

Our ref: SSD - 10315

Stephen Barry  
Planning Director  
Independent Planning Commission NSW

Via email: [REDACTED]

12 December 2023

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**Subject: Bowmans Creek Wind Farm – Response to Questions on Notice**

Dear Mr Barry

I refer to the State significant development application for the Bowmans Creek Wind Farm (SSD-10315), currently before the NSW Independent Planning Commission (Commission) for determination.

In response to the Commission's letter of 1 December 2023 seeking clarification on how greenhouse gas emissions associated with the project have been accounted for, the Department confirms that emissions associated with manufacturing and building the proposed wind turbines are not considered in the calculation of greenhouse gas emissions saved per year. The Department notes that:

- the emissions savings are calculated on an annual basis, and any manufacturing emissions would be at a single point in time; and
- greenhouse gas emissions associated with manufacturing can vary significantly, depending on a range of factors including the size, model and technology selected for the turbines.

In response to the Commission's request for further information regarding the future decommissioning of the project and rehabilitation of the site, it is expected that the owner or operator of a wind energy project be responsible for decommissioning and rehabilitation at the end of the life of a project (or a particular turbine).

This should be reflected in a host agreement with the landholder, which may also prescribe assurances to fund decommissioning, including ongoing evidence that the applicant has the capacity to fund decommissioning activities. It is the NSW Government's policy that financial assurances should not be required by conditions of consent, and any financial assurances should be dealt with in commercial arrangements outside of the planning system.

The Department has investigated the ability to require decommissioning bonds at a point in time of a project's life. In summary, the Department has limited options to facilitate financial securities under the planning system and the *Environmental Planning and Assessment Act 1979* (EP&A Act). The only option is to require a bond or bank guarantee prior to construction and to hold that bond for the full life of the project.

This would come at a significant cost to the industry, estimated at \$21.5 million for a typical wind energy project (or at least half the cost of decommissioning itself) and would not be proportionate to the risk.

As an alternative, the Department's *Draft Wind Energy Guideline* (currently on exhibition) includes a decommissioning calculator to assist host landowners and applicants with estimating the likely cost of decommissioning, so they can make informed decisions about the financial risks and resolve these issues as part of commercial agreements.

The Department will continue to set objective-based conditions on large-scale wind projects to ensure they are decommissioned and rehabilitated. If an applicant or landholder fails to meet the obligations prescribed by the relevant development consent, the Department can use its enforcement powers under the EP&A Act to address any breaches of the consent conditions.

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

Yours sincerely,

[REDACTED]

Iwan Davies

Director

Energy Assessments