

Attachment A

Pottinger Wind Farm (SSD-59235464)

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
DEFINITIONS			
DEFINITIONS	To provide clarity about the wind monitoring masts included within the definitions of both "ancillary infrastructure" and "pre-construction minor works".	Ancillary infrastructure – All project infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices and compounds, underground and overhead electricity transmission lines, accommodation camps, communication cables (including control cables and earthing), permanent wind monitoring masts and internal roads	Noted
	For all references to the BCA (Building Code of Australia) to be updated to NCC (National Construction Code).	BCA – Building Code of Australia National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board	Noted
	Term not used in the conditions.	CEEC – Critically endangered ecological community, as defined under the BC Act or EPBC Act	Noted
	Updated to reflect correct agency name.	The Energy Corporation of NSW	Noted
	NEW DEFINITION Definition added to address possible staging of the development.	Final Layout Plan A plan prepared in accordance with condition C8	The Department refers the Commission to its comments on Conditions C8 to C11.
	NEW DEFINITION Definition added to address possible staging of the development.	Interim Layout Plan A plan prepared in accordance with condition C10	The Department refers the Commission to its comments on Conditions C8 to C11.
	To address the Applicant's concerns regarding pre-construction minor works.	Pre-construction minor works – Includes the following activities: <ul style="list-style-type: none"> • surveys; • overhead line safety marking; • building and road dilapidation surveys; • investigative drilling, excavation or salvage and geotechnical investigation works; • minor clearing or translocation of native vegetation; • establishing temporary site office (in locations meeting the criteria identified in the conditions of this consent) • installation of environmental impact mitigation measures, fencing, enabling works; • temporary wind monitoring masts; and • construction of minor access roads and minor adjustments to services/utilities, etc 	Noted.
	NEW DEFINITION Staging Report		
PART A			
COMMUNITY ENHANCEMENT A19.	Defining VPA upon first use. Additional wording to capture any other agreement(s) of VPA terms offered by the Applicant and agreed to by either Council following determination. 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 Voluntary Planning Agreement (VPA) with Council in accordance with: (a) Division 7.1 of Part 7 of the EP&A Act; and (b) the terms of:	Amendments to the condition are noted. 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 the note could be addressed in the Commission's Statement of Reasons.

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		(i) agreement between the Applicant and Hay Shire Council dated 11 April 2024 (as summarised in Appendix 3), or other such terms that may be offered by the Applicant and agreed to by Council; and (ii) agreement between the Applicant and Edward River Council dated 11 April 2024 (as summarised in Appendix 3), or other such terms that may be offered by the Applicant and agreed to by Council. <i>Note: Public notice of the VPA must be undertaken in accordance with EP&A Act and EP&A Reg.</i>	
PART B			
LIGHTING B3.	Updated to latest version of the Standard.	(iv) complies with Australian/New Zealand Standard AS/NZS 4282: 2019 2023 : <i>Control of Obtrusive Effects of Outdoor Lighting</i> , or its latest version.	Noted
	Hay Shire Council, as the aerodrome operator, should be party to all discussions and agreements.	(f) consult with Hay Shire Council as the operator of Hay Aerodrome.	Noted
	Sentence removed, given that lighting would be installed 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.	Noted
VARIATION OF CONSTRUCTION HOURS B7.	Consultation with Councils added to address Council concerns.	The hours of construction activities specified in condition B5 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be: ... (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of notification of consultation with Councils (and notification of other relevant agencies) has been and will be undertaken; ...	The Department does not support these amendments. The Department functions as the agency responsible for compliance. While Council would still be notified of any variations to the hours of construction activities, and the Department would consider whether consultation commensurate with the scope of activities has been completed before approving any such request. Note, given the span of the project, suggest updating the wording in (c) to "notification to the relevant Council".
SOIL AND WATER WATER SUPPLY NEW CONDITION B18. <i>(Recommended condition B18 becomes B19)</i>	Proposed new condition to ensure the project's water needs are adequately sourced and supplied.	<u>Prior to the commencement of any construction the Applicant is to prepare a Water Sourcing Plan in consultation with the Water Group and relevant local Councils which details:</u> 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 mechanising to be implemented should water sourcing availability change during construction;</u> <u>The Applicant must implement the Water Sourcing Plan.</u>	The Department recommends that the current condition B18 remains as recommended: <i>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.</i> <i>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).</i> The Department considers that the intended outcome would be appropriately addressed through the implementation of the objective-based condition, and that the new condition is not required. As noted in the Department's recommended conditions, the Applicant 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 DCCEEW Water Group. Overall, the Department considers that the condition B18 as recommended by the Department adequately captures the Commission's intended outcome.
NEW CONDITION B20.	Proposed new condition to ensure the correct assessment and approval process is followed for any potential aquifer interference.	<u>Aquifer Interference</u> <u>B20. Prior to commencement of any 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 hydrogeological 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>	The Department considers that the intended outcome is addressed by legislation (as noted in the note to recommended condition B19). If adopted, the Department suggests the following amended wording: <i>'Prior to the commencement of any construction'</i>
NEW CONDITION B21.	Proposed new condition considered prudent to ensure potential soil and erosion impacts are mitigated and controlled.	<u>Soil and Water Management Plan</u> <u>B21. Prior to commencing any construction, unless an environmental protection licence is already in place for the development, the Applicant must</u>	The Department does not support the additional requirement for a Soil and Water Management Plan.

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<i>(Recommended condition B19 becomes B22, etc.)</i>		<p><u>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 C19 (Access to Information);</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> 	<p>The Department notes that the NSW 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.</p> <p>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.</p> <p>If this condition is adopted, the Department recommends removal of the requirement to consult with DCCEEW Water (Water Group) to prepare and implement the plan, noting they have not requested preparation of a Soil and Water Management Plan.</p>
<p>HERITAGE TEST EXCAVATIONS B34.</p> <p><i>(Recommended condition B31.)</i></p>	<p>To address the Applicant's concerns and its submission to the Commission (on 1 July 2025 – linked here) that its heritage consultant has confirmed that there will be opportunities to revise the draft Archaeological Research Design and Test Excavation Methodology to provide an improved outcome.</p>	<p>Prior to carrying out any works associated with the development that could directly or indirectly impact the heritage items identified in condition B30, the Applicant must undertake test excavations including:</p> <p>...</p> <p>(d) in accordance with the <u>draft</u> Archaeological Research Design and Test Excavation Methodology (6 December 2024) <u>or another research design and test excavation methodology agreed in consultation with the Planning Secretary and Heritage NSW.</u></p>	<p>The Department notes the intent of this condition to allow an alternate research design and test excavation methodology. The Archaeological Research Design and Test Excavation Methodology (6 December 2024) in the EIS is not labelled as a draft. To avoid confusion, we recommend the removal of the word 'draft'.</p> <p>The Department considers consultation with Heritage NSW and the agreement by the Planning Secretary would be appropriate if an alternative methodology is proposed. This approach would align with the other management plans and strategies subject to approval by the Planning Secretary.</p> <p>The Department recommends the alternate condition:</p> <p><i>(d) in accordance with the draft Archaeological Research Design and Test Excavation Methodology (6 December 2024) <u>or another research design and test excavation methodology prepared in consultation with Heritage NSW and agreed with by the Planning Secretary.</u></i></p>
<p>TRANSPORT STRATEGY B39.</p> <p><i>(Recommended condition B36.)</i></p>	<p>(d): To ensure that all structures, including stock grids, are appropriately assessed.</p> <p>(f): To consider impacts on existing enterprises and agricultural operations,</p> <p><i>And</i></p> <p>To ensure that impacts to opposing and following traffic is appropriately managed if an alternative haulage route is selected.</p>	<p>Prior to transport of high-risk heavy vehicles requiring escort, the Applicant must prepare a Transport Strategy to the satisfaction of the Planning Secretary. The Transport Strategy must:</p> <p>...</p> <p>(d) include bridge and culvert <u>an assessment of bridges, culverts, stock grids and other structures that may be impacted by heavy vehicles</u> to ensure that bridges and culverts <u>such structures</u> can accommodate heavy vehicles requiring escort associated with the development;</p> <p>...</p> <p>(f) include a protocol to manage impacts to opposing and following traffic on the Barrier Highway and the Cobb Highway, <u>particularly traffic relating to agricultural and other industries</u>, between Wilcannia and Hay <u>(or any other relevant roads as part of the transport route)</u> during transport of high-risk heavy vehicles requiring escort;</p>	<p>The Department notes that the intent of the Transport Strategy is to manage high risk heavy vehicles requiring escort travelling along the Barrier and Cobb Highways. This is because the frequency of new rest stops and passing bays to be constructed within the Barrier and Cobb Highways would be reviewed and confirmed once final equipment and vehicle specifications are identified.</p> <p>The Transport Strategy is not intended to be an all-encompassing strategy for local roads or non-OSOM traffic movements, which is best managed through the recommended Traffic Management Plan in Condition B42. The Traffic Management Plan would be prepared in consultation with TfNSW and Councils, and is the appropriate management plan to address concerns about local and agricultural traffic.</p> <p>Non-OSOM heavy vehicles regularly travel on the State and local road network and are not considered to pose risks to such infrastructure. The Department also notes that the dilapidation surveys required for the project in accordance with recommended condition B40 would repair and/or make good any development-related damage to local roads, including to bridges, culverts, stock grids and other structures.</p> <p>With this context, the Department:</p> <ul style="list-style-type: none"> • suggests for (d), if this wording is adopted, reference to 'heavy vehicles' is updated to 'heavy vehicles requiring escort'; and • does not support the proposed changes to (f).

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TRANSPORT STRATEGY B40. (Recommended condition B37.)	Transport of items to site may not require an escort, however, could require approval by the relevant road authority.	Prior to the use of heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and road upgrades be constructed (including for any road upgrades that may be required from port of origin to site).	As per the above, the Department notes that the intent of the Transport Strategy is to manage high risk heavy vehicles travelling along the Barrier and Cobb Highways. Vehicle movements not in the category would already be managed in line with the recommended Traffic Management Plan in Condition B42. The original wording of the condition would allow for heavy vehicles to access the construction sites to construct the road upgrades prior to heavy vehicles requiring escort being permitted to access the site. The proposed change would render the proposed road upgrades non-constructable, as the heavy vehicles required to construct the road upgrades would not be permitted to travel to the construction sites prior to the road upgrades being constructed. With this context, the Department does not support the changes to this condition.
ROAD UPGRADES B41. (Recommended condition B38.)	To ensure road upgrades achieve Austroads Guide to Road design standards.	Unless the Planning Secretary agrees otherwise, the road upgrades identified in Table 1 of Appendix 5 must be implemented <u>to minimum Austroads Guide to Road design</u> by the Applicant in accordance with the relevant timing requirements, to the satisfaction of the relevant road authority.	Noted. The Department notes that Appendix 5 of the recommended conditions also includes requirements to comply with Austroads Guide to Road Design (as amended by TfNSW supplements).
ROAD UPGRADES B42. (Recommended condition B39.)	Sentence about the standard of road upgrades added to address Council concerns.	The road upgrades identified in the Transport Strategy in condition B39 must be implemented in accordance with the responsibilities and the relevant timing requirements, to the satisfaction of the relevant road authority. <u>The standard of any upgraded road upon completion of construction must be agreed with the relevant road authority in the development of the Transport Strategy.</u>	Noted. The Department notes that this only applies to the road upgrades that would be required prior to the transport of high-risk OSOM.
TRANSPORT MANAGEMENT PLAN B45. (Recommended condition B42.)	To ensure coordination of transport scheduling and minimise cumulative impacts of wind farm developments in the SW REZ. <i>And</i> To ensure that impacts to opposing and following traffic is appropriately managed if an alternative haulage route is selected. <i>And</i> To capture all possible weather conditions.	(a) details of the haulage routes s to be used for all development-related traffic; ... (c)(vi) minimising potential cumulative traffic impacts with other State significant development projects along the access route during construction, including consultation <u>and scheduling transportation of the development's turbines and all other construction materials</u> with TfNSW regarding their projects; ... <u>(vii) minimising potential disruption to primary production/agricultural activities and local traffic movements along the transport route;</u> ... (xiv) <i>(formerly xiii)</i> a protocol to manage impacts to opposing and following traffic on the Barrier Highway and the Cobb Highway between Wilcannia and Hay <u>(or any other relevant roads identified in the Transport Strategy)</u> during transport of high-risk heavy vehicles requiring escort; ... (xvi) <i>(formerly xv)</i> responding to local climate conditions that may affect road safety such as fog, dust, wet inclement weather and flooding;	Amendments to (a), and (c)(vi) are noted. The Department does not support the changes to (vii), as the recommended condition (vii) already requires the traffic management plan to minimise potential conflict with stock movements... and other road users. Amendment to (xiv) <i>(formerly xiii)</i> is noted. Amendment to (xvi) <i>(formerly xv)</i> is noted.
AVIATION NOTIFICATION OF AVIATION AUTHORITIES B48. (Recommended condition B45.)	This change has been made given correspondence provided by the Applicant from Airservices Australia (linked here) that confirms a 7-month lead time is not required, and to address Council concerns.	At least 7 months Prior to the commencement of construction of any wind turbine or wind monitoring mast, the Applicant must consult with Airservices Australia to secure a commercial agreement for amendments required to air routes H247 and W762, and the Hay aerodrome 25 nm MSA instrument procedure, <u>and consult with Hay Shire Council regarding the 25 nm MSA procedure.</u> The Applicant must provide evidence to the Planning Secretary that the commercial agreement is in place.	Noted. The Department notes that previous advice from AirServices confirmed satisfaction with the 7 month timeframe. However, if Someva has provided evidence of agreement from AirServices that the 7 month period is not required, the Department notes and raises no concerns about the proposed change to this condition.
HAZARDS OPERATING CONDITIONS – ACCOMMODATION CAMP B56. (Recommended condition B53.)	To address Council concerns that it should be notified and the local emergency management committee should be informed of the construction activities prior to and during the works.	For the accommodation camp, the Applicant must: ... (d) notify <u>the local Council and</u> the relevant local emergency management committee following <u>prior to and on</u> completion of construction of the development, and prior to commencing operations.	Noted. Notification of the local Council is supported. The Department does not support amending the condition to require notification prior to commencement of construction. Notification prior to commencing operation of the accommodation village is considered reasonable as the condition pertains to the operating conditions of the camp.

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EMERGENCY PLAN B57. (Recommended condition B54.)	To address Council concerns that the local emergency management committee needs to be informed of the construction activities prior and during the works, <i>And</i> Ensure council is provided with a copy of the Emergency Plan.	Prior to commencing construction of the wind farm (including the accommodation camp) and commissioning of the battery storage, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, including an evacuation plan for the accommodation camp, in consultation with <u>the relevant local emergency management committee</u> , RFS and the NSW State Emergency Service, and provide a copy of the plan to the local Fire Control Centre, and FRNSW <u>and local councils</u> .	Following the development of the recommended conditions, consultation with the NSW State Emergency Service (on other projects) has identified that this agency does not to be consulted in relation to post approval management plans. As such the Department recommends further amendment to this condition as follows: <i>Prior to commencing construction of the wind farm (including the accommodation camp) and commissioning of the battery storage, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, including an evacuation plan for the accommodation camp, in consultation with <u>the relevant local emergency management committee and the</u> RFS and the NSW State Emergency Service, and provide a copy of the plan to the local Fire Control Centre, and FRNSW, <u>the NSW State Emergency Service and local councils</u>.</i> The Department notes that the Emergency Plan may contain security sensitive information and recommends that Council confirms how this information is to be managed.
WASTE B59. (Recommended condition B56.)	Additions to the recommended condition to ensure (a) a Waste Management Plan is prepared in consultation with relevant Councils to manage waste disposal in a way that does not burden Council's waste facilities, and (g) ensure an agreement is in place with Council if required, as requested by Hay Shire Council.	The Applicant must: a) <u>prepare and implement a Waste Management Plan prior to commencing construction which must:</u> (i) <u>be prepared in consultation with Hay Shire Council, Edward River Council and Energy Corporation NSW;</u> (ii) <u>be consistent with the EIS;</u> (iii) <u>identify opportunities to maximise recycling of wind turbine related waste;</u> (iv) <u>identify appropriately licensed waste and resource management facilities at which waste disposal and recycling will take place;</u> (v) <u>identify the location and method of storing lithium-ion batteries if immediate recycling is not possible; and</u> (vi) <u>include a description of the measures that will be implemented to ensure that the objectives of condition B59(b)-(g) below are achieved;</u> b) minimise the waste generated by the development; c) classify all waste generated on site in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version); d) store and handle all waste generated on site in accordance with its classification; e) not receive or dispose of any waste on site; f) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal; and g) <u>if Council waste facilities are to be used, enter into a Waste Management Agreement with the relevant Council.</u>	The Department does not support the additional requirement for a Waste Management Plan. The Department notes that Applicant is already required to transfer generated waste to a suitably licensed waste facility that has capacity and capability to accept the identified waste stream. It remains the responsibility of the Applicant and the waste facility operator to ensure waste is transported to an appropriate location and managed correctly from that point. Should the Waste Management Plan be required, the Department strongly recommends that sub-condition (g) to enter into a Waste Management Agreement with Council is not necessary, given that the Council would be consulted in the preparation of the Plan.
ACCOMMODATION CAMP B61. (Recommended condition B58.)	To address Council concerns that the local emergency management committee needs to be informed of the construction activities prior and during the works.	Prior to commencing construction of the accommodation camp, the Applicant must prepare an Accommodation Camp Management Plan in consultation with Council. Unless the Planning Secretary agrees otherwise, the plan must: ... (f) include measures to provide the camp with health and medical services and to notify the relevant health authorities <u>and local emergency management committee</u> of the final measures; and	Noted. Notification of the local emergency management committee is supported.
ACCOMMODATION AND EMPLOYMENT STRATEGY B62. (Recommended condition B59.)	To address Edward River Council's request that the Applicant investigate legacy housing, such as adaptive reuse of short-term housing and invest in longer-term community housing.	Prior to commencing construction, the Applicant must prepare and implement an Accommodation and Employment Strategy for the development in consultation with Councils, and to the satisfaction of the Planning Secretary. This strategy must: ... <u>(e) investigate options for providing accommodation that could be repurposed to provide future long-term housing in the community.</u>	The Department does not support the additional sub-condition. The EIS and the Department's assessment and recommendation has not considered the ongoing use of the accommodation facility. For example, whether ongoing residential use is consistent with the permitted uses and objectives of the current zoning. Continued use of the workers accommodation may also face several practical and amenity-based considerations noting its location near ancillary infrastructure for the project, including electrical substations.

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			Should this sub-condition be included, the Department recommends the following amendment, to clarify that the accommodation facility would not be re-used for housing in its proposed location: <i>(e) investigate options for providing accommodation <u>facility infrastructure</u> that could be <u>relocated and</u> repurposed to provide future long-term housing in the community.</i>
	To address Edward River Council's request that it be provided with a copy of the strategy. Hay Shire Council has also been included for completeness.	The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary <u>(and to Hay Shire Council and Edward River Council following endorsement by the Planning Secretary)</u> , prior to commencement of construction, and implement the plan throughout construction and operation of the accommodation camp.	The Department notes these documents will be prepared in consultation with councils and made publicly available as per Condition C19. The Department does not consider the revisions to the condition to be required.
DECOMMISSIONING AND REHABILITATION	Heading change (above recommended condition B60)	Rehabilitation Objectives – <u>Accommodation C</u> amp Decommissioning	The Department does not support this revision. The Department notes that this section, as drafted, relates to decommissioning activities associated with both the accommodation camp and wind farm. Headings in tables currently delineate between decommissioning activities associated with the accommodation camp and wind farm.
DECOMMISSIONING AND REHABILITATION OBJECTIVES – TABLE 2	To require the investigation of repurposing of infrastructure.	Add dot-point to 'objective' column: • <u>Repurpose accommodation camp infrastructure where possible to service surrounding developments, and/or be reused by Council within the wider community</u>	Please see prior comment regarding continued / ongoing use of the accommodation facility. The Department does not support the insertion of this objective, as the rehabilitation objectives in Table 2 pertain to the rehabilitation of the site on which the Accommodation Camp is located. The Department contends the proposed addition to Condition B62 sufficiently address the Commissions intent.
NEW CONDITION B64.	The Panel finds that a detailed decommissioning and rehabilitation plan is prudent in consideration of the scale of the project.	<u>Decommissioning and Rehabilitation Plan</u> <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 B63. At a minimum, the plan must be updated by the Applicant after 15 years into operation and within 2 years prior to decommissioning. The plan must:</u> a) <u>be prepared in consultation with the Planning Secretary and Councils;</u> b) <u>include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3; and</u> c) <u>be prepared consistent with relevant local and State strategic land use planning documents applicable to the site</u> d) <u>describe the measures that would be implemented to:</u> (i) <u>decommission the development and rehabilitate the site in accordance with the objectives in Table 3;</u> (ii) <u>minimise and manage the waste generated by the decommissioning of the development;</u> (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> (iv) <u>include a program to monitor and report on the implementation of these measures against the detailed completion criteria;</u> (v) <u>ensure that best practice is employed in respect of utilising available recycling technologies.</u>	The Department does not consider that a Decommissioning and Rehabilitation Plan is required. The recommended conditions require the Applicant to rehabilitate the site in accordance with a number of objectives listed in recommended 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.
B65.	Addition of a new heading above condition B65 for clarity.	<u>Rehabilitation Objectives – Development Site</u>	The Department does not support this revision. Please see prior comment on amendment of headings.
PART C			
ENVIRONMENTAL MANAGEMENT C1.	Reinforce the need to keep the community informed.	Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:	The Department considers that a community communication plan is not required, as the intended outcome is covered by recommended Condition C15.

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		... (d) <u>include an ongoing community communication plan that</u> sets 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> ; ...	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. Condition C15(b) requires that the Applicant keep this information up to date.
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS C4.	The basis for this condition is unclear. The Commission considers that condition C3 provides the mechanism. The Commission is seeking the Department's consideration of if the deletion of this condition would have unintended consequences.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	The Department does not support removing this condition. This condition provides required flexibility for the Planning Secretary to manage the approval of plans subject to project staging. In considering changes to plans as a result of staging, the Department can and does direct the Applicant to carry out consultation with parties commensurate to the revisions proposed prior to approving any plan. This condition also allows for minor or administrative amendments to be considered in a timely fashion at the Planning Secretary's discretion.
NOTIFICATIONS NOTIFICATION OF DEPARTMENT C7.	Inclusion of Council for notification. Removal of sentence and replacement with proposed new conditions C9 – C12 (refer below).	Prior to commencing the construction, commissioning, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the <u>Councils and</u> Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase. If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.	Noted. The Department does not object to Council being notified, however it is not possible for the Applicant to notify Council through the Major Projects portal. For clarity, the Department recommends that the revised condition is amended as follows: <i>Prior to commencing the construction, commissioning, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the <u>Councils and</u> Department in writing via the Major Projects website portal <u>and relevant Councils in writing</u> of the date of commencement, or cessation, of the relevant phase.</i> The Department does not support the removal of the requirement to notify the Department of the commencement of project stages, as this can create difficulties and complexities for appropriate post approval and compliance monitoring.
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 by specifying a 'final' set of drawings.	h) (d) showing comparison to the approved layout; <u>and</u> i) (c) the final design and layout of the battery energy storage system, including the following information: (i) site plan(s); (ii) elevations; (iii) 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); (iv) a stormwater drainage report and plans prepared by a suitably qualified and practicing hydraulic engineer consistent with the conditions of this consent; and (v) design details that demonstrate consideration of articulation, modulation and visual screening. The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.	Note to the IPC: The Department assumes the grey highlighted text is intended to be bold and read as the additional recommended text from the IPC. The Department does not support the inclusion of the additional sub-condition. The Department considers that the Commission's intended outcome is covered under the recommended condition, and the additional sub-conditions would exceed the scope of this condition. The Department notes that the recommended conditions require the Applicant to provide both a final layout plan (recommended Condition C8) and a Fire Safety Study (recommended Condition B48) which provide further detail on the final configuration of the development, including the battery storage system (BESS) design. The Department notes that the sub-condition may result in the potential inclusion of commercially and security sensitive information in the final layout plan, as these plans are required to be made publicly available under recommended Condition C15. The Department's Hazards Team has previously advised (on prior wind farm projects) that the Fire Safety Study and Emergency Plan would be likely to contain 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). The Department does not support condition C8(c)(iv). The Department considers that the risk of erosion and sediment generation would be appropriately managed under recommended

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in striketrough)	DPHI Comments
			Condition B20 and does not consider that an additional stormwater drainage report and plans is warranted. In regard to condition C8 (c)(v), the Department queries the meaning of 'articulation' and 'modulation', noting these terms are not defined in the recommended conditions, EIS, or the Department's Assessment Report. It is noted the BESS is located 3.6 km from the nearest point of Jerilderie Road.
NEW CONDITION C9 – C12.	<p>Given that EnergyCo have granted the Applicant access to the electricity grid for a maximum of 832.1 MW (and not the full 1,300 MW capacity sought by the Applicant), the Commission understands that the Applicant may choose to stage the project to meet the current access granted.</p> <p>The Commission notes that in its submission to the Commission dated 12 June 2025 (link) the Applicant sought changes to the Department's recommended conditions to facilitate project staging.</p> <p>The proposed new conditions are intended to allow the Applicant to stage the development of the project in a way that minimises environmental impacts whilst delivering a practical layout.</p>	<p><u>Staging of development and Interim Layout Plans</u> <u>C8. Instead of complying with condition C8, the Applicant may instead carry out the development in stages. Each stage of the development must be designed to minimise environmental impacts to the greatest extent practicable, including avoidance of Plains Wanderer habitat where feasible.</u> <u>C9. Prior to each proposed stage of the development, the Applicant must:</u> a) <u>notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage;</u> b) <u>submit a detailed Interim Layout Plan of the stage of the development to the Department via the Major Projects website that, to the extent relevant to the stage, complies with the requirements of a Final Layout Plan under condition C8; and</u> c) <u>provide the Department and each Council a schedule of which road upgrades referred to in Table 1 of Appendix 5 relate to the relevant stage.</u> <u>Note: The provision of the schedule of road upgrades under condition C9(c) does not change the timing requirements under Table 1 of Appendix 5, but may inform the Planning Secretary's discretion under condition B41 to agree to alternative timing for the road upgrades.</u> <u>C10. The Applicant must ensure that each stage of the development is constructed in accordance with the Interim Layout Plan for that stage.</u> <u>C11. If the Applicant stages the development under condition C8, any reference to the Final Layout Plans in these conditions of consent is taken to be a reference to an Interim Layout Plan.</u></p>	<p>The Department does not support the inclusion of conditions C8-C11 to impose additional conditions around the staging requirements for a project. It is noted that:</p> <ul style="list-style-type: none"> The mechanism to stage the development is already available via recommended Condition C3 for this project. Similar wind and electricity infrastructure projects have successfully staged development from wording in this condition and demonstrated to be feasible, enforceable and achievable. The amended condition introduces opportunities for inadvertent non-compliance and potentially redundant administrative updates to plans. <p>Should the Commission consider further clarity on the Staging Report referenced in Condition C3 is required, the Department recommends including the definition of the Staging Report in the Table of Definitions as below:</p> <p><u>A report describing the staged development of the project as per Condition C3 of this consent. Setting out:</u></p> <ul style="list-style-type: none"> <u>how the development will be staged, including details of activities to be undertaken in each stage and the general timing of when each stage will commence;</u> <u>how compliance with conditions will be achieved across and between each stage of the development.</u>
INCIDENT NOTIFICATION C13.	Council should be advised of any incidents.	The Applicant must notify the Department <u>and the relevant Council</u> within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including...	The Department does not support this addition. The Department remains the appropriate regulatory authority. Relevant information will be made publicly available as per condition C15.
APPENDIX 8 – INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS WRITTEN INCIDENT NOTIFICATION REQUIREMENTS	Council should be advised of any incidents.	1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects) <u>and to the relevant local council.</u>	The Department does not support this addition. The Department remains the appropriate regulatory authority. Relevant information will be made publicly available as per condition C15.

CLARIFICATIONS

The Commission is seeking clarification from the Department about the following conditions:

Condition No.	Commission's Question	DPHI Comments
MICRO-SITING RESTRICTIONS A8(b).	Why has a micro-siting distance of 300 metres from the relevant GPS coordinate been proposed? The Commission notes that recommended conditions for other recent wind farm applications allow for micro-siting only up to 100 metres.	<p>The provision of a 300m micro-siting envelope has been recommended as a method to further increase avoidance of impacts to heritage and biodiversity values.</p> <p>The 300m micro-siting envelope has been based upon the area assessed by the Applicant. The proposed mitigation measures and biodiversity offsets reflect impacts associated with the 300m corridor. Micro-siting would be restricted by the defined development envelope and is unlikely to result in additional impacts beyond unexpected heritage or biodiversity finds.</p> <p>Any amendments to the required biodiversity offsets as a result of additional avoidance within the 300, envelope will require consideration under recommended condition B27.</p>
A19. AND APPENDIX 3 GENERAL TERMS OF THE APPLICANT'S VPA OFFER	<p>Comment from Edward River Council: <i>"Council notes that one of the general terms of the VPA offer is that 20% of the funding for the first five years of the project is to be spent within 20km of the site. Due to the remote nature of the site, it is unlikely that there are projects within this 20km radius that warrant the expenditure of the approximately \$2.2M in funding that would be available under this condition. Council requests that requirements regarding expenditure of funds under the VPA are included in the governance structure to be determined between Council and the Applicant."</i></p> <p>The Commission would like to allow for this flexibility. Could the Department please advise how this could best be achieved (i.e. amending A19 to: "...or other such terms that may be offered by the Applicant and agreed to by Council").</p>	The Department considers that this has been addressed by the Commission's proposed changes to Condition A19.
VISUAL IMPACT MITIGATION B1.	<p>Condition B1 requires the Applicant to implement visual impact mitigation measures if requested by the owner of any non-associated residence within 5.5 km of any wind turbine. Given the limited number of receivers within the 5.5 km boundary, and following statement from the Department's Assessment Report (Executive Summary, page iii), is Condition B1 required?</p> <p><i>There are two non-associated receivers located within 5.5 km of the nearest proposed turbine (within the blue line of the Visual Assessment Bulletin). These dwellings benefit from distance and screening from existing mature vegetation between viewpoints and the project site. The visual performance objectives set out in the Wind Energy Guideline and associated Visual Assessment Bulletin are achieved at all receivers.</i></p>	Yes, as Condition B1 enables replacement or additional augmentation of screening in response to changes in assessed visual screening, for example full or partial vegetation die back.
BIODIVERSITY OFFSETS B27. (Recommended condition B24)	Please clarify the difference between conditions (a) and (b). Has this condition been recommended by a government agency?	<p>Part (a) reflects a requirement to deliver the offset liability as set out in Appendix 6 while Part (b) provides timing restriction (aka prior to impact) to. The Department notes the Minister for Environment recently provided concurrence on biodiversity offset requirements for another wind farm project. The Department has adopted this recent wording with some adjustments and recommends the following to replace conditions B24 to B26:</p> <p><u>New B24. Prior to carrying out any development that would impact on biodiversity values, the Applicant must retire the number and class of biodiversity credits specified in Tables 1 and Table 2 of Appendix 6, unless otherwise varied in accordance with condition B26 and subject to any approved staging under Condition C3.</u></p> <p><u>New B25. The retirement of the biodiversity credits in condition B25 must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:</u></p> <p><u>a. acquiring or retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016;</u></p> <p><u>b. making payments into an offset fund that has been developed by the NSW Government; or</u></p> <p><u>c. funding a biodiversity conservation action that would benefit the relevant threatened species or ecological community and is listed in the ancillary rules (as amended from time to time) of the NSW Biodiversity Offset Scheme.</u></p>

Condition No.	Commission's Question	DPHI Comments
		<p><u>New B26. The Applicant may seek the Planning Secretary's approval in writing to change the number and class of biodiversity credits required to be retired under B24 only if:</u></p> <p>a. <u>the change in biodiversity credits is due to:</u></p> <p>i. <u>a change to the impacts on biodiversity values within the development corridor assessed in the BDAR; and/or</u></p> <p>ii. <u>the results of further surveys or an expert report undertaken for species with assumed presence in the BDAR; and</u></p> <p>b. <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></p> <p>c. <u>the revised calculation is approved by the Planning Secretary prior to the commencement of any works that would impact on biodiversity values, subject to any approved staging under condition C3.</u></p> <p>The implementation of this condition will require concurrence to be provided by the NSW Minister for the Environment to the Independent Planning Commission, in accordance with s 7.14(3A) of the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The Department also notes that an amended BAM-C credit report will be provided by the Applicant to correct a system error in the BAM-C which under calculated offset credits for certain PCTs and species.</p>
TRANSPORT STRATEGY B39. <i>(Recommended condition B36)</i>	Given that the transport route for heavy vehicles requiring escort is proposed to originate from the Port of Adelaide, is coordination or consultation with South Australian agencies required?	<p>As a NSW Government department, the Department can only consider planning and development activities that occur within NSW or the unincorporated area of the State.</p> <p>Accordingly, the Department is not able to recommend conditions of consent for activities that would not occur within NSW.</p> <p>The Applicant is responsible for undertaking any required coordination or consultation with agencies in other states, including the South Australian Government to ensure South Australian transport and road requirements are met. Further certainty around this aspect cannot be provided as part of the consent.</p> <p>The Applicant has advised they are in ongoing discussions with the Department for Infrastructure and Transport of South Australia on the transport route from the Port of Adelaide.</p>
	<p>Hay Shire Council have requested that this condition be amended to include any road that may be impacted as a result of the development (not restricted to the transport route). Is the Department confident that impacts to local roads from regular use by Project vehicles (such as water carts etc) can be addressed through the Transport Strategy?</p> <p>Similarly, would the bridge and culvert assessment required by (d) also consider impacts to local roads by heavy vehicles associated with the Project.</p>	<p>As previously described, the intent of the Transport Strategy is to manage high risk heavy vehicles requiring escort travelling for long distances along the Barrier and Cobb Highways. The Transport Strategy would contain strategic designs, management measures and appropriate delay times to manage following and/or oncoming traffic on the Barrier and Cobb Highways and is not intended to be an all-encompassing strategy for local roads or non-OSOM traffic movements, which the Department contends is best managed through the Traffic Management Plan in recommended Condition B42.</p> <p>As a result, the Department does not consider that the Transport Strategy is relevant for impacts to local roads from regular use by project vehicles. The dilapidation surveys required for the project in accordance with recommended Condition B40 would repair and/or make good any development-related damage to local roads, including to bridges, culverts, stock grids and other structures.</p>
TRAFFIC MANAGEMENT PLAN B45. <i>(Recommended condition B42)</i>	<p>Comment from the Applicant:</p> <p><i>Condition B42 requires a Traffic Management Plan to be in place prior to commencing road upgrades identified in B38. We are supportive of providing a Traffic Management Plan, but it should be required prior to Commencement of Construction. The current requirement which states 'Prior to commencing road upgrades' could delay performance of certain road upgrades.</i></p> <p>Could the Department please advise if this timing is appropriate?</p>	<p>The timing is intentional and developed in consultation with TfNSW and the relevant Councils. Importantly, the Applicant may prepare the TMP in stages, commensurate with the scope of works identified in the Scoping Report under Condition C3.</p> <p>The timing for road upgrades referenced in Condition B38 is described in detail in Table 1 of Appendix 5.</p>

Condition No.	Commission's Question	DPHI Comments
		<p>TfNSW provided feedback to the Department that the construction of some of the proposed road upgrades would result in impacts to intersection functionality and safety of local road users. As a result, the Department developed the road upgrade timing in Table 1 of Appendix 5 based upon the needs of the project and the constructability of the road upgrades.</p> <p>It is noted that during the assessment of the project, the Applicant did not provide sufficient detail on the transport movements associated with the pre-construction minor works phase to rule out the requirement to undertake certain intersection upgrades prior to the commencement of Pre-Construction Minor Works as identified in Appendix 5.</p> <p>Notwithstanding, Condition B38 allows the Applicant to seek a variation in delivering the road upgrades where it can be demonstrated, in consultation with the relevant road authority or land manager that no adverse impacts to the road network.</p>
NOTIFICATION OF AVIATION AUTHORITIES B48. <i>(Recommended condition B45)</i>	What are the impacts to the Project if the Applicant cannot “secure a commercial agreement for amendments required to air routes” with Airservices Australia?	The Department considers this to be a commercial risk for the Applicant to consider outside of the planning approval process. While the Applicant is required to seek the commercial agreement, certainty around this aspect cannot be provided as part of the consent.
APPENDIX 5 HAULAGE ROUTE AND ROAD UPGRADES	Regarding the 'timing' in Table 1, where have these timeframes come from? Were the councils consulted in this?	<p>Where works involve State roads or an intersection with a State road, the Department has carefully consulted with TfNSW as the roads authority on the timing requirements.</p> <p>While the Department has consulted with Councils regarding road upgrades that only include local roads, Councils did not provide any specific comment on the timing of these road upgrades. As a result, the Department developed the road upgrade timing in this table based upon the needs of the project and the constructability of the road upgrades.</p>