

12 September 2024

Kiersten Fishburn  
The Secretary  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

CC: David Gainsford, Chris Ritchie, Nicole Brewer

Dear Ms Fishburn,

**Re: Central-West Orana REZ transmission project (SSI 48323210) – Request for minor modifications to the condition of approvals**

I refer to Central-West Orana REZ transmission project (the project), which the Minister for Planning and Public Spaces approved on 26 June 2024 under Section 5.19 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The project was declared Critical State Significant Infrastructure as it is an essential component of the NSW Electricity Infrastructure Roadmap and will be deliver at least 4.5 gigawatts of new network capacity to facilitate the State's renewable energy transition.

The Energy Corporation of NSW (EnergyCo) and the preferred Network Operator for the project, ACEREZ, have identified a number of ambiguities and other issues in certain conditions of approval which require clarification to ensure that the project can proceed efficiently and without delay.

To this end, EnergyCo is seeking to make a number of minor modifications to the approval to facilitate delivery of the project and to ensure the associated compliance obligations are clear and appropriate.

The requested minor modifications are set out below along with the reasons for the proposed amendments. A marked-up instrument of approval reflecting the proposed modifications is also attached.

In preparing the modification request, EnergyCo has consulted with the Biodiversity, Conservation and Science Directorate, Transport for NSW and Heritage NSW – and incorporated their feedback where required.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

## 1. Biodiversity Development Assessment Report – Inclusion of Definition

Insert a definition for the BDAR by reference to the Biodiversity Development Assessment Report (Revision D, prepared by WSP, dated 18 March 2024) which is referenced several times in the conditions of approval, as described in more detail below.

## 2. Pre-Construction Minor Works – Amended Definition

A modification to the definition of Pre-Construction Minor Works is requested to prevent delays in commencing a range of minor early works for the project and the occupation of temporary accommodation camps and site offices prior to construction commencing under the approval:

1. *the following activities:*
  - *surveys;*
  - *building and road dilapidation surveys;*
  - *investigative drilling, contamination investigations, excavation or salvage;*
  - *establishing **and operating** temporary accommodation camps (**as described in locations identified** in the EIS);*
  - *establishing **and operating** temporary site offices (in locations meeting the criteria identified in the conditions of this approval); and*
  - *installation of environmental impact mitigation measures, fencing, enabling works;*
  - *property acquisition adjustment work including installation of property fencing;*
  - *archaeological testing under the Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010) or archaeological monitoring **undertaken in association with the activities listed above to ensure that there is no impact on heritage items;***
  - *maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI;*
2. *construction of minor access roads and minor adjustments to services/utilities, etc, for the activities identified in 1 (i) above; and*
3. *minor clearing or translocation of native vegetation **that does not impact biodiversity values that require offsetting the activities identified in (i) and (ii) above***

The definition currently allows the establishment of temporary accommodation camps and temporary site offices. However, it is not clear whether this allows these facilities to 'operate' once established. It is therefore requested that the definition be modified to clarify that these facilities can be established and operate during the pre-construction minor works phase of the project.

The location of the temporary accommodation camps in the EIS was based on a concept design and there may be minor changes to the layout and location of these facilities based on detailed design. Consequently, the wording of this definition requires updating to ensure consistency with condition A2(c) which requires

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

the development to be carried out generally in accordance with the EIS, and so provides a level of flexibility to reflect ongoing detailed design and verification.

In regard to heritage, the EIS recommends additional archaeological test excavations in accordance with the *Code of practice for archaeological investigation of Aboriginal objects in NSW* (DECCW, 2010) (Code of Practice) in certain locations within the development site. The current definition of pre-construction minor works in the approval includes archaeological test excavations in accordance with the Code of Practice but only to support other pre-construction minor works.

It is requested that archaeological test investigations be permitted generally during the pre-construction minor works phase of the project (i.e. not limited to supporting other pre-construction minor works) and prior to the approval of the Heritage Management Plan under condition B28.

It is noted that archaeological test investigations may be carried out as exempt development under *State Environmental Planning Policy (Transport and Infrastructure) 2021* and do not require an Aboriginal Heritage Impact Permit under the *National Parks and Wildlife Act 1974* provided the excavations comply with the Code of Practice.

Furthermore, the definition of pre-construction minor works requires archaeological investigations and monitoring to be carried out in accordance with the Code of Practice which includes a range of detailed methodologies and consultation requirements with Heritage NSW and Aboriginal stakeholders as set out in clause 80C of the *National Parks and Wildlife Regulation 2009*.

It is also likely that minor clearing of native vegetation may be required for other pre-construction minor works that are not specifically listed in items 1 and 2 of the inclusive definition of pre-construction minor works. To allow greater flexibility in undertaking these activities it is requested that minor clearing and any translocation of native vegetation be permitted as part of pre-construction minor works provided that any such activities do not result in any impacts on biodiversity values that require offsetting.

This ensures that there would be no impact on conservation values in undertaking these activities prior to the approval of the Biodiversity Management Plan under condition B26 and provides for outcomes of verification reports and updates to the Biodiversity Offset Package if required.

### **3. Condition B7 (Activities that exceed 'noise affected' noise management level)**

Condition B7 applies to the construction and operation of accommodation camps and construction compounds. The condition requires the implementation of management measures, where a sensitive receiver is identified as potentially exceeding the relevant 'noise affected' noise management level or sleep disturbance criteria, with the objective of reducing construction noise levels below the relevant criteria at each relevant sensitive receiver.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

The *Interim Construction Noise Guidelines* (DECC, 2009) (ICNG) require that, where noise from construction works is above the 'noise affected' levels identified in the guidelines, all feasible and reasonable work practices be implemented to minimise noise. However, the ICNG recognise that it may not always be feasible and reasonable to reduce construction noise levels to below the relevant noise management levels, particularly during works within standard construction hours.

To align with *Interim Construction Noise Guidelines* (DECC, 2009), EnergyCo requests that condition B7 be clarified to reflect that 'reasonable and feasible' mitigation measures be implemented as follows:

*Where a sensitive receiver is identified as potentially exceeding the construction 'noise affected' noise management level or sleep disturbance criteria established using the Interim Construction Noise Guideline (DECC, 2009), or its latest version, as a result of the construction or operation of the accommodation camps or construction compounds, **reasonable and feasible** mitigation measures must be implemented with the objective of reducing construction noise below the relevant criteria at each relevant sensitive receiver.*

In addition, EnergyCo notes that condition B2(c) provides for activities outside standard construction hours in accordance with agreements negotiated with the affected sensitive receivers. Negotiated agreements are a useful tool to ensure appropriate engagement with and concurrence from residents that might be subject to associated amenity impacts.

Condition B7 does not currently include drafting to reflect any negotiated agreements which may be in place with affected sensitive receivers are given effect. To address this and align with condition B2(c), EnergyCo requests condition B7 be updated to include explicit reference to negotiated agreements with the affected sensitive receivers as follows:

*Activities that would exceed the 'noise affected' noise management level or sleep disturbance criteria during construction or operation of these facilities must not commence until the measures identified in this condition have been implemented, unless otherwise agreed with the Planning Secretary **or in accordance with negotiated agreements with the affected sensitive receivers.***

The intent of these requested changes is to ensure full alignment between the requirements of condition B7 with condition B2 and the guidance in the ICNG.

#### **4. Condition B22 (Biodiversity Offset Package) – Timing**

Condition B22 requires the preparation of a Biodiversity Offset Package to the satisfaction of the Planning Secretary *prior to carrying out any development that would impact biodiversity values.*

EnergyCo notes that neither the approval instrument nor the EIS defines biodiversity values, which creates some uncertainty concerning interpretation and could substantially affect the project timing.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

EnergyCo notes that the BDAR, prepared per the Biodiversity Assessment Method, assesses the biodiversity impacts of the project in terms of the offset credit liability the project would generate.

To minimise uncertainty and resulting implications for project timing, EnergyCo requests that condition B22 be updated to clarify that the Biodiversity Offset Package is to be finalised prior to impacts to biodiversity values ‘that require offsetting’ into the condition as follows:

*Prior to carrying out any development that would impact biodiversity values **that require offsetting**,...*

The intention of this requested change is that project activities could commence within areas mapped as category 1–exempt land or plant community type (PCT) 0, which do not require any biodiversity offsets under the Biodiversity Assessment Method and so will not impact on the finalisation of the Biodiversity Offset Package, before the Biodiversity Offset Package is approved under condition B22.

#### 5. Condition B24 (Species Survey Verification) – Relevant entities

Condition B24(b) currently refers to leafless indigo and rough eyebright. Leafless indigo is the common name for *Indigofera efoliata*, which is a candidate species in the biodiversity study area and considered and assessed in the BDAR. Rough eyebright is the common name for *Euphrasia scabra*, which the BDAR indicates is not a candidate or impacted species within the project’s biodiversity study area. However, the BDAR assessed potential impacts to *Euphrasia arguta*, which has no universally accepted common name.

EnergyCo assumes that the references to rough eyebright in the Department’s Assessment Report and in the conditions of approval, were intended to be references to *Euphrasia arguta*

To clarify this issue, EnergyCo requests the replacement of *leafless indigo* and *rough eyebright* in condition B24(b) with the correct scientific names, as follows:

*(b) for ~~leafless indigo~~ Indigofera efoliata and ~~rough eyebright~~ Euphrasia arguta, in the area of assumed presence;...*

*to confirm whether additional biodiversity offset measures are required for the koala, or reduced biodiversity offset measures are required for ~~leafless indigo~~ Indigofera efoliata and ~~rough eyebright~~ Euphrasia arguta.*

The intent of this requested change is to ensure aligning between the findings of the BDAR and condition B24.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

## 6. Condition B25 (Biodiversity Assessment Verification Report)

Condition B25 requires a Biodiversity Assessment Verification Report to enable independent expert review of specific biodiversity matters set out in condition B25(e) to address technical concerns raised by BCS during its review of the BDAR. The intent of the condition as stated in the Department's Assessment Report, is to provide EnergyCo with an opportunity to potentially reduce the credit obligations for the Project - where supported by an independent expert review.

As currently drafted, condition B25(a) requires the preparation of a Biodiversity Assessment Verification Report to the satisfaction of the Planning Secretary *prior to carrying out any development that could impact on biodiversity values*.

Noting that biodiversity values is not defined in the approval or EIS, this requirement could be regarded as restricting all project activities that affect any biodiversity values, not just the values required to be further assessed by the Biodiversity Assessment Verification Report as specified in condition B25(e).

To address this issue, EnergyCo requests the inclusion of 'the relevant' and 'specified in B25(e)' into the condition B25(a) as follows:

*(a) be prepared prior to carrying out any development that could impact on **the relevant biodiversity values specified in B25(e)**;*

The intention of this requested change is to ensure that condition B25 is limited to the biodiversity values required to be the subject of the Biodiversity Assessment Verification Report and does not unintentionally restrict all development noting that the requirements and potential outcomes of condition B25 have no bearing on other biodiversity values in different parts of the project. EnergyCo notes that the requested modification aligns with similar text in condition B24, which also addresses specific, relevant biodiversity values.

## 7. Condition B26 (Biodiversity Management Plan) – Timing

As currently drafted, condition B26 requires the preparation of a Biodiversity Management Plan to the satisfaction of the Planning Secretary *prior to carrying out any development that could impact biodiversity values*.

For the same reason noted in item 4 above and to minimise uncertainty and resulting implications for project timing, EnergyCo requests the inclusion of 'that require offsetting' into the condition as follows:

*Prior to carrying out any development that could impact biodiversity values **that require offsetting**,...*

The intention of this requested change is to permit project activities to commence within areas of category 1–exempt land or plant community type (PCT) 0, which do not require any specific management measures

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

or biodiversity offsets under the Biodiversity Assessment Method and so will not impact on the finalisation of the Biodiversity Management Plan under condition B26.

## 8. Condition B26 (Biodiversity Management Plan) – General

Condition B26(c) requires the Biodiversity Management Plan to be '*prepared in accordance with the Biodiversity Development Assessment Report (Revision D, dated March 2024)*'. Consequently, the wording of this condition requires updating to ensure consistency with condition A2(c) which requires the development to be carried out generally in accordance with the EIS, including the BDAR, and so provides a level of flexibility to reflect ongoing detailed design and assessment outcomes.

To avoid inconsistency between condition A2(c) and B26(c) and ensure the flexibility to enable the Biodiversity Management Plan to reflect ongoing detailed design and assessment outcomes subject to consultation with the Biodiversity, Conservation and Science Directorate and the National Parks and Wildlife Service, EnergyCo requests the inclusion of 'generally' into condition B26(c) as follows:

- (c) *be prepared **generally** in accordance with the **BDAR Biodiversity Development Assessment Report (Revision D, dated March 2024)**;*

## 9. Condition B26 (Biodiversity Management Plan) – Incidental finds

Condition B26(d)(iv) requires the Biodiversity Management Plan to include *protocols for unexpected and incidental finds of threatened species and threatened ecological community*. Neither the conditions of approval nor the EIS define what an *incidental* find is.

An incidental find could be entirely expected based on the plant community types and habitat features present, even if the BDAR did not identify the entity at that location. As opposed to 'unexpected finds', any impacts on 'incidental finds' are therefore already captured in the assumed and approved impacts of the project and would be offset accordingly.

To avoid subjective compliance obligations in this regard, EnergyCo requests the deletion of *and incidental* from condition B26(d)(iv) as follows:

- (iv) *protocols for unexpected ~~and incidental~~ finds of threatened species and threatened ecological communities within the disturbance footprint including the requirements for:*

Notwithstanding, EnergyCo commits to incorporating pre-construction clearing protocol and unexpected finds protocol (see below) as part of the applicable management plan/s (such as the Environmental Management Strategy) required to support the pre-construction minor works to ensure this safeguard is in place prior to any physical works being undertaken for the project.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706



## 10. Condition B26 (Biodiversity Management Plan) – Recommencing work

Condition B26(d)(iv) requires the Biodiversity Management Plan to include an unexpected finds protocol to manage *unexpected and incidental finds of threatened species and threatened ecological communities* and where *relevant agencies ... endorse the recommencement of work*.

In relation to the requirement for agencies to endorse the recommencement of work, it is noted that requiring unspecified agencies to endorse the recommencement of work imposes substantial risk of delay and additional costs on the project.

While the project would consult with the nominated agencies regarding any updated mitigation measures required to address any unexpected finds, the condition does not describe any process for these agencies to agree to recommencing work on the project. There is also no option for EnergyCo to seek assistance from the Planning Secretary in the event of any disagreement.

To address this, EnergyCo considers that the Planning Secretary is the most appropriate party to endorse the recommencement of works and requests that the condition be modified accordingly.

In addition, EnergyCo also asks that the condition be clarified to avoid subjective compliance obligations in this regard, and requests the inclusion of 'notification (in writing) and consultation with the Planning Secretary, and BCS (and AG DCCEEW where relevant) on any additional mitigation measures to be implemented' and 'the Planning Secretary to endorse the recommencement of work' into the condition as follows:

- *notification (in writing) and consultation with the Planning Secretary, and BCS (and AG DCCEEW where relevant) on any additional mitigation measures to be implemented; and*
- *the Planning Secretary to endorse the recommencement of work;*

This approach would ensure that the unexpected finds protocol in the Biodiversity Management Plan can be implemented by consulting with the relevant agencies on any additional mitigation measures which may be required and associated work recommencement commitments, with the Planning Secretary's approval being required to enable work to recommence once consultation has been completed.

## 11. Condition B26 (Biodiversity Management Plan) – Rehabilitation and restoration standards

As currently drafted, condition B26(d)(v) requires the Biodiversity Management Plan to detail measures that would be implemented for *rehabilitating and restoring temporary disturbance areas to its pre-existing condition*.

EnergyCo notes that this condition is potentially inconsistent with the rehabilitation objectives in Table 4 of Condition B57 and that restoring to pre-existing condition may not be feasible in many parts of the project site, given that the project includes selective vegetation removal across the entire easement area, and that

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706



rehabilitation works must also occur per easement terms, land access agreements and property management plans. The terms *restoring* and *pre-existing condition* are also subjective and could lead to different interpretations and expectations whilst the term ‘rehabilitation’ is clearly defined within the approval.

To address these issues, EnergyCo requests condition B26(d)(v) be modified as follows:

(v) ***rehabilitation of ~~restoring~~ temporary disturbance areas to facilitate natural regeneration of suitable native species to its pre-existing condition;***

The intent of this requested change is that EnergyCo would describe the proposed approach to rehabilitating all temporary disturbance areas to facilitate natural regeneration using native species in the Biodiversity Management Plan.

EnergyCo notes that the relevant agencies would have the opportunity to review and comment on the rehabilitation approach during the consultation required by condition B26 prior to the Biodiversity Management Plan being approved by the Planning Secretary.

Finally, it is noted that there is precedent for the requested approach as there are a number of approvals for State significant energy projects that do not require the disturbance areas to be restored to their ‘pre-existing’ condition.

## 12. Condition B31 (Transport Strategy) – Timing

As currently drafted, condition B31 requires that, *prior to commencing any road upgrades*, a Transport Strategy be prepared to the satisfaction of the Planning Secretary that addresses the road upgrades identified in Appendix 4. The requirement unnecessarily restricts the commencement of the road upgrades which are not specifically identified in Appendix 4 to the approval that need to be included in the Transport Strategy.

EnergyCo recognises that the road upgrades within the Transport Strategy cannot be commenced until after the Planning Secretary approves the strategy but requests that other road upgrades not subject to the Transport Strategy be permitted to commence in accordance with the requirements in Appendix 4 to the approval. Road upgrades specified in Appendix 4 with the requirement *in the Transport Strategy under condition B31* or similar, provides uncertainty in relation to the road upgrades included in Appendix 4 but not required to be detailed in the Transport Strategy.

EnergyCo requests that the condition B31 be modified to provide clarity and only captures the intended road upgrades. The proposed modification provides for ‘Road upgrades included in a Transport Strategy must not commence until the relevant Transport Strategy is approved by the Planning Secretary’ as follows:

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

- B31. Prior to commencing ~~any~~ road upgrades **specified in Appendix 4 as requiring inclusion in the Transport Strategy**, the Proponent must prepare a Transport Strategy ~~for those road upgrades identified in Appendix 4~~, in consultation with the TfNSW and relevant Councils, to the satisfaction of the Planning Secretary, which:
- (a) identifies the location and type of any necessary road upgrades (including roads, intersections, crossing points, bridges and access points), including consideration of relevant amenity impacts;
  - (b) ensures the road upgrades comply with the Austroads Guide to Road Design (as amended by TfNSW supplements), unless the relevant road authority agrees otherwise;
  - (c) includes strategic concept designs prepared in accordance with Austroads Guide to Road Design (as amended by TfNSW supplements);
  - (d) includes a detailed assessment of potential impacts of any necessary road upgrades (such as heritage and biodiversity impacts) and appropriate mitigation measures, including consideration of cumulative traffic impacts from approved projects;
  - (e) include a schedule for the commencement and completion of all necessary road upgrades;
  - (f) includes strategic concept designs for transmission lines crossing state roads and any structures required to facilitate stringing;
  - (g) details the methods for installing transmission lines across State roads, ensuring the number and length of delays is minimised and avoids peak traffic hours for Golden and Castlereagh Highways;
  - (h) identifies whether intersections, crossing points and access points would be permanent or temporary.

The intention of this request is that road upgrades not explicitly identified in Appendix 4 and those specified in Appendix 4 not required to be included in the Transport Strategy can commence before approval of a Transport Strategy prepared per condition to B31. This request does not alter requirements for road upgrades that must be included in a Transport Strategy.

### 13. Appendix 4 Road Upgrades – Misdescription

To address a misdescription, EnergyCo requests that 'Traffic Study' be replaced with 'Transport Strategy' in Table 5 in Appendix 4 to the approval.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

#### 14. Appendix 4 Road Upgrades – Timing of Installing a new bridge to replace the existing crossing of the Talbragar River

In regard to the installation of the new bridge across the Talbragar River on Merotherie Road, Table 5 in Appendix 4 of the approval currently requires:

*Commencement of the upgrade with commencement of any of the following: Merotherie Energy Hub, construction compound or any workforce accommodation camp*

However, EnergyCo notes that the traffic assessment in the EIS found that the new bridge is only required for transportation of over-mass equipment, including synchronous condensers and transformers, required for the construction of the Merotherie Energy Hub – and not for other general construction traffic associated with pre-construction minor works and the majority of construction activities.

Furthermore, the proposed replacement bridge is to be constructed south-east of the current alignment, meaning the existing bridge can be used prior to the transportation of over-mass equipment for pre-construction minor works and the majority of construction-related vehicles.

Given the above, EnergyCo is seeking to modify the timing for the commencing the upgrade of the bridge to:

*Prior to delivery of oversized specialist electrical equipment (power transformers and synchronous condensers) to Merotherie Energy Hub*

In the alternative, EnergyCo will be seeking agreement from the Planning Secretary to allow the upgrade of the bridge to commence prior to delivery of any synchronous condensers and/or transformers to the Merotherie Energy Hub in accordance with condition 32 which states:

*Unless the Planning Secretary agrees otherwise, the Proponent must implement the road upgrades and the mitigation measures identified in the Transport Strategy in condition B31 and Appendix 4 in accordance with the relevant standard and timing requirements in Appendix 4, and to the satisfaction of the relevant roads authority.*

#### 15. Condition B33 (Road Upgrades) – Misdescription

Replace 'Transport Study' with 'Transport Strategy' as follows:

*The road upgrades must be completed within the timeframes specified in the Transport ~~Study~~ **Strategy**, as required under Condition B31(e).*

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

## 16. Condition B34 (Road Maintenance)

As currently drafted, condition B34(b) requires the project to *repair (or pay the full costs associated with required repairing) any damage to local roads on the transport route (including local road crossings) that are linked to development related road traffic.*

This condition could be interpreted as requiring the project to repair any damage to roads permitted to be used by the development (i.e. the transport route) during the project, regardless of whether it occurred due to project-related vehicles, rather than damage that occurs specifically due to development-related traffic. Further, the scope of the report that must be prepared per condition B34(c) is currently unclear.

To avoid this issue and clarify the operation of the condition, EnergyCo requests the following changes to conditions B34(b) and B34(c), respectively:

- (b) repair (or pay the full costs associated with repairing) any damage to local roads on the transport route (including local road crossings) that ~~are linked to development related road traffic as a result of the construction, upgrading or decommissioning of the development~~; and*
- (c) prepare a report **on the road repairs completed under condition B34(b)** in consultation with the relevant roads authority **within 6 months of completion of the road repairs.***

## 17. Condition B55 (Social Impact Management Plan)

As currently drafted, condition B55(c) requires the Social Impact Management Plan to be developed *in consultation with affected stakeholders, to the greatest extent practicable.* This could be interpreted as requiring anyone with a perceived interest in the project to be consulted with to an indefinite extent and so creates uncertainty.

To address this, EnergyCo requests the condition be clarified as follows:

- (c) be developed in consultation with Dubbo Regional, Mid-Western Regional, Warrumbungle Shire and Upper Hunter Shire councils, and **relevant** affected stakeholders, ~~to the greatest extent practicable~~;*

The intent of this requested change is to limit consultation concerning the Social Impact Management Plan to the councils explicitly referred to in the condition and other relevant affected stakeholders, which the project would confirm in consultation with the Department and Councils.

To ensure alignment on what constitutes 'relevant affected stakeholders', EnergyCo will propose the identified relevant stakeholders and confirm the form in which they will be consulted with the Department. This step is important to ensure that the SIMP is correctly scoped and completed efficiently.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

Finally, condition B55(g)(vii) requires the Social Impact Management Plan to describe the measures that would be implemented to manage and mitigate negative (and cumulative) social impacts including ... *cumulative social impacts associated with other State significant development projects in the area.*

This requirement could be interpreted as requiring the project to manage and mitigate the cumulative impacts of all other State significant projects in the general area, current and future, which is not within the direct control of EnergyCo.

Importantly, EnergyCo will continue to work with government agencies, local councils, generators and local communities to coordinate and address broader cumulative impacts associated with the implementation of the Central West Orana REZ. For example, through the Community and Employment Benefit Program or the Port to REZ road upgrade program.

However, as a compliance matter under the conditions of approval, EnergyCo can only manage and mitigate the impacts of the project. To address this matter within the approval, EnergyCo requests the inclusion of 'consideration of' as follows:

(vii) **consideration of** *cumulative social impacts associated with other State significant development projects in the area*

### 18. Appendix 3 (Heritage) – Definition of background scatter site SNI-BS1

Table 3-2 *Aboriginal heritage items – management and mitigation measures for sites within construction area* in Appendix 3 of the approval includes a note identifying the specific Aboriginal sites that comprise the low density artefact scatter (SNI-BS1).

On review, EnergyCo notes several sites (SNI-IF66-68, SNI-IF70-76, SNI-IF78-80, SNI-IF83-86, SNI-IF88-90, SNI-IF93-96, SNI-IF99-103) identified in section 5.3.4 of the Aboriginal Cultural Heritage Assessment Report (ACHAR) Addendum (refer to page 162) as being part of the artefact background scatter were not included in the note in Appendix 3 of the approval noting that it appears that EMM did not update Note 5 to Table 6.1 of the ACHAR Addendum to include all of the additional sites noted in bold text in section 5.3.4 of the ACHAR Addendum.

To address this issue and ensure that SNI-BS1 is correctly described, EnergyCo requests modification of the note to Table 3-2 in Appendix 3 of to include the additional sites which section 5.3.4 of the ACHAR Addendum confirmed form parts of SNI-BS1, as follows:

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

Note: SNI-BS1 incorporates #36-3-0353, #36-3-0497, #36-3-0634, #36-3-0691, #36-3-0815, #36-3-0816, #36-3-0817, #36-3-0818, #36-3-0819, #36-3-0820, #36-3-0821, #36-3-1047, #36-3-1048, #36-3-1049, #36-3-1050, #36-3-1051, #36-3-1053, #36-3-1054, #36-3-1055, #36-3-1058, #36-3-1062, #36-3-1063, #36-3-1064, #36-3-1065, #36-3-1066, #36-3-1067, #36-3-1068, #36-3-1090, #36-3-1402, #36-3-1404, #36-3-1428, #36-3-3406, #36-3-1052, #36-3-1056, #36-3-1057, #36-3-1401, #36-3-2514, #36-3-3291, #36-3-3523, #36-2-0627, #36-3-3917, SNI-IF01-15 inclusive, SNI-IF17, SNI-IF20, SNI-IF28, SNI-IF33, SNI-IF39, SNI-IF41, SNI-IF43, SNI-IF47, SNI-IF48, SNI-IF51, SNI-IF56, SNI-IF58, SNI-IF62, SNI-IF65, **SNI-IF66-68, SNI-IF70-76, SNI-IF78-80, SNI-IF83-86, SNI-IF88-90, SNI-IF93-96, SNI-IF99-103**, #36-3-0336, #36-3-0470, #36-3-0498, #36-3-0569, #36-3-0660, #36-3-0139, #36-3-1403, #36-3-2833, #36-3-3182, #36-3-3227, #36-3-3233, #36-3-3432, #36-3-3805, #36-3-3828, #36-3-3832, #36-3-3833, #36-3-3835, #36-2-0533, #36-2-0580, #36-3-1396, SNI-AS01, SNI-AS03-07 inclusive, SNI-AS09, SNI-AS012-13 inclusive, SNI-AS15, SNI-AS17, SNI-AS29, SNI-AS31, SNI-AS37, SNI-AS40, SNI-AS51-52 inclusive, SNI-AS61, SNI-AS66, SNI-AS68-70 inclusive, SNI-AS72-73 inclusive, SNI-AS76-77 inclusive, SNI-Q01, SNI-FA01, SNI-AS79, SNI-AS83, SNI-AS87-90, SNI-AS92, SNI-AS95, SNI-AS97, SNI-AS99, #36-3-0685/SNI-FA03, #36-3-0720/SNI-AS100, #36-2-0613, #36-3-3884.

The intention of this requested modification is to align management requirements for the relevant Aboriginal sites with the recommendations in the ACHAR Addendum.

### 19. Condition B28 - heritage value

As currently drafted, condition B28 requires the preparation of a Heritage Management Plan to the satisfaction of the Planning Secretary *prior to carrying out any development that could harm heritage values*.

EnergyCo notes that neither the Approval nor the EIS defines heritage values. Rather, the EIS and the Approval refer to Aboriginal heritage sites. To provide consistency, it is proposed to replace heritage values with heritage items as follows:

B28. *Prior to carrying out any development that could harm heritage ~~values~~ items*

-----

EnergyCo respectfully requests that the Department urgently considers the proposed modification to the conditions of approval for the Central-West Orana REZ transmission project (SSI 48323210) as Critical State Significant Infrastructure under Section 5.25 of the EP&A Act.

If you wish to discuss this matter further or require any additional information, please do not hesitate to contact Darren Clarke, Director, Planning and Policy ([darren.p.clarke@dpie.nsw.gov.au](mailto:darren.p.clarke@dpie.nsw.gov.au) and 0455 566 284) or the undersigned.

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706

Yours sincerely



**James Hay**  
Chief Executive Officer  
EnergyCo

**Energy Corporation of  
New South Wales (EnergyCo)**

1800 032 101  
energyco.nsw.gov.au  
info@cworez.net.au  
ABN 13 495 767 706