

Our ref: SSD-10461

Mr Stephen Barry  
Planning Director  
Independent Planning Commission NSW  
Via email

16/05/2025

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**Subject:** Valley of the Winds Wind Farm – Response to Request for Comment on Draft Conditions of Consent

Dear Mr Barry


I refer to your letter dated 6 May 2025, seeking the Department’s response to the NSW Independent Planning Commission (Commission) questions, and advice on the workability, enforceability and any potential unintended consequences of the draft conditions.

The Department’s responses to each of the Commission’s comments are set out in the table in **Attachment A**.

Thank you for the opportunity to provide comments on the draft conditions for this project.

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

Yours sincerely,



Nicole Brewer  
Director  
Energy Assessments

**Attachment A – Department of Planning, Housing & Infrastructure Response to Commission’s Draft Proposed Conditions of Consent**

# Valley of the Winds Wind Farm (SSD-10461)

## Changes to Conditions of Consent

### Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.
3. Minor grammatical, typographical and condition cross-reference corrections to conditions are not included in the table below.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <b>bold and underlined</b> , deletions in <del>striketrough</del> )	DPHI Comments
<b>MICRO-SITING RESTRICTIONS</b> <b>A8.</b>	Ensuring a buffer between public roads and the risk of blade throw, consistent with the Applicant's EIS information.	(c) the revised location of a wind turbine is at least 250 metres from a battery storage compound <b>and 90m from any public road</b> ;	Noted. The Department assumes that this is to provide micro-siting restrictions related to road distances in accordance with Figure 2 in Appendix L of the EIS.
<b>COMMUNITY ENHANCEMENT</b> <b>A21.</b>	Defining VPA upon first use.  Note added regarding accordance with EP&A Act and EP&A Reg.	Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a <b><u>Voluntary Planning Agreement</u></b> (VPA) with Council in accordance with:  <b><u>Note: Public notice of the VPA must be undertaken in accordance with EP&amp;A Act and EP&amp;A Reg.</u></b>	The Department agrees with expanding the acronym during first use of the word.  Regarding the note: The Department considers this revision is not required, as the intended outcome is already a requirement under relevant legislation.  The Department suggests this could also be alternatively addressed in the Commission's Statement of Reasons.
<b>VISUAL IMPACT MITIGATION</b> <b>B1.</b>	To provide sufficient time for non-associated residences to seek mitigation measures. Those impacted by turbines to be constructed at the end of the process may not be fully aware of the extent of impacts until the turbines are visualised on site.	For a period of <del>5</del> 7 years from the commencement of construction, the owner of any non-associated residence within 4.95 km of any wind turbine identified in the Final Layout Plan 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).	Noted. The proposed timing from the commencement of construction allows the 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 42 months).  The Department considers that 5 years from commencement of construction is sufficient time to understand the full extent of impact and request mitigation.
<b>LIGHTING</b> <b>B3.</b>	Worded in a way to ensure a ADLS is considered for use in the consultation process.  The Panel finds that	(a) consult with CASA, Siding Spring Observatory and DoD regarding night time obstacle lighting requirements, <b><u>including the potential for the development to utilise aircraft detection lighting systems (ADLS)</u></b> and, if required, ensure obstacle lights are energised during hours of darkness <b><u>and in bush fire events</u></b> in accordance with CASA's recommendations;  <del>If there is a dispute about the need for aviation hazard lighting under condition B3(c), including which wind turbines are to be lit, then either party may refer the matter to the Planning Secretary for resolution.</del>	Agreed, noting that lighting would be installed in accordance with CASA's recommendations.
<b>Construction and Decommissioning</b> <b>B10.</b>	Additional text at the end of the condition to address community concerns.	<b><u>All vibration measurements and/or testing must be undertaken by suitably qualified, practicing and experienced professionals with expertise in vibration assessment.</u></b>	The Department does not support this condition and recommends its deletion for consistency with other monitoring requirements in the consent. The inclusion sets an inconsistent requirement to all other monitoring (e.g. noise monitoring) and the requirement is not included in other recent SSD quarrying consents.
<b>NEW CONDITION</b>  <b>Property Inspections</b> <b>B11.</b>	Conditions B11 to B15 are recommended by the panel to ensure potential impacts from quarrying activities (i.e. blasting impacts) are addressed.	<b><u>Property Inspections</u></b>  <b><u>Prior to the commencement of quarrying operations, the Applicant must advise in writing the owners of receivers 250, 258, 297, 303 and 310 as identified in the EIS and the owners of all privately-owned land within 1.2 km of any approved extraction area on the site that they may request a property inspection in accordance with this condition. If the Applicant receives a written request for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:</u></b>  (a) <b><u>commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</u></b>	The Department does not support this condition and recommends replacing it with a condition requiring investigation and repair of property damage for non-associated receivers within 2 km of an extraction area.  This recommendation is made considering: <ul style="list-style-type: none"> <li>the condition as drafted is inconsistent with, and more onerous than other recent SSD quarry development consents with much higher production rates than proposed by ACEN. These other consents limit property inspections to within 1 km of any approved extraction area;</li> <li>there are no non-associated receivers within 1 km of any extraction area. The receivers specifically listed in the draft conditions (250, 258, 297, 303 and 310) are a minimum of 1.9km and up to 6.3km from any proposed extraction area, with no reasonable prospect for blasting related impacts, noting that the draft conditions of consent already include blasting criteria for all non-associated receivers that are based on human comfort levels,</li> </ul>

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		<p>(i) <b><u>establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and</u></b></p> <p>(ii) <b><u>identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and</u></b></p> <p>(b) <b><u>give the landowner a copy of the new or updated property inspection report.</u></b></p> <p><b><u>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer to the matter to the Planning Secretary for resolution.</u></b></p>	<p>which are more conservative than levels necessary to result in cosmetic or structural property damage;</p> <ul style="list-style-type: none"> <li>noting the distance to any non-associated receivers, this condition has no work to do and is not necessary.</li> <li>as drafted, the condition does not provide any recourse for landowners where blasting related damage is suspected to have occurred.</li> </ul> <p>If the Commission maintains concern regarding possible blasting-related impacts to the property of non-associated receivers, the Department recommends a condition requiring independent investigation of any reported damage and a requirement for the Applicant to repair any damage that is found to be blasting-related.</p> <p>The Department proposes the following condition to replace the new condition proposed by the Commission:</p> <p><b><u>Property Investigations</u></b></p> <p><b><u>If the landowner of any non-associated receiver within 2 kilometres of any approved extraction area on the site, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:</u></b></p> <p>(a) <b><u>commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</u></b></p> <p>(b) <b><u>give the landowner a copy of the property investigation report.</u></b></p> <p><b><u>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.</u></b></p> <p><b><u>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.</u></b></p>
<p><b>NEW CONDITION</b></p> <p><b>Blasting Frequency</b></p> <p><b>B14.</b></p>		<p><b><u>The Applicant may carry out a maximum of 2 blasts per day (not more than 4 per week) during construction of the approved quarry areas and a maximum of 1 blast per day and 2 blasts in every fourteen days during quarrying operations.</u></b></p>	<p>The Department does not consider that the reference to construction of the quarry is required in the proposed condition as there is no clear 'construction' phase defined for quarrying activities.</p> <p>Typical site preparation / construction for an extraction area involves clearing of vegetation and stripping of overburden down to hard rock (usually undertaken by ripping and excavator). Blasting would not typically be required during this site preparation phase.</p> <p>The Department recommends that an alternate new condition be added:</p> <p><b><u>The Applicant may carry out a maximum of 1 blast per day and 2 blasts in every fourteen days during quarrying operations.</u></b></p>
<p><b>NEW CONDITION</b></p> <p><b>Blasting Frequency</b></p> <p><b>B15.</b></p>		<p><b><u>Condition B14 does not apply to blasts that generate 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or to blasts required to ensure the safety of the quarries, its workers or the general public.</u></b></p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li><b><u>For the purposes of these conditions, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of a quarry.</u></b></li> </ul>	<p>The Department recommends that the following changes be made to the proposed condition:</p> <p><b><u>Condition B14 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any <del>residence on privately-owned</del> non-associated receiver, or to blast misfires or to blasts required to ensure the safety of the quarries, its workers or the general public.</u></b></p>

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		<ul style="list-style-type: none"> <li><b><u>For avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.</u></b></li> </ul>	
<b>Operating Conditions – Blasting</b> <b>B13 to become B16.</b>	The intention is to provide specific ways in which the Applicant must provide the public up-to-date information.	<p>(b) operate a suitable system to enable members of the public to get up-to-date information on the proposed blasting schedule on the site, <del>including: and</del></p> <p>(i) <b><u>regular updates provided on the Applicant's website, including a system which allows the public to register for email updates; and</u></b></p> <p>(ii) <b><u>letterbox drops to all residents within 2km of blasting activities.</u></b></p>	The Department considers that the additional requirements proposed by part (i) and (ii) are not warranted and are inconsistent with the requirements for other recent SSD quarry consents and noting the distance to any non-associated receivers.
<b>AIR</b> <b>B18 to become B21.</b>	A revised condition to strengthen and increase the steps taken by the Applicant to reduce potential air quality impacts.	<p><del>The Applicant must take all reasonable steps to:</del></p> <p><del>(a) minimise the off-site dust, fume and blast emissions of the development; and</del></p> <p><del>(b) minimise the surface disturbance of the site.</del></p> <p><b><u>The Applicant must minimise dust, fumes and blast emissions generated by the development, including measures ensuring:</u></b></p> <p>(a) <b><u>activities are carried out on site in a manner that minimises dust generation, including emission of windblown and/or traffic generated dust;</u></b></p> <p>(b) <b><u>surface area disturbance of the site is minimised;</u></b></p> <p>(c) <b><u>development-related vehicles;</u></b></p> <p>(i) <b><u>have any loads covered; and</u></b></p> <p>(ii) <b><u>minimise dirt being tracked onto the public road network; and</u></b></p> <p>(d) <b><u>water is sprayed on unsealed road within the site when practicable.</u></b></p>	<p>The Department recommends that the condition remains as recommended due to potential workability and enforceability issues.</p> <p>Should the Commission wish to include the condition, the Department recommends the following:</p> <p><i>The Applicant must minimise the dust generated by the development through measures including but not limited to ensuring:</i></p> <p>(a) <i>activities are carried out on site in a manner that minimises dust generation, including emission of windblown and/or traffic generated dust within the site;</i></p> <p>(b) <i>minimise the surface disturbance of the site;</i></p> <p>(c) <i>development-related vehicles;</i></p> <p>(i) <i>have any loads covered; and</i></p> <p>(ii) <i>minimise dirt being tracked onto the public road network; and</i></p> <p>(d) <i>water is sprayed on unsealed road within the site when practicable.</i></p>
<b>Water Supply</b> <b>B19 to become B22</b>	Water supply is considered a key element of the project. To ensure the projects water needs are adequately sourced and secured, the Panel recommends the deleting existing B19 and imposed this new condition.	<p><del>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.</del></p> <p><del>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licenses before commencing any works which intercept or extract groundwater or surface water (unless an exemption applies).</del></p> <p><b><u>Prior to the commencement of any construction the Applicant is to prepare a Water Sourcing Plan in consultation with the Water Group which details:</u></b></p> <p>(a) <b><u>the project's water requirements, including the water required for each stage of construction and all potable water needs;</u></b></p> <p>(b) <b><u>sources of water to be utilised;</u></b></p> <p>(c) <b><u>any licencing requirements pursuant to the Water Act 1912 and/or Water Management Act 2000 and timing of obtaining such licences;</u></b></p> <p>(d) <b><u>measures to mitigate excessive water consumption/use during construction;</u></b></p> <p>(e) <b><u>monitoring and reporting of bore water use; and</u></b></p> <p>(f) <b><u>measures and failsafe mechanisms to be implemented should water sourcing availability change during construction;</u></b></p> <p><b><u>Following the Planning Secretary's approval of the Water Sourcing Plan, the Applicant must implement the Water Sourcing Plan.</u></b></p>	<p>The Department recommends this condition remains as recommended. The Department considers that the intended outcome would be appropriately addressed through the implementation of the objective-based condition.</p> <p>As noted in the Department's recommended conditions, ACEN would be required to obtain all relevant licences under the <i>Water Management Act 2000</i>. The Department also notes that a Water Sourcing Plan was not requested by NSW DCCEW Water Group.</p> <p>The Department notes that DCEEW Water Group were satisfied with the Applicant's response regarding water sourcing and commented that the Department's recommended conditions have adequately addressed water requirements and did not seek to include such a Plan.</p> <p>Overall, the Department considers that the condition as recommended by the Department adequately captures the Commission's intended outcome and removes the post approval burden on the Department.</p> <p>Should this be included, the plan should not be required to the satisfaction of the Planning Secretary.</p>



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<b>NEW CONDITION</b>  <b>Aquifer Interference</b>  <b>B24.</b>	Proposed new condition to ensure the correct assessment and approval process is followed for any potential aquifer interference.	<b><u>Prior to commencement of any construction, the Applicant must undertake an assessment to determine if the construction of any aspect of the project would constitute aquifer interference. If interaction with groundwater is expected to occur as result of this assessment, the Applicant must prepare and submit a hydrological assessment under the NSW Aquifer Interference Policy to the Water Group and obtain any necessary aquifer interference approval(s) pursuant to the Water Management Act 2000.</u></b>	The Department considers that the intended outcome is addressed by legislation (as noted in the note to recommended condition B19) and the Applicant's commitments in the EIS (refer to mitigation measure SW14).  If adopted, the Department suggests the following wording:  <i><u>Prior to the commencement of construction, the Applicant must confirm whether the development would constitute aquifer interference based on the findings of groundwater characterisation to be undertaken at the site. If interaction with groundwater is expected to occur, the Applicant must prepare and submit a hydrological assessment under the NSW Aquifer Interference Policy 2012 to the Water Group and obtain any necessary aquifer interference approval(s) pursuant to the Water Management Act 2000.</u></i>
<b>NEW CONDITION</b>  <b>Soil And Water Management Plan</b>  <b>B25</b>	New condition considered prudent to ensure potential soil and erosion impacts are mitigated and controlled.	<b><u>Prior to commencing any construction, the Applicant must prepare and implement a Soil and Water Management Plan for the development in consultation with the Water Group. The plan must:</u></b>  (a) <b><u>be prepared by a suitably qualified and experienced person;</u></b> (b) <b><u>include a soil erosion monitoring program to monitor impacts on the site, with results to be made available on the Applicant's website in accordance with condition C15;</u></b> (c) <b><u>include a description of the measures that would be implemented to achieve the objectives of condition B26;</u></b> (d) <b><u>include a program to monitor and report on the effectiveness of these measures; and</u></b> (e) <b><u>include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</u></b>	The Department does not support the additional requirement for a Soil and Water Management Plan.  The Department notes that 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 a licence needs to address and where the EPA needs to focus its regulatory attention.  On recent EPLs for wind farms, the EPA has included a requirement to prepare and develop a Soil and Water Management Plan to manage impacts during construction. The EPA, as the appropriate regulatory authority for water pollution under the POEO Act, would consider whether such a condition is required when issuing an EPL.
<b>OPERATING CONDITIONS</b>  <b>B21 to become B26</b>	Strengthen the requirement to ensure the Applicant prevents any spills.	(e) <del>minimise</del> <b><u>take all necessary steps to prevent</u></b> any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.	The Department considers that this proposed change may be unenforceable as "all necessary" is not defined whereas the term "minimise" is defined in the recommended consent.  The Department also notes that management and clean-up of spills is covered by relevant legislation, including the <i>Work Health and Safety Act 2011</i> and the <i>Protection of the Environment Operations Act 1997</i> (POEO Act).
<b>BIODIVERSITY MANAGEMENT PLAN</b>  <b>B26 to become B31</b>	Ensure the Applicant minimises the impacts on wedge-tail eagles. Whilst not threatened, the wedge-tailed eagle is protected.	(c)(iv) minimising the impacts of the development on <b><u>protected and</u></b> threatened flora and fauna species within the disturbance footprint and its surrounds, including the: <ul style="list-style-type: none"> <li>• large-eared pied bat</li> <li>• large bent-winged bat</li> <li>• masked owl</li> <li>• barking owl</li> <li>• powerful owl</li> <li>• squirrel glider</li> <li>• pale-headed snake</li> <li>• <b><u>wedge-tailed eagle</u></b></li> </ul>	The Department does not agree with the proposed change to this condition.  The Department considered the findings of the BDAR and the comments received by BCS (now CPHR). The BDAR undertook the assessment of the potential impact of the development upon protected fauna in accordance with Section 8.3.5 of the BAM and no comments with regards to this were raised by BCS (now CPHR).  The intent of the condition is to focus upon threatened flora and fauna, noting that there are potentially many more protected species that are not listed herein. Further, CPHR reviewed the conditions and did not raise any further comments in this regard.
<b>BIRD AND BAT ADAPTIVE MANAGEMENT PLAN</b>  <b>B27 to become B32</b>	To provide additional transparency of the monitoring program	(e) provisions for a copy of the monitoring program's methodology and results, including all raw data collected as part of the monitoring program to be <b><u>published on the Applicant's website and</u></b> submitted to CPHR and the Planning Secretary.	Noted, however the Department considers this is already addressed in Condition C15.
<b>ROAD UPGRADES</b>  <b>B33 to become B38</b>	Ensure the completion of road upgrades, the Commission's view is that these are important aspects of the proposal.	<del>Unless the Planning Secretary agrees otherwise, t</del> The road upgrades identified in Table 1 and Figures 3a-3e of Appendix 5 must be implemented by the Applicant in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority.	The Department does not agree with this amendment.  The intent of the condition is that these works would be undertaken by the Applicant for the purposes of the project. There are, however, circumstances where works may not be able to proceed (i.e. the alignment of roads is altered

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			<p>by the roads authority, works already undertaken by government agencies or developers or with the agreement of the relevant roads authority).</p> <p>The Department notes that this would be done in consultation with the relevant roads authority.</p> <p>The Department notes the placement of "Unless the Planning Secretary agrees otherwise" is important, as moving this may impact the requirements of the condition.</p>
<b>TRAFFIC MANAGEMENT PLAN</b>  <b>B38 to become B43</b>	<p>Additional requirement to enhance compliance of heavy vehicles on the road network</p> <p>To ensure transport scheduling is undertaken in consultation with TfNSW and EnergyCo.</p>	<p>(c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:</p> <p>(i) <b><u>all transport routes and traffic types to be used for development-related traffic;</u></b></p> <p>(ii) <b><u>global positioning system (GPS) tracking to monitor compliance with the required transport routes. This must include details of how GPS tracking will be installed in all heavy vehicles and haulage trucks;</u></b></p> <p>(vii) minimising potential cumulative traffic impacts with other projects along the access route, including consultation <b><u>and scheduling transportation of the development's turbines and all other construction materials</u></b> with TfNSW and EnergyCo regarding their projects;</p> <p>(d) a driver's code of conduct that addresses:</p> <p>(i) driver fatigue;</p> <p>(ii) <b><u>adherence to designated transport routes and travel times, including GPS tracking;</u></b></p>	<p>The Department does not agree with part (c)(ii) and (d)(ii) of the amendment relating to GPS tracking. The Department considers that this condition would result in enforceability and workability issues.</p> <p>The Department considers that the condition B31 already provides limits on the roads that vehicles associated with the development can travel and that a requirement for GPS tracking of vehicles would not change the outcome of this condition and would likely be unworkable.</p> <p>A wind farm construction program is implemented differently to other types of construction. An applicant may engage a number of contractors for different components of a project, potentially some of these engaged only briefly or in a one-off circumstance and the applicant would not have a dedicated truck fleet that an operating project might. The requirement for GPS tracking is likely to be unworkable for all heavy vehicles associated with a project, including being potentially restrictive for local providers or one-off deliveries. It would also be difficult for the Department to ensure compliance.</p>
<b>NEW CONDITION</b>  <b>Traffic Management Plan</b>  <b>B44.</b>	As above.	<p><b><u>The Applicant must ensure that that data from GPS tracking of the transport routes for heavy vehicles and haulage trucks is collected to ensure compliance with the approved transport routes and the Traffic Management Plan. The GPS data is to be made available to Council, TfNSW and the Planning Secretary upon request.</u></b></p>	<p>The Department does not support this condition.</p> <p>The Department considers it would be impractical to monitor ongoing compliance with this condition and it would be difficult to validate data provided should it be requested by Council or the Planning Secretary and notes that none of the roads authorities requested this information</p>
<b>Aviation Management Plan</b>  <b>B41 to become B46.</b>	<p>To ensure all relevant agencies who have an interest in the operations of the listed aerodromes are consulted.</p> <p>To ensure aerial agriculture and aerial firefighting operations are fully considered and addressed.</p>	<p>Prior to commencement of construction, an Aviation Management Plan must be developed by an appropriately qualified expert in aviation safety in consultation with <b><u>CASA, Air Services Australia, Aerial Agricultural Association of Australia, NSW Rural Fire Service and</u></b> the operators of the Tongy Aerodrome and Turee Aerodrome as identified in the EIS. The Plan must include:</p> <p>(d) <b><u>procedures to ensure the continued ability to undertake aerial agriculture and aerial firefighting operations within the locality;</u></b></p>	<p>The Department recommends the removal of CASA and AirServices Australia from the condition. Neither AirServices Australia nor CASA requested ongoing engagement on the development beyond the conditions already recommended. In addition, Tongy Aerodrome and Turee airstrips are not registered aerodromes and as such are not managed by CASA and AirServices Australia.</p> <p>CASA recommended each air strip operator be consulted with regard to potential impacts, AirServices Australia be consulted on estimated survey heights of turbines and CASA requested it be advised one month prior to commencement of works to publish a 'Notice to Airmen' advising of the structures.</p> <p>AirServices Australia did not raise concerns about impacts to the Tongy or Turee the air strips in their advice.</p> <p>The Department does not object to the requirement for consultation with the Aerial Agricultural Association of Australia and NSW Rural Fire Service.</p>
<b>Notification Of Aviation Authorities</b>  <b>B43 to become B48</b>	<p>The panel considered this condition may not be able to be complied with if an agreement cannot be reached. The additional text allows for the development to proceed should there be no agreement made.</p>	<p>At least 7 months prior to the construction of turbine MH25, the Applicant must consult with Airservices Australia to secure a commercial agreement for amendments required to air route W-627. <b><u>If an agreement cannot be secured, turbine MH25 must not be constructed and an amended project layout showing the removal of turbine MH25 be submitted to the Planning Secretary for approval.</u></b></p>	<p>Agreed.</p> <p>In addition the Department recommends an additional change</p> <p>At least 7 months prior to the construction of turbine MH25, the Applicant must consult with Airservices Australia to secure a commercial agreement for amendments required to air route W-627. <b><u>The Applicant must provide evidence to the Planning Secretary that the commercial agreement is in place.</u></b> If an agreement cannot be secured, turbine MH25 must not be</p>

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			constructed and an amended project layout showing the removal of turbine MH25 be submitted to the Planning Secretary for approval.
<b>EMERGENCY PLAN</b> <b>B55 to become B60</b>	Moved the flood related conditions to be out of the bush fire emergency section.  Inclusion of additional measures considered prudent by the panel for bush fire emergency management planning.	<p>(a) be prepared in accordance with the findings of the Fire Safety Study required under Condition BXX;</p> <p>(b) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's Planning for Bush Fire Protection 2019 (or equivalent);</p> <p>(c) be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;</p> <p>(d) include details on how the battery storage and sub-systems can be safely isolated in an emergency;</p> <p>(e) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;</p> <p>(f) include availability of fire suppression equipment, access and water;</p> <p>(g) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;</p> <p>(h) include procedures for the storage and maintenance of any flammable materials;</p> <p>(i) <b><u>detail specific response measures in the case of flood to ensure site safety</u></b></p> <p>(j) <b><u>describe the specific emergency exit routes to be used in the case of flood and include evidence of access agreements with relevant landowners (e.g. right of carriageway):</u></b></p> <p>(k) include bush fire 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, <b><u>firefighting equipment and any on-site appliances which may be required;</u></b></p> <p>(ii) a list of works that should not be carried out during a total fire ban;</p> <p>(iii) <b><u>mitigation actions and bush fire monitoring to be undertaken when a fire danger rating of EXTREME and above is in place, this must include the shutting down of turbines;</u></b></p> <p>(iv) details of the access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;</p> <p>(v) details of how RFS would be notified, and procedures that would be implemented, in the event that:</p> <ul style="list-style-type: none"> <li>there is a fire on-site or in the vicinity of the site;</li> <li>there are any activities on site that would have the potential to ignite surrounding vegetation; or</li> <li>there are any proposed activities to be carried out during a bushfire danger period; and</li> </ul> <p><del>(vi) detail specific response measures in the case of flood to ensure site safety;</del></p> <p><del>(vii) describe the specific emergency exit routes to be used in the case of flood and include evidence of access agreements with relevant landowners (e.g. right of carriageway);</del></p> <p>(vi) include an Emergency Services Information Package in accordance with Emergency Services information and tactical fire plan (FRNSW, 2019) to the satisfaction of FRNSW and RFS;</p> <p>(vii) <b><u>procedures in the event of a bush fire event during construction of the development;</u></b></p> <p>(viii) operational procedures in the event of bush fires, <del>such as</del> <b><u>including</u></b> shutting down turbines and the positioning of turbine blades to minimise interference with aerial firefighting operations and turning on aviation hazard lighting <b><u>and;</u></b></p> <p>(l) <b><u>details of how employees and personnel will be trained to implement all the Emergency Plan; and</u></b></p> <p>(m) <b><u>the frequency for review of the Emergency Plan and Emergency Information Package and who is responsible for the review process.</u></b></p>	<p>The Department considers that the proposed addition of sub-condition (k)(iii) referencing the shutting down of turbines when there is a fire danger rating of EXTREME and above would be unworkable and have significant unintended consequences.</p> <p>This measure was not a recommendation of NSW RFS and FRNSW.</p> <p>The Department has assessed the bushfire impacts of the proposal and considers that the proposed condition is in excess of the requirements of the PBP 2019.</p> <p>The proposed condition would have an unintended consequence of significantly limiting generation of electricity for significant periods of time. If adopted, this additional requirement may result in significant implications for the viability or operation of the project.</p> <p>Operational procedures in the event of bush fires and notifying RFS are already recommended requirements of the Emergency Plan and would be developed by the Applicant in consultation with NSW RFS and FRNSW and finalised in the Emergency Plan.</p> <p>The Commission may wish to seek further feedback from the Applicant on implications of this condition for the viability of the wind farm.</p> <p>Regarding the addition of sub-conditions (i), (k)(vii), (l), the Department has no comment.</p> <p>Regarding sub-condition (k)(i), the Department notes that this is FRNSW terminology, however, does not consider the reference to 'on-site appliances' is necessary, as this would be covered by the reference to '<i>firefighting equipment</i>'.</p> <p>Regarding sub-condition (k)(viii) the measures would be developed in consultation with the stakeholders in the condition and changing the measures from 'such as' to 'including' is has slightly different consequences to ACENS commitment (BF14) that RFS supported for <b>where possible and if appropriate</b> turbine blades should be stopped in the 'Y' position. The Department recommends leaving 'such as' in the condition and the requirements would be developed in consultation with NSW RFS.</p> <p>Regarding sub-condition (m), the Department considers that this requirement is covered under Condition C2(b), which requires the Applicant to review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 3 months of the submission of an incident report or audit report.</p>

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <b>bold and underlined</b> , deletions in <del>strikethrough</del> )	DPHI Comments
<b>Accommodation Camp</b> <b>B59 to become B64.</b>	Details to be provided to minimise potential rural landscape impacts.  Additional amendments to promote social cohesion with the local community.	<ul style="list-style-type: none"> <li>(a) ensure utilities at the accommodation camp, including water, wastewater, waste and electricity, are designed and located in accordance with Warrumbungle Shire Council specifications and relevant standards;</li> <li>(b) <b><u>include a schedule of proposed materials, colours and finishes for all proposed buildings and structures, (noting that colours should, where practicable comprise of muted tones complementary with the surrounding rural land and materials which are non-reflective);</u></b></li> <li>(c) ensure the accommodation camp complies with conditions B23 and B56;</li> <li>(d) ensure any treated wastewater from the accommodation camp which is used for dust suppression during construction: <ul style="list-style-type: none"> <li>(i) complies with the Australian and New Zealand Environment and Conservation Council (ANZECC) &amp; Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) (2000) Guidelines for irrigation water quality;</li> <li>(ii) meets the requirements of the Public Health Act 2010;</li> </ul> </li> <li>(e) include measures for dust suppression within the accommodation camp;</li> <li>(f) provide the site layout including building locations, vehicle access and movement, site servicing and utilities infrastructure;</li> <li>(g) <b><u>include strategies to facilitate and support the accommodation camp's population integrating with the local community, such as (but not limited to) sport and recreation clubs, community events/activities and the like;</u></b></li> <li>(h) include measures to provide the camp with health and medical services and to notify the relevant health authorities of the final measures; and</li> <li>(i) include measures <del>which facilitate</del> <del>to</del> supporting local suppliers in servicing the camp wherever possible.</li> <li>(j) The Applicant must implement the Accommodation Camp Management Plan.</li> </ul>	<p>Regarding sub-condition (b), the Department does consider that the proposed change is required as the accommodation camp is temporary and for construction only and condition B2 already requires the applicant to minimise offsite visual impacts. In addition, while receiver 502 is identified in the assessments adjacent to the accommodation camp, there is currently no dwelling located there.</p> <p>The Department does not consider sub-condition (g) is required nor would compliance against this condition, as it is currently worded, be measurable i.e. how does the Applicant ensure that members of the local community participate if they are not interested in the events/sports? The Department suggest this matter be included within the Statement of Reasons.</p>
<b>Accommodation And Employment Strategy</b> <b>B60 to become B65</b>	Inclusion of training and opportunities for First Nations peoples is considered to be critical for the strategy.	(c) investigate options for prioritising the <del>training and</del> employment of local workers <b><u>and First Nations people</u></b> for the construction and operation of the development, where feasible; and	No comment
<b>Rehabilitation Objectives – Accommodation Camp Decommissioning</b> <b>B61 to become B66.</b>	Adding 'Accommodation Camp' into the title of the condition	N/A	<p>The Department notes that 'Rehabilitation Objectives – Decommissioning' title covers rehabilitation objectives for the accommodation camp (Condition B60) and the project site (Condition B61). Therefore, the Department considers that the current title is appropriate.</p> <p>The Department also considers that decommissioning conditions should be kept together.</p>
<b>NEW CONDITION</b> <b>Decommissioning And Rehabilitation Plan</b> <b>B67</b>	The panel finds that a detailed decommissioning and rehabilitation plan is prudent in consideration of the scale of the project.	<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 B70 At a minimum, the plan must be updated by the Applicant at a minimum 15 years into operation and within 2 years prior to decommissioning. The plan must:</u></b></p> <ul style="list-style-type: none"> <li>(a) <b><u>be prepared in consultation with the Planning Secretary and Council;</u></b></li> <li>(b) <b><u>include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3; and</u></b></li> <li>(c) <b><u>be prepared consistent with relevant local and State strategic land use planning documents applicable to the site</u></b></li> <li>(d) <b><u>describe the measures that would be implemented to:</u></b> <ul style="list-style-type: none"> <li>(i) <b><u>decommission the development and rehabilitate the site in accordance with the objectives in Table 3;</u></b></li> <li>(ii) <b><u>minimise and manage the waste generated by the decommissioning of the development;</u></b></li> </ul> </li> </ul>	<p>The recommended conditions require the Applicant to rehabilitate the site in accordance with a number of objectives listed in conditions B60 to B62. With the implementation of objective-based conditions, 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>



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		<p>(iii) <b><u>identify any site contamination issues arising as a result of the development (if any) and how this contamination will be remediated, including details of any approvals which may be required;</u></b></p> <p>(iv) <b><u>include a program to monitor and report on the implementation of these measures against the detailed completion criteria;</u></b></p> <p>(v) <b><u>ensure that best practice is employed in respect of utilising available recycling technologies.</u></b></p>																					
<p><b>Decommissioning And Rehabilitation Plan</b></p> <p><b>B62 to become B68.</b></p>	<p>Not considered appropriate to provide discretion in the removal of above ground wind turbine infrastructure.</p> <p>Reinforce that mature vegetation must be capable of being grown over existing pads.</p>	<p>Table 1   Rehabilitation Objectives</p> <table><tr><th>Feature</th><th>Objective</th></tr><tr><td>Development site (as a whole)</td><td>Safe, stable and non-polluting 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</td></tr><tr><td>Revegetation</td><td>Restore native vegetation generally as identified in the EIS</td></tr><tr><td>Above ground wind turbine infrastructure (excluding wind turbine pads)</td><td>To be decommissioned and removed, <del>unless the Planning Secretary agrees otherwise</del></td></tr><tr><td>Wind turbine pads</td><td>To be covered with soil and/or rock <b><u>which is suitable for growth of mature vegetation and revegetated</u></b></td></tr><tr><td>Above ground ancillary infrastructure</td><td>To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary</td></tr><tr><td>Internal access roads</td><td>To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary</td></tr><tr><td>Underground cabling</td><td>To be decommissioned and removed, unless the Planning Secretary agrees otherwise</td></tr><tr><td>Land use</td><td>Restore or maintain land capability to pre-existing use</td></tr><tr><td>Community</td><td>Ensure public safety at all times</td></tr></table>	Feature	Objective	Development site (as a whole)	Safe, stable and non-polluting 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	Revegetation	Restore native vegetation generally as identified in the EIS	Above ground wind turbine infrastructure (excluding wind turbine pads)	To be decommissioned and removed, <del>unless the Planning Secretary agrees otherwise</del>	Wind turbine pads	To be covered with soil and/or rock <b><u>which is suitable for growth of mature vegetation and revegetated</u></b>	Above ground ancillary infrastructure	To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary	Internal access roads	To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary	Underground cabling	To be decommissioned and removed, unless the Planning Secretary agrees otherwise	Land use	Restore or maintain land capability to pre-existing use	Community	Ensure public safety at all times	<p>The Department recommends this condition remains as recommended, as the proposed condition would give landowners and the Applicant the power to agree to retain infrastructure.</p> <p>Regarding the rehabilitation of wind turbine pads, the Department recommends the condition as recommended is retained. The Department considers that this requirement is too onerous/excessive. Wind turbine pad areas may be located in areas that are already cleared and not suitable for growth of mature vegetation.</p>
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<p><b>Environmental Management Strategy</b></p> <p><b>C1.</b></p>	<p>Reinforce the need to keep the community informed.</p>	<p>(d) <b><u>Include an ongoing community communication plan that</u></b> sets out the procedures that would be implemented to:</p> <p>(i) Keep the local community and relevant agencies informed about the operation and environmental performance of the development, <b><u>including how often and when information will be made available;</u></b></p>	<p>The Department considers that a community communication plan is not required, as the intended outcome is covered by Condition C15.</p> <p>Under Condition C15(a), the Applicant would be required to make information publicly available on its website, including a comprehensive summary of the monitoring results of the development, the annual Statement of Compliance with the EPL, and independent environmental audits.</p> <p>Condition C15(b) requires that the Applicant keep this information up to date.</p>																				
<p><b>NOTIFICATION OF DEPARTMENT</b></p> <p><b>C7.</b></p>	<p>Inclusion of Council for notification.</p>	<p>Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify <b><u>Council and</u></b> the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.</p>	<p>No comment.</p>																				
<p><b>FINAL LAYOUT PLANS</b></p> <p><b>C8.</b></p>	<p>This is considered prudent to ensure there are minimal rural landscape and stormwater impacts. The condition will also assist the subsequent certification process but specifying a 'final' set of drawings.</p>	<p>(d) Showing comparison to the approved layout; <b><u>and</u></b></p> <p>(e) <b><u>the final design and layout of the battery energy storage system, including the following information:</u></b></p> <p>(i) <b><u>site plan(s);</u></b></p> <p>(ii) <b><u>elevations;</u></b></p> <p>(iii) <b><u>a schedule of proposed materials, colours and finishes (noting that colours should, if practicable, comprise of muted tones complementary with the surrounding rural landscape and material which are non-reflective);</u></b></p>	<p>The Department considers that the Commission's intended outcome is covered under the recommended condition. The Department considers the additional sub-conditions (e) and (e) (i) to (v) would exceed the scope of this condition.</p> <p>The Department does not support the inclusion of this sub-condition C8(e). The Department notes that the recommended conditions require the Applicant to provide both a final layout plan and a Fire Safety Study (FSS) which provide further detail on the final configuration of the development, including the battery storage system (BESS) design. As discussed in the Department's comments regarding Condition C15 below, commercially sensitive information regarding the battery should not be made publicly available.</p>																				

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		<p>(iv) <b><u>a stormwater drainage report and plans prepared by a suitably qualified and practicing hydraulic engineer consistent with the conditions of this consent; and</u></b></p> <p>(v) <b><u>design details that demonstrate consideration of articulation, modulation and visual screening.</u></b></p>	<p>The Department does not support condition C8(iv). The Department considers that the risk of erosion and sediment generation would be appropriately managed under recommended Condition B31 and does not consider that an additional stormwater drainage report and plans is warranted.</p> <p>The Department does not object to the addition of condition C8 (v).</p>
<p><b>ACCESS TO INFORMATION</b></p> <p><b>C15.</b></p>	The panel considers all documentation should be made publicly available. This was raised by many community members during the public meeting.	(a)(iv) approved strategies, plans or programs required under the conditions of this consent <del>(other than the Fire Safety Study and Emergency Plan);</del>	<p>The Department does not support the proposed changes to this condition.</p> <p>The Department's Hazards Team advised that the Fire Safety Study and Emergency Plan contains commercially sensitive information (such as details relating to the configuration of the battery) as well as security sensitive information (including evacuation routes and storage of materials). This information must not be made publicly available.</p> <p>In addition, the Bushfire Risk Assessment in the EIS contains relevant information necessary to address community concerns regarding bushfire risk.</p> <p>The exclusion of the Fire Safety Study and Emergency Plan is also consistent with conditions of consent for other State significant projects.</p>
<b>DPHI's additional notes:</b>			
<ol style="list-style-type: none"> <li>1. In Condition B60, Schedule 2, after '...must comply with the objectives in', insert "Table 2"</li> <li>2. In Condition B61, Schedule 2, after '...must comply with the objectives in', insert "Table 3"</li> <li>3. In Condition B62, Schedule 2, after '...must comply with the objectives in', insert "Table 4"</li> <li>4. In Condition C2(b)(ii), Schedule 2, after '...submission of an audit report under condition', insert "C14"</li> </ol>			