New South Wales Government
Independent Planning Commission

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Bullawah Wind Farm

SSD-50505215

Statement of Reasons for Decision

Neal Menzies (Chair)
Suellen Fitzgerald
Michael Wright

1 October 2026

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1. Introduction

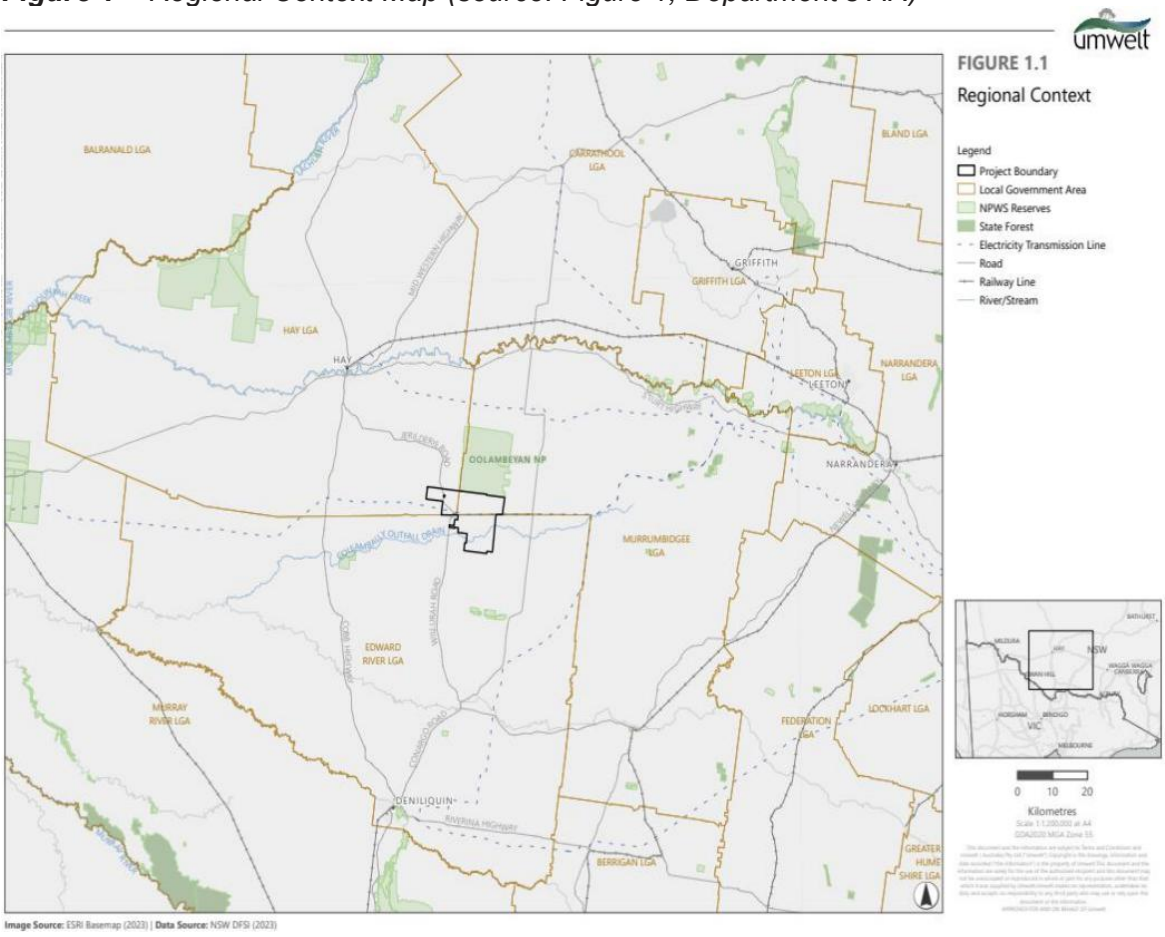
1. On 16 December 2025, the Minister for Planning and Public Spaces (**Minister**) made a request under section 2.9(1)(d) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for the NSW Independent Planning Commission (**Commission**) to conduct a Public Hearing and determine the State significant development (**SSD**) application for Bullawah Wind Farm (SSD-50505215) (**Application**) within 12-weeks of receiving the referral of the NSW Department of Planning, Housing and Infrastructure's (**Department**) Assessment Report (**AR**) in respect of the Application.
2. On 29 July 2026, the Department referred the Application to the Commission for determination. The Application was made by BayWa r.e. Projects Australia Pty Ltd (**Applicant**).
3. The Application seeks approval for the Bullawah Wind Farm (the **Project**) located in the Hay Shire, Edward River and Murrumbidgee Local Government Areas (**LGA**) under section 4.36 of the EP&A Act as it satisfies the criteria under section 20 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**).
4. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the SEPP Planning Systems, the Commission is the consent authority because the Minister directed the Commission to hold a Public Hearing regarding the Application.
5. Andrew Mills, Chair of the Commission, determined that Professor Neal Menzies AM (Chair), Suellen Fitzgerald and Michael Wright would constitute the Commission for the purpose of exercising its functions with respect to the Application.

2. The Application

6. The site is located approximately 28 kilometres (**km**) south-east of Hay in the Riverina region of south-western New South Wales, and is within the South West Renewable Energy Zone (**SW REZ**).
7. The site (**Site**) comprises approximately 20,629 hectares (**ha**). The development corridor includes an area of approximately 4,274 ha, with a total disturbance footprint of 656.5 ha, comprising 637 ha within the development corridor and 19.5 ha associated with off-site road works (refer to **Figure 1** below).
8. The Project involves the construction and operation of a wind farm with an installed generating capacity of up to 804 megawatts (**MW**), consisting of up to 141 wind turbines with a maximum tip height of 300 metres (**m**). The development also includes a 359 MW / 718 megawatt-hour (**MWh**) battery energy storage system (**BESS**), connection infrastructure to the existing 220 kilovolt (**kV**) Transgrid transmission line and the 330 kV Project EnergyConnect transmission line (currently scheduled for commissioning) and associated ancillary infrastructure.
9. Two transport route options have been assessed for the delivery of wind farm components to the Site, with oversized and over-mass (**OSOM**) vehicles travelling from either the Port of Newcastle or Port Adelaide. The transport assessment was undertaken using smaller turbine dimensions (a maximum tip height of 233m, hub height of 148m, and blade length of 80m). Should future road upgrades be undertaken by a third-party that enable the transport of larger turbine components between the relevant port and the Site, the Applicant may elect to install turbines up to the assessed maximum tip height of 300m.

10. The Project is proposed to have a construction timeframe of approximately 35 months, with an additional six- to eight-month period of pre-construction minor works, and an operational life of approximately 30 years.
11. A complete description of the Site and Project can be found at chapters 1 and 2 of the Department's AR.

***Figure 1** – Regional Context Map (source: Figure 1, Department's AR)*



3. Consultation

12. The Commission held meetings with the Department on 12 August 2026; the Applicant, Hay Shire Council and Murrumbidgee Council on 25 August 2026; and Edward River Council on 28 August 2026. Transcripts from these meetings were made publicly available on the Commission's website.
13. The Commission also carried out a Site inspection on 31 August 2026, with notes documenting the inspection made publicly available on the Commission's website.
14. The Commission held a Public Hearing at Deniliquin Town Hall on 1 September 2026, where it heard from 17 community members as well as representatives of the Department, the Applicant, Edward River Council and Hay Shire Council. The Commission also received 35 written submissions. Matters raised in submissions during the Public Hearing and in written submissions are detailed in Appendix A – Community Consultation Report of this Statement of Reasons and have been considered, where relevant to the Commission's functions in relation to this Application, in the Commission's decision-making process.

4. Material Considered by the Commission

15. In this determination, the Commission has given consideration to the:
    - matters raised in public submissions received by the Commission as set out in Appendix A – Community Consultation Report;
    - material and planning framework as set out in Appendix B – Commission's Considerations; and
    - Department's whole-of-government assessment as set out in Appendix C – Department's Assessment Report.

16. The Department's whole-of-government assessment of the Project was undertaken in consultation with 18 government agencies, including the NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation (**CPHR**), National Parks and Wildlife Service (**NPWS**), Transport for NSW (**TfNSW**), Environment Protection Authority (**EPA**), Rural Fire Service (**RFS**), Fire and Rescue NSW (**FRNSW**) and EnergyCo. Several of these agencies provided comments on the Application, and none objected to the Application. Murrumbidgee Council expressed its support for the Project, while Hay Shire and Edward River Councils provided comments. The Commission has considered all of this advice in making its determination.

5. Reasons for the Decision

17. The Commission has determined to grant consent to the Application, subject to the imposed conditions. In reaching this decision, the Commission considered the mandatory matters for consideration under section 4.15 of the EP&A Act, including submissions received in relation to the Application. The Commission is satisfied that the Application is consistent with NSW Government policies supporting the development of renewable energy generation. The reasons for the Commission's decision are set out below.

18. The Commission considers the Project to be particularly well suited to the proposed location, which benefits from a strong wind resource, a sparse population, direct access to the electricity grid, and limited impacts on agricultural activities. The Site is located within the SW REZ, an area identified by the NSW Government as suitable for large-scale renewable energy development due to its high-quality renewable energy resources and proximity to existing and planned transmission infrastructure. The Project would make a substantial contribution to NSW's renewable energy generation capacity and advance government objectives to improve energy reliability, reduce greenhouse gas emissions, and support the transition to a net-zero emissions economy.

19. The inclusion of a BESS will further enhance the Project's benefits by enabling energy generated during periods of high wind availability to be stored and dispatched to the grid during periods of lower generation and/or peak demand. This will strengthen energy reliability, improve energy security, and support the efficient integration of renewable energy into the electricity network.

Traffic and transport

20. The Commission acknowledges concerns raised by Hay Shire Council, other host councils and community members regarding the Project's traffic and transport impacts, particularly during construction, including potential deterioration of local roads such as Jerilderie Road, the safe movement of OSOM vehicles, the adequacy of the Jerilderie Road/Cobb Highway intersection, and broader impacts on the local and regional road network.

21. In response to concerns raised during the Commission's meetings and Public Hearing that Jerilderie Road may not be capable of safely accommodating forecast construction traffic, the Applicant proposed amendments to recommended condition B46 in its submission dated 8 September 2026. The amended condition would require the Applicant to identify any repairs, and preventative improvements, necessary to ensure Jerilderie Road is safe and suitable for development-related heavy vehicle movements, and to complete those works before such movements commence. Having considered the Applicant's proposed amendment, and the Department's advice dated 25 September 2026 regarding the workability, enforceability and potential unintended consequences of the draft conditions, the Commission has imposed a new condition to support road safety outcomes on Jerilderie Road before construction begins and ensure Project-related impacts on the local community are appropriately addressed.

22. In addition, the Commission has imposed a requirement for 12-monthly dilapidation surveys during construction. These surveys must assess road conditions, identify any works required to restore roads to their pre-development condition, and ensure that any necessary repairs are undertaken promptly in consultation with the relevant road authority.

23. Collectively, these measures will help ensure that local road infrastructure is appropriately upgraded and maintained, and that impacts on road users are minimised throughout the life of the Project.

24. The Commission considered Hay Shire Council's concerns regarding the movement of Project-related vehicles approaching from the south along the Cobb Highway. Council submitted that, in the absence of a right-turn lane at the Cobb Highway/Jerilderie Road intersection, development-related vehicles may be required to continue into Hay to undertake turning manoeuvres, resulting in additional traffic impacts on the local road network and within the township of Hay.

25. Having considered Hay Shire Council's submission and the Department's advice dated 25 September 2026, the Commission acknowledges the Department's advice that:

- heavy vehicles, including OSOM vehicles, are proposed to access the Site from the north via Hay and the Cobb Highway and turn left into Jerilderie Road;
- traffic approaching from the south would be limited to quarry-related vehicles, should construction materials be sourced from quarries south of Jerilderie Road;
- the Applicant proposes to predominantly utilise on-site borrow pits and, accordingly, any quarry material requiring transport would be supplementary;
- the Applicant's assessment concluded that upgrades to the Cobb Highway/Jerilderie Road intersection are not required, as quarry vehicles would not undertake a right-turn movement from the Cobb Highway into Jerilderie Road, but rather, where necessary, would undertake a U-turn manoeuvre at the Hay roundabout (at the Sturt Highway/Cobb Highway); and
- under a worst-case scenario in which all construction materials were sourced from southern quarries, up to 108 vehicles per day during the Stage 2 peak, or 103 vehicles per day during the Stage 1 peak, would undertake the U-turn movement.

26. The Department accepted the Applicant's conclusion that these movements could be accommodated on the existing road network, and TfNSW did not require installation of a right-turn treatment at the intersection. The Department also advised that it does not expect significant construction traffic to approach from the south, including having regard to the proposed conditions.

27. The Commission further notes that the Applicant has committed to measures to ensure quarry vehicles do not undertake unauthorised right-turn movements, including a Driver Code of Conduct, GPS monitoring, periodic haulage contractor audits, and CCTV

surveillance at the Cobb Highway/Jerilderie Road intersection. These measures are included in the Applicant's Statement of Commitments.

28. To reinforce the intended use of these transport routes, and to ensure that the U-turn movement is limited to quarry-related traffic travelling from the south via the identified route rather than all heavy vehicles, the Commission has imposed condition B37.

29. Overall, the Commission finds that the transport of wind turbine components and other heavy construction materials can be appropriately managed through the preparation and implementation of a detailed Traffic Management Plan, prepared in consultation with TfNSW, EnergyCo and the relevant local councils along the haulage route, in accordance with conditions. The Plan would confirm the suitability of approved haulage routes for high-risk heavy vehicle movements, including the capacity of bridges, culverts, cattle grids, drainage channels and other road infrastructure, and identify any required mitigation, upgrades or management measures prior to the commencement of construction traffic.

30. The Commission is satisfied that, subject to compliance with the transport-related conditions of consent, the traffic and transport impacts of the Project can be appropriately avoided, minimised and managed. Accordingly, the Commission does not consider these impacts warrant refusal of the application.

Biodiversity

31. The Project is located on approximately 20,629 ha of predominantly grazing land adjoining Oolambeyan National Park. The development footprint would disturb around 656 ha, comprising mostly native grassland and shrubland vegetation that has been subject to long-term grazing (AR, section 6.3.1).

32. The Plains-wanderer, which is listed as endangered under the *Biodiversity Conservation Act 2016* and critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999*, has been recorded within the Project area. Given its conservation status, ongoing population decline, and identification as a species at risk of serious and irreversible impact (**SAII**), the Commission gave particular consideration to the Project's potential impacts on both the species and its habitat.

33. During the assessment process, the conservation of the Plains-wanderer emerged as a key issue. Following exhibition of the Applicant's Environmental Impact Statement (EIS), CPHR and NPWS requested additional information to demonstrate how impacts on SAII entities, particularly the Plains-wanderer and its Important Habitat, would be avoided and minimised. In response, the Applicant undertook further biodiversity assessment work, documenting avoidance and minimisation measures incorporated throughout Project development and informing the preparation of a Plains-wanderer Management Plan.

34. Despite the additional information provided, CPHR maintained its view that the Project was likely to result in a serious and irreversible impact on the Plains-wanderer. In light of the difference of opinion, the Department sought advice from the Independent Expert Advisory Panel for Energy Transition (**IEAPET**). The IEAPET undertook a detailed assessment of the species, including its highly variable population dynamics and the uncertainties associated with potential wind farm impacts. While acknowledging that the Project is located within a key NSW 'stronghold' for the species and that substantial population declines have occurred over time, the IEAPET concluded that the scale of the Project's impacts would not be sufficient to significantly increase the species' risk of extinction. Having considered the IEAPET's advice, the Department formed the view that the Project would not result in a SAII (AR, para 136). On the basis of the IEAPET's advice and the Department's assessment, the Commission is satisfied that the Project would not

result in a serious and irreversible impact on the Plains-wanderer (refer to the Commission's further consideration at *Appendix B – Table 2*).

35. Notwithstanding this conclusion, the Department recognised the potential for cumulative impacts on the Plains-wanderer from future renewable energy developments across the SW REZ. Accordingly, the Department recommended conditions requiring the Applicant to participate in the Regional Plains-wanderer Working Group, established by the IEAPET, and through the Working Group, contribute to the development of a Regional Plains-wanderer Management Strategy to support coordinated monitoring, research and adaptive management across the region.

36. The Commission also heard evidence from the landowner at the Public Hearing regarding the ongoing agricultural use of the Site. The landowner stated that the Project would operate alongside existing farming activities and that the associated income would provide financial security to support the long-term viability of the farming enterprise. The Commission also notes the landowner's evidence that this increased financial certainty would enable more sustainable land management practices through reduced grazing pressure, resulting in improved land resilience and greater flexibility to achieve conservation outcomes (Public Hearing transcript, page 12).

Waste

37. Waste must be managed in accordance with approved waste management requirements. The Commission has imposed conditions requiring any construction or operational waste disposal at Council landfill facilities to be undertaken in accordance with a Waste Management Plan, prepared in consultation with the relevant Council. The Plan must identify measures to maximise waste avoidance, reuse and recycling opportunities. Additional conditions have been imposed to address potential risks and hazards associated with storing of lithium-ion batteries if immediate recycling is not possible.

38. The Commission acknowledges that the three host Councils have varying capacities and levels of willingness to accept Project-generated waste at their waste facilities. Accordingly, the Applicant will be required to enter into waste management agreements where Council facilities are proposed to be used for Project-generated waste.

Cumulative impacts

39. The Commission has considered the cumulative impacts of the Project within the broader context of development across the SW REZ, including potential impacts on biodiversity values (particularly potential cumulative impacts on the Plains-wanderer habitat), road and traffic impacts, social impacts, and hazards such as bushfire. In particular, the Commission has considered the cumulative impacts of renewable energy projects that would utilise the same local road network, including the approved Pottinger Wind Farm. The Commission is satisfied that these cumulative impacts can be appropriately managed and do not warrant refusal of this Application.

Other issues

40. The Commission considered other issues relating to the energy transition, social and economic impacts and benefits, worker accommodation, visual impact, noise and vibration, water use, hazards and risks, bushfire, flooding, contamination, heritage, aviation, dust, blade throw, telecommunications, and decommissioning and rehabilitation. The Commission agrees with the Department's assessment of these matters and is satisfied that these impacts are capable of being managed through the imposed conditions of consent and do not outweigh the public interest served in granting consent to the Application.

41. The Project is proposed to be developed in two stages. The first stage would connect to the existing 220 kV Transgrid transmission line, while the second stage would connect to the 330 kV Project EnergyConnect transmission line. The Commission notes that the Project has secured Access Rights for the second stage under the SW REZ Access Scheme, with EnergyCo allocating 262.3 MW of capacity and expressing support for the Project. Although the current allocation would accommodate only a portion of the proposed second stage, the Applicant has advised that approval is sought for the full 804 MW Project in anticipation of future network augmentation and increased connection capacity. The Commission accepts the Applicant's reasoning and has therefore assessed the Application based on the Project's full proposed capacity.

Commission's findings

42. Overall, the Commission finds the Project:

- demonstrates consistency with the State's strategic planning framework by supporting the transition of the electricity sector from coal and gas-fired generation to low-emissions energy sources – the Project would generate up to 804 MW of renewable electricity, enough to supply approximately 463,400 homes per year (according to the Department's calculations);
- is located on land zoned *RU1 Primary Production*, in which electricity generating works are a permissible land use under SEPP Transport and Infrastructure;
- is strategically located adjacent to the Transgrid and Project EnergyConnect transmission lines within the SW REZ, which have available network capacity;
- is compatible with the existing land use and would not result in any significant reduction in the overall agricultural productivity of the region;
- would not result in significant amenity impacts on the local community, with most submissions objecting to the Project coming from people located over 100 kilometres away from the Site;
- includes measures to avoid and minimise impacts on endangered and vulnerable species, including the endangered Plains-wanderer;
- will deliver substantial economic benefits at the local and regional level, including the creation of up to 380 construction jobs and 40 operational jobs, and a community benefit-sharing arrangement with the three host Councils (at a rate of $1,050 per MW generated).

43. The Commission finds that the Application meets all necessary legal requirements, is consistent with NSW Government policies and its approval supports the public interest in providing appropriately located and designed renewable energy generation. The Commission has therefore determined to approve the Application subject to the conditions of consent in Appendix D – Instrument of Consent.

44. The reasons for the Decision are given in the Statement of Reasons for Decision dated 1 October 2026.

Professor Neal Menzies AM (Chair)
Member of the Commission

Suellen Fitzgerald
Member of the Commission

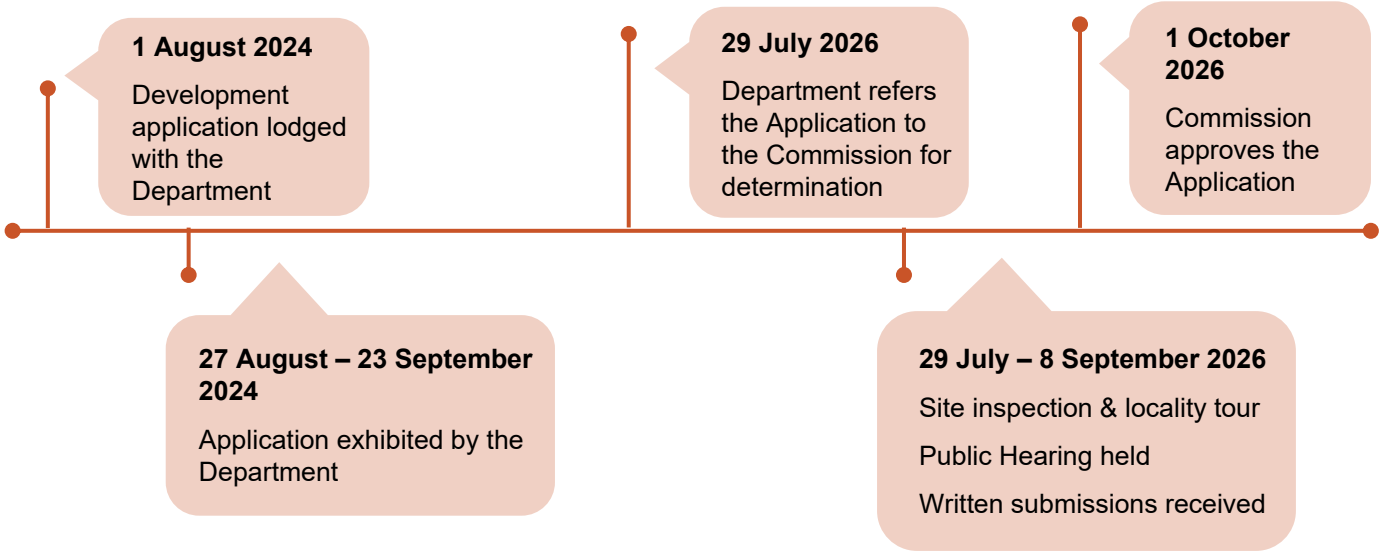
Michael Wright
Member of the Commission

Appendix A – Community Consultation Report

Public consultation overview

A summary of the SSD application timeline and key engagement milestones is provided below.

Appendix A – Figure 1: Engagement timeline



Department's public exhibition of the Project

The Department exhibited the Application and received 87 unique submissions, including 68 objections, 17 submissions in support, and two comments. Chapter 5 of the Department's Assessment Report outlines how these submissions were considered in its assessment.

The Commission's public consultation

The Commission's meetings

The Commission met with the Department, the Applicant, Hay Shire Council, Murrimbidgee Council, and Edward River Council (refer to *Appendix B – Material Considered by the Commission*). Transcripts from these meetings were made publicly available on the Commission's website.

Public Hearing

The Commission held a Public Hearing in-person at Deniliquin Town Hall on 1 September 2026. At the Public Hearing the Commission heard from the Applicant, the Department and 17 people including individual members of the community, representatives from community groups, and representatives from Edward River Council and Hay Shire Council.

The Commission initially received 26 registrations to speak at the Public Hearing however, several registered speakers did not attend the Public Hearing and one registered speaker spoke individually as well as on behalf of a community group. The Commission reached out to those speakers who did not attend to offer assistance in making submissions to the Commission via alternative methods.

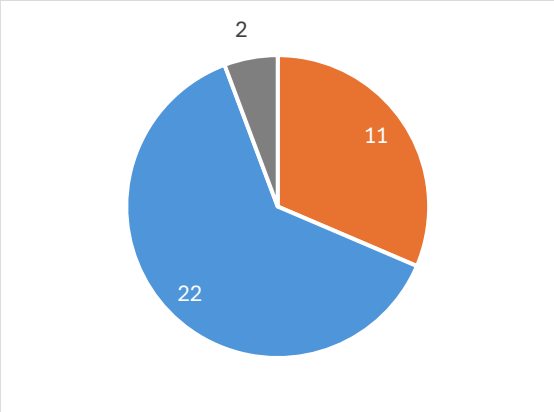
Written submissions

The community was offered the opportunity to make written submissions to the Commission from 29 July – 8 September. The Commission received a total of 35 written submissions.

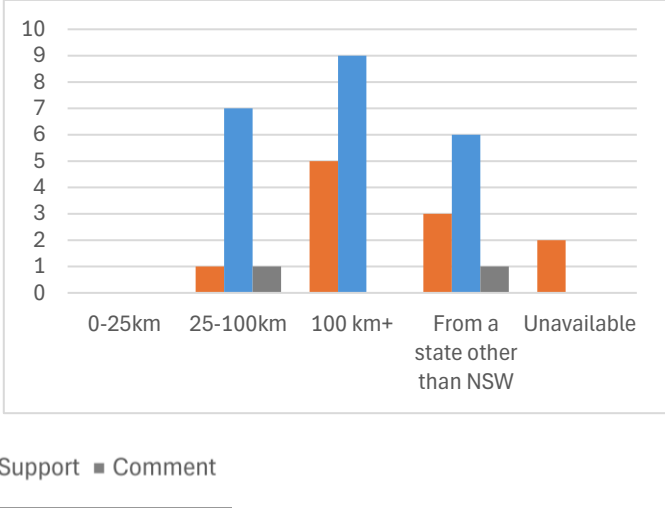
Figure 2 shows a breakdown of the number of submitters that objected, supported or commented[1] on the Application.

Figure 3 shows how far the people who made those submissions live from the proposed development site.

Appendix A – Figure 2: Breakdown of written submissions



Appendix A – Figure 3: Submitter distance from site



To view all submissions, please see the submissions tab on the Commission's website:

https://www.ipcn.nsw.gov.au/cases/bullawah-wind-farm

[1]A submission commenting on an application does not take a 'for' or 'against' stance. It would typically provide general feedback, observations on the project, and suggestions for modifications.

How community views were taken into account

The Commission received both written and verbal submissions on the Application. Both forms of submissions are given equal weight by the Commission when considering the views of the community.

The Commission considered all submissions that raised relevant concerns about the Project. *Table 1* provides an outline of the main themes raised in submissions and how the Commission considered them in its decision. All impacts were considered both in isolation and in conjunction with other impacts.

The conditions referenced below are set out in the Instrument of Consent, available on the Commission's website under the 'Case outcome' drop down.

Appendix A – Table 1: Key matters raised in submissions

What the submissions said	How the Commission considered this in its determination
Energy transition • New renewable energy projects are needed to support the transition of the electricity grid and help provide reliable electricity for future generations. • Australia's electricity needs are changing. Population growth, increased use of electric vehicles and new technologies, and the planned retirement of coal-fired power stations mean additional electricity generation will be required in the future. • The development is being driven by government energy policies and broader international agendas rather than local needs.	The Project is located in the SW REZ and aligns with relevant National and State energy policies, which identify the need to diversify energy generation and provide energy security and reliability in NSW while also reducing carbon emissions.
Cumulative impacts • The cumulative impacts of the large number of renewable energy projects, transmission lines, substations and associated infrastructure proposed across NSW, Victoria, South Australia and Queensland have not been fully considered, and these projects should be assessed together rather than in isolation to understand their combined impacts on Australian wildlife and biodiversity.	The Commission cannot forecast the cumulative impacts of all future development within the SW REZ and broader regional area. There are many factors which contribute to whether future development proposals will proceed. The Commission has considered the impacts of this Project, together with existing and approved projects in the SW REZ. With the implementation of the conditions of consent, this Project's contribution to those cumulative impacts is not so great that it warrants refusal of the Project.
Economic • As a local business operator in Hay, the Project will provide important benefits to the region through local jobs and local investment. • The Project will improve the resilience of farming businesses by providing additional income and diversification from the seasonal and financial risks associated with agriculture. • The Project has demonstrated a commitment to First Nations partnerships and community benefit-sharing initiatives, and has already delivered direct benefits to the local community.	The Commission notes the positive economic impacts which were raised in submissions.

Biodiversity • The loss of native habitat, including the clearing of trees and riverine vegetation for transmission lines, is unacceptable and may fragment important ecological corridors, while wind turbines may have significant impacts on raptor populations, including Wedge-tailed Eagles. • The Plains-wanderer is a unique and endangered species, with the Riverina supporting one of its largest remaining populations. The cumulative impacts of renewable energy projects across the Riverina and northern Victoria may place additional pressure on the species and should be fully considered, with strong and targeted mitigation measures implemented to offset any impacts. • We have an agreement with the Biodiversity Conservation Trust for the protection and management of Plains-wanderer habitat on our property. Agriculture, biodiversity conservation and renewable energy development can successfully coexist, with renewable energy projects providing an additional way for landholders to contribute to conservation outcomes while maintaining productive farming enterprises.	The Commission acknowledges concerns about the cumulative impacts of renewable energy projects on threatened species, particularly the Plains-wanderer. Although this Project was not assessed as causing a serious and irreversible impact, coordinated regional management is important given the scale of renewable energy development proposed across the South West Renewable Energy Zone. To address this risk, the conditions require the Applicant to participate in the Regional Plains-wanderer Working Group and contribute to the development of a Regional Plains-wanderer Management Strategy. These measures are intended to support coordinated monitoring, research and adaptive management across the region, allowing new information to inform future conservation actions. Submissions also highlighted that agricultural production, biodiversity conservation and renewable energy development can coexist. This was corroborated by evidence provided at the Public Hearing that indicated that the Site would continue to be used for farming and that income generated by the Project would help support the ongoing viability of the agricultural enterprise. This increased financial certainty could support more sustainable land management practices, including reduced grazing pressure, improved land resilience and greater flexibility to achieve conservation outcomes on the property.
Contamination • The long-term degradation of turbine blades and the weathering of blade materials and coatings may release contaminants into the environment. The materials and coatings proposed for the Project should be independently disclosed and tested, including for the presence of PFAS and other persistent substances, with independent baseline testing of soil, surface water and groundwater undertaken before construction and ongoing monitoring carried out throughout the life of the Project.	Based on the available evidence, there are unlikely to be contamination risks to human health and agricultural production from wind turbine blades. The Commission has imposed strict conditions of consent to manage possible hazards from the Project.
Supply chain • The manufacture and supply of wind turbines may involve forced labour and other forms of modern slavery, particularly where turbine components are sourced from overseas. Greater measures are needed to ensure renewable energy supply chains are transparent, ethical and free from human rights abuses.	There are legislative requirements regarding modern slavery in the construction and operation of the Project. Separate to the development consent being granted, the requirements of the *Modern Slavery Act 2018* (Commonwealth) and the *Modern Slavery Act 2018* (NSW) may apply. This is an issue that is addressed through specific legislation that is outside the Commission's remit in determining the Project.

Appendix B – Commission's Considerations

Material considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Secretary's Environmental Assessment Requirements (**SEARs**)	12 December 2022
Applicant's Environmental Impact Statement and its accompanying appendices	30 July 2024
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
Applicant's Response to Submissions Report and its accompanying appendices	XX Month Year
Department's Assessment Report and recommended conditions of consent	July 2026
Comments and presentation material from meetings with: • Department • Hay Shire Council • Murrumbidgee Council • Applicant • Edward River Council	 12 August 2026 25 August 2026 25 August 2026 25 August 2026 28 August 2026
Observations made at the Site Inspection	31 August 2026
Verbal submissions from registered speakers at the Public Hearing	1 September 2026
All written submissions made to the Commission up until	8 September 2026
Department's advice to the Commission regarding the imposition of conditions	25 September 2026

Planning Framework

Appendix B – Table 2: Strategic and Statutory context

Strategic context	Commission's consideration
Energy context	The Site is located within the SW REZ. The Project would connect to the existing TransGrid transmission line traversing the Site as part of the first stage of development, and has secured Access Rights to connect to the Project EnergyConnect transmission line as part of the second stage of development. EnergyCo has granted the Project Access Rights under the South West REZ Access Scheme, allocating 262.3 MW of network capacity. The Department has set out the Commonwealth and State energy policy context at Table 3-2 of the AR, including an assessment against: • *Climate Change (Net Zero Future) Act 2023*; • *Australia's Long Term Emissions Reduction Plan* (2021) *and Nationally Determined Contribution* (2022); • *Australian Energy Market Operator's Integrated System Plan* (2026); • *NSW Climate Change Policy Framework* (2016); • *NSW Transmission Infrastructure Strategy* (2018); • *NSW Electricity Strategy* (2019); • *NSW Electricity Infrastructure Roadmap* (2020);

	• *NSW Net Zero Plan Stage 1: 2020-2030* (2020) and Implementation update (2022); • *Riverina Murray Regional Plan 2041* (2023). The Commission agrees with the Department that the Project aligns with these policies and guidelines.
NSW Wind Energy Framework	The *NSW Wind Energy Framework*, introduced in December 2016, aims to enhance clarity, consistency and transparency in the assessment of wind energy projects. The Department is now implementing a new Energy Policy Framework (finalised in November 2024), which does not apply to the Project as the EIS was lodged prior to November 2024, however elements of the *Wind Energy Visual Technical Supplement (2024)* have been considered in assessing the Project's visual impact against the existing *Visual Assessment Bulletin 2016*.
Statutory context	**Commission's consideration**
State significant development	The Application is for the purpose of electricity generating works with a capital investment value of more than $30 million, which is declared as State significant development under section 20 of Schedule 1 of SEPP Planning Systems.
Consent authority	The Minister directed the Commission to hold a Public Hearing into the carrying out of the Project. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of SEPP Planning Systems, the Commission is the consent authority for the Application.
Permissibility	The Site is located on land zoned *RU1 Primary Production* under the *Hay Local Environmental Plan 2011* (**Hay LEP**), *Edward River Local Environmental Plan 2013* (**Edward River LEP**) and *Murrumbidgee Local Environmental Plan 2013* (**Murrumbidgee LEP**). The area of off-site road works associated with the intersection of the Cobb Highway and Jerilderie Road is zoned SP2 Infrastructure under the Hay LEP. Under the Hay LEP, Edward River LEP and Murrumbidgee LEP electricity generating works are not expressly listed as permitted with or without consent in the RU1 zone and are therefore a prohibited land use. However, electricity generating works are permissible with consent on any land in a prescribed non-residential zone (including the RU1 zone), under section 2.36 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Transport and Infrastructure SEPP**). Therefore, the Project is permissible with development consent.
Integrated and other approvals	Under section 4.41 of the EP&A Act, several other approvals are integrated into the SSD approval process and are therefore not required to be separately obtained for the Project (AR para 29). Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the Project (AR para 30). The Commission has considered the Department's recommended conditions of consent relating to integrated and other approvals as part of its deliberation process.
Commonwealth matters	According to the Department, on 20 March 2023, a delegate of the Commonwealth Environment Minister determined the Project to be a 'controlled action' under the *Environment Protection and Biodiversity Act 1999* (**EPBC Act**) due to likely significant impacts to listed threatened species and communities, namely: • Plains-wanderer – critically endangered; • Natural Grasslands of the Murray Valley Plains Ecologoical Community – critically endangered; and

	• Weeping Myall Woodlands Ecological Community – endangered. The Department assessed these and other threatened species and communities in accordance with the EPBC Act. The Commission agrees with the Department that the Project's impacts on Commonwealth matters would be acceptable, provided that: • biodiversity avoidance and mitigation measures are implemented; • threatened species monitoring and management plans are prepared; • a Bird and Bat Adaptive Management Plan is implemented; • a Regional Plains-wanderer Management Strategy is developed; and • required biodiversity offsets are secured and retired.
Concurrence	The *Biodiversity Conservation Act 2016* (**BC Act**) requires the concurrence of the NSW Minister for the Environment where a consent authority grants development consent for State significant development subject to a condition that differs from the retirement of the number and class of biodiversity offset credits identified in the final BDAR. The Department's AR notes that concurrence from the NSW Minister for the Environment would be required if the Commission grants consent subject to the Department's recommended biodiversity conditions. This is because the recommended conditions would allow the Applicant to refine the Project through detailed design and micro-siting, enabling the further avoidance of biodiversity impacts and potentially reducing the final biodiversity offset obligation below that identified in the final BDAR. The Commission agrees that this approach is consistent with the avoid, minimise and offset hierarchy under the BC Act, as it incentivises further impact avoidance and minimisation during detailed design. Accordingly, the Commission has imposed conditions B28 and B29, which provide a mechanism for recalculating biodiversity offset obligations where additional impact avoidance can be demonstrated. These conditions require the Applicant to prepare a Revised Offset Obligation report for approval by the Planning Secretary, in consultation with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and using the Biodiversity Assessment Method (BAM) by an accredited assessor, to verify and quantify any reduction in biodiversity credit obligations before works that would impact biodiversity values requiring offset are undertaken.
Objects of the EP&A Act and Ecologically Sustainable Development	The Commission has considered the Objects of the EP&A Act and is satisfied that the Application is consistent with those Objects. The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
Amended application	A development application can be amended at any time before the application is determined, in accordance with section 37 of the EP&A Regulation. The Applicant sought to amend its Application following its response to submissions, which is set out in section 5.2 of the Department's AR, and included: • revised construction staging and timing assumptions – including the earlier commencement of Stage 2 (North) compared to the timing considered in the EIS, a subsequent increase in peak workforce volumes and shorter overall construction program duration; • transport route amendments – including the assessment of new OSOM route options from the Port Adelaide to Hay in addition to alternate route options from the Port of Newcastle; and • project design amendments – including: ○ removal of two wind turbines from the project design;

	○ provision of obstacle lighting on select wind turbines and meteorological masts in accordance with CASA requirements; and ○ consideration of a reduced maximum turbine size (being a tip height of up to 233 m with a blade length of up to 80 m), for the assessment of the transport routes from the Port of Newcastle or Port Adelaide to Hay. As noted in para 64 of the AR, the Department accepted the amendments to the Application as delegate of the Commission. The Project, as amended, is the Project described in Section 2 of this Statement of Reasons for Decision.
Serious and Irreversible Impacts (**SAII**)	The Commission has considered the statutory SAII principles in clause 6.7 of the *Biodiversity Conservation Regulation 2017* in reaching its determination. As the biodiversity assessment for the Project was prepared prior to the publication of the 2026 SAII Guidance, the Commission has had regard to the 2019 Guidance to assist a decision-maker to determine a SAII, being the guidance applicable at the time the BDAR was prepared. The Commission's consideration of the steps outlined in the Guidance to assist a decision-maker to determine a serious and irreversible impact is set out below. ***Steps 1 and 2 – identify impacted relevant entities and evaluate risk of extinction*** The Project has the potential to impact one species identified as being at risk of a SAII, being the Plains-wanderer. This species has been identified as being at risk of a SAII under *Principle 1*, as a species in a rapid rate of decline (AR, para 117). The Plains-wanderer is listed as endangered under the *Biodiversity Conservation Act 2016* and critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999*. ***Step 3 – Avoidance and minimisation*** The Commission notes that the Applicant has undertaken measures to avoid and minimise impacts on the Plains-wanderer. The Applicant refined the Project boundary to avoid all mapped 'Important Habitat' for the species, reducing impacts to mapped Important Habitat from 68.62ha during the scoping phase to 0ha in the revised design. Approximately 1,456ha of mapped Important Habitat within the Project area would be retained and avoided. The Applicant has also committed to a range of management, monitoring and adaptive management measures through a Plains-wanderer Management Plan, including pre-clearance protocols, habitat management and monitoring, landholder training, population monitoring and adaptive management measures (AR paras 119-123). The Commission is satisfied that reasonable efforts have been made to avoid and minimise impacts on the species through project design refinements and proposed management measures. ***Step 4 – Evaluate SAII*** In evaluating whether the residual impacts of the Project would constitute a SAII, the Commission has considered the Applicant's assessment, the advice of NSW DCCEEW CPHR and the advice of the Independent Expert Advisory Panel for Energy Transition (IEAPET). The Commission notes that while CPHR considered the Project was likely to result in a SAII to the Plains-wanderer, the IEAPET concluded that, although the species has experienced a rapid rate of decline, the scale of the Project's impacts would not be large enough to contribute significantly to the risk of

	extinction. The IEAPET estimated that, under a worst-case scenario, the Project could affect approximately 3.2% of the estimated NSW stronghold population during average climatic conditions, with the likely impact estimated at 2.0% (AR paras 124-130). ***Step 5 – Decision making*** Having considered the available evidence, including the assessment undertaken in accordance with the 2019 Guidance to assist a decision-maker to determine a SAII, the Commission is satisfied that the residual impacts of the Project would not contribute significantly to the risk of extinction of the Plains-wanderer. While the species is identified as being at risk of a SAII under *Principle 1*, the Commission finds that the scale of impacts, the extent of habitat retained, the avoidance and minimisation measures incorporated into the Project, and the proposed management and monitoring framework support a conclusion that the Project would not result in a SAII (AR paras 129-136). The Commission therefore determines that the Project would not result in a SAII to the Plains-wanderer.
Mandatory considerations	**Commission's consideration**
Relevant environmental planning instruments (**EPIs**)	Appendix H of the Department's AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include: • *State Environmental Planning Policy (Planning Systems) 2021*; • *State Environmental Planning Policy (Resilience and Hazards) 2021*; • *State Environmental Planning Policy (Biodiversity and Conservation) 2021*; • *State Environmental Planning Policy (Primary Production) 2021*; • *State Environmental Planning Policy (Transport and Infrastructure) 2021*; • *Hay Local Environmental Plan 2011;* • *Edward River Local Environmental Plan 2013; and* • *Murrumbidgee Local Environmental Plan 2013.* The Commission has considered these EPIs as part of its determination.
Relevant DCPs	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD.
Any planning agreement or draft planning agreement	The Commission notes that benefit sharing would be undertaken at a rate of $1,050 per MW generated, and a total of 85% would be provided under VPA to the three host Councils and 15% of the annual contributions would support First Nations. The Commission notes the Applicant's offer to pay an annual contribution of up to: • approximately $233,000 (excl. GST and indexed to CPI) (dependent on the final size of the Project) to Hay Shire Council and Edward River Council over the operational life of the Project; and • approximately $155,000 (excl. GST and indexed to CPI) (dependent on the final size of the Project) to Murrumbidgee Council over the operational life of the Project.
Relevant matters prescribed by the *Environmental Planning and Assessment Regulation 2021* (**EP&A Reg**)	The Commission has considered matters relevant to the Application, as prescribed by the EP&A Reg.

Likely impacts of the development	The Commission has considered the likely impacts of the development and has set out its reasons for decision in section 5 of the Statement of Reasons for Decision.
Suitability of the Site for development	The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons: • the Site has suitable wind resources; and • the Site will directly access the Project EnergyConnect transmission line and existing Transgrid transmission line; • the Site has access to the regional road network; • the use of the Site as a wind farm is an orderly and economic use and development of land; • adverse impacts on surrounding receivers have been minimised as far as practicable and would be further managed and mitigated by the imposed conditions of consent; • the Project is capable of being decommissioned and the Site can be rehabilitated to a safe and non-polluting landform; • the development of the Site for the purpose of electricity generation will facilitate social and economic benefits for the community and for the State of NSW; • the development of the Site will assist in meeting Australia's and NSW's target of net zero emissions by 2050; and • impacts on surrounding land uses have been minimised where possible, with some impacts capable of being mitigated through conditions of consent.
The public interest	The Commission has considered the public interest in deciding to grant conditional consent to the Application. In doing so, it has assessed the likely impacts of the Project and had regard to the principles of ESD. The Commission is satisfied that approval of the Project supports the public interest, as it will provide appropriately located and designed renewable energy generation, and that the Application warrants the grant of consent, subject to conditions.

Appendix C – Department's Assessment Report

Link to Department's Assessment Report, dated July 2026

Appendix D – Instrument of Consent

Link to Instrument of Consent, dated 1 October 2026

New South Wales Government
Independent Planning Commission

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