

Our ref: SSD-9679

Steve Barry
Planning Director
Independent Planning Commission NSW

Via email

28/08/2024

Subject: Hills of Gold Wind Farm (SSD-9679) – Clarifications

Dear Mr Barry

I refer to your email dated 23 August 2024, seeking further clarifications from the Department and noting the proposed changes related to recommended conditions of consent as at 23 August 2024.

As requested by the Commission, the Department provides the following additional information:

- Revised general layout of the development figure – see Attachment A.
 - Temporary footprint areas are areas where there is expected to be cut and fill required to construct the internal access tracks and turbine hardstands as well as areas to be used for laydown areas, equipment storage or road drainage / stockpiling of topsoil. Any temporary footprint areas will be rehabilitated and only the permanent footprint will remain into the project operational period. The development corridor is the area within which the project infrastructure can be micro-sited as long as it is within the assessed credit offset liability.
- Clarifications regarding the change in some ecosystem credit liability and impact in hectares:
 - PCT 486 – 0.02 ha change from removal of access A (PCT only mapped in that area of site);
 - PCT 492 – 0.01 ha change – rounding error;
 - PCT 541 – 0.6 ha reduction from removal of Access C (PCT only mapped in that area of site);
 - PCT 599 – 1.37 ha change from removal of Access A (PCT only mapped in that area of site);
 - PCT 1194 – 2.96 ha increase from WTGs added back into the project.
- Revised haulage route figure – see Attachment B.
- Revised heritage items figure – see Attachment C.



Condition reference	Draft proposed condition (additions in bold and underlined, deletions in strikethrough)	Commission to consider:	Department's comment						
ACQUISITION UPON REQUEST B1.	<p>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 at <u>any time over the life of the development.</u></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><u>Table 1: Receiver subject to acquisition upon request</u></p> <table border="1"> <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>Note: To identify the residence and wind turbines referred to in Table 1, see the applicable tables and figures in Appendix 2.</p>	Receiver	Lot/DP	Applicable Wind Turbines	DAD01	47/753722	53, 54, 55, 56, 57, 58, 59, 60, 61, 62	<p>For a period of 5 years from the commencement of construction of any of the applicable wind turbines <u>Up until 5 years from the commencement of operation,</u> the owner of the land listed in Table 1 may request the Applicant to acquire their land.</p> <p>.....</p> <p>However, this agreement <u>condition</u> 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, <u>and that agreement contains terms under which the landowner has waived their rights under this condition,</u> and the Applicant has advised the Department in writing of the terms of this agreement.</p>	<p>The Department considers that the proposed change to add <u>"and that agreement contains terms under which the landowner has waived their rights under this condition"</u> is not workable as it would require the Department to have a deeper role in examining an agreement. The Department would not normally have this role for these types of agreements as they are expressly between the two parties.</p> <p>In addition, the Department considers that a change to the condition wording is not required as the acquisition requirements already would not apply in the existing wording of the condition if an agreement is in place.</p>
Receiver	Lot/DP	Applicable Wind Turbines							
DAD01	47/753722	53, 54, 55, 56, 57, 58, 59, 60, 61, 62							

If you have any questions, please contact Tatsiana Bandaruk on [REDACTED] or via email at [REDACTED]

Yours sincerely,

[REDACTED]

Nicole Brewer
Director
Energy Assessments