

Appendix M

Conditions to be Modified



Appendix M – Consent Conditions to be Modified

If approved, the Mod-3 Application would require amendments to the conditions of the Development Consent to accommodate the Mod-3 Layout. Preliminary proposed condition changes are outlined in **Table 1** below.

Table 1 Consent Conditions to be Modified

Request ID	Condition Reference	General Description	Detailed Reason for Modification
1	Definitions	Reference Mod-3 in EIS definition	Request: Update the “EIS” definition to reference the Mod-3 Modification Report. Rationale: The Modification Report forms part of the Mod-3 Application assessment basis. Referencing it in the EIS definition improves document control and clarity.
2	Definitions	Align accommodation camp definitions	Request: (a) Amend the “Construction” definition to exclude “accommodation camp” rather than “pre-construction accommodation camp”; and (b) delete the “pre-construction accommodation camp” definition and remove related references from “accommodation camp”. Rationale: The Accommodation Camp will be delivered progressively alongside other works. Updating the definitions avoids unintended staging constraints while keeping accommodation impacts regulated through the relevant conditions and plans.
3	External Transmission Line Schedule 2, Condition 8A Note	Remove External Transmission Line note	Request: Delete the Note that refers to the approved External Transmission Line. Rationale: The Mod-3 Application proposes to remove the External Transmission Line. Deleting the Note avoids inconsistency and any suggestion of ongoing obligations for removed infrastructure.
4	Visual Impact Mitigation Schedule 3, Condition 1	Shift trigger to first turbine	Request: Replace the trigger “commencement of construction” with “erection of the first turbine” and update consequential references. Rationale: Turbine-related visual impacts arise at turbine erection, not at early construction. Aligning the trigger avoids unnecessary early constraints and ensures mitigation is implemented when relevant. <i>Refer to Section 6.8 of the Modification Report.</i>
5	Lighting Schedule 3, Condition 3	Align lighting to risk assessment	Request: Amend to align with the AIA Technical Memorandum by (a) removing/revising any wording that implies aviation lighting is mandatory where not warranted, and (b) expressing the mitigation measures as “where practical and effective” (subject to applicable aviation hazard lighting guidance). Rationale: Current condition may mandate lighting contrary to the conclusions of the aviation risk assessment, with avoidable night-time amenity impacts. The amendment maintains aviation safety compliance while limiting unnecessary measures. <i>Refer to Section 6.12 of the Modification Report.</i>
6	Additional Mitigation Upon Request Schedule 3, Condition 5	Remove non-impacted residences	Request: Delete residences D7-3 and D7-4 from Table 2 (and any associated references). Rationale: With Turee Vale Road removed from the scope of the Mod-3 Layout, these dwellings are no longer affected. Removing them keeps the table targeted to credible potential impacts. <i>Refer to Sections 6.5 and 6.11 of the Modification Report.</i>
7	Construction & Decommissioning Noise Schedule 3, Condition 7	Expand out-of-hours exception	Request: Amend the out-of-hours exception to include “for safety and efficiency reasons to minimise impacts to other road users, specifically OSOM deliveries and public road upgrade works”. Rationale: Some OSOM deliveries and public road upgrade works are safer and less disruptive outside standard working hours. Clarifying the exception supports compliance logistics while limiting out-of-hours works to justified cases.
8	Operational Noise Monitoring Schedule 3, Condition 12	Align Noise Monitoring Plan timing	Request: Require Planning Secretary approval of a Noise Monitoring Plan prior to installation/erection of the first turbine (or add “unless otherwise agreed with the Planning Secretary” to allow staging). Rationale: Under staged installation of turbines, the existing timing trigger can require monitoring before representative operational conditions exist. Adjusting the trigger preserves intent while making compliance practicable.
9	Biodiversity Offset Schedule 3, Condition 18A	Tie offset retirement to impacts	Request: Allow retirement of credits based on actual impacts, within the maximum limits specified in Appendix 8 (to be amended as part of the Mod-3 Application), with a post-approval mechanism to confirm impacts and offset retirement obligation. Rationale: Retiring credits based on actual disturbance improves proportionality, encourages impact minimisation during construction, and minimises the risk of perverse environmental outcomes. Appendix 8 limits maintain certainty and prevent over-offsetting.
10	Biodiversity Management Plan Schedule 3, Condition 21	Exempt minor works from BMP	Request: Amend the trigger so Pre-construction Minor Works (including geotechnical investigations involving only minor native vegetation removal/translocation) do not require a Biodiversity Management Plan to be in place. Rationale: Minor enabling works may be needed early to inform design and staging. Exempting defined minor works avoids disproportionate program impacts while keeping the BMP requirement for substantive construction.

Request ID	Condition Reference	General Description	Detailed Reason for Modification
11	Biodiversity Management Plan Schedule 3, Condition 21(c)(iii) and Note	Update Box Gum Woodland area	Request: Update the specified area of Box Gum Woodland to 237.3 ha and delete the Note beneath the condition as the Mod-3 Application proposes to remove the External Transmission Line. Rationale: The updated area of 237.3 ha aligns with the estimated disturbance to Box Gum Woodland CEEC (woodland condition) associated with the Mod-3 Layout. Removing the outdated note avoids inconsistencies and supports accurate compliance assessment.
12	Biodiversity Management Plan Schedule 3, Condition 21(c)(vii)	Extend baseline monitoring to 6 months	Request: Replace the baseline monitoring period within the transmission line easement of 3 months with 6 months after clearing occurs. Rationale: Extending baseline monitoring improves seasonal representativeness and helps manage safety and interface risks during concurrent construction works in the transmission line easement.
13	Additional Mitigation Upon Request Schedule 3, Condition 25	Remove Tallue property row	Request: Delete the row in the table that refers to the “Tallue” property located on Turee Vale Road. Rationale: The Mod-3 Application proposes to avoid Turee Vale Road for access (except for a very short section to facilitate crossing of the Internal Transmission Line). As such, traffic-related impacts will be avoided at the “Tallue” property.
14	Designated Heavy and Over-Dimensional Vehicle Routes Schedule 3, Condition 26	Clarify OSOM/HV origins and routes	Request: Clarify that (i) all WTG-OSOMs travel to and from the Port of Newcastle; (ii) non-WTG OSOMs and heavy vehicles travel to and from either the Port of Newcastle or Dubbo; and (iii) heavy vehicles and OSOMs must use the routes shown in the updated Appendix 7. Rationale: Separating turbine haulage from other OSOM/heavy vehicle movements improves clarity and contractor compliance. It also aligns the condition with the updated routes and logistics strategy.
15	Designated Heavy and Over-Dimensional Vehicle Routes Schedule 3, Condition 26 (Notes)	Delete obsolete SAP references	Request: Delete references to Site Access Points (SAPs) 18, 25 and 26 from the Notes. Rationale: These access points relate to the External Transmission Line proposed to be removed as part of the Mod-3 Application. Deleting references to these SAPs avoids confusion and obsolete access requirements.
16	Road Upgrades Schedule 3, Condition 28	Update Appendix 6 tables	Request: Update the tables in Appendix 6, as follows: (i) update Table 6-2 to allow concurrent delivery of public road upgrades and wind farm works (including progressive Accommodation Camp delivery) as detailed previously in the Mod-1 Application; (ii) delete Table 6-3 and all references to it (due to removal of the External Transmission Line as part of the Mod-3 Application); and (iii) delete references to Turee Vale Road (due to its removal as part of the Mod-3 Application). Rationale: Mod-3 requires parallel and staged delivery of works while maintaining road safety requirements. Removing redundant External Transmission Line items and updating tables keeps obligations aligned with the Mod-3 Layout and implementation.
17	Road Upgrades Schedule 3, Condition 28	Allow minor route enabling works	Request: Amend Table 6-1 restrictions to allow minor authority-required maintenance/upgrades to the Port to REZ route (including Denman Bypass) to accommodate OSOM movements (e.g., vegetation trimming, sign relocation, minor mid-block works). Rationale: OSOM haulage often needs small authority-directed enabling works as conditions and timing evolve. Allowing minor works supports safe, reliable logistics while retaining authority oversight.
18	Transport Strategy Schedule 3, Condition 28A	Delete Condition 28A	Request: Delete this condition in full. Rationale: This condition duplicates requirements addressed through the Traffic Management Plan and roads authority processes. Deleting it avoids duplication and potential sequencing conflicts. <i>Refer to Section 6.5 of the Modification Report.</i>
19	Transport Strategy Schedule 3, Condition 28B	Delete Condition 28B	Request: Delete this condition in full. Rationale: Condition 28B relates to the External Transmission Line, which the Mod-3 Application proposes to remove. Deleting it avoids redundancy and compliance confusion.
20	Road Maintenance Schedule 3, Condition 29(a)	Remove pre-works dilapidation survey	Request: (i) Remove the requirement to undertake a pre-works baseline dilapidation survey for road segments that will be repaired/upgraded; and (ii) include a requirement to undertake a baseline dilapidation survey after the public road upgrades/repairs are completed. Rationale: For upgraded/repaired road segments, a pre-works dilapidation survey adds limited value and can cause delay and cost. Establishing a post-upgrade baseline supports later attribution of construction-related damage.
21	Road Maintenance Schedule 3, Condition 29(b)	Baseline survey after upgrades	Request: Require baseline dilapidation surveys after public road upgrades are completed, to establish post-upgrade road condition for assessing construction-related damage. Rationale: A post-upgrade baseline is the appropriate benchmark for attributing later damage. This improves auditability and reduces dispute risk.

Request ID	Condition Reference	General Description	Detailed Reason for Modification
22	Traffic Management Plan Schedule 3, Condition 31	Minor drafting correction	Request: Delete the word “the”. Rationale: Minor typographical correction to improve readability and avoid interpretive ambiguity.
23	Traffic Management Plan Schedule 3, Condition 31(d)	Remove obsolete location references	Request: Delete references to “Durrigere State Conservation Area” and “State Forest Road”. Rationale: With removal of the External Transmission Line and State Forest Road as part of the Mod-3 Application, these references in the Traffic Management Plan are obsolete. Removing them avoids confusion and misdirected compliance obligations.
24	Emergency Plan Schedule 3, Condition 37B(c)	Delete sub-condition (c)	Request: Delete sub-condition (c) in full. Rationale: The gas pipeline easement is external to the Site Boundary and a substantial distance from the Development Corridor where works may occur. Deleting this sub-condition avoids unnecessary requirements while broader emergency planning obligations remain.
25	SAFETY Schedule 3, Condition 38A	Delete Condition 38A	Request: Delete this condition in full. Rationale: The gas pipeline easement is external to the Site Boundary and a substantial distance from the Development Corridor where works may occur. Removing this condition avoids requirements that do not respond to a relevant risk pathway.
26	Accommodation Camps Schedule 3, Condition 42B	Allow staged/alternate accommodation	Request: Amend to allow (i) staged delivery of the Accommodation Camp aligned with workforce ramp-up (not completion before commencement of all other construction); (ii) use of alternate suitable accommodation (provided it does not impact accommodation services) consistent with the Accommodation and Employment Strategy; and (iii) correct the appendix reference to Appendix 2. Rationale: The existing condition can make the Accommodation Camp a critical-path constraint. Allowing staging and alternate accommodation maintains impact management and helps de-risk the delivery program. <i>Refer to Section 6.7 of the Modification Report.</i>
27	Accommodation Camps Schedule 3, Condition 42C	Delete Condition 42C	Request: Delete this condition in full. Rationale: With staged delivery of the Accommodation Camp, a separate pre-construction Accommodation Camp condition is duplicative and can create overlapping triggers. Deleting this condition streamlines the Development Consent while retaining adequate controls elsewhere.
28	Accommodation Camp Management Plan Schedule 3, Condition 42D(c)	Manage surplus treated wastewater	Request: Add a requirement for an Effluent Reuse/Disposal Management Plan (in consultation with the EPA and relevant agencies, consistent with relevant guidelines) where treated wastewater is not used for dust suppression as contemplated by sub-condition (c). Rationale: In wet periods, reuse for dust suppression may be impracticable, creating surplus treated water. A dedicated management plan provides an agreed pathway for storage, reuse and lawful disposal.
29	Notification of Landowners Schedule 4, Condition 5A	Update notification timing and IDs	Request: Amend to (i) remove dwelling IDs no longer relevant; (ii) align visual-related notification timing with “erection of the first turbine”; and (iii) delete references to Turee Vale Road that no longer apply, consistent with requested amendments above. Rationale: Notifications should align with when material visual change occurs (first turbine erection). Removing obsolete IDs and road references keeps notices accurate and reduces stakeholder confusion.
30	APPENDIX 1: SCHEDULE OF LAND	Remove External Transmission Line lots	Request: Update Appendix 1 to remove lots included solely for the External Transmission Line, consistent with Appendix A of the Modification Report. Rationale: Appendix 1 defines the site extent and land obligations. Updating it ensures accuracy and removes parcels only needed for the External Transmission Line proposed to be removed as part of the Mod-3 Application.
31	APPENDIX 2: DEVELOPMENT LAYOUT	Update coords; remove External Transmission Line figure	Request: Update wind turbine coordinates to reflect micro-siting and delete the External Transmission Line figure. Rationale: Appendix figures are used for compliance and audit. Updating coordinates and removing External Transmission Line figures ensures the consent reflects the Mod-3 Layout and avoids inconsistency.
32	APPENDIX 5: HERITAGE ITEMS	Remove External Transmission Line figure	Request: Update Tables 5-1 and 5-2 and delete the figure that relates to heritage impacts associated with the External Transmission Line. Rationale: With removal of the External Transmission Line as part of the Mod-3 Application, potential heritage impacts associated with the External Transmission Line are no longer relevant. Updating the appendix keeps heritage controls aligned to the Mod-3 Layout. <i>Refer to Section 6.2 of the Modification Report.</i>
33	APPENDIX 5: HERITAGE ITEMS	Update tables to ACHA	Request: Update Tables 5-1 and 5-2 to reflect sites identified in the updated ACHA prepared in support of the Mod-3 Application. Rationale: Updating the tables ensures Development Consent requirements reflect current heritage information for the Mod-3 Layout. This improves enforceability and supports appropriate Aboriginal cultural heritage management.

Request ID	Condition Reference	General Description	Detailed Reason for Modification
34	APPENDIX 6: SCHEDULE OF ROAD UPGRADES	Update Table 6-2; delete Table 6-3	<p>Request: (i) Update Table 6-2 to ensure the scope/timing of required public road upgrades allow for concurrent wind farm works (see Condition 28 above); (ii) update Table 6-2 to remove the requirement to upgrade State Forest Road and Turee Vale Road, both of which are proposed to be removed as part of the Mod-3 Application (excluding a very small section of Turee Vale Road where the Internal Transmission Line crosses); and (iii) delete Table 6-3 as it relates to the External Transmission Line proposed to be removed as part of the Mod-3 Application.</p> <p>Rationale: Updating Table 6-2 supports staged delivery while retaining road authority safeguards and removes obsolete references to public roads no longer proposed to be used for the Project.</p>
35	APPENDIX 6: SCHEDULE OF ROAD UPGRADES	Limit upgrade timing to turbine OSOMs	<p>Request: Update the timing for public road upgrades in Table 6-1 and Table 6-2 to apply to turbine/transformer OSOM movements and exclude other OSOM movements (e.g., Accommodation Camp modules and smaller OSOM components).</p> <p>Rationale: Timing constraints are driven by the largest, most route-sensitive loads. Limiting scope avoids unnecessary restrictions while maintaining appropriate controls for turbine/transformer OSOMs.</p>
36	APPENDIX 7: OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS	Remove External Transmission Line figure	<p>Request: Delete the External Transmission Line figure and update the Port of Newcastle to Project Site figure accordingly.</p> <p>Rationale: Appendix 7 is the key compliance reference for route requirements. Updating it provides a single accurate source and reflects the Mod-3 Layout and scope.</p>
37	APPENDIX 7: OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS	Update haulage route restrictions	<p>Request: Update the haulage route figures to show the following vehicular route restrictions to the Project site: (i) turbine-related OSOM movements from the Port of Newcastle; and (ii) heavy vehicle and non-turbine OSOM movements from the Port of Newcastle or Dubbo consistent with Figure 6.1 in the Modification Report.</p> <p>Rationale: The proposed vehicular route restrictions provide flexibility for logistics while improving clarity and enforceability because each has different constraints. It also more accurately communicates proposed road use to stakeholders.</p>
38	APPENDIX 8: BIODIVERSITY	Update clearance limits and liabilities	<p>Request: Update Tables 8-1 and 8-2 to include updated clearance limits and offset credit liabilities based on the Mod-3 Layout as detailed in the supporting Biodiversity Development Assessment Report (BDAR) prepared in support of the Mod-3 Application.</p> <p>Rationale: Clearance limits and offset obligations must match the assessed impact footprint proposed by the Mod-3 Layout to ensure proportionality, transparency and auditability.</p> <p><i>Refer to Section 6.2 of the Modification Report.</i></p>