



New South Wales Government
Independent Planning Commission

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Spicers Creek Wind Farm

SSD 41134610

Statement of Reasons for Decision

Neal Menzies (Chair)
Suellen Fitzgerald
Michael Wright

31 October 2024

Executive Summary

Spicers Creek Wind Farm Pty Ltd, a project entity owned by the Squadron Energy group of companies (**Squadron**), has sought consent for the development of a 700 megawatt (**MW**) wind farm with a 400 MW battery energy storage system (**BESS**), known as the Spicers Creek Wind Farm (SSD-41134610) (the **Project**). The site of the Spicers Creek Wind Farm (the **Site**) is located approximately 25 km north-west of Gulgong and 35 km north-east of Wellington, within the Dubbo Regional and Warrumbungle Shire local government areas (**LGA**). The Site is also located in the Central-West Orana Renewable Energy Zone (**CWO REZ**).

The Project represents an approximately \$2 billion investment, generating up to 590 construction related jobs and up to 12 operational jobs.

The NSW Independent Planning Commission (**Commission**) is the consent authority for the Project as more than 50 public objections were made to the Department of Planning, Housing and Infrastructure (**Department**), Warrumbungle Shire Council objected to the proposal, and the Applicant has made a reportable political donation.

Commissioners Neal Menzies AM (**Panel Chair**), Suellen Fitzgerald and Michael Wright were appointed to constitute the Commission Panel in determining the Application. As part of its determination, the Panel met with representatives of the Applicant, the Department, Dubbo Regional Council and Warrumbungle Shire Council (**Councils**). The Panel also undertook a site inspection.

The Commission held a Public Meeting for the Project on 9 August 2024 which was livestreamed via the Commission's website. The Commission also received written submissions on the Project.

Key issues which are the subject of the findings in this Statement of Reasons for Decision relate to energy transition, biodiversity, visual impacts, and traffic and transport.

After consideration of the material, including additional information received from the Department, and having considered the views of the community, the Commission has determined that development consent should be granted to the Application, subject to conditions.

The Commission has imposed conditions which seek to prevent, minimise, mitigate and/or offset adverse impacts of the Project and to ensure appropriate ongoing monitoring and management of residual impacts. The Applicant will be required to prepare a number of comprehensive management plans and strategies, report on mitigation and monitoring outcomes, and demonstrate compliance with performance criteria on an ongoing basis.

The conditions as imposed include several changes made by the Commission to the Department's recommended Conditions of Consent. These changes strengthen the environmental management of the development, including the requirement to prepare a Soil and Water Management Plan. The changes also respond to concerns raised by the community and stakeholders during the Commission's consideration of the Project, including requiring consultation with the Community Consultative Committee on community programs, requiring construction progress updates (including any delays) to be made public on the Applicant's website and ensuring appropriate timeframes are provided for visual mitigation measures to be implemented.

The Commission finds that the Site is suitable for renewable energy development given its location close to a proposed CWO REZ transmission line, topography, wind resources, avoidance of major environmental constraints and access to the regional road network. The Commission finds that the Project is consistent with the strategic land use planning and energy policy frameworks and relevant statutory requirements. The Commission is also satisfied that the Project is in accordance with the Objects of the EP&A Act and is in the public interest.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons of Decision.

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Defined Terms

ABBREVIATION	DEFINITION
ACCS	Annual Climate Change Statement 2022 (Australian Government)
Applicant	Spicers Creek Wind Farm Pty Ltd
Application	Spicers Creek Wind Farm (SSD-41134610)
Approved Methods	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
AR para	Paragraph of the Department's Assessment Report
BBAMP	Bird and Bat Adaptive Management Plan
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity, Conservation and Science Group within NSW DCCEEW
Biodiversity Offsets Scheme	NSW Biodiversity Offsets Policy for Major Projects (NSW Office of Environment and Heritage, 2014)
BESS	Battery energy storage system
CCPF	NSW Climate Change Policy Framework
Commission	Independent Planning Commission of NSW
CWO REZ	Central-West Orana Renewable Energy Zone
CWOR Plan	Central West and Orana Regional Plan 2036 and 2041
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
Department's AR	Department's Assessment Report, dated July 2024
EII Act	<i>Electricity Infrastructure Investment Act 2020</i>
EIS	Environmental Impact Statement
EnergyCo	Energy Corporation of NSW
EPA	NSW Environment Protection Agency
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ES	NSW Electricity Strategy 2019
ESD	Ecologically Sustainable Development
Framework	NSW Wind Energy Framework
ICNG	Interim Construction Noise Guideline 2009 (NSW Government)
ISP	2024 Integrated System Plan (Australian Energy Market Operator)
LEP	Local Environmental Plan
LGA	Local Government Area
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 3.1
Minister	Minister for Planning and Public Spaces
MW	Megawatt
MWh	Megawatt hour
NEM	National Electricity Market
Net Zero Implementation Plan	Net Zero Plan Stage 1: 2020-2030 Implementation Plan (NSW Government)
Net Zero Plan	Net Zero Plan Stage 1: 2020-2030 (NSW Government)
NPfi	NSW Noise Policy for Industry
OSOM	Oversize and/or overmass vehicle
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021

Project	Development of a new 700 MW wind farm with a 400 MW BESS and connection to the proposed CWO REZ transmission line, approximately 25km north-west of Gulgong and 35km north-east of Wellington, known as the Spicers Creek Wind Farm, as described in section 2.2
Regulations	Environmental Planning and Assessment Regulation 2021
Resources SEPP	State Environmental Planning Policy (Resources and Energy) 2021
REZ	Renewable Energy Zone
RFS	NSW Rural Fire Service
RtS	Response to Submissions
SAII	Serious and irreversible impacts
Site	The Spicers Creek Wind Farm site, as described in section 2.1
SSD	State Significant Development
The Roadmap	NSW Electricity Infrastructure Roadmap (NSW Government)
TfNSW	Transport for NSW
Visual Bulletin	Wind Energy: Visual Assessment Bulletin (supporting technical bulletin from <i>Wind Energy Guideline 2016</i> (NSW Department of Planning and Environment))
Wind Energy Guideline	<i>Wind Energy Guideline 2016</i> (NSW Department of Planning and Environment), including supporting technical bulletins <i>Wind Energy: Visual Assessment Bulletin</i> and <i>Wind Energy: Noise Assessment Bulletin</i>
VPA	Voluntary Planning Agreement

1. Introduction

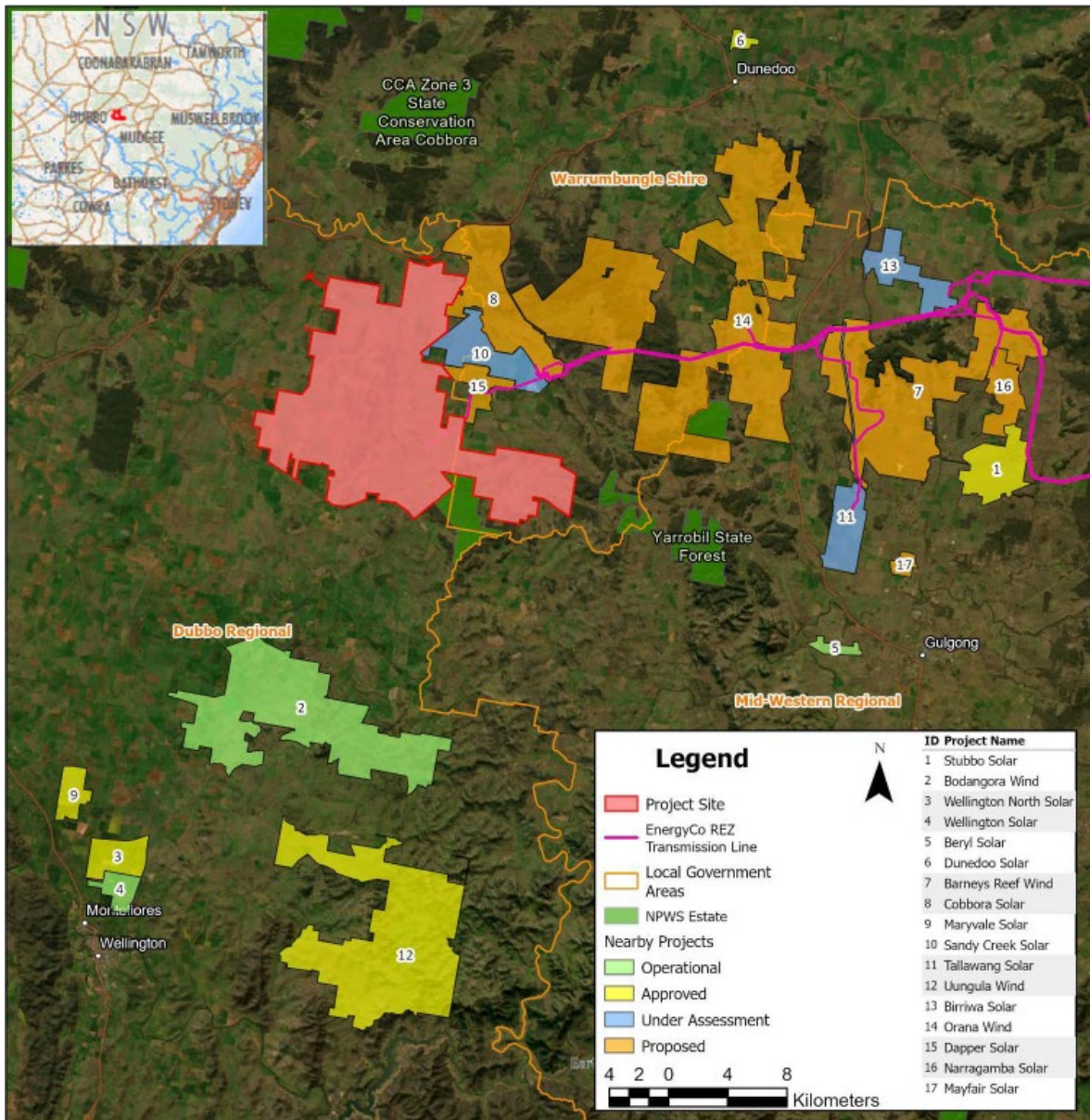
1. On 30 July 2024, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-41134610 (**Application**) by Spicers Creek Wind Farm Pty Ltd (**Applicant**), a project entity owned by the Squadron Energy group of companies, to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Spicers Creek Wind Farm (the **Project**) located in the Dubbo Regional and Warrumbungle local government areas (**LGA**) pursuant to section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**), the Commission is the consent authority as more than 50 public submissions have been made by way of objection, Warrumbungle Shire Council objected to the Project during the Department's assessment process, and the Applicant disclosed a reportable political donation when making the application to the Department.
4. Andrew Mills, Chair of the Commission, determined that Neal Menzies AM (Chair), Suellen Fitzgerald and Michael Wright would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) that the site is suitable for a wind farm and that the Project would not result in any significant impacts to the local community and environment and would result in benefits to the State of NSW. The Department's AR further concludes that the Project is in the public interest and is approvable subject to its recommended conditions of consent.

2. The Application

2.1 Site and Locality

6. The Project site (the **Site**) comprises the land shown in **Appendix A**, located within Dubbo Regional and Warrumbungle LGAs, approximately 25km north-west of Gulgong and 35km north-east of Wellington. The Department's AR provides that:
 - land within the Site has been subject to extensive historical land clearing for agricultural purposes;
 - the Site is located within land primarily zones RU1 Primary Production (**RU1 Zone**) under the *Dubbo Regional Local Environmental Plan 2022* (**DRLEP**) and the *Warrumbungle Local Environmental Plan 2013* (**WLEP**);
 - small areas of the Site are zoned SP2 Infrastructure (**SP2 Zone**) under the DRLEP.
7. The Site is located within the Central-West Orana Renewable Energy Zone (**CWO REZ**) (discussed further at section 3.2).
8. The majority of the Site is located within the Dubbo Regional Council LGA, with a small portion of the Site, comprising 11 turbines and their associated infrastructure, located within the Warrumbungle Shire Council LGA (refer Figure 1).

Figure 1- The Site and LGA boundaries (Source: AR, Figure 1)



2.1.1 Other energy projects in the area

9. The Department’s AR identifies that there are 22 SSD renewable energy projects within 30km of the Site (AR para 12). Six (6) have a status of ‘approved’ (CWO REZ Transmission Project, Orana BESS, Bellambi Heights BESS, Dunedoo Solar Farm, Maryvale Solar Farm and Birriwa Solar Farm) with another six (6) being ‘operational’ or under ‘construction’. Table 2 of the Department’s AR details the nearby renewable energy projects.

2.2 The Project

10. The Applicant sought approval for a 700-megawatt (**MW**) wind farm in the CWO REZ. The Project would comprise up to 117 wind turbines with a blade tip height of up to 256 metres (**m**) and associated ancillary infrastructure, including a 400 MW battery energy storage system (**BESS**), connection to the proposed CWO REZ transmission line and up to three on site substations. Road upgrades are also proposed along the Project access route. The construction timeframe for the Project would be approximately 40 months, with a 6-month peak. The Project layout can be found in **Appendix A**.

Table 1 – Summary of Key Aspects of the Project

Aspect	Proposed Project
Project summary	<ul style="list-style-type: none"> Up to 117 turbines and associated infrastructure (700 MW capacity) Energy storage facility with a capacity of up to 400 MW / 1,800 MWh
Project area	<ul style="list-style-type: none"> Project Site: 17,645 ha Development corridor: 4,830 ha Development footprint: 1,470 ha
Wind turbine dimensions	<ul style="list-style-type: none"> Maximum tip height of 256 m Turbine hub height of 170 m Maximum blade length approx. 85 m
Ancillary infrastructure	<ul style="list-style-type: none"> Connection to the proposed CWO REZ transmission line within the Site Up to three substations, 30 km of overhead and 237 km of underground transmission cables Up to two operation and maintenance compounds and two electrical plant compounds Temporary facilities, including up to 15 Site compounds, including Site office and compound, rock crushing facilities and concrete batching plants, stockpiles and materials storage and laydown areas Up to 154km of new internal tracks and two Site access points Up to four permanent meteorological masts (up to 200m in height) and four temporary meteorological masts (up to 170m in height)
Off-site road works	Upgrades to intersections, local roads and waterway crossings.
Construction	Construction would last approximately 40 months with a six (6) month peak.
Operation	Approximately 30 years. However, the Project may involve infrastructure upgrades that could extend its operation.
Access route	<ul style="list-style-type: none"> Heavy vehicles requiring escort: access from the Port of Newcastle, via Selwyn Street, George Street, Industrial Drive, Maitland Road, New England Highway, John Renshaw Drive, Hunter Expressway, New England Highway, Golden Highway and Sweeneys Lane southbound or continuing to Saxa Road and Tallawonga Road. A high-load bypass route around Denman, which travels along Denman Road (north-east of Denman), Bengalla Road and Wybong Road before re-joining Golden Highway near Sandy Hollow. Seven primary Site access points: two off Sweeneys Lane and five off Tallawonga Road, and one secondary Site access from Ben Hoden Road (for standard heavy and light vehicles only).

Decommissioning and rehabilitation	The Project includes decommissioning at the end of the Project life, which would involve removing all above ground infrastructure.
Employment	Up to 590 construction jobs and 12 operational jobs.
Capital Investment Value (CIV)	\$2 billion.
Voluntary Planning Agreement (VPA)	A total of 1.5 % of CIV (indexed to CPI), to be split proportionately between Dubbo Regional Council and Warrumbungle Shire Council.

3. The Commission's Consideration

3.1 Material Considered by the Commission

11. In this determination, the Commission has considered the following material (**Material**):
- The Planning Secretary's Environmental Assessment Requirements issued by the Department, dated 6 May 2022;
 - The following information provided by the Applicant:
 - the Environmental Impact Statement (**EIS**), dated 4 July 2023 and its accompanying appendices;
 - the Response to Submissions Report (**RtS**), dated 6 December 2023 and its accompanying appendices;
 - additional information dated 29 February 2024, 3 May 2024, 17 May 2024, 30 May 2024, 19 June 2024 and 20 June 2024;
 - all public submissions on the EIS made to the Department during public exhibition;
 - all Government Agency advice to the Department;
 - the Department's AR, dated July 2024;
 - the Department's recommended conditions of consent, dated July 2024;
 - comments and presentation material from meetings with the Department, Applicant, Dubbo Regional Council and Warrumbungle Shire Council, as referenced in Table 4 below;
 - the Applicant's correspondence to the Commission, dated 6 September 2024 and 11 September 2024;
 - Dubbo Regional Council's correspondence to the Commission, dated 16 August 2024;
 - the Department's correspondence to the Commission, dated 13 September 2024, 3 October 2024 and 23 October 2024;
 - all written comments made to the Commission and material presented at the Public Meeting;
 - all written comments received by the Commission up until 5pm, 6 September 2024, and those accepted outside of time; and
 - the Department's advice on 10 September 2024, 27 September 2024 and 23 October 2024 on the feasibility and workability of proposed conditions and responses to questions on notice.

3.2 Strategic Context

12. The Commission has considered the strategic planning framework, policies and guidelines relevant to the Site and Project. The Commission finds that the Project is consistent with both the Commonwealth and NSW State Government's strategic planning framework, policies and guidelines (see Table 2 below).
13. The Project would generate up to 700 MW of renewable energy and will assist in Australia's transition to lower emissions energy generation. In addition, in accordance with the Department's AR, the Project would generate economic benefits to the local and regional community, including up to 590 construction jobs and 12 operational jobs, power approximately 370,000 homes per year, and provide flow on benefits to the local and regional economies through expenditure and procurement of goods and services.

Table 2 - Strategic planning framework, policies and guidelines

Strategic Context	Discussion
Australia's Long Term Emissions Reduction Plan 2021	The Commonwealth Government's Long-Term Emissions Reduction Plan 2021 states that <i>"an increased share of renewables will be the foundation for a near zero emission grid by 2050"</i> (page 45), that <i>"energy storage technologies are essential for Australia to shift to lower emission electricity systems"</i> and that <i>"the challenge is to ensure our electricity system remains secure, reliable and affordable as the share of variable renewables grows"</i> (pages 45 and 52).
Annual Climate Change Statement 2023	The Australian Government's Annual Climate Change Statement 2023 (ACCS) makes commitments on achieving net zero by 2050, noting that the <i>"Climate Change Act 2022 legislated our emissions reduction targets of 43% below 2005 levels by 2030 and net zero by 2050"</i> (page 5). As the largest emissions source in the Australian economy, <i>"decarbonising the electricity sector will be vital to meeting our emissions reduction targets"</i> (page 22).
Australian Energy Market Operator's 2024 Integrated System Plan	The Integrated System Plan (ISP) <i>"is a plan for investment in the NEM (National Energy Market) to ensure a reliable and secure power system, through Australia's transition to a net zero economy"</i> (page 3). The ISP states that: <i>"As coal-fired power stations retire, renewable energy connected with transmission and distribution, firmed with storage, and backed up by gas-powered generation is the lowest-cost way to supply electricity to homes and businesses through Australia's transition to a net zero economy."</i> (page 3).
NSW Climate Change Policy Framework 2016	The NSW Climate Change Policy Framework 2016 (CCPF) describes the NSW Government's objective to achieve net zero emissions by 2050 and aims to <i>"maximise the economic, social and environmental wellbeing of NSW in the context of a changing climate and current and emerging international and national policy settings and actions to address climate change"</i> (page 1).
NSW Net Zero Plan Stage 1: 2020-2030 and Implementation update 2022	The Net Zero Plan Stage 1: 2020-2030 (NZP) outlines the NSW Government's objective <i>"to achieve net zero emissions by 2050"</i> (page 4). The 2022 implementation update on the NZP provides details of the NSW Government's policies, programs and progress in achieving the NZP priorities.

Strategic Context	Discussion
NSW Electricity Infrastructure Roadmap 2020	In November 2020, the NSW Government released the NSW Electricity Infrastructure Roadmap (Roadmap), which is NSW's 20-year plan to transform the electricity system by coordinating investment in transmission, generation, storage and upgrading infrastructure as NSW's ageing coal-fired power plants are retired.
Electricity Strategy 2019	Released by the NSW Government in 2019, the NSW Electricity Strategy (ES) notes that renewable energy is <i>"now the most economic form of new generation, with a mix of wind and solar firmed with gas, batteries and pumped hydro expected to be the most economic form of reliable electricity"</i> (page 11). The ES also seeks to prioritise renewable energy zones to diversify the State's energy mix and provide affordable electricity supply (page 20).
NSW Wind Energy Framework	<p>The NSW Government's Wind Energy Framework (the Framework) seeks to provide <i>"greater clarity, consistency and transparency for industry and the community regarding assessment and decision-making on wind energy projects"</i> in NSW (AR para 17). The key documents comprising the Framework are the Wind Energy Guideline 2016 and supporting technical bulletins <i>Wind Energy: Visual Assessment Bulletin</i> and the <i>Wind Energy: Noise Assessment Bulletin</i>. The Framework <i>"provides a merit-based approach to the assessment of wind energy projects, which is focused on the issues unique to wind energy, particularly visual and noise impacts"</i> (AR para 18).</p> <p>The Department is currently developing a new Energy Policy Framework, including the draft Wind Energy Guideline 2023 (draft Guideline), an updated version of the 2016 Guideline (AR para 20). The draft guideline includes supporting attachments <i>Technical Supplement for Landscape and Visual Impact Assessment</i> and <i>Technical Supplement for Noise Assessment</i>. The draft Guideline is scheduled to be finalised sometime in 2024, however it does not apply to the Project (AR para 20).</p>
Renewable Energy Zone	The NSW Government has declared five 'renewable energy zones' (REZs) under section 24(1) of the <i>Electricity Infrastructure Investment Act 2020</i> (EII Act) to help expand energy transmission and generation capabilities in strategic areas across NSW. The Department's AR states the CWO REZ <i>"is identified as strategically advantageous with strong renewable resource potential, proximity to the existing electricity network, and consideration of potential interactions with existing land uses including agricultural lands and biodiversity conservation"</i> (AR para 207).
Regional and Local Plans	<p>In determining the Application, the Commission has also considered the following regional and local plans:</p> <ul style="list-style-type: none"> • Central West and Orana Regional Plan 2041 (CWOR Plan); • Dubbo Regional Council Local Strategic Planning Statement; • Warrumbungle Shire Council Local Strategic Planning Statement; • Warrumbungle Shire Council Community Strategic Plan 2022/2037. <p>The Commission considers that the Project is generally in accordance with the above regional and local plans.</p>

3.3 Statutory Context

3.3.1 Objects of the EP&A Act

14. In this determination, the Commission has carefully considered the Objects of the EP&A Act and is satisfied that the Application is consistent with those Objects.

3.3.2 State Significant Development and Permissibility

15. The Application is SSD under section 4.36 of the EP&A Act because it is development for the purpose of electricity generating works with a capital investment value of more than \$30 million as per clause 20 of Schedule 1 of the Planning Systems SEPP.
16. The Site is generally within the RU1 zone pursuant to the DRLEP and WLEP. The Site includes small areas of land within the SP2 zone pursuant to the DRLEP, which are associated with roads. Electricity generating works are permitted with consent on any prescribed rural, industrial or special use zone, including the RU1 zone and SP2 zone, pursuant to section 2.36 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*.

3.3.3 Commonwealth matters

17. According to the Department, on 4 January 2023, a delegate of the Australian Government Department of Climate Change, Energy, the Environment and Water (**AG DCCEEW**) determined that the Project was a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* (AR para 36). The Commission notes that following the Commission's determination, the matter would be referred to AG DCCEEW in accordance with the relevant provisions of the EPBC Act.

3.3.4 Integrated and other NSW Approvals

18. Pursuant to section 4.41 of the EP&A Act, several approvals are integrated into the SSD approval process, and therefore are not required to be separately obtained for the Project (AR para 26). Pursuant to section 4.42 of the EP&A Act, several further approvals cannot be refused if necessary for carrying out the Project and must be substantially consistent with the development consent for the Project.

3.4 Mandatory Considerations

19. In determining this Application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the listed matters as are of relevance to the development the subject of the Application (**Mandatory Considerations**). The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the Material does not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

Table 3 – Mandatory Considerations

Mandatory Considerations	Commission’s Comments
Relevant EPIs	<p>The Department’s AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> • Planning Systems SEPP; • State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP); • State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP); • DRLEP; and • WLEP. <p>The Commission agrees with the Department’s assessment of EPIs throughout the AR.</p>
Relevant DCPs	<p>Section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD. The Commission does not consider any development control plans to be relevant to the determination of the Application.</p>
Any planning agreements or draft planning agreements	<p>The Commission notes the Applicant’s monetary offer comprises a total of 1.5% of the Project’s CIV which is to be split proportionately between the Councils, based on the number of committed turbines within each Council’s LGA (AR, Table 11).</p>
Likely Impacts of the Development	<p>The likely impacts of the Application have been considered in section 5 of this Statement of Reasons. Where relevant, the Commission’s consideration of the likely impacts of the development includes consideration of likely impacts of the Project that do not necessarily form part of the Application. This has been informed by, among other Materials, the Department’s AR and the Department’s response to questions on notice dated 23 October 2024.</p>
Suitability of the Site for Development	<p>The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> • the Application is permissible with consent; • the Site has suitable wind resources; • the Site is located close to the proposed CWO REZ Transmission line; • the Site can be accessed from the regional road network; • the Project does not preclude the use of the land for agriculture during operation; • adverse impacts on surrounding receivers and local biodiversity have been minimised as far as practicable and would be further managed and mitigated by the imposed conditions of consent; • the use of the Site for the purpose of electricity generation is an orderly and economic use and development of the land; • the development of the Site for the purpose of electricity generation will facilitate social and economic benefits for the community and for the State of NSW; and • the development of the Site will assist in meeting Australia’s and NSW’s target of net zero emissions by 2050.

Ecologically Sustainable Development	The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
The Public Interest	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Application against its predicted negative impacts.</p> <p>The Commission's consideration of the public interest has also been informed by consideration of the principles of ESD.</p> <p>The Commission finds that, on balance, the likely benefits of the Project warrant the conclusion that an appropriately conditioned approval is in the public interest.</p>

3.5 Additional Considerations

20. In determining the Application, the Commission has also considered:

- NSW Noise Policy for Industry (**NPfi**);
- Interim Construction Noise Guideline (**ICNG**);
- NSW Road Noise Policy;
- NSW Biodiversity Offsets Policy for Major Projects (**Biodiversity Offsets Scheme**);
- Social Impact Assessment Guideline for State Significant Projects (NSW Government, 2021) (**SIA Guideline**); and
- Wind Farms and Bushfire Operations, Guideline Version 3.0 (Australasian Fire and Emergency Service Authorities Council Limited, 2018).

3.6 The Commission's Meetings

21. As part of the determination process, the Commission met with various persons as set out in Table 4. All meeting and site inspection notes were made available on the Commission's website.

Table 4 – Commission's Meetings

Meeting	Date	Transcript/Notes Available on
Department	14 August 2024	19 August 2024
Applicant	14 August 2024	19 August 2024
Dubbo Regional Council	16 August 2024	23 August 2024
Warrumbungle Shire Council	23 August 2024	27 August 2024
Site Inspection	28 August 2024	2 September 2024
Public Meeting	29 August 2024	3 September 2024
Department	18 September 2024	31 October 2024

4. Community Participation & Public Submissions

4.1 Neighbouring Property Inspection

22. On 28 August 2024, the Commission conducted an inspection of a property in proximity to the Site, identified as receiver SR009. Commissioners Neal Menzies (Chair), Suellen Fitzgerald and Michael Wright attended the inspection and observed the Site from the property.

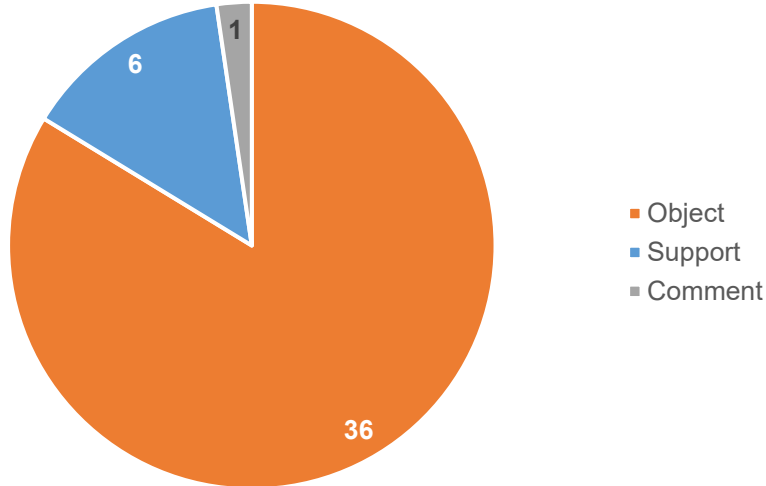
4.2 Public Meeting

23. The Commission conducted a Public Meeting on 29 August 2024 at the Dunedoo Jubilee Memorial Hall, 154 Bolaro Street, Dunedoo. Registered speakers presented to the Commission Panel in person and via telephone. The Public Meeting was streamed live on the Commission's website.
24. The Commission heard from the Department, the Applicant, various community group representatives, Warrumbungle Shire Council Duty Mayor, Dubbo Regional Council Mayor, and individual community members. In total, 17 speakers gave verbal submissions to the Commission during the Public Meeting.
25. Submissions made at the Public Meeting have been considered by the Commission and are referenced below in section 4.3.

4.3 Public Submissions

26. Section 4 of this report sets out the key matters raised in the submissions made to, and considered by, the Commission. Consideration has been given to these submissions in the Commission's assessment of the Project as set out in the Key Issues section of this report (see section 5 below).
27. As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5pm AEST 6 September 2024.
28. The Commission received a total of 43 written submissions on the Application. Submissions received comprised (Figure 2):
- six (6) submissions in support;
 - 36 objections; and
 - one (1) comment.
29. For the reasons set out in this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the grant of development consent and that the matters can be satisfactorily addressed by the conditions of consent imposed by the Commission.

Figure 2 - Submissions to the Commission



4.3.1 Geographic Distribution

30. Submissions received by the Commission were mostly from various locations within the immediate region. A number of submissions were received from elsewhere in NSW, including greater Sydney, the far North Coast, Newcastle and the Southern Tablelands. Two submissions were received from interstate.

4.3.2 Key Issues Raised

31. Submissions to the Commission raised a number of key issues, which are outlined below. The Commission notes that the submissions referred to below are not an exhaustive report of the submissions considered by the Commission, but are reflective and illustrative of what the Commission regards as the key issues that emerge from the submissions.

Biodiversity

32. Submissions raised concerns with the Project impacting on biodiversity including impacts on native habitat, Box Gum Woodland, birds and bats.

Visual impacts

33. Some submissions raised concerns with the visual impacts of the Project, and the effectiveness and practicality of vegetation screening as a visual mitigation measure.

34. A submission also noted the version of Wind Energy Guidelines used in the Department’s assessment excludes any proposed changes covered in the draft Wind Energy Guidelines, specifically in regard to visual impact assessment.

Traffic and transport

35. Some submissions raised concerns with the impacts of the proposed traffic, including the Project’s proposed use of oversized and overmass vehicles and general road safety. Submissions were concerned with road damage, safety and maintenance, as well as how compliance with the use of designated access routes would be enforced.

36. A submission raised concerns with the impact of the Project on roads outside of the designated access routes including those in the Warrumbungle Shire Council area.

Land use compatibility

37. Submissions raised concerns with the Project impacting on land currently used for agricultural purposes and the potential for the Project to impact on the ongoing agricultural use of surrounding land.

Social and economic impacts

38. Submissions argued that the Project would have a negative impact on property values and raised concerns with public liability insurance. One submission raised concerns with the Project's conflict with a NSW Exploration Licence.
39. Some submissions suggested the Project would create economic benefits including jobs, road upgrades, planning agreements with the Councils and community investment opportunities.
40. Submissions also raised concerns about the potential impacts of the Project on social cohesion and mental health in the community.

Other issues

Energy transition

41. Submissions raised concerns with the reliability and efficiency of wind energy. Other submissions in support noted the significant contribution of the Project to the renewable energy transition and its alignment with Government policies.

Soils, erosion and water

42. The Commission received submissions raising concerns with the potential impacts on soil and land degradation, including the need for water and soil testing. Some submissions also raised concerns with impacts on waterways, including water quality and water supply.

Noise and vibration impacts

43. Submissions received raised concerns about noise and vibration impacts associated with the development.

Bush Fire Risks

44. Some submissions raised concerns with the impacts of the Project on aerial firefighting access to the locality.

Biosecurity and Contamination Risks

45. Some submissions raised concerns with biosecurity and the potential for contamination caused by the turbine blades.

Decommissioning and Rehabilitation

46. Submissions raised concerns with the responsibility and funding arrangements for decommissioning and rehabilitation.

Cumulative impacts

47. Submissions raised concerns with the cumulative impacts associated with other projects within the CWO REZ. This includes impacts on the local road network, visual impacts, health services and biodiversity.

5. Key Issues

5.1 Biodiversity

48. The Project has been designed and further refined to avoid and minimise biodiversity impacts with 1,194.7 ha (approximately 81%) of the development footprint being on land with no native vegetation (AR executive summary).
49. As required for SSD, a Biodiversity Development Assessment Report (**BDAR**) was prepared by the Applicant. This was subsequently updated and a further BDAR addendum was provided to the Department to address comments raised in submissions and to align with refinements to the Project (AR para 34).
50. Comments received by the Department from the Biodiversity, Conservation and Science Directorate (**BCS**) raised concerns on the application of the Biodiversity Assessment Methodology (**BAM**) in the preparation of the Project's BDAR, in particular, the assessment of potential Serious and Irreversible Impacts (**SAII**), the land categorisation methodology, targeted threatened species surveys, and requirements for bird and bat utilisation surveys (**BBUS**) (AR para 67). The Applicant provided additional information during the Department's assessment process to address the BCS concerns. The following subsections further elaborate on the key biodiversity issues.

5.1.1 Vegetation Removal Impacts

51. The Department's AR (para 73) states that the Project will result in disturbance of 275.3 ha of native vegetation, of which:
 - 128.1 ha is woodland in moderate to good condition;
 - 44.4 ha is modified woodland; and
 - 102.8 ha is derived native grassland (**DNG**).
52. The Project entails the clearing of 85 ha of threatened ecological communities (**TECs**), comprising 53.8 ha of Box Gum Woodland and 31.2 ha of Inland Grey Box Woodland (AR para 75). The proposed vegetation clearing would result in the loss of habitat for 40 threatened species (identified or predicted to occur), and potential impacts on these species would be offset via ecosystem credit requirements (AR para 79-80).
53. Four threatened fauna species are considered to have potential habitat within the Site, with two of these species requiring species credits if a development impacts on their breeding habitat. The development footprint for the Project does not contain any potential breeding habitat for these two species and, as such, no credits have been generated (AR para 82).
54. The presence of the pink-tailed legless lizard (listed as vulnerable under the *Biodiversity Conservation Act 2016* (**BC Act**)) however has been presumed on the Site. The Applicant has committed to undertake seasonally appropriate surveys in late 2024 for this species (AR para 83). The Department has recommended conditions requiring credits for this species to be offset, unless the additional surveys confirm it is not present (AR para 84).

5.1.2 Prescribed Impacts

55. Wind farms have potential to impact birds and bats through air pressure changes (known as barotrauma), and via bird and bat strike (i.e. collision with wind turbines) (AR para 86). These potential impacts are known as 'prescribed impacts' which are not related to, or are additional to vegetation clearing and habitat loss. The Department states *"There is no policy on how to calculate or quantitatively assess prescribed impacts relating to barotrauma or bird and bat strike, and there is no requirement to provide biodiversity offset credits"* (AR para 88). In light of this, in NSW an approach to address these impacts is a risk assessment combined with adaptive management post any approval (AR para 89).
56. BCS requested additional information and raised concerns relating to bird and bat impacts throughout the Department's assessment process. The Applicant provided an updated risk assessment, revised BDAR, and an Addendum BDAR, ultimately concluding that no turbines pose a very high risk, two turbines pose a high risk, 111 turbines pose a medium risk, and four turbines pose a low risk of avifauna strike (AR para 90-91)
57. The Department in consultation with BCS has recommended conditions requiring a comprehensive regime of adaptive management to address the risk of bird and bat strike, including the collection of baseline data, mitigation measures, an adaptive management program, monitoring programs and reporting programs (including providing data to BCS and the Planning Secretary (AR para 92).

5.1.3 Serious and Irreversible Impacts

58. Pursuant to the BC Act, the consent authority must consider if the Project is likely to have SAI on biodiversity values and if so, whether there are any additional and appropriate measures that will minimise those impacts (AR para 33).
59. The Project's BDAR identified the Project has potential to impact upon the following three entities at risk of SAI (AR para 95):
- Box Gum Woodland (of which 53.8 ha is proposed to be removed);
 - large bent-winged bat; and
 - large-eared pied bat.
60. The BioNet Threatened Biodiversity Data Collection lists Box Gum Woodland as a potential entity at risk of SAI based on Principle 1 (rapid rate of decline) and Principle 2 (very small population size). The large bent-winged bat and large-eared pied bat are both listed based on Principle 4 (unlikely to respond to measures to improve its habitat and vegetation integrity) (AR para 96). Pursuant to the *Biodiversity Conservation Regulation 2017 (BC Reg)*, an impact is to be regarded as serious and irreversible if it is *"likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct"* on the basis of the relevant principles (AR para 97).
61. BCS provided comment that SAI is unlikely regarding the two bat species, however stated that the impacts to the Box Gum Woodland are likely to result in SAI (AR para 98). The Department's AR however states *"The Department notes that BCS has not provided a quantitative assessment of how much impact would amount to a serious and irreversible impact, or importantly the relevant question of whether the project's impact is likely to contribute significantly to the entity becoming extinct"* (AR para 98). The Department's AR further states (para 99):
- "Instead, BCS has noted that there would be impacts that relate to the principles for which Box Gum Woodland is listed and then stated that the project "is likely to result in a serious and irreversible impact". While not expressly stated, this would imply that*

BCS's position is that any impact on such a SAI entity, even if very small, is automatically considered to constitute a significant contribution to the risk of extinction."

62. The Department's assessment and subsequent determination of whether there is likely to be a SAI arising from the Project has focussed on whether the Project is *"likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct"* as required under the BC Reg (AR para 100). Specifically, regarding impacts to Box Gum Woodland, the Department notes it is important to focus on the impacts of the Project on the rate of decline and population size, which are the relevant principles for which it has been included as a potential entity at risk of SAI (AR para 102), as discussed above in this statement at paragraph 60.
63. The AR and additional information provided by the Department to the Commission dated 13 September 2024, outlines a detailed assessment of the Project's potential SAI to Box Gum Woodland. In its assessment of SAI, the Department has noted that the Threatened Species Scientific Committee (**Committee**) has estimated that the extent of Box Gum Woodland was 250,729 ha, with the Committee's more recent 2020 advice also referring to that figure. Recent assessments (including the BDAR for the CWO REZ Transmission line) estimate that current extent would now be 234,694 ha (2006 updated figure) (AR para 104).
64. As Box Gum Woodland is listed based on 'population size' and 'rate of decline', the Department states it is particularly relevant to consider the Project's potential impacts on Box Gum Woodland against the total area remaining in NSW (AR para 108).
65. Using the recent State-wide Vegetation Type Map (**SVTM**) released in 2022 and information prepared by Dr Col Driscoll on the Moolarben Coal Project (based on the SVTM), it is estimated *"there is approximately 1,788,703 ha of extant Box-Gum Woodland CEEC within the SVTM in woodland form"*. Dr Driscoll also estimated that there is approximately 5,315,040 ha of DNG form, which results in a total of 7,103,743 ha of Box Gum Woodland in NSW (AR para 107).
66. Using Dr Driscoll's estimate, and also taking a conservative comparative approach using the updated 2006 figure, the Department states that Project would represent an impact of either 0.007% or 0.02% of the total remaining area in NSW, respectively (AR para 109).
67. The Department also notes (AR para 111) there are a significant number of upcoming renewable energy and coal mining projects in the CWO region, and the Department is looking carefully at potential cumulative impacts on biodiversity, particularly in relation to Box Gum Woodland. Considering this, the Department conservatively estimates that there could be a total impact of up to 2,000 ha on Box Gum Woodland in the CWO region (AR para 112). In the context of Dr Driscoll's recent estimate and the 2006 updated figure (which is reflective of estimated annual loss since 2006), this would represent a loss of between 0.03% and 0.85% of the total area of Box Gum Woodland in NSW (AR para 113).
68. The Department's AR subsequently finds it would be reasonable to conclude that a cumulative impact of less than 1% using the most conservative assumptions is still unlikely to contribute significantly to the extinction of Box Gum Woodland, and therefore is unlikely to be SAI (AR para 114).

Commission's findings

69. The Commission acknowledges community concerns about the biodiversity impacts of the Project. The Commission finds the Department's assessment of the Project's potential biodiversity impacts as articulated in its AR and correspondence dated 13 September 2024 to be comprehensive in addressing key biodiversity impact matters.

70. The Commission is satisfied that the Project's proposed vegetation removal and associated impacts will be suitably addressed via conditions of development consent requiring the retirement of relevant ecosystem and species credits (conditions B24 and B25) and the preparation of a comprehensive Biodiversity Management Plan to the satisfaction of the Planning Secretary (condition B26).
71. Prescribed impacts associated with the Project are also found to be acceptable by the Commission. The Commission has imposed condition B27 which requires the preparation and implementation of a detailed Bird and Bat Adaptive Management Plan for the development in consultation with BCS, the National Parks and Wildlife Service and the Australian Government Department of Climate Change, Energy, the Environment and Water.
72. In relation to potential SAIL arising from the Project, the Commission is satisfied that SAIL to the large bent-winged bat and large-eared pied bat are unlikely as no breeding habitat is being impacted by the development (AR para 98).
73. The Commission notes the Department's assessment takes a conservative approach in determining the Project's potential SAIL on Box Gum Woodland, and this is further detailed in the Department's correspondence to the Commission dated 13 September 2024, key elements of which are provided in the paragraphs below. Notwithstanding Dr Discoll's estimates, in utilising the more conservative 2006 updated figure, the proposal will result in a loss of less than 1% of Box Gum Woodland in NSW.
74. The Commission acknowledges the BCS in its assessment for potential SAIL provided advice that *"the proponent has not proposed any additional and appropriate measures for Box Gum Woodland CEEC to minimise this impact"*. The Commission further notes that the Applicant provided additional information to the Department which includes a commitment to secure additional land to offset the full extent of impacts to Box Gum Woodland (in addition to mandatory offset and credit requirements), in accordance with comments provided to the Department from the BCS.
75. Condition B26(c)(iii) has therefore been imposed by the Commission to ensure the Applicant's additional commitment to secure 53.8 ha of Box Gum Woodland CEEC (in addition to mandatory offset and credit requirements) is securely conserved in perpetuity for the purposes of rehabilitation, enhancement and protection, via a Biodiversity Stewardship Agreement. The BCS in its advice on the Department's draft conditions noted that it supports this condition, however it noted the BCS cannot confirm whether the additional and appropriate measure will minimise SAIL without supporting details and evidence. The Commission agrees with the Department that this precautionary approach (reinforced via a condition of development consent) will minimise impacts on Box Gum Woodland.
76. The Department notes that whilst the BCS has not changed its conclusion on the likelihood of SAIL on Box Gum Woodland, its conclusion was made earlier in the assessment process on the basis that the project will *"reduce the ecological function experienced by this community and will contribute to further decline of geographic extent for this community"*. The Department further notes that the BCS conclusion was prior to the Applicant's commitment to securing an additional 53.8 ha of Box Gum Woodland, a commitment which the BCS had requested in its comments to the Department.

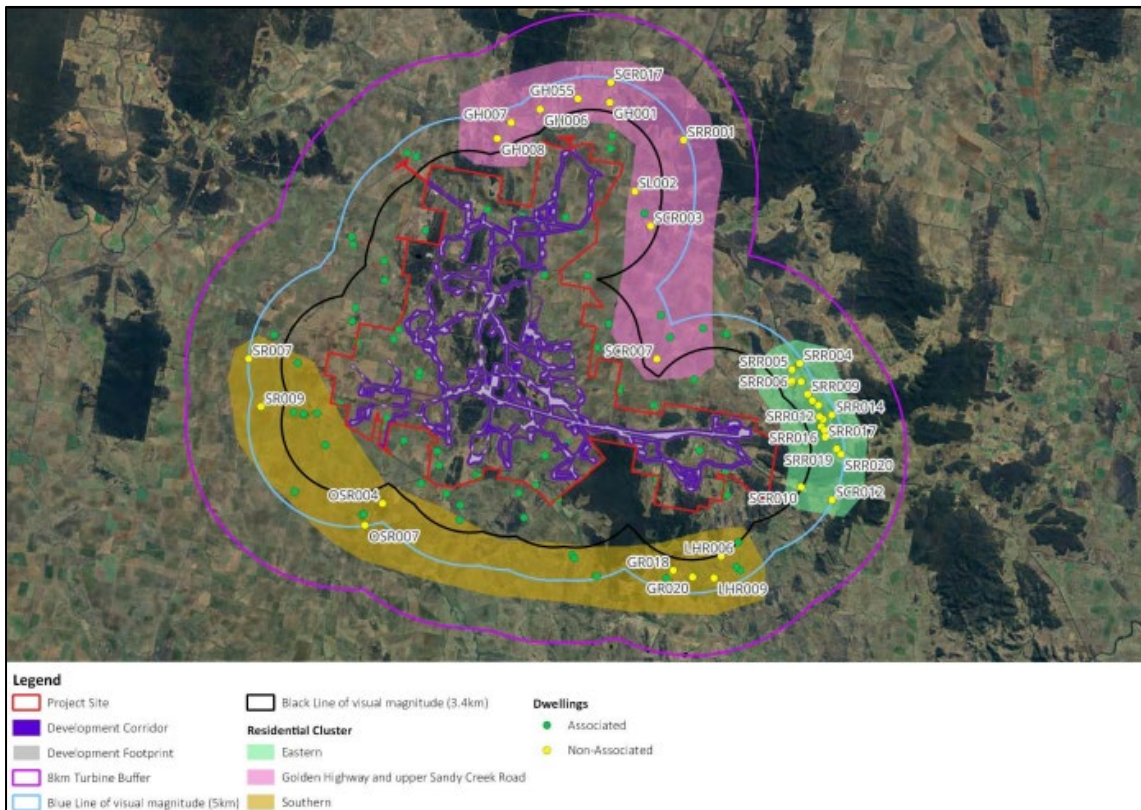
77. The Department states that the focus of its assessment is centred on the key statement from the BC Reg Clause 6.7(2) that “An impact is to be regarded as serious and irreversible if it is likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct”. In consideration of the Department’s assessment under the framework for decision making as set out in the ‘Guidance to assist a decision maker to determine a serious and irreversible impact’ (NSW DPIE – EES, 2019) (see correspondence dated 13 September 2024), the Commission agrees with the Department that the Project’s impacts would not contribute significantly to the risk of extinction, and therefore would not constitute SAIL (AR para 118).

5.2 Visual Impacts

78. The Applicant provided a Landscape and Visual Impact Assessment (LVIA) as part of their SSD application. The Department assessed the Project against the visual performance objectives of the *Wind Energy Guideline 2016*’s supporting technical bulletin *Wind Energy: Visual Assessment Bulletin (Visual Bulletin)* (AR para 140).

79. According to the LVIA, there are three non-associated receivers located less than 3.4 km (black line in Figure 3) from a proposed turbine (identified as SL002, SCR003 and SCR010), and an additional 32 non-associated receivers between 3.4 km and 5km (light blue line in Figure 3) from a proposed turbine. The three non-associated receivers within 3.4 km from a proposed turbine have between one and three proposed turbines within this distance, with the closest being T2, 2.1 km from receiver SL002.

Figure 3 - Visual assessment clusters and black and blue lines
(Source: Department's AR Figure 4)



80. Since the preparation of the LVIA, one of the non-associated receivers (identified as GH008) entered into a neighbour agreement with the Applicant and is now considered an associated receiver, as outlined in the Applicant’s RtS. Therefore, there are now 34 non-associated receivers within 5 km of a proposed turbine. The Commission notes that the Department’s AR incorrectly references GH008 as a non-associated receiver and in its correspondence to the Commission dated 3 October 2024, the Department confirmed that GH008 should be identified as an associated receiver.
81. In accordance with the Visual Bulletin, the Department assessed each of the non-associated receivers’ visual influence zone (VIZ) which is a combination of viewer sensitivity, visibility distance and scenic quality class (AR para 140). All non-associated receivers were assessed as being in VIZ2 (AR Table 10) which the Visual Bulletin recommends for residences (AR para 140):
- within the black line (3.4 km), to manage impacts as far as practicable and justify residual impacts, describing mitigation measures for turbines; and
 - between the blue and black line, to consider screening.
82. The Department also assessed the cumulative landscape and visual impacts of multiple wind turbines, landscape scenic integrity and key feature disruption (AR para 140).
83. The Department concluded that the Project would not result in any significant visual impacts on the surrounding non-associated receivers (AR para 144) and recommended vegetation screening upon request as a mitigation measure for all non-associated receivers within 5 km of a proposed turbine (AR Table 10).
84. During its locality tour the Commission visited a non-associated receiver (identified as SR009) located in the Southern Cluster of non-associated receivers. The property is located within 5km of three proposed turbines (T92, T71 and T53), with the closest being T2 (4.46 km), and is not located within 3.4 km of any proposed turbines (Applicant’s LVIA). As demonstrated in Figure 4, the property is proposed to have views of 117 turbines to the east of the dwelling and there is limited existing screening.
85. The LVIA concludes that this receiver would have a visual impact rating of moderate, and that screen planting to the east of the dwelling would assist in visual mitigation, in consultation with the landowner. The Commission heard from the residents that vegetation screening may not be feasible in the appropriate location to achieve its visual mitigation purposes, due to the location of existing infrastructure, specifically a septic tank.

Figure 4 - Visual assessment of non-associated receiver SR009 with a view of 117 turbines to the east of the dwelling (Source: Applicant's documentation)



Commission's findings

86. The Commission accepts the Department's assessment of visual impacts resulting from the Project and is satisfied that, together with the intervening topography and existing mature vegetation, the limited visual impacts do not warrant mitigation measures beyond visual screening, if requested by the landowner. The Commission agrees with the Department's assessment of visual impacts against the *Wind Energy Guideline 2016's* supporting Visual Bulletin and that the new Energy Policy Framework, including the draft Wind Energy Guideline 2023 (draft Guideline) is not applicable to the Project.
87. The Commission acknowledges the potential difficulties of vegetation planting on the property of non-associated receiver SR009, and potentially on other non-associated properties, and therefore has considered alternative options for visual mitigation that would achieve the same outcome. This could include minor works to structural aspects of the residence such as installing screening on outdoor spaces, or reasonable works to relocate existing infrastructure prior to vegetation planting.
88. Therefore, the Commission has imposed condition B1 which requires the Applicant to implement, upon request of the landowner within a specified timeframe, reasonable and feasible visual mitigation measures in consultation with the landowner of any non-associated residence within 5km of any wind turbine. The Commission notes that the condition does not specify that the visual mitigation measures are limited to landscaping and vegetation screening and allows for other options that may be more feasible and effective.
89. The Commission acknowledges that the Project is of a large scale and that the construction period is approximately 40 months. Therefore, to allow all non-associated residences adequate time to understand the visual impacts, including those impacted by the last turbines to be constructed, condition B1 specifies that the timeframe for landowners to request visual mitigation measures is seven years from the commencement of construction.
90. In its meeting with the Commission, the Applicant requested that only non-associated receivers with a visual impact rating of moderate be able to request visual impact mitigation measures under condition B1. The Commission considers all non-associated residences within the blue line (i.e. 5 km from a turbine) should have the option to request visual impact mitigation measures, commensurate with the level of impact on their residence and has therefore incorporated this requirement within condition B1.
91. The Commission accepts the Department's assessment of other visual impacts (cumulative impacts, key public viewpoints, ancillary infrastructure, shadow flicker and blade glint and aviation hazard lighting) at section 6.4 of the Department's AR. Subject to the imposed conditions relevant to each of these issues, the Commission is satisfied that the Project's visual impacts are minor and capable of being appropriately monitored and managed.

5.3 Traffic and Transport

92. Several submissions raised concerns about road infrastructure impacts and safety resulting from construction and development related vehicles, including oversize and overmass (**OSOM**) vehicles, using the local road network surrounding the Site.

93. In its meeting with the Commission, Warrumbungle Shire Council stated that its primary concern with the Project was its potential impacts on the road network and the prospect of Project traffic using roads not designated as part of the Application's access routes, identifying approximately 11km of roads within the Warrumbungle LGA in the southern portion of the Project footprint. The Project proposes to use a network of internal access tracks for vehicles within the Site, which cross public roads (AR para 195), including those identified by Warrumbungle Shire Council.
94. The Commission notes the Project involves the delivery of large plant, equipment and materials to Site, including by OSOM vehicles and heavy vehicles requiring escort (AR para 179). During peak construction times, there will be up to 236 light vehicle and 248 heavy vehicle movements per day, 10 of which would be heavy vehicles requiring escort and 80 of which would be bus trips for staff transport to/from the accommodation camp (AR para 188). Operational traffic is expected to produce up to 40 light vehicle movements per day (AR para 189).
95. The Project includes road and intersection upgrades, and maintenance works in accordance with section 6.5.3 of the Department's AR. Additionally, EnergyCo would undertake the road upgrades for the Golden Highway/Saxa Road intersection as part of the Port to REZ upgrades (AR para 193).
96. The Project's access points were commented on by the community and TfNSW and in response the Applicant amended the proposed access points to (AR para 186):
- two to be constructed along Sweeneys Lane and five along Tallawonga Road for OSOM, heavy and light vehicles; and
 - one from Ben Hoden Road (visa Gollan Road) for heavy and light vehicles only.
97. The Department has assessed cumulative traffic impacts potentially resulting from the Site being located within the CWO REZ, and in proximity to other proposed renewable projects (AR section 6.5.4).
98. Subject to the recommended conditions, the Department is satisfied that the Project would not result in any significant impacts on road network capacity, efficiency or safety (AR para 202).

Commission's findings

99. The Commission is satisfied that the potential transport and traffic impacts associated with the Project have been suitably considered and assessed, including traffic impacts of OSOM vehicles.
100. In response to concerns raised by Warrumbungle Shire Council, the Commission is satisfied that the use of the local road network by Project related vehicles will be adequately controlled through conditions of consent. The Commission is satisfied that the new or upgraded all-weather, low gradient and six-metre-wide internal access roads will adequately accommodate Project traffic loads and volumes for all stages of the development. The Commission has imposed condition B32 restricting access between portions of the Site via the public road network, requiring this to be via the identified crossing points. The Commission has also imposed condition B34 requiring a dilapidation survey to be undertaken prior to and one month after completion of construction, upgrading or decommissioning works, to assess the existing condition of all crossing points, and repair and/or making good any Project-related damage.
101. Regarding Warrumbungle Shire Council's concerns relating to compliance, the Commission notes the Applicant advised of a number of methods that could be utilised to ensure compliance, including the Driver Code of Conduct and proactive measures such as spot checks, cameras or GPS tracking devices.

102. The Commission is satisfied that, subject to the recommended conditions, the use of roads not designated for use by Project-related traffic can be adequately mitigated and managed. The Commission has imposed condition B36 requiring a Traffic Management Plan (**TMP**) which includes a Driver Code of Conduct that must contain procedures to ensure that drivers adhere to the designated haulage routes and a program to monitor and report on the effectiveness of these measures.
103. The Commission is satisfied that the road and intersection upgrades required to cater for Project traffic, including along the transport route and for OSOM vehicles, will be completed as necessary by the Applicant or EnergyCo. The Commission notes that the Applicant has committed to undertake all necessary upgrades, subject to separate approvals, if these upgrades are not undertaken by EnergyCo (AR para 196). The Commission has imposed condition B33 requiring all necessary upgrades (proposed to be completed by either the Applicant or EnergyCo) to be implemented.
104. The Commission notes the Project was referred to Transport for NSW (TfNSW) as part of the Department's assessment process. The Applicant addressed matters raised by TfNSW and subsequently prepared an updated Traffic Impact Assessment (TIA). The Applicant notes in its response to the Department dated 3 May 2024, that TfNSW accepted the Applicant's response, via correspondence dated 28 March 2024.
105. The preparation of a comprehensive TMP in consultation with TfNSW, EnergyCo and the Councils is also required via condition B36 imposed by the Commission. The TMP must address all transport and traffic related requirements for the Project, including but not limited to dilapidation and survey works, road works, maintenance, community consultation, minimising potential cumulative impacts and implementing a Driver Code of Conduct. The Commission is satisfied that implementation of the TMP and its ongoing monitoring will appropriately manage potential transport and traffic impacts associated with the Project.

5.4 Other Issues

106. The Commission's findings on other issues are summarised in Table 5.

Table 5 - Commission's findings on other issues

Other issue	Commission's findings
Energy transition	Approximately 370,000 homes would be powered by the Project's generating capacity of 700 MW. Combined with the proposed BESS, renewable energy can be stored and dispatched as required to the grid, increasing grid stability and energy security (AR para 61). The Project will have direct access to the grid via the transmission infrastructure that is being delivered by EnergyCo (AR para 62). The Commission finds that the Project will contribute to the State and Australian energy transition, reducing emissions currently generated by other modes of electricity generation.
Land use compatibility	The Commission agrees with the Department's assessment that agricultural and wind farm activities are compatible land uses and can co-exist in the locality (AR Table 11).

Other issue	Commission's findings
	<p>The Site is in an area with two overlapping exploration licences (ELs). The Commission notes the Applicant has undertaken consultation with both licence holders and has confirmed it would not object to exploration activities occurring on the Site, subject to Land Access Agreements with the host landowners.</p> <p>The Commission is satisfied that the Project would not exclude exploration activities from occurring under the two ELs, further noting that the matter is one to be resolved between the EL holders and relevant landowners.</p>
Social and economic impacts	<p>The Department's AR (Table 11) provides that on balance the positive social and economic impacts arising from the project outweigh any potential adverse social and economic impacts, noting that over the life of the project the net economic stimulus will be approximately \$410 million. The Commission also acknowledges the project will generate up to 590 jobs during construction and 10 ongoing jobs during operation.</p> <p>The Commission heard social impact related concerns from the community during the Public Meeting. To ensure there is an appropriate level of communication between the Applicant and the community, the Commission has imposed condition A18 requiring the Applicant must operate a Community Consultative Committee (CCC), and that the CCC be consulted on community programs.</p>
Accommodation	<p>The Commission notes that separate to the Project, the Applicant has reached in-principle agreement with Dubbo Regional Council to construct a temporary workers accommodation facility on land owned by Council approximately 5 km from the Dubbo central business district (AR Table 11). In its meeting with the Commission, Dubbo Regional Council advised that Council had resolved at the May 2024 Council meeting to enter into a lease with the Applicant for 10 ha of land for the purposes of undertaking the temporary workforce accommodation project. The Commission notes that the proposed accommodation project would provide accommodation for approximately half of the peak construction workforce.</p> <p>The Commission accepts the Department's assessment of the potential impacts of the construction workforce on housing and short-term accommodation availability in the locality as appropriately managed, subject to the commitments in the EIS and the imposed conditions. The Commission also acknowledges that Dubbo is a well serviced, large regional centre with existing accommodation options that can also accommodate the goods and services needs of the proposed workforce, such as health services.</p>

Other issue	Commission’s findings
	<p>The Commission is satisfied that the separate implementation of the temporary workforce accommodation project, in addition to the use of short-term accommodation and/or private rentals, and the potential adaptive re-use of the Bellhaven aged-care facility, would provide sufficient accommodation for the Project construction workforce, subject to the conditions of consent.</p> <p>Therefore, the Commission has imposed condition B50 requiring the preparation and implementation of an Accommodation and Employment Strategy prior to construction. The Strategy must include details on the proposed timing for the accommodation facilities subject to separate approval by Dubbo Regional Council, consideration of cumulative impacts and a program to monitor and review the effectiveness of the Strategy over the life of the Project.</p>
Property values and insurance	<p>The Commission received a number of submissions that raised concerns regarding the potential impacts of the Project on property values and insurance premiums.</p> <p>The Department’s AR at Table 11 states:</p> <p><i>“The Land and Environment Court has ruled on several occasions that the assessment of the impacts of projects on individual property values is not generally a relevant consideration under the EP&A Act, unless the project would have significant and widespread economic impacts on the locality, which is not the case in this instance”.</i></p> <p>The Commission accepts the Department’s assessment (Table 11) of potential property value impacts and agrees that the assessment of individual property value impacts is not a relevant consideration for the Project.</p> <p>In relation to issues raised around liability and insurance for adjoining landowners, this is a matter for the Applicant and relevant landowners and is not a relevant consideration for the determination of this Project.</p>
Bush fire risk	<p>The Commission agrees with the Department and is satisfied that the bush fire risks associated with the Project can be suitably managed through the implementation of standard fire management plans and procedures (AR Table 11).</p> <p>The Commission has therefore imposed condition B41 requiring a Fire Safety Study and condition B46, requiring the Applicant to minimise the fire risks of the development, including through compliance with RFS’s <i>Planning for Bush Fire Protection 2019</i> and the provision of a dedicated 20,000 litre water supply tank adjacent to each substation. The Commission has also imposed condition B47 requiring an Emergency Plan.</p>
Aerial firefighting	<p>Public submissions raised concerns regarding potential impacts on aerial firefighting. RFS did not raise any concerns with the Project but provided recommendations relating to obstacle lighting and cessation of blade rotation during aerial firefighting.</p>

Other issue	Commission's findings
	<p>The Commission has therefore imposed conditions B37 and B38 requiring the notification of relevant aviation authorities of the final location and specifications of turbines, including RFS, and the carrying out of the development in accordance with the <i>National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers</i>.</p> <p>The Commission has also imposed condition B47 requiring an Emergency Plan, which includes operational procedures in the event of bushfires such as shutting down turbines and the positioning of turbine blades to minimise interference with aerial firefighting operations.</p> <p>The Commission is satisfied that the Project is unlikely to result in any significant impacts on aerial firefighting, subject to the imposed conditions.</p>
<p>Water supply</p>	<p>The construction of the Project will require an estimated 80 to 120 megalitres (ML) of water, which the Applicant proposes to obtain from multiple sources including harvested runoff under agreement with relevant landowners (AR Table 11). The Applicant may also utilise other water sources licensed under the <i>Water Management Act 2000</i> including groundwater purchased from associated or adjoining landowners, water purchased from Dubbo Regional Council and the purchasing and transporting of water to the Site by tanker.</p> <p>The Department concluded that the Department itself, NSW DCCEE Water Group and WaterNSW are satisfied that the Project's water use is unlikely to have any significant impact on water supply and demand in the region (AR Table 11).</p> <p>In addition to the above, in its meeting with the Commission, the Applicant advised that it was separately working on a public private partnership involving the construction of a new advanced wastewater treatment facility at Dubbo Sewerage Treatment Plant, with the Applicant committing to fund the entire project budget at \$3.6 million. The proposed facility would treat approximately 700 ML per annum, with the Applicant identifying it would have access to 1,500 ML, at a maximum of 250 ML per annum which would meet the construction needs of the Project.</p> <p>In its meeting with the Commission, Dubbo Regional Council advised that the formal public private partnership has been approved through the Office of Local Government.</p> <p>The Commission is satisfied that the Project's water use will not have a significant impact on water supply and demand in the region. The Commission has imposed condition B18 requiring the Applicant to ensure that there is sufficient water for all stages of the development.</p>

Other issue	Commission's findings
<p>Erosion and water quality</p>	<p>The Department's AR (Table 11) states that the Site includes areas with highly erodible and potentially dispersive soils, however combined with the Applicant's commitment to preparing an erosion and sediment control plan and recommended conditions of development consent, potential risks can be suitably managed. The Commission agrees with this position and has imposed condition B20 to ensure erosion control measures are implemented on Site.</p> <p>In relation to water quality, the Department notes impacts during the operation phase would be minimal (AR, Table 11). Nevertheless, the Commission has imposed condition B21 which requires the Applicant to prepare a Soil and Water Management Plan in consultation with the Water Group which includes a soil erosion monitoring program to monitor impacts to the Site, including to waterways for the life of the development.</p>
<p>Contamination</p>	<p>The Commission received submissions concerned with contamination as a result of the Project, specifically with the potential use of Bisphenol A (BPA) in wind turbine blade construction.</p> <p>The Commission requested additional information from the Applicant regarding the potential for a BPA contamination issue to arise. In response, the Applicant in its correspondence to the Commission dated 11 September 2024, referred to the NSW Government's position <i>"that wind turbine electricity does not involve the production of pollutants, emissions or waste which can have significant effects on our health or wellbeing"</i>. The Commission notes that according to the NSW Climate and Energy Action website, this is the advice of the Australian Medical Association.</p> <p>Further, the Commission notes that in response to a question on notice taken during the 2023-24 Australian Government Supplementary Budget estimates on 23 October 2023, the Department of Climate Change, Energy, Environment and Water portfolio responded that <i>"there is no evidence in Australia or internationally that erosion of epoxy resins from wind turbines leads to significant Bisphenol A (BPA) emissions"</i> and that <i>"BPA is chemically transformed in the process of making the epoxy resin and is irreversibly bond into the matrix of the epoxy in the turbine blades. This means it cannot leach or wash out of the turbine blades"</i>.</p> <p>In considering the existing evidence and policy guidance on the issue available to it, the Commission is satisfied that there are unlikely to be contamination risks from BPA from wind turbine blades.</p>

Other issue	Commission's findings
<p>Cumulative impacts</p>	<p>In its meeting with the Commission, Warrumbungle Shire Council expressed concern with the Project and its cumulative impacts more broadly given the many renewable energy projects within the CWO REZ. Other submissions also raised this concern.</p> <p>The Commission notes the Department has assessed cumulative impacts across the various aspects of the Project including biodiversity, visual, traffic and accommodation impacts. The Department's assessment found that the Project's cumulative impacts will be appropriately managed and mitigated including:</p> <ul style="list-style-type: none"> • a cumulative impact of less than 1% of the total area of Box Gum Woodland (AR para 114) and additional measures including a Biodiversity Stewardship Area (AR para 116); • the reduction of views for non-associated receivers of other projects due to intervening vegetation (AR para 157) and further assessment by Applicants on nearby projects (AR para 159); and • appropriate capacity of the Golden Highway to accommodate potential cumulative impacts demonstrated by traffic modelling (AR para 199) and upgrades to the local road network by the Applicant to provide sufficient capacity for cumulative traffic (AR Table 11). <p>The Commission agrees with the Department's assessment and notes that all SSDs must consider and address cumulative impacts. As such, any future proposed developments within the area and the CWO REZ must further consider cumulative impacts within their context.</p> <p>The Commission acknowledges community concern with cumulative impacts in relation to the construction timing of projects within the CWO REZ. The Commission has therefore imposed condition C15 requiring the Applicant to keep the community informed of the progress of construction, including the identification of any substantial delays.</p>
<p>Decommissioning and Rehabilitation</p>	<p>The Applicant has committed to prepare and implement a Decommissioning and Rehabilitation Plan, and committed (Applicant's RtS dated 6 December 2023) that as the owner of the Project, Squadron Energy will be responsible for decommissioning of the Project, in accordance with the <i>Wind Energy Guideline</i>.</p> <p>The Commission has imposed condition B51 which sets specific rehabilitation objectives that the Applicant must meet within 18 months of the cessation of operations, condition B52 requiring progressive rehabilitation and condition B53 requiring the dismantling of any turbines which cease operating for more than 12 consecutive months, within 18 months after that 12-month period.</p>

Other issue	Commission's findings
	The Commission is satisfied that with the implementation of objective-based conditions and monitoring requirements, including those identified above, the Project is capable of being decommissioned and the Site appropriately rehabilitated.
All other issues	<p>The Commission agrees with the Department's assessment of all other issues (noise and vibration, heritage (Aboriginal and non-Aboriginal), aviation safety, radiocommunication, electric and magnetic fields, subdivision, waste, air quality and blade throw) at section 6.6 of the Department's AR.</p> <p>Subject to the imposed conditions relevant to each of these issues, the Commission is satisfied that the Project's impacts are minor and capable of being appropriately monitored and managed.</p>

6. The Commission's Findings and Determination

107. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as well as in oral presentations to the Commission at the Public Meeting. The Commission carefully considered all of these views in making its decision.
108. The Commission has carefully considered the Material before it as set out in section 3.1 of this report. Based on its consideration of the Material, the Commission finds that the Project should be approved subject to conditions of consent for the following reasons:
- the Project is consistent with the established strategic planning framework, as it will deliver renewable energy within an established REZ that will contribute to electricity generation in NSW and the State's renewable energy transition;
 - the proposal is a permitted land use on the Site and is consistent with relevant environmental planning instruments;
 - the Site has been found to be suitable for the Project in light of its location within an established REZ, topography, wind resources, access to electricity infrastructure, avoidance of environmental constraints and minimal impact to agricultural land;
 - the risks of contamination, including from degradation of wind turbine blades, is minimal;
 - agricultural activities are able to continue on the Site in conjunction with the operation of the Project;
 - the agricultural use of land surrounding the Site in the locality will not be precluded by the development;
 - the Project's impacts to Aboriginal Cultural Heritage can be adequately managed through conditions of development consent;
 - there are no adverse impacts arising on non-Aboriginal heritage;
 - serious and irreversible impacts on biodiversity are unlikely;
 - the residual biodiversity impacts arising from the Project will be offset in accordance with legislative requirements;
 - there will not be any significant adverse traffic impacts on the local and State road network;

- visual and rural landscape impacts arising from the Project are low, with mitigation provided through screening and other measures;
 - social impacts are largely confined to the construction phase of the Project, which have been mitigated and will be managed via appropriate conditions of consent;
 - there is likely to be a sufficient workforce available to the Project;
 - the Project is able to accommodate its workforce offsite via a separate purpose-built accommodation camp in a well serviced, large regional centre. This will significantly mitigate impacts to local and regional housing supply, tourist accommodation and housing affordability;
 - the Project is able to be decommissioned and the Site rehabilitated at the end of the Project's life;
 - the Project will not create significant impacts to water resources;
 - erosion and sediment risks associated with the Project can be effectively managed and monitored;
 - the risk of fire and bush fire has been adequately mitigated and will be further mitigated and managed via conditions of consent;
 - the Project is consistent with ESD principles and will achieve an acceptable balance between environmental, economic and social considerations;
 - the Project will create direct and indirect benefits to the local community, including via a VPA and the use of local services and goods;
 - conditions imposed by the Commission in view of community concerns will ensure the residual impacts of the Project are appropriately mitigated and managed throughout construction and operation;
 - the Project will not result in an unacceptable cumulative impact within the area;
 - the Project is consistent with the objectives of the EP&A Act; and
 - the Project is in the public interest.
109. For the reasons set out in paragraph 108 above, the Commission has determined that the consent should be approved subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
110. The reasons for the Decision are given in the Statement of Reasons for Decision dated 31 October 2024.

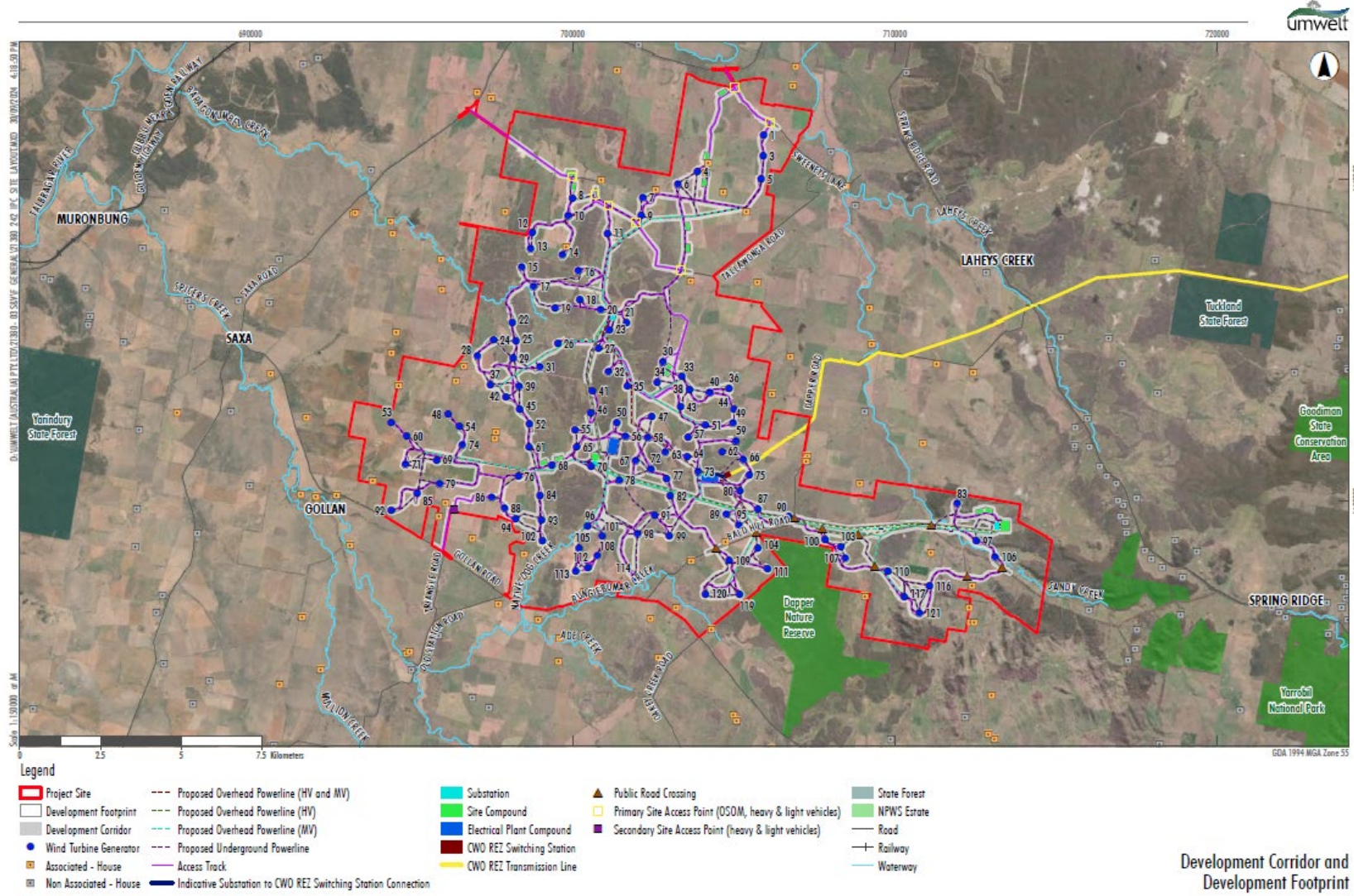
Neal Menzies (Chair)
Member of the Commission

Suellen Fitzgerald
Member of the Commission

Michael Wright
Member of the Commission

Appendix A - Site Layout

Development Site Layout (Source: Department's Correspondence dated 3 October 2024)





New South Wales Government
Independent Planning Commission

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