u></b></p> <p>This definition is consistent with other SSD and SSI renewable energy projects and changing it would set a precedent across the industry.</p> <p>The Department considers that the proposed changes have unintended consequences that any part of the development (even elements with very low visual impact such as permanent site offices, internal access roads) would require mitigation and the intent of mitigation is to prioritise mitigation measures that would reduce visual impacts of the turbines as the most dominant infrastructure of the project.</p> <p>The Department considers that the deletion of '<i>and commensurate with the level of visual impact on the residence</i>' would not be workable and it should not be deleted from condition B2(b). The condition if modified as proposed would have the unintended consequence of significant mitigation such as landscaping being required for a receiver where the visual impact at that receiver may be already low. The visual impacts are assessed in accordance with the Wind Energy Guideline and Visual Bulletin. There is no expectation that the mitigation should eliminate the view of the development entirely but it must reduce the impact to an acceptable level.</p> <p>Condition B2 also notes that if the Applicant and the owner cannot agree on the measures to be implemented either party may refer the matter to the Planning Secretary for resolution.</p>
<p style="text-align: center;"><b>VISUAL</b> <b>Shadow flicker</b> <b>B4.</b></p>	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence (excluding DAD01);</li> <li>(b) <b><u>provide ongoing monitoring of shadow flicker against requirement outlined in condition B5(a); and</u></b></li> <li>(c) <b><u>report on compliance to the Planning Secretary and provide results as per condition C22 of Schedule 2.</u></b></li> </ul>	<ul style="list-style-type: none"> <li>• Updated to ensure monitoring and compliance is appropriately reported.</li> </ul> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• With regard to the reference to '30 hours per annum', can the Department clarify from when is this calculated?</li> <li>• Can the Department clarify why DAD01 is excluded from this condition?</li> </ul>	<p>The comment relates to <b>Condition B5</b>.</p> <p>The Applicant undertook a shadow flicker assessment as part of the EIS and LVIA. The assessment identified that only one dwelling (NAD08) has the potential for shadow flicker to exceed 30 hours per year (predicted to have 33.56 hours a year). However the modelling was based on the worst-case scenario considering only topography and did not account for the significant existing mature woodland vegetation surrounding this receiver which would reduce the impact. Based on the above, the assessment concluded that the shadow flicker is unlikely to exceed 30 hours a year at NAD08.</p> <p>The proposed change would not be workable and have the unintended consequence of requiring monitoring for the life of the project at an undefined number of receivers.</p> <p>As such, the Department considers that an ongoing monitoring is not warranted and the condition should remain unchanged.</p> <p>The condition as proposed was an outcome focussed condition that the applicant is obliged to meet.</p> <p>Conditions C16 to C18 also require the Applicant to undertake independent environmental audits within three months of the commencement of construction and operation, and as requested by the Planning Secretary. The findings of these independent audits must be submitted to the Planning Secretary.</p> <p>The Department notes that the compliance with this condition would be considered by the Independent Environmental Audit and is for the applicant to demonstrate to the independent auditor that it is complied with.</p> <p>DAD01 is excluded from Condition B5(a) because the compliance at this residence would not be possible and the Department recommended acquisition rights for the landowner of DAD01.</p>
<p style="text-align: center;"><b>NOISE &amp; VIBRATION</b> <b>Operational noise monitoring</b> <b>B14.</b></p>	<p>Within 6 months of the commencement of operations (or the commencement of operation of a stage, if the development is to be staged), the Applicant must:</p> <ul style="list-style-type: none"> <li>(b) submit a copy of the <b><u>details of the monitoring program and monitoring</u></b> results to the Department and the EPA.</li> </ul>	<ul style="list-style-type: none"> <li>• To require both monitoring program and results be provided to the Department and EPA.</li> </ul>	<p>The comment relates to <b>Condition B15</b>.</p> <p>Agreed. The Department does not have any issue with inclusion of the monitoring program and results being made available.</p>

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<p align="center"><b>NOISE &amp; VIBRATION</b></p> <p align="center"><b>Operational noise monitoring</b></p> <p align="center"><b>B15.</b></p>	<p>The Applicant must undertake <b>an ongoing real-time</b> further noise monitoring <b>program for</b> of the development <b>from 6 months of the commencement of operations and publish all noise monitoring reports on its website</b> if required by the Planning Secretary.</p>	<ul style="list-style-type: none"> <li>To ensure operational noise is monitored on an ongoing basis and reporting is appropriately published for the community to view.</li> </ul>	<p>The comment relates to <b>Condition B16</b>.</p> <p>The proposed change to condition B16 would not be workable as it requires significant continuous monitoring for the life of the project.</p> <p>Recommended condition B15 already requires noise monitoring within 6 months of the commencement of operations. The intent of recommended condition B16, is to require additional monitoring if it is considered to be required later in the life of the project upon request of the Planning Secretary.</p> <p>Condition B15 as recommended requires</p> <p align="center"><i>B15. Within 6 months of the commencement of operations (or the commencement of operation of a stage, if the development is to be staged), the Applicant must:</i></p> <p align="center">a) <i>undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent.</i></p> <p>The intent of this condition is that once operational, monitoring would verify the noise performance of the project against the criteria within a defined period of time as the wind farm operations would be unlikely to change over time.</p> <p>The NSW Wind Framework - Noise Assessment Bulletin (2016) has adopted the 2009 South Australian document <i>Wind farms – environmental noise guidelines</i> (SA 2009). SA 2009 forms the basis of the regulatory noise standard and assessment methodology that applies when SSD wind energy proponents are assessed and determined in NSW. SA 2009 provides the requirements for monitoring in Section 4 – Compliance checking.</p> <p>Specifying ongoing real-time monitoring is inconsistent with the Noise Bulletin and SA 2009. In addition in NSW, the EPA regulates noise associated with large scale wind energy projects via an environment protection licence (EPL) issued under the <i>Protection of the Environment Operations Act 1997</i>. The EPL will typically include noise performance requirements.</p> <p>Recent EPLs for wind farms have included noise limits and requirements for noise must be measured in accordance with the Noise Assessment Bulletin.</p> <p>Conditions C16 to C18 also require the Applicant to undertake independent environmental audits within three months of the commencement of construction and operation, and as requested by the Planning Secretary. The findings of these independent audits must be submitted to the Planning Secretary.</p> <p>As a result, the Department considers that the existing conditions adequately address operational noise impacts and enforce compliance and noise limits would applied under the EPL and there is no need for an additional condition requiring an ongoing real-time monitoring.</p> <p>The proposed changes would also be inconsistent with the Wind Energy Noise Bulletin and other determinations of wind energy projects.</p>
<p align="center"><b>SOIL &amp; WATER</b></p> <p align="center"><b>Soil and water management plan</b></p> <p align="center"><b>B21.</b></p>	<p>Prior to the commencement of construction, the Applicant must prepare a Soil and Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with the Water Group, WaterNSW and NSW DPI;</p> <p>(b) include a description of the measures that would be implemented to:</p> <p>(i) minimise the impacts on soil and water required by condition B20;</p> <p>(ii) minimise the spoil generated by the development;</p> <p>(iii) <b>prepare a baseline soil and water model;</b></p> <p>(iv) monitor baseline data on surface water flows and quality in the watercourses, <b>and groundwater impacts</b>, that could be affected by the development, and a program to augment this baseline data over time;</p>	<p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>Should groundwater impacts be included in part (iv)?</li> <li>Can the Department confirm the catchment to the south of the site, and whether it should be included in (v)?</li> <li>Can the Department clarify the requirement set out in (e) and/or provide a recommendation of how it can be made clearer?</li> </ul>	<p>The comment relates to <b>Condition B22</b></p> <p>The project is unlikely to impact on groundwater as such the Department does not agree with the proposed suggestion to include monitoring 'groundwater impacts'.</p> <p>The catchment to the south of the project site is the Hunter catchment area. The Department does not consider it needs to be included as potential pollution resulting from the project would be managed through several different mechanisms under the conditions of consent and other regulatory mechanisms such as the EPL issued by the EPA. Pollution, including monitoring where required, would be regulated by the Environment Protection Authority (EPA) in an environmental protection licence (EPL) for the project as required. The EPA undertakes risk assessments of all projects requiring an EPL to identify the site specific risks posed by the project and any environmental issues that need to be addressed in a licence</p> <p>All agencies reviewed the EIS and the recommended conditions and did not request inclusion of a soil and water model.</p>

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	<p>(v) avoid impacts on the quality of water flowing into the Chaffey and Glenbawn catchments;</p> <p>(c) managing flood risk during construction;</p> <p>(d) include a program to monitor and publicly report on the management of spoil on site <b>and water</b>;</p> <p>(e) progress against the detailed completion criteria and performance indicators.</p>		<p>The Soil and Water Management Plan needs to be prepared in consultation with the Water Group, WaterNSW and NSW DPI. All agencies reviewed the EIS and the recommended conditions and were comfortable with them.</p> <p>Should the EPA decide to include additional water monitoring at the Hunter catchment area, the EPL would be the best mechanism to include this requirement and would define the monitoring parameters and locations.</p>
<p><b>BIODIVERSITY</b> Restrictions on clearing and habitat <b>B23.</b></p>	<p>Unless the Planning Secretary agrees otherwise, the Applicant must:</p> <p>(a) ensure that the vegetation and habitat clearing limits specified in Tables 1 and 2 of Appendix 5 are not exceeded; and</p> <p>(b) minimise, <b>including through micro-siting</b>:</p> <p>(i) the clearing of native vegetation and key habitat.</p> <p>(ii) the impacts of the development on hollow-bearing trees; and</p> <p>(iii) the impacts of the development on threatened bird and bat populations.</p>	<ul style="list-style-type: none"> <li>To require the development to minimise vegetation and habitat clearing through the process of micro-siting, where possible.</li> </ul>	<p>The comment relates to <b>Condition B24 and B25</b></p> <p>The Department considers that the condition B24 already requires the Applicant to minimise biodiversity impacts and no additional change is needed.</p>
<p><b>BIODIVERSITY</b> Biodiversity offsets <b>B24.</b></p>	<p>....</p> <p><b><u>The final location of wind turbines in accordance with micro-siting restrictions detailed in A10 of Schedule 2 are to consider opportunities to reduce biodiversity impacts requiring offsets.</u></b></p>		
<p><b>BIODIVERSITY</b> Biodiversity management plan <b>B26.</b></p>	<p>Prior to carrying out any development that could impact biodiversity values, unless the Planning Secretary agrees otherwise, the Proponent must prepare a Biodiversity Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced biodiversity expert/s in consultation with BCS, NPWS and DCCEEW;</p> <p>(b) <b><u>minimise the disturbance footprint</u></b>;</p> <p>(c) be prepared in accordance with the Biodiversity Development Assessment Report (Revision 11, 25 May 2023);</p> <p>(d) include a description of the measures that would be implemented to:</p> <p>(iv) minimise the impacts of the development on threatened flora and fauna species, <b><u>including habitat</u></b>, within the disturbance footprint and its surrounds, including the:</p> <p>.....</p> <p>(xii) a detailed program to monitor and report on the effectiveness of these measures <b><u>and implement improvements</u></b>;</p>	<ul style="list-style-type: none"> <li>Updated to ensure impacts to habitats and the disturbance footprint are minimised.</li> </ul> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>With regard to the list of threatened flora and fauna listed in (d)(iv), can the Department clarify whether this is an exhaustive list? In the event that there is a change to the list of threatened species, how can this condition be adapted to include such changes? Can the biodiversity management plan be required to be updated periodically?</li> </ul>	<p>The comment relates to <b>Condition B27</b></p> <p>The Department considers that the proposed change to add (b) <i>Minimise the disturbance footprint</i> would not materially change the outcome and it is already required under condition B27(d)(iii) (<i>minimise the clearing of native vegetation and habitat within the disturbance footprint</i>).</p> <p>The addition of <i>implementing improvements</i> to B27(d)(xii) is unenforceable. The nature of the improvements is not reasonable on an applicant and what is required for an improvement is undefined. Wind farm applicants have a long term lease over the development corridor but generally does not extend over the whole project site. The proposed change would have an unintended consequence of requiring improvements over an area that an applicant may not have access to and imposing an action that impacts the operation over activities on the remaining land by a landholder.</p> <p>The threatened flora and fauna species list in condition B27(c)(iv) is exhaustive and includes species that are likely to occur or being recorded on site during relevant biodiversity surveys and assessments.</p> <p>The BMP is required to be prepared by a suitably qualified and experienced biodiversity expert/s in consultation with BCS, NPWS and DCCEEW. Relevant agencies reviewed the recommended conditions and are happy with them.</p>
<p><b>BIODIVERSITY</b> Bird and bat adaptive management plan <b>B27.</b></p>	<p>Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with BCS of NSW DCCEEW and NPWS, and to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the Biodiversity Development Assessment Report (Revision 11, 25 May 2023) or later and include:</p> <p>(d) a detailed <b><u>monitoring</u></b> program to <b><u>assess</u></b>, monitor and report on:</p> <p>(i) the effectiveness of these measures;</p>	<ul style="list-style-type: none"> <li>Updated to require a monitoring program to evaluate the effectiveness of the measures to mitigate bird and bat strike under this condition.</li> <li>Updated to ensure monitoring is appropriately reported.</li> </ul>	<p>The comment relates to <b>Condition B28</b></p> <p>The Department considers that the proposed changes would not materially change the outcome. The Department notes that the proposed change to add a <i>plan to address measures when not effective</i> is addressed by the proposed condition B28 (c) which already includes <i>an adaptive management program that would be implemented if the development is having an adverse impact</i> 8.</p> <p>The addition to B28(e) regarding the <i>program's methodology being available online</i> is already a requirement of condition C22 which requires the Applicant to publish all relevant information, including the EIS and approved plans and programs on its website.</p>

Condition reference	Draft proposed condition (additions in <b>bold and underlined</b> , deletions in <del>strike through</del> )	Commission's comments and/or questions on draft proposed conditions	Department's response (including, where relevant, comment on workability, enforceability and unintended consequences)
	<p>(ii) <b>a plan to address measures when not effective;</b> and (iii) any bird and bat strike on site; (e) provision for a copy of <b>the monitoring program's methodology and results, including</b> all raw data collected as part of the monitoring program, to be submitted to BCS, the Planning Secretary <b>and published on the Applicant's website.</b></p>		
<p><b>TRANSPORT</b> <b>Heavy vehicles requiring escort and heavy vehicle routes</b> <b>B30.</b></p>	<p>The Applicant must ensure that all heavy vehicles associated with the development access to and from the site is via Selwyn Street, George Street, Industrial Drive, Maitland Road, New England Highway and:</p> <p>(a) for vehicles transporting turbine blades, the Golden Highway, Denman Road, Bengalla Road, Wybong Road, Kayuga Road, Invermein Street, Stair Street, New England Highway, Lindsays Gap Road, Nundle Road, Crosby Street, Oakenville Street, Innes Street bypass, Jenkins Street and Crawney Road;</p> <p>(b) for vehicles with loads exceeding 5.2 m in height, the Golden Highway, Denman Road, Bengalla Road, Wybong Road, Kayuga Road, Invermein Street, Stair Street, New England Highway, Lindsays Gap Road, Nundle Road and either: (i) Old Hanging Rock Road, Barry Road and Morrisons Gap Road; or (ii) Herring Street, Innes Street, Jenkins Street and Crawney Road;</p> <p>(c) for vehicles with loads up to 5.2 m in height, Lindsays Gap Road, Nundle Road, Crosby Street, Oakenville Street and either: (i) Old Hanging Rock Road, Barry Road and Morrisons Gap Road; or (ii) Herring Street, Innes Street, Jenkins Street and Crawney Road; and</p> <p>(d) only vehicles constructing or accessing the switching station can use Old Wallabadah Road, Wallabadah Creek Road and Basin Creek Road;</p> <p>as identified in the figure in Appendix 7, unless the Planning Secretary agrees otherwise.</p> <ul style="list-style-type: none"> <li>The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network;</li> <li>To avoid any doubt, this consent does not allow the use of Thomas Mitchell Drive, <b>Bell Street, Victoria Street and Market Street.</b></li> </ul>	<ul style="list-style-type: none"> <li>Clear exclusion of Bell, Victoria and Market Streets from the transport routes.</li> </ul> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>With regard to the references to 'Herring Street', can the Department confirm whether this is supposed to refer to Herron Street North, rather than Herring Street?</li> <li>With regard to 'Denman Road, Bengalla Road, Wybong Road, Kayuga Road, Invermein Street, Stair Street', can the Department clarify whether these roads are subject to Energy Co upgrades as noted in Table 14 of the Department's Assessment Report? Will Energy contribute to the maintenance of these roads?</li> <li>The Department's Assessment Report (Table 14) notes that for vehicles up to and exceeding 5.2m: <i>The Department considers that the proposed transport should, to the fullest extent possible adhere to the road network to be upgraded by EnergyCo. As such, the Department recommends conditions restricting the movement of over dimensional vehicles to Route 1, as described above.</i></li> </ul> <p>It is noted that 'Route 1' includes Golden Highway, Denman Road, Bengalla Road, Wybong Road, Kayuga Road, Invermein Street and Stair Street. This route is not reflected in this condition for vehicles with loads up to 5.2m in height. Can the Department clarify which route is correct?</p>	<p>The comment relates to <b>Condition B31</b></p> <p>To avoid confusion the Department requested the Applicant to revise figure <i>Transport Route – Port to Nundle</i> in Appendix 7 of the recommended Development Consent and remove Route 3 which includes Thomas Mitchell Drive. As such, the Department recommends the Commission:</p> <ul style="list-style-type: none"> <li>replaces the figure <i>Transport Route – Port to Nundle</i> in the Appendix 7 (refer to the Attachment E);</li> <li>removes 'To avoid any doubt, this consent does not allow the use of Thomas Mitchell Drive' from condition B31.</li> </ul> <p>The Department uses SIX Map viewer which provides the most up-to-date information and refers to the street as Herring Street rather than Herron Street North. The street is also shown in <i>Transport Route – Nundle to Site</i> figure of Appendix 7.</p> <p>As per Tables 7-1 and 7-2 in the recommended Development Consent, upgrades to Denman Road intersection with Bengalla Road would be undertaken by Energy Co and TfNSW. The Applicant is responsible for upgrades to all other roads and intersections identified in Table 7-2, starting from Bengalla Road intersection with Wybong Road.</p> <p>Route 1 described in condition B31 (a) and (b) and shown in <i>Transport Route – Port to Nundle</i> figure in Appendix 7 is permitted for vehicles transporting blades and loads exceeding 5.2 m in height. However, the Department notes that a there is minor omission in condition B31(b) and recommends the Commission to revise the condition to be:</p> <p>(b) for vehicles with loads exceeding 5.2 m in height, the Golden Highway, Denman Road, Bengalla Road, Wybong Road, Kayuga Road, Invermein Street, Stair Street, New England Highway, Lindsays Gap Road, Nundle Road, <b>Crosby Street, Oakenville Street</b>, and either: (i) Old Hanging Rock Road, Barry Road and Morrisons Gap Road; or (ii) Herring Street, Innes Street, Jenkins Street and Crawney Road;</p>
<p><b>TRANSPORT</b> <b>Road upgrades</b> <b>B32.</b></p>	<p><del>If there is a dispute about the road upgrades to be implemented, or the implementation of these upgrades, then either party may refer the matter to the Planning Secretary for resolution.</del></p>	<p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>Can the Department provide their advice on the deletion, noting that the Planning Secretary may not be able to bind a Council to a resolution?</li> </ul>	<p>The comment relates to <b>Condition B33 and B34</b></p> <p>The Department considers that the opportunity for either party to refer a matter to the Planning Secretary seeks to provide an option, if there is a dispute, for both parties to discuss a solution to the matter with a third party. The proposed wording does not imply that the resolution would be binding.</p> <p>The Department recommends that condition B33 be amended to</p>
<p><b>TRANSPORT</b> <b>Road maintenance</b> <b>B33.</b></p>	<p><del>If there is a dispute between the Applicant and the relevant Council about the repair of the above listed roads, then either party may refer the matter to the Planning Secretary for resolution.</del></p>		<p>"Unless the Planning Secretary agrees otherwise, the Applicant must implement the road upgrades identified in Table 7-2 in Appendix 7 <b>must comply with the current Austroads Guidelines, Australian Standards (as amended by TfNSW supplements)</b> in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority and TfNSW."</p>

Condition reference	Draft proposed condition (additions in <b>bold and underlined</b> , deletions in <del>strike through</del> )	Commission's comments and/or questions on draft proposed conditions	Department's response (including, where relevant, comment on workability, enforceability and unintended consequences)
<p align="center"><b>TRANSPORT</b></p> <p align="center"><b>Traffic management plan</b></p> <p align="center"><b>B35.</b></p>	<p>Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, WaterNSW, and Councils <b>(including Muswellbrook Shire and Newcastle City Councils) and CCC</b>, and to the satisfaction of the Planning Secretary. This plan must include:</p> <p>(c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:</p> <p>(v) procedures for receiving and addressing complaints from the community about development-related traffic;</p> <p>(vi) <b>site access and emergency access routes and use;</b></p> <p>(vii) minimising potential cumulative traffic impacts with other projects <b>and existing uses</b> along the transport route, including consultation with TfNSW regarding their projects;</p> <p>....</p> <p>(e) a detailed program to monitor, <b>review</b> and report on the effectiveness of these measures and the code of conduct, <b>as well as actions to achieve or improve any measures as required.</b></p>	<ul style="list-style-type: none"> <li>Inclusion of other Councils with roads subject to use and the CCC to address potential local transport and access issues.</li> <li>Wording to clarify the requirement of clear site and emergency access routes.</li> </ul>	<p>The comment relates to <b>Condition B36</b></p> <p>The Department considered the changes would not materially change the outcome.</p> <p>The Department considers that wording in the recommended Development Consent already includes a requirement for the Applicant to consult with all relevant road authorities, including relevant Councils. Inserting a requirement to consult with CCC on the TMP may have unintended consequences about the role of the CCC in this measure. The Department notes that the CCC would be unlikely to have technical expertise to provide feedback.</p> <p>The Department considers that the proposed additions in (vi), (vii) and (e) are already covered by the recommended conditions.</p>
<p align="center"><b>HAZARDS</b></p> <p align="center"><b>Fire safety study</b></p> <p align="center"><b>B42.</b></p>	<p>Prior to commencing construction of the battery storage facility, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must:</p> <p>(b) include reasonable worst-case bush fire scenario to and from the facility and the associated bush fire management;</p> <p>(c) <b>include consideration of how any potential mobilised contaminants associated with a battery storage facility fire would be managed, contained, removed and disposed of;</b></p> <p>(d) describe the final design of the battery storage facility <b>and how the design addresses fire safety;</b></p> <p>(e) <b>describe measures of fire detection and response;</b></p>	<ul style="list-style-type: none"> <li>To ensure treatment of contaminants that may result from a battery storage fire are appropriately considered.</li> </ul>	<p>The comment relates to <b>Condition B43</b></p> <p>The Department does not consider that the proposed changes are needed and notes that a Fire Safety Study is required to be prepared in accordance with existing guidance in the Department's Hazardous Industry Planning and Advisory Paper (HIPAP) No. 2 'Fire Safety Study' guideline and to the satisfaction of FRNSW and the Planning Secretary.</p> <p>It is unclear whether the proposed condition (c) is included to address potential impacts from contaminated fire water. The Department notes that management of contaminated fire water is also required under HIPAP No. 2.</p>
<p align="center"><b>HAZARDS</b></p> <p align="center"><b>Emergency plan</b></p> <p align="center"><b>B45.</b></p>	<p>Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with NPWS, FCNSW and RFS and provide a copy of the plan to the local Fire Control Centre. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry point at all times. The plan must:</p> <p>(c) include <del>bushfire</del> emergency management planning, including:</p> <p>(i) details of the location, management and maintenance of the Asset Protection Zone and on-site water supply tanks;</p> <p>(ii) a list of works <b>and operations</b> that should not be carried out during a total fire ban;</p> <p>....</p> <p>(vi) operational procedures in the event of bushfires, such as shutting down turbines and the positioning of turbine blades to minimise <b>impact to bushfire and/or</b> interference with <del>aerial</del> firefighting operations;</p> <p>(vii) detail the measures that would be implemented to evacuate the site in an emergency; <b>and</b></p> <p>(viii) <b>include details of how the Applicant would support the emergency response by others, such as hazard prevention, operator training and education, and access to plant and equipment.</b></p>	<ul style="list-style-type: none"> <li>Included wording to require consideration of how the Applicant can assist with emergency response by others in the event of a hazard.</li> </ul> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>It is noted that this emergency plan condition is focused on bushfire response. Can the Department provide advice on whether other substantial emergency risks should be addressed here as well, such as structural failure, landslip etc?</li> </ul>	<p>The comment relates to <b>Condition B46</b></p> <p>The Department does not consider that the proposed changes are needed and considers the recommended conditions already require the Applicant to prepare a comprehensive Emergency Plan that is consistent with the Department's <i>Hazardous Industry Planning Advisory Paper (HIPAP) No. 1, 'Emergency Planning'</i> to cover all the operational related emergencies and RFS's <i>Planning for Bushfire Protection 2019</i> to address emergency situations due to bushfire events. The Emergency Plan is required to be prepared in consultation with NPWS, FCNSW and RFS. In relation to the addition to (c)(ii) and (vi), the Department has no further comments and considers it can be accepted. For (c)(viii), it is already covered in the requirement under HIPAP No. 1 and therefore considered not necessary.</p>



Condition reference	Draft proposed condition (additions in <b>bold and underlined</b> , deletions in <del>strike through</del> )	Commission's comments and/or questions on draft proposed conditions	Department's response (including, where relevant, comment on workability, enforceability and unintended consequences)				
<p style="text-align: center;"><b>HAZARDS</b> Safety New condition.</p>	<p><b>The Applicant must:</b></p> <p>(a) <b><u>prepare a Safety Management System for the development in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management' prior to commissioning any wind turbines on site or the battery storage facility; and</u></b></p> <p>(b) <b><u>implement and, if necessary, update the system over the remaining life of the development.</u></b></p>	<p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>It is noted that this condition was removed in the recommended conditions included with the Department's response to questions, dated 24 June 2024. Can the Department advise why this condition was removed?</li> <li>Can the Department advise how other offsite safety hazards, such as ice and blade throw, are managed without this condition?</li> </ul>	<p>The Department recommends removing the condition relating to Safety Management System. HIPAP No. 9 Safety Management System (SMS) is not relevant for this SSD. An SMS prepared in accordance with HIPAP 9 is specific for process safety related operations, such chemical processing or bulk liquid storage facilities. These types of facilities usually handle large quantities of dangerous goods, and require substantial operational maintenance targeted for processing related industry.</p> <p>While lithium-ion BESS is a Class 9 dangerous goods, the operation of the BESS is pre-set and not processing intensive. Appropriate safety management for workplace still applies under the Work Health and Safety Act.</p> <p>The risk to offsite from blade and ice throw are primarily managed through the appropriate placement of wind turbines relative to off-site receivers. This has been assessed in the blade throw assessment report and demonstrated that the placement of wind turbines is appropriate and the risks to off-site receivers are low. The assessment concluded that there was a very low likelihood of blade throw risk to off-site receivers and the proposed location of the operational facilities would be beyond the risk of impact from blade throw. Similarly, the risk assessment concluded that with a maximum ice throw distance of 473 m, was less than the distance between a proposed turbine and the closest dwelling (which is associated with the project AD05). Notwithstanding, the requirements for workplace safety management under the Work Health and Safety Act, especially those relating to plant, would apply and require the operator to maintain wind turbines appropriately as part of overall safety management.</p>				
<p style="text-align: center;"><b>DECOMMISSIONING &amp; REHABILITATION</b> Decommissioning and rehabilitation plan New condition.</p>	<p><b><u>Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan for the development, including progressive rehabilitation in accordance with condition B53. At a minimum, this Plan shall be updated by the Applicant half-way through the operational life of the project and within 2 years prior to decommissioning. The Plan must:</u></b></p> <p>(a) <b><u>include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 below; and</u></b></p> <p>(b) <b><u>describe the measures that would be implemented to:</u></b></p> <p>(i) <b><u>decommission the development and rehabilitate the site in accordance with the objectives in Table 3;</u></b></p> <p>(ii) <b><u>minimise and manage the waste generated by the decommissioning of the development;</u></b></p> <p>(iii) <b><u>include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and</u></b></p> <p>(iv) <b><u>ensure that best practice is employed in respect of utilising available recycling technologies.</u></b></p>	<ul style="list-style-type: none"> <li>Requirement for the Applicant to prepare a Decommissioning and Rehabilitation Plan early on in the operation phase to provide clear planning for future decommissioning and rehabilitation activities.</li> </ul>	<p>The recommended conditions require the applicant to rehabilitate the site in accordance with a number of objectives listed in Table 3 of condition B49. With the implementation of objective-based conditions and monitoring requirements, the Department considers that the project would be suitably decommissioned at the end of the project life and that the site will be appropriately rehabilitated.</p> <p>The Department does not consider that a Decommissioning and Rehabilitation Plan is required.</p>				
<p style="text-align: center;"><b>DECOMMISSIONING &amp; REHABILITATION</b> Rehabilitation objectives - decommissioning B49.</p>	<p>Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary and comply <b><u>All rehabilitation activities must be safe, stable and non-polluting, and comply</u></b> with the objectives in Table 2.</p> <p style="text-align: center;"><b>Table 2: Rehabilitation Objectives</b></p> <table border="1" data-bbox="468 1633 1139 1835"> <thead> <tr> <th data-bbox="468 1633 736 1675">Feature</th> <th data-bbox="742 1633 1139 1675">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="468 1675 736 1835">Development site <b><u>and decommissioning, removal and rehabilitation process</u></b> (as a whole)</td> <td data-bbox="742 1675 1139 1835"> <ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible</li> </ul> </td> </tr> </tbody> </table>	Feature	Objective	Development site <b><u>and decommissioning, removal and rehabilitation process</u></b> (as a whole)	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible</li> </ul>	<ul style="list-style-type: none"> <li>Reinforce the requirement that all recommissioning and rehabilitation activities must be safe, stable and non-polluting.</li> </ul>	<p>The Department considers that the proposed changes would repeat existing text within this condition.</p>
Feature	Objective						
Development site <b><u>and decommissioning, removal and rehabilitation process</u></b> (as a whole)	<ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible</li> </ul>						
<p style="text-align: center;"><b>DECOMMISSIONING &amp; REHABILITATION</b></p>	<p>The Applicant must:</p> <p>(a) rehabilitate all areas of the site not proposed for future <b><u>use or</u></b> disturbance progressively, that is, as soon as</p>	<ul style="list-style-type: none"> <li>Minor update to clarify wording of the condition.</li> </ul>	<p>Agreed</p>				

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Progressive rehabilitation B50.	reasonably practicable following construction or decommissioning;		
<b>PART C – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>			
ENVIRONMENTAL MANAGEMENT Environmental management strategy C1.	<p>Prior to carrying out any development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <p>(d) <b>include an ongoing community communication plan that describes</b> <del>set out</del> the procedures that would be implemented to:</p> <p>(i) keep the local community and relevant agencies informed <b>in a timely manner</b> about the operation and environmental performance of the development, <b>including how often and when information would be made available</b>;</p> <p>....</p> <p>(e) include:</p> <p>(i) references to any strategies, plans and programs approved under the conditions of this consent;</p> <p>(ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent, and;</p> <p>(iii) <b>a process of ongoing improvement of the Environmental Management Strategy.</b></p>	<ul style="list-style-type: none"> <li>To ensure information is provided in a transparent and timely manner.</li> </ul>	The Department does not object to other proposed changes.
NOTIFICATIONS Final layout plans C8.	<p>Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website portal including:</p> <p>(a) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts);</p> <p><b>(b) details of the development corridor as defined in this consent;</b></p>	<ul style="list-style-type: none"> <li>To clarify the 'development corridor' in more detail.</li> </ul>	Agreed
ACCESS TO INFORMATION C22.	<p><b>To ensure transparency and timely information</b>, the Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development as soon <b>as possible and within 5 business days</b>:</p> <p>(vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;</p> <p>(vii) <b>procedures for receiving, handling, responding, and recording of</b> <del>how</del> complaints about the development <b>and operations</b> <del>can be made</del>;</p> <p>....</p> <p>(b) keep this information up to date <b>within 5 business days of any changes.</b></p>	<ul style="list-style-type: none"> <li>To ensure information is provided in a transparent and timely manner.</li> </ul>	<p>Agreed</p> <p>The definition of 'development' includes 'operation'.</p> <p>The Department does not consider that '<i>To ensure transparency and timely information</i>' is required if the condition specifies what the actions an applicant must take.</p> <p>The period of 5 days may not be workable for the applicant. A short timeframe for any '<i>changes</i>' in C22(b) could have unintended consequences in a situation where a management plan is 'changed' to then be submitted to the Department but is not yet approved.</p>

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<b>APPENDICES</b>			
<p align="center"><b>APPENDIX 1</b> <b>General layout of the development</b></p>	<p><b>Request:</b></p> <ul style="list-style-type: none"> <li>Updated figure required to reflect the final layout as recommended by the Department (62 turbines).</li> </ul>	<p>Refer to Attachment B</p>	
<p align="center"><b>APPENDIX 1</b> <b>Schedule of lands</b></p>	<p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>Can the Department confirm if this schedule is the complete list of lots subject to the consent, and whether the list includes land subject to road widening/works?</li> </ul>	<p>The Department understands that the question relates to <b>Appendix 2</b> Schedule of Lands.</p> <p>The Department confirms that Appendix 2 includes land required for road upgrades that are required to be undertaken by the applicant.</p> <p>The Department notes, that Appendix 2 Schedule of Lands includes parcels that cover the Crawney Road Access Option A and Option C which are not authorised under the recommended conditions. As such, please delete the following land parcels from Appendix 2 Schedule of Lands:</p> <ul style="list-style-type: none"> <li>Lot 7302 DP1136648, and</li> <li>Lot 26 DP755349.</li> </ul>	
<p align="center"><b>APPENDIX 5</b> <b>Biodiversity</b></p>	<p><b>Request:</b></p> <ul style="list-style-type: none"> <li>Updated numbers associated with biodiversity impact and ecosystem credit liability required to reflect the final layout as recommended by the Department (62 turbines).</li> </ul>	<p>Refer to Attachment C</p>	
<p align="center"><b>APPENDIX 7</b> <b>Haulage route and road upgrades</b></p>	<p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>With Table 7-1, are there any other road upgrades Energy Co will be completing that should be listed here?</li> <li>Can the Department include a definition of 'OSOM' and 'heavy vehicles' for this recommended instrument?</li> <li>As noted above, the transport route maps do not align with the routes identified in condition B30. Can the Department clarify these discrepancies?</li> </ul>	<p>Table 7-1 includes road upgrades by Energy Co and TfNSW that would facilitate the development of this project.</p> <p>Heavy vehicle - As defined by the Heavy Vehicle National Regulator under the <i>Vehicle National Law</i> (NSW), excluding High Risk heavy vehicles requiring escort.</p> <p>Heavy vehicles requiring escort (over size over mass) - Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide).</p> <p>The Department clarified traffic routes in its response related to Condition B31 above.</p>	
<p align="center"><b>Appendix 6</b> <b>Heritage Items</b></p>		<p>Please replace the figure in Appendix 6 with the figure in Attachment D (revised to show 62 turbine layout).</p>	