The Hon Penny Sharpe MLC

Minister for Climate Change, Minister for Energy,
Minister for the Environment, Minister for Heritage,
Leader of the Government in the Legislative Council

NSW GOVERNMENT

Your ref: SSD-10461
Our ref: MD25/2541

Ms Nicole Brewer
Director Energy Assessments
NSW Department of Planning, Housing and Infrastructure

By email: ███████████████████████████

Dear Ms Brewer

Thank you for your letter seeking my concurrence under section 7.14(3A) of the *Biodiversity Conservation Act 2016* (BC Act) for proposed consent condition B24 for the Valley of the Winds Wind Farm project.

I understand the development consent is proposed to be determined with conditions to offset the project's residual impact on biodiversity values other than to retire the number and class of biodiversity credits that would have been required to be retired under section 7.14(3) of the BC Act.

Pursuant to section 7.14(3A), I give concurrence to the development conditions subject to the concurrence conditions set out in Enclosure A. These concurrence conditions must be reflected in the conditions of the development consent.

In making my decision, I have reviewed the information and considered matters listed in section 7.14(3C) of the BC Act.

For transparency, and to assist in delivering the new statutory reporting requirements under section 9.7(1) of the BC Act, I request the Department of Planning, Housing and Infrastructure publishes approved changes to the credit obligation and supporting information provided by the proponent on the major projects planning portal.

If the project is approved, my Department will contact the Applicant to support them to deliver their biodiversity credit requirements consistently with the Central West Orana Conservation Investment Strategy.

If you or the Commission have any further questions about this issue, please contact Dr Louisa Mamouney, Executive Director, Planning, Offsets, Threatened Species and Ecosystems Division, at the Department of Climate Change, Energy, the Environment and Water, on ████████████ or at ████████████████████████████.

Sincerely

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Penny Sharpe MLC
Minister for Climate Change, Minister for Energy,
Minister for the Environment, Minister for Heritage
23/5/25

Enclosure A: Concurrence conditions of development consent

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- Underlined text is to be inserted into the proposed conditions of development consent.
- Strikethrough text is to be deleted.

B24.   Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must:

(a) retire biodiversity credits of a number and class specified in Tables 1 and Table 2 of Appendix 6, unless the Planning Secretary ~~agrees~~ ~~otherwise~~ <u>approves, after consulting the DCCEEW Secretary, a different number and class determined in accordance with condition B24A</u>; and

(b) retire the biodiversity credits specified in Tables 1 and 2 of Appendix 6 prior to carrying out any development that would impact on biodiversity values.

The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:

(a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;

(b) making payments into an offset fund that has been developed by the NSW Government; or

(c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

B24A. <u>The Applicant can only seek a change to the number and class of biodiversity credits in B24 if in accordance with:</u>

(a) <u>a reduction of impacts on biodiversity values within the previously assessed impact area in the BDAR; and/or</u>

(b) <u>the results of further surveys undertaken for species with assumed presence in the BDAR; and</u>

(c) <u>the revised calculation of biodiversity credits is in accordance with the biodiversity assessment method, and prepared by a person accredited to apply that method; and</u>

(d) <u>the revised calculation is approved prior to the commencement of any works that will impact biodiversity values requiring offsetting within the relevant staged impact area.</u>