



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

6 May 2025

Via email: [REDACTED]

**Valley of the Winds Wind Farm (SSD-10461)
Request for Comment – Recommended Conditions of Consent**

Dear Nicole,

I refer to the State significant development application for the Valley of the Winds Wind Farm (SSD-10461) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is considering the imposition of the attached conditions of consent for the Application (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's response by **5pm Monday, 12 May 2025**.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Kendall Clydsdale or Callum Firth at [REDACTED] or [REDACTED] respectively, or phone [REDACTED].

Yours sincerely,

[REDACTED]

Stephen Barry
Planning Director

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 bold and underlined , deletions in strikethrough)	DPHI Comments
MICRO-SITING RESTRICTIONS A8.	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 and 90m from any public road ;	
COMMUNITY ENHANCEMENT A21.	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 <u>Voluntary Planning Agreement</u> (VPA) with Council in accordance with: <u>Note: Public notice of the VPA must be undertaken in accordance with EP&A Act and EP&A Reg.</u>	
VISUAL IMPACT MITIGATION B1.	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 5 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).	
LIGHTING B3.	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, <u>including the potential for the development to utilise aircraft detection lighting systems (ADLS)</u> and, if required, ensure obstacle lights are energised during hours of darkness <u>and in bush fire events</u> in accordance with CASA's recommendations; 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.	
Construction and Decommissioning B10.	Additional text at the end of the condition to address community concerns.	<u>All vibration measurements and/or testing must be undertaken by suitably qualified, practicing and experienced professionals with expertise in vibration assessment.</u>	
NEW CONDITION Property Inspections B11.	Conditions B11 to B15 are recommended by the panel to ensure potential impacts from quarrying activities (i.e. blasting impacts) are addressed.	<u>Property Inspections</u> <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> (a) <u>commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</u> (i) <u>establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and</u> (ii) <u>identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and</u> (b) <u>give the landowner a copy of the new or updated property inspection report.</u>	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
		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.	
NEW CONDITION Blasting Frequency B14.		<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>	
NEW CONDITION Blasting Frequency B15.		<p><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></p> <p>Notes:</p> <ul style="list-style-type: none"> <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> <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> 	
Operating Conditions – Blasting B13 to become B16.	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, including: and</p> <p>(i) <u>regular updates provided on the Applicant's website, including a system which allows the public to register for email updates; and</u></p> <p>(ii) <u>letterbox drops to all residents within 2km of blasting activities.</u></p>	
AIR B18 to become B21.	A revised condition to strengthen and increase the steps taken by the Applicant to reduce potential air quality impacts.	<p>The Applicant must take all reasonable steps to:</p> <p>(a) minimise the off-site dust, fume and blast emissions of the development; and</p> <p>(b) minimise the surface disturbance of the site.</p> <p><u>The applicant must minimise dust, fumes and blast emissions generated by the development, including measures ensuring:</u></p> <p>(a) <u>activities are carried out on site in a manner that minimises dust generation, including emission of windblown and/or traffic generated dust;</u></p> <p>(b) <u>surface area disturbance of the site is minimised;</u></p> <p>(c) <u>development-related vehicles;</u></p> <p>(i) <u>have any loads covered; and</u></p> <p>(ii) <u>minimise dirt being tracked onto the public road network; and</u></p> <p>(d) <u>water is sprayed on unsealed road within the site when practicable.</u></p>	
Water Supply B19 to become B22	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>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.</p> <p>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).</p>	

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		<p><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></p> <ul style="list-style-type: none"> (a) <u>the project's water requirements, including the water required for each stage of construction and all potable water needs;</u> (b) <u>sources of water to be utilised;</u> (c) <u>any licencing requirements pursuant to the Water Act 1912 and/or Water Management Act 2000 and timing of obtaining such licences;</u> (d) <u>measures to mitigate excessive water consumption/use during construction;</u> (e) <u>monitoring and reporting of bore water use; and</u> (f) <u>measures and failsafe mechanisms to be implemented should water sourcing availability change during construction;</u> <p><u>Following the Planning Secretary's approval of the Water Sourcing Plan, the Applicant must implement the Water Sourcing Plan.</u></p>	
NEW CONDITION Aquifer Interference B24.	Proposed new condition to ensure the correct assessment and approval process is followed for any potential aquifer interference.	<p><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></p>	
NEW CONDITION Soil And Water Management Plan B25	New condition considered prudent to ensure potential soil and erosion impacts are mitigated and controlled.	<p><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></p> <ul style="list-style-type: none"> (a) <u>be prepared by a suitably qualified and experienced person;</u> (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> (c) <u>include a description of the measures that would be implemented to achieve the objectives of condition B26;</u> (d) <u>include a program to monitor and report on the effectiveness of these measures; and</u> (e) <u>include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.</u> 	
OPERATING CONDITIONS B21 to become B26	Strengthen the requirement to ensure the Applicant prevents any spills.	<p>(e) minimise <u>take all necessary steps to prevent</u> any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.</p>	
BIODIVERSITY MANAGEMENT PLAN B26 to become B31	Ensure the Applicant minimises the impacts on wedge-tail eagles. Whilst not threatened, the wedge-tailed eagle is protected.	<p>(c)(iv) minimising the impacts of the development on <u>protected and</u> threatened flora and fauna species within the disturbance footprint and its surrounds, including the:</p> <ul style="list-style-type: none"> • large-eared pied bat • large bent-winged bat • masked owl • barking owl • powerful owl • squirrel glider • pale-headed snake • <u>wedge-tailed eagle</u> 	
BIRD AND BAT ADAPTIVE MANAGEMENT PLAN	To provide additional transparency of the monitoring program	<p>(e) provisions for a copy of the monitoring program's methodology and results, including all raw data collected as part of the monitoring</p>	

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B27 to become B32		program to be published on the Applicant's website and submitted to CPHR and the Planning Secretary.	
ROAD UPGRADES B33 to become B38	Ensure the completion of road upgrades, the Commission's view is that these are important aspects of the proposal.	Unless the Planning Secretary agrees otherwise, t 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.	
TRAFFIC MANAGEMENT PLAN B38 to become B43	Additional requirement to enhance compliance of heavy vehicles on the road network To ensure transport scheduling is undertaken in consultation with TfNSW and EnergyCo.	(c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including: (i) <u>all transport routes and traffic types to be used for development-related traffic;</u> (ii) <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> (vii) minimising potential cumulative traffic impacts with other projects along the access route, including consultation <u>and scheduling transportation of the development's turbines and all other construction materials</u> with TfNSW and EnergyCo regarding their projects; (d) a driver's code of conduct that addresses: (i) driver fatigue; (ii) <u>adherence to designated transport routes and travel times, including GPS tracking;</u>	
NEW CONDITION Traffic Management Plan B44.	As above.	<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>	
Aviation Management Plan B41 to become B46.	To ensure all relevant agencies who have an interest in the operations of the listed aerodromes are consulted. To ensure aerial agriculture and aerial firefighting operations are fully considered and addressed.	Prior to commencement of construction, an Aviation Management Plan must be developed by an appropriately qualified expert in aviation safety in consultation with <u>CASA, Air Services Australia, Aerial Agricultural Association of Australia, NSW Rural Fire Service and</u> the operators of the Tongy Aerodrome and Turee Aerodrome as identified in the EIS. The Plan must include: (d) <u>procedures to ensure the continued ability to undertake aerial agriculture and aerial firefighting operations within the locality;</u>	
Notification Of Aviation Authorities B43 to become B48	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.	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. <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>	
EMERGENCY PLAN B55 to become B60	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.	(a) be prepared in accordance with the findings of the Fire Safety Study required under Condition BXX; (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); (c) be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; (d) include details on how the battery storage and sub-systems can be safely isolated in an emergency; (e) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting; (f) include availability of fire suppression equipment, access and water;	

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		<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) <u>detail specific response measures in the case of flood to ensure site safety</u></p> <p>(j) <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></p> <p>(k) include bush fire emergency management planning, including:</p> <ul style="list-style-type: none"> (i) details of the location, management and maintenance of the Asset Protection Zone, and on-site water supply tanks, <u>firefighting equipment and any on-site appliances which may be required;</u> (ii) a list of works that should not be carried out during a total fire ban; (iii) <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> (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; (v) details of how RFS would be notified, and procedures that would be implemented, in the event that: <ul style="list-style-type: none"> • there is a fire on-site or in the vicinity of the site; • there are any activities on site that would have the potential to ignite surrounding vegetation; or • there are any proposed activities to be carried out during a bushfire danger period; and <p>(vi) detail specific response measures in the case of flood to ensure site safety;</p> <p>(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);</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><u>(vii) procedures in the event of a bush fire event during construction of the development;</u></p> <p>(viii) operational procedures in the event of bush fires, such as <u>including</u> shutting down turbines and the positioning of turbine blades to minimise interference with aerial firefighting operations and turning on aviation hazard lighting <u>and;</u></p> <p>(l) <u>details of how employees and personnel will be trained to implement all the Emergency Plan; and</u></p> <p>(m) <u>the frequency for review of the Emergency Plan and Emergency Information Package and who is responsible for the review process.</u></p>	
Accommodation Camp B59 to become B64.	<p>Details to be provided to minimise potential rural landscape impacts.</p> <p>Additional amendments to promote social cohesion with the local community.</p>	<p>(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;</p> <p><u>(b) 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></p> <p>(c) ensure the accommodation camp complies with conditions B23 and B56;</p> <p>(d) ensure any treated wastewater from the accommodation camp which is used for dust suppression during construction:</p>	

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		<div>(i) complies with the Australian and New Zealand Environment and Conservation Council (ANZECC) & Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) (2000) Guidelines for irrigation water quality;</div> <div>(ii) meets the requirements of the Public Health Act 2010;</div> <div>(e) include measures for dust suppression within the accommodation camp;</div> <div>(f) provide the site layout including building locations, vehicle access and movement, site servicing and utilities infrastructure;</div> <div>(g) <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></div> <div>(h) include measures to provide the camp with health and medical services and to notify the relevant health authorities of the final measures; and</div> <div>(i) include measures <u>which facilitate</u> to supporting local suppliers in servicing the camp wherever possible.</div> <div>(j) The Applicant must implement the Accommodation Camp Management Plan.</div>					
Accommodation And Employment Strategy B60 to become B65	Inclusion of training and opportunities for First Nations peoples is considered to be critical for the strategy.	<div>(c) investigate options for prioritising the <u>training and</u> employment of local workers <u>and First Nations people</u> for the construction and operation of the development, where feasible; and</div>					
Rehabilitation Objectives – Accommodation Camp Decommissioning B61 to become B66.	Adding 'Accommodation Camp' into the title of the condition	N/A					
NEW CONDITION Decommissioning And Rehabilitation Plan B67	The panel finds that a detailed decommissioning and rehabilitation plan is prudent in consideration of the scale of the project.	<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> <div>(a) <u>be prepared in consultation with the Planning Secretary and Council;</u></div> <div>(b) <u>include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3; and</u></div> <div>(c) <u>be prepared consistent with relevant local and State strategic land use planning documents applicable to the site</u></div> <div>(d) <u>describe the measures that would be implemented to:</u><div>(i) <u>decommission the development and rehabilitate the site in accordance with the objectives in Table 3;</u></div><div>(ii) <u>minimise and manage the waste generated by the decommissioning of the development;</u></div><div>(iii) <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></div><div>(iv) <u>include a program to monitor and report on the implementation of these measures against the detailed completion criteria;</u></div><div>(v) <u>ensure that best practice is employed in respect of utilising available recycling technologies.</u></div></div>					
Decommissioning And Rehabilitation Plan B62 to become B68.	<div>Not considered appropriate to provide discretion in the removal of above ground wind turbine infrastructure.</div> <div>Reinforce that mature vegetation must be capable of being grown over existing pads.</div>	<div>Table 1 Rehabilitation Objectives</div> <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</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	
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Environmental Management Strategy C1.	Reinforce the need to keep the community informed.	(d) <u>Include an ongoing community communication plan that sets</u> out the procedures that would be implemented to: (i) Keep the local community and relevant agencies informed about the operation and environmental performance of the development, <u>including how often and when information will be made available;</u>																				
NOTIFICATION OF DEPARTMENT C7.	Inclusion of Council for notification.	Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify Council and the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.																				
FINAL LAYOUT PLANS C8.	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.	(d) Showing comparison to the approved layout; <u>and</u> (e) <u>the final design and layout of the battery energy storage system, including the following information:</u> (i) <u>site plan(s);</u> (ii) <u>elevations;</u> (iii) <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> (iv) <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> (v) <u>design details that demonstrate consideration of articulation, modulation and visual screening.</u>																				
ACCESS TO INFORMATION C15.	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 (other than the Fire Safety Study and Emergency Plan;);																				