

Marton.kalocsay@res-group.com

By email

18 December 2024

Subject: Argoon Wind Farm (SSD-64935522) – Supplementary Secretary’s Environmental Assessment Requirements

Dear Marton,

On 12 November 2024, the NSW Government published the Renewable Energy Planning Framework (the Framework) to help NSW transition to renewable energy. The Framework provides a suite of planning policies and guidelines relevant to wind energy, including a new Wind Energy Guideline (2024).

As part of this guideline, we have introduced new guidance on development rights, including dwelling entitlements. While many aspects of the Framework are subject to transitional arrangements, this guidance is effective immediately for projects that have yet to lodge an Environmental Impact Statement (EIS).

Consequently, the EIS for the Argoon Wind Farm must be prepared in accordance with the guidance on development rights in the Wind Energy Guideline (2024) (see page 51). Any references in this guidance to “time the Planning Secretary’s environmental assessment requirements are issued” must be taken to mean “12 November 2024” (being the date in which the framework was published and commences), as set out and emphasised in **Attachment A**.

This letter and the above requirements are provided to supplement the initial SEARs for the Argoon Wind Farm issued on 21 December 2023. This means the EIS must continue to be prepared in accordance with these SEARs and the former wind energy guidelines (including the *NSW Wind Energy Guideline for State Significant Development (2016)*, *NSW Wind Energy: Noise Assessment Bulletin (2016)* and *NSW Wind Energy: Visual Assessment Bulletin (2016)*) for matters that do not relate to the assessment of development rights.

If you do not lodge your EIS by 31 April 2025, the Department intends to revise these SEARs to reflect the rest of the guidance in the Framework. More information about the transitional arrangements is available on the Department’s [website](#).

Should you have any queries or require further information, please contact Jess Watson at jess.watson@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Nicole Brewer", with a horizontal line underneath.

Nicole Brewer

Director, Wind and Transmission Assessments
Energy, Resources and Industry

Attachment A

The EIS must include an assessment of the potential impact of the development on existing land uses on the site and adjoining land, including the development potential of that land in accordance with the guidance below.

The applicant may need to consider whether the proposed development would impact the right for neighbouring landholders to develop their land for the purpose of any of the following permitted land uses:

- residential accommodation
- tourist and visitor accommodation
- eco-tourist facility.

In considering the impacts, applicants and consent authorities should only assess impacts on vacant land. That is, land in which there is a development right that has not been acted upon and is vacant of buildings and structures.

Additionally, an assessment should only be undertaken if the land is vacant prior to **12 November 2024**, and would:

- be partly or wholly within the visual impact setback in the Wind Energy Guideline - Technical Supplement for Landscape and Visual Impact Assessment,
- experience exceedances of the relevant noise criteria, or
- be subject to significant risk from blade throw, ice throw or other risks.

The assessment should consider whether the proposed development would unduly impact the development potential of the vacant land. In determining the impact, it may be relevant to consider:

- whether the vacant land is part of a broader contiguous property holding with an existing dwelling, building or structures,
- if a future development could be designed, sited and oriented to avoid or reduce significant impact from the project, and
- any mitigating effects including topography and vegetation.

An example assessment is provided in Appendix B of the Wind Energy Guideline.

If, **as of 12 November 2024**, the vacant land is subject to:

- a development application that has been lodged but is yet to be determined, and/or
- a development application or complying development certificate has been determined/granted but the development is yet to physically commenced¹,

the applicant should consider measures to mitigate the impacts on these rights.

Measures may include:

- helping affected landholders modify the existing consent
- seeking a new development consent that would minimise impacts
- screening or landscaping treatments.

For the avoidance of doubt, these approvals should not be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.

Any consents or approvals that have physically commenced **as of 12 November 2024** should be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.

¹ 'Physically commenced' has the same meaning as that in section 96 of the [Environmental Planning and Assessment Regulation 2021](#).