

Development Consent

Section 4.38 of the *Environmental Planning & Assessment Act 1979*

The Independent Planning Commission of NSW grants consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Member of the Commission

Member of the Commission

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Sydney

SCHEDULE 1

Application Number:

SSD 10461

Applicant:

ACEN Australia

Consent Authority:

Independent Planning Commission of NSW

Land:

The land defined in Appendix 2

Development:

Valley of the Winds Wind Farm

TABLE OF CONTENTS

DEFINITIONS	3
PART A ADMINISTRATIVE CONDITIONS	6
Obligation to Minimise Harm to the Environment.....	6
Terms of Consent	6
Limits on Consent.....	6
Upgrading Of Wind Turbines and Ancillary Infrastructure.....	7
Structural Adequacy	7
Demolition.....	7
Protection of Public Infrastructure.....	7
Operation of Plant and Equipment.....	7
Applicability of Guidelines.....	7
Compliance.....	8
Evidence of Consultation	8
Community Consultative Committee	8
Community Enhancement	8
PART B SPECIFIC ENVIRONMENTAL CONDITIONS	9
Visual.....	9
Noise and Vibration	10
Air	11
Soil and Water	12
Biodiversity	12
Heritage	14
Transport	14
Aviation.....	17
Radiocommunications	17
Hazards	17
Waste	20
Accommodation Camp	20
Accommodation and Employment Strategy.....	20
Decommissioning and Rehabilitation.....	21
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING.....	23
Environmental Management.....	23
Notifications	24
Independent Environmental Audit.....	24
Access to Information	24
APPENDIX 1 DEVELOPMENT LAYOUT	26
APPENDIX 2 SCHEDULE OF LANDS	34
APPENDIX 3 QUARRY PLANS.....	37
APPENDIX 4 GENERAL TERMS OF APPLICANT'S VPA OFFER.....	40
APPENDIX 5 HAULAGE ROUTE AND ROAD UPGRADES.....	41
APPENDIX 6 BIODIVERSITY	50
APPENDIX 7 HERITAGE ITEMS.....	52
APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	54

DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
AG DCCEEW	The Australian Government Department of Climate Change, Energy, the Environment and Water
Accommodation Camp	Temporary onsite workforce accommodation facility as described in the EIS
Ancillary infrastructure	All project infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices and compounds, underground and overhead electricity transmission lines, accommodation camps, communication cables (including control cables and earthing), wind monitoring masts and internal roads.
Applicant	ACEN Australia, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	The Biodiversity Development Assessment Report for the Valley of the Winds Wind Farm v3 dated 7 March 2025; and additional information provided by the Applicant to the Department dated 20 September 2024
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
CEEC	Critically endangered ecological community, as defined under the BC Act or EPBC Act
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in schedules 1 to 2 inclusive
Construction	The construction of the development, including but not limited to, the carrying out of any quarrying activities and other earthworks on site, and the construction of any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network and pre-construction minor works)
Council	Warrumbungle Shire Council
CPHR	Conservation Programs, Heritage & Regulation Group within NSW Department of Climate Change, Energy, the Environment and Water (previously Biodiversity, Conservation and Science Directorate [BCS])
CPI	Consumer Price Index
Curtilage	The land immediately surrounding any form of residential accommodation, including any courtyard, garden, yard and adjacent buildings or structures that are incidental to the accommodation
Decommissioning	The deconstruction and removal of wind turbines and above ground ancillary infrastructure
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning, Housing and Infrastructure
Development	The development described in the EIS, as modified by the conditions of this consent
Development corridor	The corridor shown in Appendix 1
Disturbance area	The disturbance area shown in Appendix 1
DNG	Derived native grassland vegetation condition
DoD	Australian Government Department of Defence
DPIRD	Department of Primary Industries and Regional Development
EIS	The environmental impact statement for Valley of the Winds Wind Farm dated 28 April 2021, including the: <ul style="list-style-type: none"> • Submissions Report dated 27 October 2023, • Amendment Reports dated 27 October 2023 and 1 November 2024; and 24 January 2025 • additional information provided by the Applicant to the Department dated 5 April 2024, 18 June 2024 and 24 January 2025
EnergyCo	The Energy Corporation of NSW
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act

Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
GPS	Global Positioning System
Heavy vehicle	As defined by the <i>Heavy Vehicle National Law (NSW)</i> , excluding high-risk heavy vehicles requiring escort
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i> or an NSW exemption notice on the National Heavy Vehicle Regulator website.
High-risk heavy vehicle requiring escort	A vehicle under escort identified "high risk" as defined in Table 1 of TfNSW's <i>Fact Sheet for Transport Management Plan</i> (as amended)
Heritage Act	<i>Heritage Act 1977</i>
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: the <i>State Heritage Register under the Heritage Act 1977</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the EPBC Act, or anything identified as a heritage item under the conditions of this consent
Heritage NSW	Heritage NSW Group within NSW DCCEEW
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 2 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the NSW Lands Registry Office at the date of this consent
LGA	Local Government Area
Light vehicle	As defined by TfNSW's <i>Vehicle standards information sheet VSI 05 Light vehicle dimension limits Rev 6</i> (11 March 2015).
Material harm	<p>Is harm that:</p> <ul style="list-style-type: none"> • involves actual to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment <p><i>Note: This definition excludes "harm" that is either authorised under this consent or any other statutory approval.</i></p> <p><i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i></p>
MW	Megawatt
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Non-associated residence	<p>Means:</p> <ul style="list-style-type: none"> • a residence on privately-owned land in respect of which the owner has not reached an agreement with the Applicant in relation to the development (as provided by this consent); or • a residence on privately-owned land in respect of which the owner has reached an agreement with the Applicant in relation to the development (as provided by this consent), but the agreement does not cover the relevant impact or the performance measure for such impact under that agreement has been exceeded.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident

NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
OLS	Obstacle Limitation Surface
Operation	The operation of the development, but does not include commissioning, trials of equipment or use of temporary facilities
PAD	Potential Archaeological Deposit
PCT	Plant Community Type held within the BioNet Vegetation Classification Database
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-construction minor works	Includes the following activities: <ul style="list-style-type: none"> • surveys; • overhead line safety marking; • building and road dilapidation surveys; • investigative drilling, excavation or salvage; • minor clearing or translocation of native vegetation; • establishing temporary site office (in locations meeting the criteria identified in the conditions of this consent) • installation of environmental impact mitigation measures, fencing, enabling works; • wind monitoring masts; and • construction of minor access roads and minor adjustments to services/utilities, etc.
Privately-owned land	Land that is not owned by a public agency or publicly-owned commercial entity (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels, etc.
Quarrying activities	The extraction, processing, stockpiling and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden in accordance the EIS and the figures in Appendix 3.
Quarry sites	The quarries shown in Appendix 1 and Appendix 3
RAAF	Royal Australian Air Force – Aeronautical Information Services
Radiocommunications	Radio emission, or the reception of radio emission, for the purposes of communicating information as defined under the <i>Radiocommunications Act 1992</i>
Reasonable	Reasonable related to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Shadow flicker	The flickering effect caused by the intermittent shading of the sun by the rotating blades of the wind turbines
Site	As indicated by the red line on the figure in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.
TfNSW	Transport for New South Wales
Upgrade	The replacement of wind turbines and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
VPA	Voluntary Planning Agreement
Water Group	Water Group within NSW DCCEEW
Wind turbine	Turbines used for the generation of electricity by wind, including the tower, blades and associated components

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, operation, rehabilitation or decommissioning of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 1
- A3. The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:
- (a) any strategies, plans or correspondence that are submitted in accordance with this consent;
 - (b) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (c) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

Total number of Wind Turbines

- A5. A maximum of 131 wind turbines may be constructed and operated on the site.

Wind Turbine Height

- A6. The maximum permitted height of any wind turbine (measured from above ground level to the blade tip height) is 250 metres.

Battery storage restriction

- A7. Unless the Planning Secretary agrees otherwise, the battery storage associated with the development must not exceed an energy storage capacity of 640 MWh.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage in future.

Micro-siting Restrictions

- A8. Wind turbines and ancillary infrastructure may be micro-sited without further approval providing:
- (a) the surface disturbance remains within the development corridor (with the exception of wind monitoring masts) shown on the figures in Appendix 1;
 - (b) no wind turbine is moved more than 100 metres from the relevant GPS coordinates shown in Appendix 1;
 - (c) the revised location of a wind turbine is at least 250 metres from a battery storage compound;
 - (d) the revised location of the blade tip of a wind turbine is at least 50 metres from the canopy of existing native vegetation; or where the proposed location of the blade tip of a wind turbine is already within 50 metres of the canopy of existing native vegetation, the revised location is not any closer to the existing native vegetation;
 - (e) the final location of a wind turbine is at least 200 metres from cliff lines;
 - (f) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent; and

- (g) the wind monitoring masts are located within the development corridor where possible and their development would not result in any non-compliance with the conditions of this consent.

Quarrying activities

- A9. Quarrying activities must only be undertaken in the locations and dimensions shown in Appendix 3, and for the purposes of development, generally in accordance with the EIS.
- A10. Prior to the commencement of construction, the Applicant must:
- engage a registered surveyor to mark out the boundaries of the approved areas of extraction within the quarry sites (as set out in Appendix 3); and
 - provide the Planning Secretary with a survey plan of such boundaries and their GPS coordinates.
- A11. The boundaries of the approved areas of extraction within the quarry sites must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying activities.

UPGRADING OF WIND TURBINES AND ANCILLARY INFRASTRUCTURE

- A12. The Applicant may upgrade the wind turbines and ancillary infrastructure on site provided these upgrades remain within the approved disturbance area.
- Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.

STRUCTURAL ADEQUACY

- A13. The Applicant must ensure that:
- the wind turbines are constructed in accordance with the relevant standards, including the structural design requirements of *IEC 61400-1 Wind turbines – Part 1: Design Requirements* (or equivalent); and
 - all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.
- EP&A Development Certification and Fire Safety Regulation 2021 sets out the requirements for the certification of the development.

DEMOLITION

- A14. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A15. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

OPERATION OF PLANT AND EQUIPMENT

- A16. All plant and equipment used on site, or in connection with the development, must be:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A17. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

COMPLIANCE

A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

EVIDENCE OF CONSULTATION

- A19. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMMUNITY CONSULTATIVE COMMITTEE

A20. The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's *Community Consultative Committee Guideline: State Significant Projects (2023)*, or its latest version.

COMMUNITY ENHANCEMENT

- A21. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of Warrumbungle Shire Council letter dated 28 February 2024 summarised in Appendix 4.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

VISUAL

Visual Impact Mitigation

- B1. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 4.95 km of any wind turbine identified in the Final Layout Plan may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

The mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at reducing the visibility of the wind turbines from the residence and its curtilage and commensurate with the level of visual impact on the residence;
- (c) consider bushfire risk (including the provisions of *Planning for Bushfire Protection 2019*); and
- (d) be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

Notes:

- *To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of wind turbines from any other locations on the property other than the residence and its curtilage.*
- *The identification of appropriate visual impact mitigation measures will be more effective following the construction of the wind turbines. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction, it is recommended owners consider whether there is benefit in delaying such a request until the relevant wind turbines are visible from their residence or its curtilage.*

Visual Appearance

- B2. The Applicant must:
- (a) take all reasonable steps to minimise the off-site visual impacts of the development;
 - (b) ensure the wind turbines are:
 - (i) painted off white/grey, unless otherwise agreed by the Planning Secretary; and
 - (ii) finished with a surface treatment that minimises the potential for glare and reflection;
 - (c) ensure the visual appearance of all ancillary infrastructure (including paint colours, specifications and screening) blends in as far as possible with the surrounding landscape; and
 - (d) not mount any advertising signs or logos on wind turbines or ancillary infrastructure (except where required for safety or emergency purposes).

Lighting

- B3. The Applicant must:
- (a) consult with CASA, Siding Spring Observatory and DoD regarding night time obstacle lighting requirements and, if required, ensure obstacle lights are energised during hours of darkness in accordance with CASA's recommendations;
 - (b) minimise the off-site lighting impacts of the development;
 - (c) ensure that any aviation hazard lighting complies with CASA's recommendations;
 - (d) minimise the visual impacts of any aviation lighting by implementing measures including as appropriate in the circumstances:
 - (i) partial shielding of lights;
 - (ii) operating the lights only at night or during times of reduced visibility; and
 - (iii) turning the lights on and off simultaneously; and
 - (e) ensure that all external lighting associated with the development (apart from any aviation hazard lighting):
 - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
 - (ii) does not shine above the horizontal;
 - (iii) uses best management practice for bat deterrence; and
 - (iv) complies with Australian/New Zealand Standard AS/NZS 4282:2019: Control of Obtrusive Effects of Outdoor Lighting, or its latest version.

If there is a dispute about the need for aviation hazard lighting under condition B3(c), including which wind turbines are to be lit, then either party may refer the matter to the Planning Secretary for resolution.

Shadow Flicker

- B4. The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence.

NOISE AND VIBRATION

Construction Hours

- B5. Road upgrades, construction, demolition, upgrading or decommissioning activities (excluding blasting) may only be undertaken between:
- (a) 7 am to 6 pm Monday to Friday;
 - (b) 8 am to 1 pm Saturdays; and
 - (c) at no time on Sundays and NSW public holidays;
- unless the Planning Secretary agrees otherwise.

Exceptions to Construction Hours

- B6. The following activities may be carried out outside the hours specified in condition B5 above:
- (a) activities that are inaudible at non-associated residences;
 - (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
 - (c) emergency work to avoid the loss of life, property or to prevent material harm to the environment.

Variation of Construction Hours

- B7. The hours of construction activities specified in condition B5 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:
- (a) considered on a case-by-case or activity-specific basis;
 - (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Councils (and other relevant agencies) has been and will be undertaken;
 - (d) accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and
 - (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009), or latest version.

Construction and Decommissioning

- B8. The Applicant must take all reasonable steps to minimise the noise generated by the development during construction, decommissioning and road upgrade works, including any associated traffic noise.
- B9. The Applicant must ensure that the noise generated by any construction, decommissioning or road upgrade works is managed in accordance with the requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).
- B10. The Applicant must comply with the following vibration limits:
- (a) vibration criteria established using *the Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
 - (b) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions"; and
 - (c) vibration limits set out in the German Standard DIN 4150-3: Structural Vibration – effects of vibration on structures (for structural damage).

Blasting

- B11. Blasting may only be carried out on site between 9 am and 5 pm Monday to Friday and between 9 am to 1 pm on Saturday. No blasting is allowed on Sundays or NSW public holidays.
- B12. The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 1.

Table 1 | Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Any non-associated residence	120	10	0%
	115	5	5% of the total number of blasts or events over a rolling period of 12 months

Operating Conditions – Blasting

- B13. During blasting operations, the Applicant must:
- (a) take all reasonable steps to:
 - (i) ensure the safety of people and livestock from blasting impacts of the development;
 - (ii) protect public or private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
 - (iii) minimise blast-related dust and fume emissions;
 - (b) operate a suitable system to enable members of the public to get up-to-date information on the proposed blasting schedule on the site and implement a protocol for investigating and responding to blast-related complaints;
 - (c) identify any blast-related exceedance, incident or non-compliance and notify the Department and relevant stakeholders of these events; and
 - (d) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.

Operational Noise Criteria – Wind Turbines

- B14. The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level (L_{A90 (10-minute)}) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated wind turbine generator power, at any non-associated residence.

Noise generated by the operation of the wind turbines is to be measured in accordance with the relevant requirements of the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version). The noise generated by the operation of the wind turbines must also be adjusted for tonality and low frequency noise in accordance with the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version).

However, these criteria do not apply if the Applicant has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Operational Noise Criteria – Ancillary Infrastructure

- B15. The noise generated by the operation of ancillary infrastructure must not exceed 35 dB(A) L_{Aeq(15 minute)} at any non-associated residence.

Noise generated by the operation of ancillary infrastructure is to be measured in accordance with the relevant requirements of the *NSW Noise Policy for Industry* (2017) (or its equivalent).

Operational Noise Monitoring

- B16. Within 6 months of the commencement of operations (or the commencement of operation of a stage, if the development is to be staged), the Applicant must:
- (a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - (b) submit a copy of the monitoring results to the Department and the EPA.
- B17. The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

AIR

- B18. The Applicant must take all reasonable steps to:
- (a) minimise the off-site dust, fume and blast emissions of the development; and
 - (b) minimise the surface disturbance of the site.

SOIL AND WATER

Water Supply

- B19. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licenses before commencing any works which intercept or extract groundwater or surface water (unless an exemption applies).

Water Pollution

- B20. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

Note: Section 120 of the POEO Act makes it an offence to pollute any waters.

Operating Conditions

- B21. The Applicant must:
- (a) minimise erosion and control sediment generation;
 - (b) ensure the wind turbine pads, ancillary infrastructure, access roads and any other land disturbances have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Best Practice Erosion and Sediment Control* (IECA, 2008) and *Managing Urban Stormwater – Soils and Construction Volume 2C Unsealed Roads* (DECC, 2008), or their latest versions;
 - (c) ensure all waterway crossings are constructed in accordance with the *Water Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), unless Water Group agrees otherwise, and the *Policy and Guidelines for Fish Habitat Conservation and Management* (Update 2013) unless DPIRD Fisheries agrees otherwise;
 - (d) ensure the concrete batching plants and substation are suitably bunded; and
 - (e) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

BIODIVERSITY

Vegetation Clearance

- B22. The Applicant must not clear any native vegetation or fauna habitat located outside the development corridor.

Restrictions on Clearing and Habitat

- B23. Unless the Planning Secretary agrees otherwise, the Applicant must:
- (a) ensure that the vegetation and habitat clearing limits specified in Tables 1 and 2 of Appendix 6 are not exceeded; and
 - (b) minimise:
 - (i) the clearing of native vegetation and key habitat;
 - (ii) the impacts of the development on hollow-bearing trees; and
 - (iii) the impacts of the development on threatened bird and bat populations.

Biodiversity Offsets

- B24. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must:
- (a) retire biodiversity credits of a number and class specified in Tables 1 and Table 2 of Appendix 6, unless the Planning Secretary agrees otherwise; and
 - (b) retire the biodiversity credits specified in Tables 1 and 2 of Appendix 6 prior to carrying out any development that would impact on biodiversity values.

The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
 - (b) making payments into an offset fund that has been developed by the NSW Government; or
 - (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.
- B25. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

Biodiversity Management Plan

- B26. Prior to carrying out any development that could impact biodiversity values, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Biodiversity Management Plan for the development, and to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced biodiversity expert/s in consultation with CPHR and AG DCCEEW;
 - (b) be prepared in accordance with the BDAR;
 - (c) include a description of the measures and timeframes that would be implemented for:
 - (i) ensuring the development does not adversely affect the native vegetation and habitat outside the disturbance footprint and ensure the restrictions on clearing in conditions B23 are met;
 - (ii) minimising the clearing of native vegetation and habitat within the disturbance footprint;
 - (iii) minimising impacts on entities at risk of a serious and irreversible impact (SAII), including securing land comprising 282 ha of Box Gum Woodland CEEC, in perpetuity, within a Conservation Agreement and/or Biodiversity Stewardship Agreement (over and above the relevant credit obligations) for the purpose of restoring, enhancing and protecting this vegetation;
 - (iv) minimising the impacts of the development on threatened flora and fauna species within the disturbance footprint and its surrounds, including the:
 - large-eared pied bat
 - large bent-winged bat
 - masked owl
 - barking owl
 - powerful owl
 - squirrel glider
 - pale-headed snake
 - (v) rehabilitating and revegetating temporary disturbance areas;
 - (vi) protecting native vegetation and key fauna habitat outside the approved disturbance area;
 - (vii) maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (such as fauna habitat enhancement) during the rehabilitation and revegetation of the site;
 - (viii) collecting and propagating seed (where relevant);
 - (ix) controlling weeds and feral pests;
 - (x) controlling erosion; and
 - (xi) bushfire management;
 - (d) include a detailed program to monitor and report on the effectiveness of these measures; and
 - (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

Following the Planning Secretary's approval, the Applicant must implement the Biodiversity Management Plan.

Bird and Bat Adaptive Management Plan

- B27. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with CPHR and AG DCCEEW, and to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the BDAR and include:
- (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by the development, including additional at-height monitoring;
 - (b) a detailed description of the measures that would be implemented on site for minimising bird and bat strike during operation of the development, including:
 - (i) minimising the availability of raptor perches on wind turbines;
 - (ii) prompt carcass removal;
 - (iii) controlling pests;
 - (iv) using best practice methods for bat deterrence, including managing potential lighting impacts; and
 - (v) a wind turbine curtailment strategy (if baseline monitoring indicates a significant risk of impact, and to be informed by baseline data);
 - (c) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations, including:
 - (i) a trigger action response plan to minimise potential impacts of the project;
 - (ii) the implementation of measures to:
 - reduce the mortality of those species or populations; or
 - enhance and propagate those species or populations in the locality, where feasible; and
 - (d) a detailed program to monitor and report on:
 - (i) the effectiveness of these measures; and
 - (ii) any bird and bat strikes on site;
 - (e) provisions for a copy of the monitoring program's methodology and results, including all raw data collected as part of the monitoring program to be submitted to CPHR and the Planning Secretary.

Following the Planning Secretary's approval, the Applicant must implement the Bird and Bat Adaptive Management Plan.

HERITAGE

Protection of Heritage Items

B28. The Applicant must:

- (a) ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items identified in Table 1 of Appendix 7, historic heritage items identified in Table 3 of Appendix 7, and any items located outside the disturbance area;
- (b) implement all reasonable and feasible measures to avoid and minimise harm to Aboriginal heritage items identified in Table 2 of Appendix 7; and
- (c) salvage and relocate items that would be impacted to a suitable alternative location, in accordance with the Heritage Management Plan described in condition B29.

Note: The location of the heritage items referred to in this condition are shown in the figure in Appendix 7.

Heritage Management Plan

B29. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in condition B28, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Aboriginal stakeholders and reviewed by Heritage NSW;
- (c) provide an updated list of Aboriginal heritage items identified in condition B28 that would be protected and remain in-situ throughout construction and items that would be salvaged and relocated to suitable alternative locations;
- (d) include a justification where impacts to Aboriginal heritage items identified in condition B28(b) cannot be avoided;
- (e) include a description of the measures that would be implemented for:
 - (i) protecting heritage items in accordance with condition B28;
 - (ii) minimising and managing the impacts of the development on Aboriginal heritage items identified in condition B28(b) that cannot be avoided, including:
 - salvaging and relocating items to suitable alternative locations; and
 - a strategy for the long-term management of any Aboriginal items or material collected during the test excavation or salvage works;
 - (iii) a contingency plan and reporting procedure if:
 - heritage items outside the approved disturbance area are damaged;
 - previously unidentified heritage items are found; or
 - skeletal material is discovered;
 - (iv) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
- (f) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

Following the Planning Secretary's approval, the Applicant must implement the Heritage Management Plan.

TRANSPORT

High-risk Heavy Vehicles Requiring Escort, Heavy Vehicles Requiring Escort and Heavy Vehicles Routes

B30. The Applicant must ensure that all high-risk heavy vehicles requiring escort, heavy vehicles requiring escort and heavy vehicles associated with the development access to and from the site via Selwyn Street, George Street, Industrial Drive, Pacific Highway (Maitland Road), New England Highway, John Renshaw Drive, Hunter Expressway, New England Highway and:

- a) for vehicles with loads up to 5.6 m in height and 5.8 m in width: Golden Highway, Denman Road, Golden Highway and Black Stump Way; or
- b) for vehicles with loads between 5.6 m to 6.3 m in height and up to 5.8 m in width: Golden Highway, Denman Road, Bengalla Road, Wybong Road, Golden Highway and Black Stump Way;
- c) for high-risk heavy vehicles larger than 6.3 m in height or exceeding 5.8 m in width or blade length longer than 85 m, the route approved under the Transport Strategy in condition B34;

as identified in Figure 1 of Appendix 5 unless otherwise agreed by the Planning Secretary and in consultation with the relevant roads authority.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.

Site Access

B31. Unless the Planning Secretary agrees otherwise, the Applicant must ensure that vehicles associated with the development access the site:

- (a) for light vehicles, via:
 - (i) Golden Highway and Black Stump Way (Mount Hope Cluster);
 - (ii) Golden Highway (west of Moorefield Road [east]) (Girragulang Road Cluster);
 - (iii) Golden Highway (between Merotherie Road and Blue Springs Road) (Leadville Cluster); and
 - (iv) Golden Highway, Black Stump Way and Moorefield Road (west) (Accommodation Camp and Girragulang Road Cluster);
- (b) for heavy vehicles, heavy vehicles requiring escort and high-risk heavy vehicles requiring escort, via:
 - (i) Golden Highway and Black Stump Way (Mount Hope Cluster);
 - (ii) Golden Highway (west of Moorefield Road [east]) (Girragulang Road Cluster); and
 - (iii) Golden Highway (between Merotherie Road and Blue Springs Road) (Leadville Cluster);

as identified in Figure 2 of Appendix 5 unless otherwise agreed by the Planning Secretary and in consultation with the relevant roads authority.

B32. All vehicles associated with the construction, operation, upgrading and decommissioning of the development must not use the sections of Neilrex Road, Sir Ivan Dougherty Drive, Wardens Road or Moorefield Road (east) shown on Figure 2 of Appendix 5 at any time except for emergency purposes, unless the Planning Secretary agrees otherwise.

Road Upgrades

B33. Unless the Planning Secretary agrees otherwise, the road upgrades identified in Table 1 and Figures 3a-3e of Appendix 5 must be implemented by the Applicant in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority.

Unless the relevant roads authority agrees otherwise, these upgrades must comply with the *Austrroads Guide to Road Design* (as amended by TfNSW supplements) and be carried out to the satisfaction of the relevant roads authority.

If there is a dispute about the road upgrades to be implemented, or the implementation of these upgrades, then either party may refer the matter to the Planning Secretary for resolution.

Approvals and Upgrades for Heavy Vehicles Requiring Escort

B34. Prior to commencing transport of high-risk heavy vehicles requiring escort larger than 6.3 m in height or exceeding 5.8 m in width, or for blade length longer than 85m, the Applicant must prepare a Transport Strategy, in consultation with TfNSW and relevant Councils, to the satisfaction of the Planning Secretary. The Transport Strategy must demonstrate that any high-risk heavy vehicles requiring escort larger than 6.3 m in height or exceeding 5.8 m in width, or for blade length longer than 85m associated with the development, can be accommodated on the road network and have identified the relevant approvals pathways and timing of the approvals and upgrades.

Following the Planning Secretary's approval, the Applicant must implement the Transport Strategy.

B35. Prior to the use of high-risk heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (including for any road upgrades that may be required from port of origin to the Golden Highway and Black Stump Way Road intersection).

Road Maintenance

B36. The Applicant must, in consultation with the relevant Council:

- (a) undertake an independent dilapidation survey to assess the existing condition of Black Stump Way, Mount Hope Road, and Moorefield Road (west), along the access route and within the Project Site boundary as defined in the EIS, prior to construction, upgrading or decommissioning works; and
- (b) undertake an independent dilapidation survey one month following completion of construction, upgrading or decommissioning works, to assess the condition of the roads listed in condition B36(a) and describe the necessary repairs to return the route to a condition that is equivalent to, or better than, the existing condition identified in B36(a); and
- (c) repair and/or make good any development-related damage identified during:

- (i) the carrying out of the relevant construction, upgrading and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified but within 7 days at the latest; and
- (ii) any dilapidation survey carried in accordance with condition B36(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise;

If there is a dispute between the Applicant and the relevant Council about the repair of the above listed roads, then either party may refer the matter to the Planning Secretary for resolution.

Operating Conditions

B37. The Applicant must ensure:

- (a) any new internal roads are constructed as all-weather roads;
- (b) any existing internal roads are maintained as all-weather roads;
- (c) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- (d) the capacity of the existing roadside drainage network is not reduced;
- (e) any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with the DPHI Crown Lands;
- (f) any road upgrades that may affect watercourse crossings comply with the *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), unless otherwise agreed with DPIRD Fisheries;
- (g) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (h) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

Traffic Management Plan

B38. Prior to commencing road upgrades identified in condition B34, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, EnergyCo and Warrumbungle Shire Council, and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the haulage route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition;
- (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - (i) details of the dilapidation surveys required by condition B36;
 - (ii) meeting the operating conditions required by condition B37;
 - (iii) temporary traffic controls, Austroads Guide to Traffic Management and relevant roads authority requirements;
 - (iv) notifying the local community about development-related traffic impacts;
 - (v) procedures for receiving and addressing complaints from the community about development related traffic;
 - (vi) minimising potential cumulative traffic impacts with other projects along the access route, including consultation with TfNSW and EnergyCo regarding their projects;
 - (vii) minimising potential conflict with rail services, stock movements, school buses and other road users as far as practicable, including preventing queuing on the public road network;
 - (viii) minimising dirt tracked onto the public road network from development-related traffic;
 - (ix) details of the employee shuttle bus service (if proposed), including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure employee use of this service as described in the EIS;
 - (x) encouraging car-pooling or ride sharing by employees;
 - (xi) scheduling of haulage vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
 - (xii) ensuring loaded vehicles entering or leaving the site have their loads covered or contained;
 - (xiii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - (xiv) responding to any emergency repair or maintenance requirements; and
 - (xv) a traffic management system for managing high risk heavy vehicles requiring escort.
- (d) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers adhere to the identified transport routes and speed limits; and
 - (iii) procedures to ensure that drivers to implement safe driving practices; and
- (e) include a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

Following the Planning Secretary's approval, the Applicant must implement the Traffic Management Plan.

AVIATION

Mitigation of Aviation-Related Impacts

- B39. The Applicant must carry out the development in accordance with the *National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers*, or its latest version, unless the Secretary agrees otherwise.

Aviation Management Plan

- B40. Prior to commencement of construction, an Aviation Management Plan must be developed by an appropriately qualified expert in aviation safety in consultation with the operators of the Tongy Aerodrome and Turee Aerodrome as identified in the EIS. The Plan must include:
- details of how the construction and operation of wind turbines and wind monitoring masts may impact on aerodrome operations;
 - identification of turbines and wind monitoring masts with the potential to cause a hazard or impact on aerodrome operations, including final coordinates and height details;
 - ongoing consultation with potentially impacted operators;
 - procedures to ensure safe operations of aerodrome runways; and
 - mitigation measures for the management of impacts and hazards to aircraft and aerodrome operations including any recommended restrictions on or variation to standard operating procedures for take-off, landing and flight circuits.

Following the Planning Secretary's approval, the Applicant must implement the Aviation Management Plan.

Notification of Aviation Authorities

- B41. Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, DoD and the RAAF (together the authorities):
- co-ordinates in latitude and longitude of each wind turbine and mast;
 - the final height of each wind turbine and mast in Australian Height Datum;
 - ground level at the base of each wind turbine and mast in Australian Height Datum;
 - confirmation of compliance with any OLS; and
 - details of any proposed aviation hazard lighting.
- B42. At least 7 months prior to the construction of turbine MH25, the Applicant must consult with Airservices Australia to secure a commercial agreement for amendments required to air route W-627.
- B43. Within 30 days of the practical completion of any wind turbine or mast, the Applicant must:
- provide confirmation to the authorities that the information that was previously provided remains accurate; or
 - update the information previously provided.

RADIOCOMMUNICATIONS

- B44. If the development results in the disruption to any radio communications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these services as soon as possible following the disruption, but no later than 1 month following the disruption of the service unless the relevant service provider or user or Planning Secretary agrees otherwise.

If there is a dispute about the mitigation measures to be implemented or the implementation of these mitigation measures, then either party may refer the matter to the Planning Secretary for resolution.

HAZARDS

Location of the Battery Storage System

- B45. Unless otherwise agreed by the Planning Secretary, prior to commencing construction of the battery storage facility, and associated footings/foundations except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must:
- demonstrate that the battery storage location and layout is consistent with the recommendations of the Preliminary Hazard Analysis (Sherpa Consulting, 04 July 2023); or
 - justify if the location and layout of the battery storage is different from the recommendations of the Preliminary Hazard Analysis (Sherpa Consulting, 04 July 2023), that safety to the surrounding assets or land uses is still ensured.

Fire Safety Study

- B46. At least one month prior to commencing construction of the battery storage facility, and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning.

Construction of the battery storage facility and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies) must not commence until the Fire Safety Study meets the requirements of FRNSW and approval has been given by the Planning Secretary. The study must:

- (a) be consistent with the Department's Hazardous Industry Planning and Advisory Paper No. 2 'Fire Safety Study' guideline; and FRNSW Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations;
- (b) describe the final design of the battery storage facility;
- (c) include reasonable worst-case bush fire scenario to and from the battery storage and the associated fire management;
- (d) identify measures to eliminate the expansion of any fire incident, including:
 - (i) adequate fire safety systems and appropriate water supply;
 - (ii) separation and/or compartmentalisation of battery units; and
 - (iii) strategies and incident control measures specific to the battery storage design.

Following approval by the Planning Secretary, the Applicant must implement the measures described in the Fire Safety Study.

Note: 'meets the requirements of FRNSW' above means confirmation in writing from FRNSW that the Study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning and Advisory Paper No. 2 'Fire Safety Study' guideline.

Gas Transmission Pipeline – Central Ranges high pressure gas pipeline

- B47. The Applicant must not construct any buildings, structures, roadway, pavement, pipeline, cable, fence, on-site wastewater treatment (or irrigation area), or any other improvement on or under the land within the gas transmission pipeline easement without prior written agreement of the pipeline operator. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

Note: All plans that include the gas transmission pipeline easement must have the easement clearly identified with hatching and labelled as 'high pressure gas pipeline easement. – no works to occur without the prior authorisation of the pipeline operator

- B48. Prior to commencing construction near or over a gas transmission pipeline, the Applicant must prepare and submit an electrical hazard study in compliance with *Australian Standard 4853-2012 – Electrical Hazards on metallic pipelines*. The Applicant must address and implement all relevant requirements, recommendations, or actions from the outcomes of the study or as specified by the pipeline operator.

Following completion of construction, the Applicant must conduct validation testing and submit evidence to the Department confirming that the study has met the pipeline operator's requirements.

Storage and Handling of Dangerous Goods

- B49. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
 - (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.

In the event of an inconsistency between the requirements listed from (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

- B50. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Electric and Magnetic Fields

- B51. The Applicant must ensure that the design, construction and operation of the development is managed to comply with the applicable electric and magnetic fields (EMF) limits in the *International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines* for limiting exposure to time-varying electric and magnetic fields (1Hz – 100kHz) (ICNIRP, 2010).

Operating Conditions – Wind Farm and Battery storage

- B52. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
 - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*; and
 - (ii) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank(s) fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to each substation;
 - (iii) is managed as an asset protection zone (including defendable space);
- (c) assist the RFS, FRNSW and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

Operating Conditions – Accommodation Camp

B53. For the accommodation camp, the Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
 - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*;
 - (ii) internal roads and utilities are provided in accordance with the requirements of the bushfire risk report produced by Cool Burn Pty Ltd, dated 3 February 2022;
 - (iii) includes a defendable space around the perimeter of a minimum 10 metres that permits unobstructed vehicle access; and
 - (iv) is managed as an asset protection zone (including the defendable space);
- (c) assist the RFS, FRNSW and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following completion of construction of the development, and prior to commencing operations.

Emergency Plan

B54. Prior to commencing construction of the wind farm (including the accommodation camp) and commissioning of the battery storage, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, including an evacuation plan for the accommodation camp, in consultation with RFS and the owner of the Central Ranges High Pressure Gas Transmission Pipeline, and provide a copy of the plan to the local Fire Control Centre and FRNSW. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition ;
- (b) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, *'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (c) be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- (d) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
- (e) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;
- (f) include availability of fire suppression equipment, access and water;
- (g) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (h) include procedures for the storage and maintenance of any flammable materials;
- (i) include bushfire emergency management planning, including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone and on-site water supply tanks;
 - (ii) a list of works that should not be carried out during a total fire ban;
 - (iii) details of the access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
 - (iv) details of how RFS would be notified, and procedures that would be implemented, in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period; and
 - (v) detail specific response measures in the case of flood to ensure site safety
 - (vi) describe the specific emergency exit routes to be used in the case of flood and include evidence of access agreements with relevant landowners (e.g. right of carriageway);
 - (vii) include an Emergency Services Information Package in accordance with *Emergency Services information and tactical fire plan* (FRNSW, 2019) to the satisfaction of FRNSW and RFS; and

- (viii) operational procedures in the event of bushfires, such as shutting down turbines and the positioning of turbine blades to minimise interference with aerial firefighting operations and turning on aviation hazard lighting.

B55. The Applicant must:

- (a) implement the Emergency Plan and Emergency Services Information Package for the duration of the development; and
- (b) following commencement of commissioning of the battery storage, keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

WASTE

B56. The Applicant must:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (c) store and handle all waste generated on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

ACCOMMODATION CAMP

B57. Unless the Planning Secretary agrees otherwise, the Applicant must construct and operate the accommodation camp as described in the EIS and in Appendix 1 of this consent, prior to commencing all other construction activities.

B58. Prior to commencing construction of the accommodation camp, the Applicant must prepare an Accommodation Camp Management Plan in consultation with EnergyCo and Warrumbungle Shire Council, Western NSW Local Health District. Unless the Planning Secretary agrees otherwise, the plan must:

- (a) ensure utilities at the accommodation camp, including water, wastewater, waste and electricity, are designed and located in accordance with Warrumbungle Shire Council specifications and relevant standards;
- (b) ensure the accommodation camp complies with conditions B21 and B53;
- (c) ensure any treated wastewater from the accommodation camp which is used for dust suppression during construction:
 - (i) complies with the Australian and New Zealand Environment and Conservation Council (ANZECC) & Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) (2000) *Guidelines for irrigation water quality*;
 - (ii) meets the requirements of the *Public Health Act 2010*;
- (d) include measures for dust suppression within the accommodation camp;
- (e) provide the site layout including building locations, vehicle access and movement, site servicing and utilities infrastructure;
- (f) include measures to provide the camp with health and medical services and to notify the relevant health authorities of the final measures; and
- (g) include measures to support local suppliers in servicing the camp where possible.

The Applicant must implement the Accommodation Camp Management Plan.

ACCOMMODATION AND EMPLOYMENT STRATEGY

B59. Prior to commencing construction, the Applicant must prepare and implement an Accommodation and Employment Strategy for the development in consultation with EnergyCo and Warrumbungle Shire Council, and to the satisfaction of the Planning Secretary. This strategy must:

- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- (b) consider the cumulative impacts associated with other State significant development projects in the area;
- (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
- (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencement of construction, and implement the plan throughout construction and operation of the accommodation camp.

DECOMMISSIONING AND REHABILITATION

Rehabilitation Objectives – Decommissioning

- B60. Unless the Planning Secretary agrees otherwise, within 12 months of commencing operation of the project, the applicant must decommission and rehabilitate the accommodation camp to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in .

Table 2 | Rehabilitation Objectives – Accommodation Camp

Feature	Objective
Accommodation Camp	<ul style="list-style-type: none"> • Safe, stable and non-polluting • All infrastructure including above and below ground to be decommissioned and removed to a depth of 500mm, unless the Planning Secretary agrees otherwise • Restore land capacity to pre-existing productive capacity • Ensure public safety and all times

- B61. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in .

Table 3 | Rehabilitation Objectives

Feature	Objective
Development site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible
Revegetation	<ul style="list-style-type: none"> • Restore native vegetation generally as identified in the EIS
Above ground wind turbine infrastructure (excluding wind turbine pads)	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Planning Secretary agrees otherwise
Wind turbine pads	<ul style="list-style-type: none"> • To be covered with soil and/or rock and revegetated
Above ground ancillary infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary
Internal access roads	<ul style="list-style-type: none"> • To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary
Underground cabling	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Planning Secretary agrees otherwise
Land use	<ul style="list-style-type: none"> • Restore or maintain land capability to pre-existing use
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

Rehabilitation Objectives – Cessation of quarrying activities

- B62. Within 6 months of the commencement of operation, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the on-site quarries to the satisfaction of the Planning Secretary. This rehabilitation must be consistent with the EIS and the conceptual rehabilitation plan in Appendix 3 and must comply with the objectives in .

Table 4 | Rehabilitation Objectives for quarry sites

Feature	Objective
Quarry sites	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Fit for the intended post-quarrying activities/operations land use(s) • All infrastructure decommissioned and removed, unless otherwise agreed by the Planning Secretary. • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Revegetation	<ul style="list-style-type: none"> • Restore native vegetation generally as identified in the EIS
Pit floor	<ul style="list-style-type: none"> • Free draining pit floor
Final void	<ul style="list-style-type: none"> • Minimise the size, depth and slope of the batters of the final void • Minimise the drainage catchment of the final void.

Progressive Rehabilitation

B63. The Applicant must:

- (a) rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following disturbance;
- (b) minimise the total area exposed at any time; and
- (c) where it is not possible to carry out measures for permanent rehabilitation, employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion until such time that it is.

Dismantling of Wind Turbines

B64. Any individual wind turbines which cease operating for more than 12 consecutive months must be dismantled within 18 months after that 12 month period, unless the Planning Secretary agrees otherwise.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) set out the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (e) include:
 - (i) reference to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

Following the Planning Secretary's approval, the Applicant must implement the Environmental Management Strategy.

Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 3 months of the:
 - (i) submission of an incident report under condition C10;
 - (ii) submission of an audit report under condition ; or
 - (iii) any modification to the conditions of this consent.

Staging, Combining and Updating Strategies, Plans or Programs

- C3. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C5. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.
- C6. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

NOTIFICATIONS

Notification of Department

- C7. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

Final Layout Plans

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, including:
- (a) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts);
 - (b) the GPS coordinates of the wind turbines; and
 - (c) showing comparison to the approved layout.

The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.

Work as Executed Plans

- C9. Prior to commencing operations or following the upgrades of any wind turbines or ancillary infrastructure, the Applicant must submit work as executed plans of the development and showing comparison to the Final Layout Plans to the Planning Secretary, via the Major Projects website.

Incident Notification

- C10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an incident;
 - (c) a description of what immediate steps were taken in relation to the incident; and
 - (d) identifying a contact person for further communication regarding the incident.
- C11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 8 (Incident Notification and Reporting Requirements).

Non-Compliance Notification

- C12. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Notifications to Landowners

- C13. Prior to the commencement of construction, the Applicant must notify any non-associated residence within 4.95 km of any approved wind turbine of their rights under Condition B1.

INDEPENDENT ENVIRONMENTAL AUDIT

- C14. Independent Audits of the development must be conducted and carried out at the frequency and in accordance with the *Independent Audit Post Approval Requirements (2020)* or as updated from time to time and published on the Department's website.

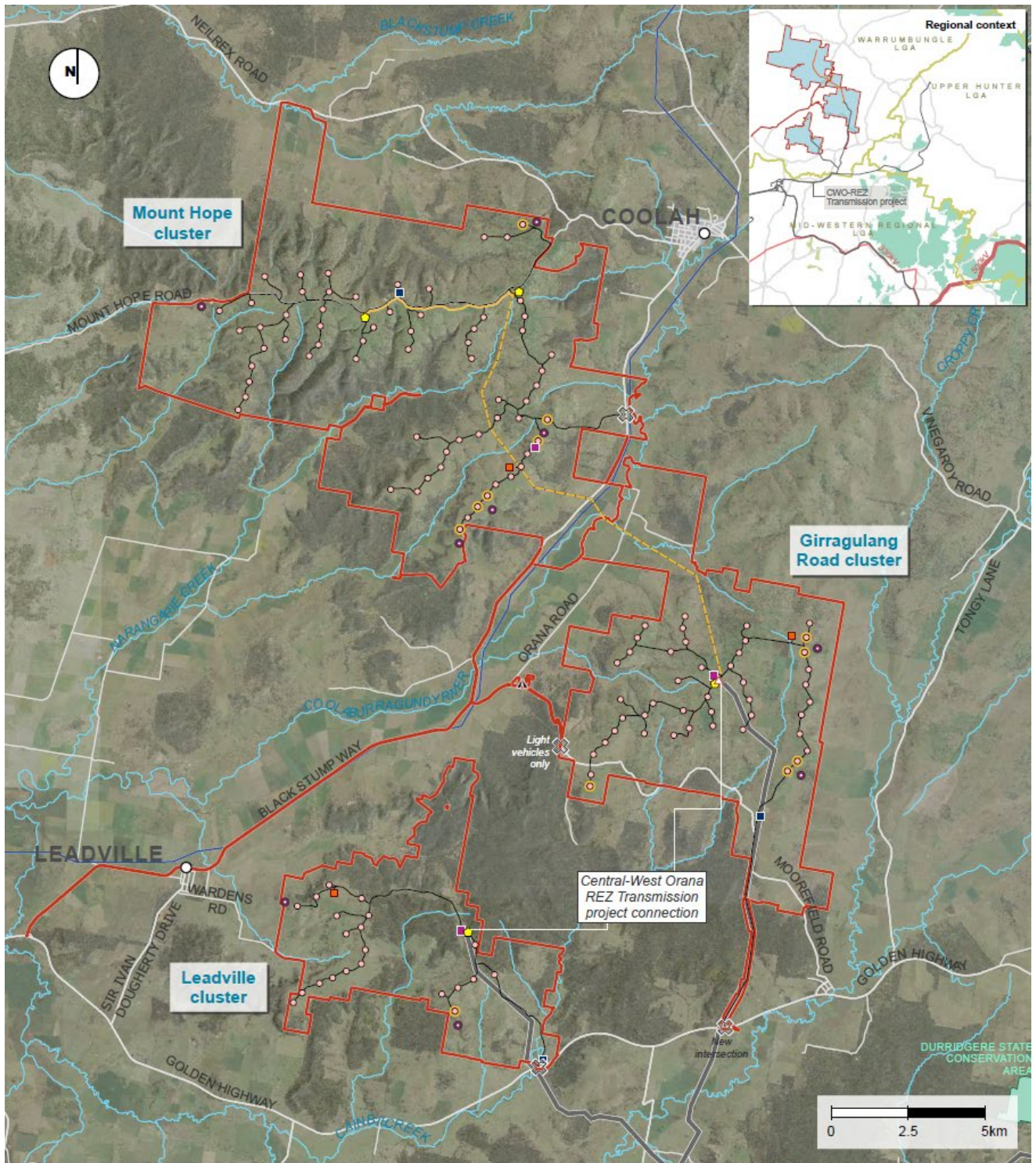
ACCESS TO INFORMATION

- C15. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;

- (ii) the Final Layout Plans for the development;
 - (iii) current statutory approvals for the development;
 - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan);
 - (v) the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;
 - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent, including annual BBAMP reports;
 - (vii) how complaints about the development can be made;
 - (viii) a complaints register;
 - (ix) minutes of CCC meetings;
 - (x) the annual Statement of Compliance with the EPL;
 - (xi) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - (xii) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.
-

RECOMMENDED

APPENDIX 1 DEVELOPMENT LAYOUT



RAMBOLL AUSTRALIA - GIS MAP file : 316001172_GIS_F013_RFResponse | F004_ProjectLayout_V22
Aerial photography from NSW Government Spatial Services

KEY

- | | | |
|---|---|---|
| Project site | ▲ BESS location** | Quarry location** |
| ● Turbine location | ● Substation and associated buildings | ● Permanent meteorological mast location |
| — Overhead transmission line (up to 330kV) | ■ Construction and permanent operation and maintenance compound | ● Temporary meteorological mast location (co-located with turbine) |
| — Underground transmission line (up to 330kV) | Temporary facilities area* | National Parks and Reserves |
| — Access track and cabling | | CWO-REZ Transmission project (SSI 48323210) (EnergyCo) |
| ⊗ Site access | | — Gas pipeline (Geoscience AU) |
| ▲ Construction workforce accommodation | | |

*May include site offices rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.

**Approximate only

Figure 2a | Project overview

Figure 1 | Development Layout - Overview

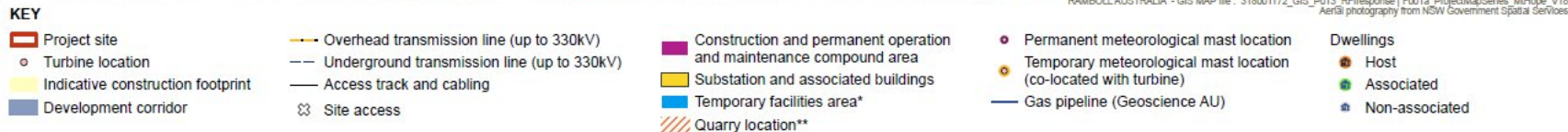
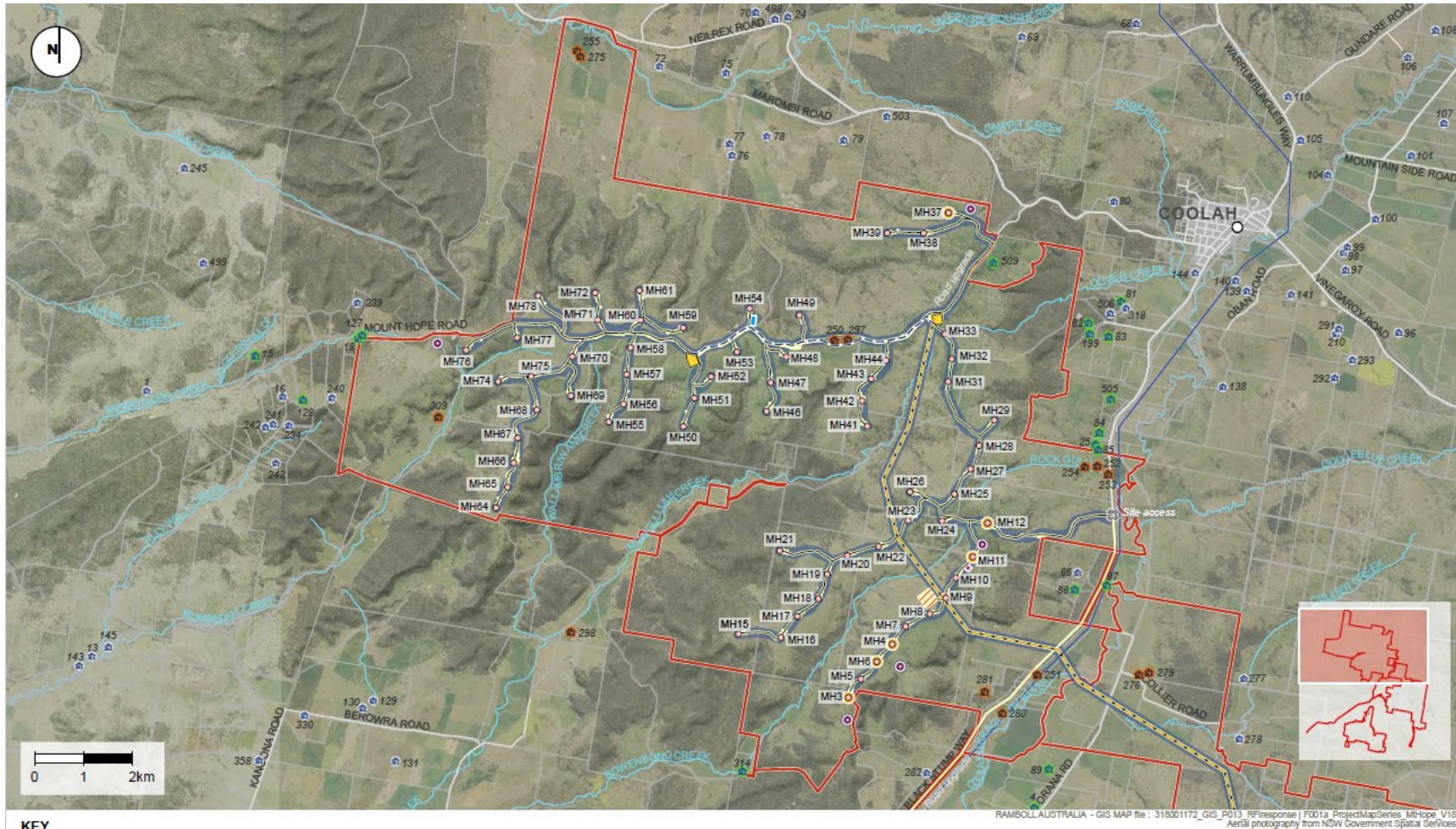


Figure 2b | Project layout at the Mount Hope cluster

*May include site offices rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.
 **Approximate only

Figure 2 | Development Layout - Mount Hope cluster

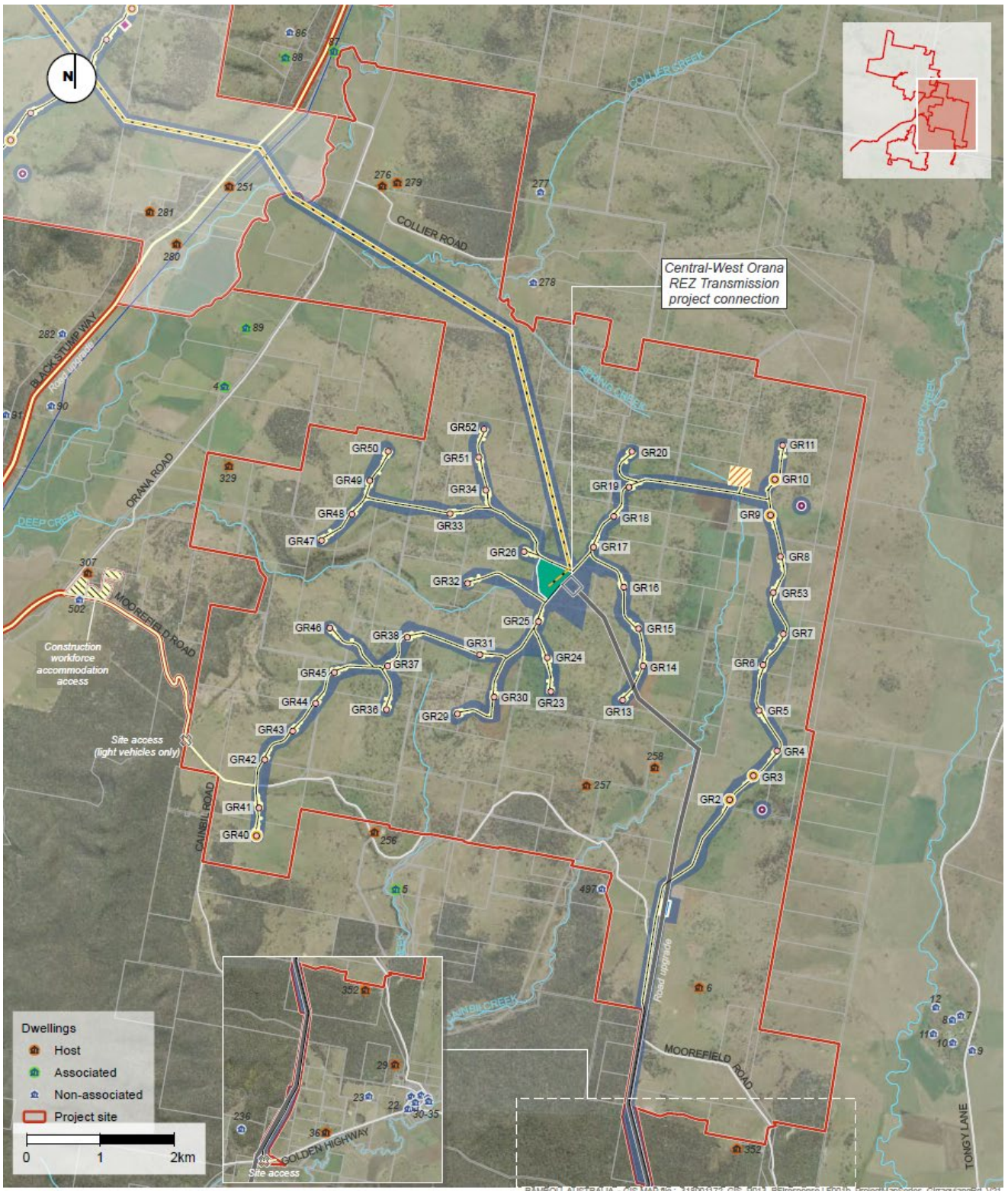


Figure 2c | Project layout at the Girragulung Road cluster

Figure 3 | Development Layout - Girragulung Road cluster

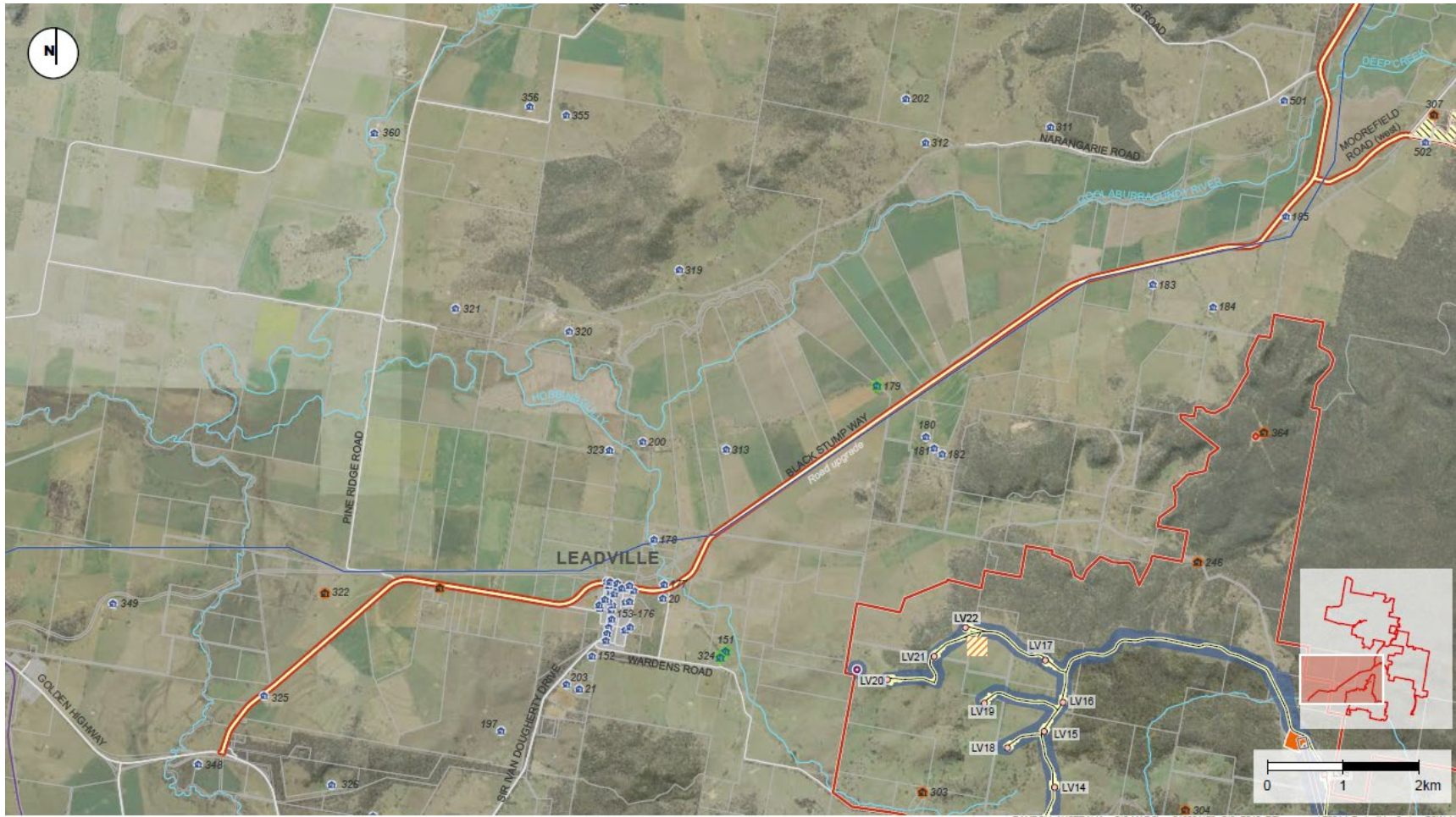


- KEY**
- Project site
 - Turbine location
 - Indicative construction footprint
 - Development corridor
 - Access track and cabling
 - Site access
 - Substation, construction and permanent operation and maintenance compound area
 - Temporary facilities area*
 - Quarry location**
 - Permanent meteorological mast location
 - Temporary meteorological mast location (co-located with turbine)
 - CWO-REZ Transmission project (SSI 48323210) (EnergyCo)
 - Gas pipeline (Geoscience AU)
 - Dwellings**
 - Host
 - Associated
 - Non-associated

Figure 2d | Project layout at the Leadville cluster

*May include site offices rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.
 **Approximate only

Figure 4 | Development Layout - Leadville cluster



RAMBOLL AUSTRALIA - GIS MAP file : 318001172_GIS_P013_RFResponse | F0014_ProjectMapSeries_BSW_V1
Aerial photography from NSW Government Spatial Services

- KEY**
- Project site
 - Turbine location
 - Substation, construction and permanent operation and maintenance compound area
 - Permanent meteorological mast location
 - Dwellings
 - Indicative construction footprint
 - Access track and cabling
 - Quarry location**
 - CWO-REZ Transmission project (SSI 48323210) (EnergyCo)
 - Associated
 - Non-associated
 - Development corridor
 - Construction workforce accommodation
 - Gas pipeline (Geoscience AU)

Figure 2e | Project layout along Black Stump Way

*May include site offices rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.
**Approximate only

Figure 5 | Development Layout - Black Stump Way

Table 1: Wind turbine locations

WTG	Easting	Northing
GR02	759945.14	6458232.019
GR03	760266.739	6458556.968
GR04	760587.016	6458893.704
GR05	760344.541	6459440.641
GR06	760398.235	6460059.051
GR07	760673.497	6460478.117
GR08	760633.476	6461526.448
GR09	760499.306	6462088.089
GR10	760558.591	6462571.725
GR11	760662.663	6463034.97
GR13	758498.019	6459580.932
GR14	758774.874	6460044.983
GR15	758710.723	6460550.468
GR16	758513.065	6461112.24
GR17	758101.44	6461652.448
GR18	758376.988	6462070.569
GR19	758581.489	6462466.426
GR20	758622.062	6462951.241
GR23	757523.567	6459697.045
GR24	757475.2631	6460157.544
GR25	757355.776	6460645.052
GR26	757160.164	6461594.196
GR29	756257.163	6459395.234
GR30	756755.797	6459623.146
GR31	756560.751	6460197.953
GR32	756394.097	6461164.163
GR33	756157.442	6462108.622
GR34	756641.555	6462426.121
GR36	755296.267	6459452.334
GR37	755311.8376	6460045.341
GR38	755577.787	6460433.428
GR40	753534.959	6457742.856
GR41	753568.458	6458121.191
GR42	753647.755	6458774.517
GR43	754027.304	6459161.46
GR44	754337.783	6459538.028
GR45	754591.418	6459955.797
GR46	754527.639	6460558.659
GR47	754417.512	6461744.971
GR48	754828.76	6462100.826
GR49	755070.951	6462557.399
GR50	755319.065	6462953.592
GR51	756547.163	6462873.325
GR52	756616.012	6463254.785

WTG	Easting	Northing
GR53	760536.749	6461039.693
LV03	750433.007	6451623.796
LV04	749149.233	6450440.909
LV05	748725.194	6450997.253
LV06	749248.379	6451202.417
LV07	749752.599	6451475.866
LV08	749804.109	6452596.248
LV09	743905.263	6450719.1
LV10	744192.236	6451037.676
LV11	744752.637	6451344.471
LV12	745180.945	6451522.882
LV13	745623.058	6451741.054
LV14	746242.059	6452427.677
LV15	746104.389	6453164.942
LV16	746352.576	6453549.06
LV17	746119.374	6454104.181
LV18	745619.157	6452949.056
LV19	745314.243	6453536.42
LV20	744035.348	6453849.583
LV21	744651.037	6454154.839
LV22	745065.568	6454537.177
LV23	746110.662	6451979.597
MH03	749310.061	6466082.231
MH04	750203.401	6467170.538
MH05	749563.461	6466460.595
MH06	749886.286	6466814.661
MH07	750476.396	6467536.678
MH08	750971.249	6467790.713
MH09	751298.376	6468113.691
MH10	751503.882	6468529.452
MH11	751848.55	6468951.957
MH12	752150.758	6469642.403
MH16	747930.511	6467308.957
MH17	748267.395	6467738.541
MH18	748696.369	6468096.729
MH19	748877.701	6468598.264
MH20	749287.081	6468979.078
MH21	747907.519	6469081.392
MH22	749923.606	6469163.578
MH23	750526.921	6469694.938
MH24	751221.159	6469685.62
MH25	751472.342	6470236.588
MH26	750567.174	6470281.628
MH27	751801.806	6470750.29
MH28	751977.103	6471224.506

WTG	Easting	Northing
MH29	752288.073	6471746.447
MH31	751344.377	6472530.76
MH32	751417.434	6472993.069
MH33	751276.18	6473502.287
MH37	751352.288	6475974.874
MH38	750845.356	6475562.351
MH39	750100.888	6475563.205
MH41	749694.935	6471624.256
MH42	749585.322	6472140.232
MH43	749773.233	6472587.155
MH44	750080.573	6472964.3
MH46	747638.229	6471922.642
MH47	747721.118	6472510.78
MH48	748040.167	6473036.369
MH49	748307.567	6473886.836
MH50	745939.092	6471611.827
MH51	746165.5923	6472194.653
MH52	746506.636	6472633.859
MH53	747036.217	6473136.448
MH54	747293.898	6474024.411
MH55	744418.686	6471708.52
MH56	744717.806	6472070.918
MH57	744782.881	6472678.165
MH58	744861.349	6473223.194
MH59	745936.225	6473627.316
MH60	745068.68	6473786.525
MH61	745040.905	6474392.268
MH64	742115.349	6469958.435
MH65	742350.248	6470379.486
MH66	742473.533	6470870.414
MH67	742559.871	6471381.055
MH68	742949.791	6471955.708
MH69	743645.951	6472241.15
MH70	743672.734	6473041.253
MH71	744195.121	6473794.208
MH72	744138.06	6474344.211
MH74	742157.814	6472530.773
MH75	742831.377	6472639.725
MH76	741505.01	6473174.359
MH77	742545.574	6473427.976
MH78	742975.263	6474284.738
MH15	747065.4922	6467378.32

APPENDIX 2 SCHEDULE OF LANDS

Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)
1/120973	37/750745	58/750768
1/121325	42/750745	61/750768
1/132142	48/750745	67/750768
10/132925	49/750745	68/750768
11/132925	51/750745	71/750768
1/132931	52/750745	73/750768
2/132931	53/750745	113/750768
3/132931	54/750745	115/750768
4/132931	55/750745	123/750768
5/132931	56/750745	43/750772
6/132931	57/750745	45/750772
7/132931	59/750745	46/750772
4/133873	61/750745	65/750772
1/217788	62/750745	72/750772
2/244310	63/750745	75/750772
8/256130	64/750745	76/750772
9/256130	65/750745	91/750772
10/256130	66/750745	96/750772
11/256130	67/750745	108/750772
1/378972	68/750745	110/750772
2/382987	73/750745	111/750772
A/430321	74/750745	112/750772
1/512844	75/750745	115/750772
2/512844	76/750745	116/750772
1/596076	77/750745	140/750772
2/631136	78/750745	142/750772
1/661801	79/750745	143/750772
2/746422	80/750745	151/750772
6/750740	81/750745	152/750772
20/750740	82/750745	155/750772
21/750740	83/750745	157/750772
22/750740	84/750745	177/750772
35/750740	85/750745	5/754966
43/750740	86/750745	19/754966
79/750740	87/750745	47/754966
80/750740	88/750745	48/754966
81/750740	89/750745	50/754966

Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)
83/750740	90/750745	63/754966
88/750740	91/750745	65/754966
89/750740	92/750745	69/754966
90/750740	93/750745	76/754966
95/750740	94/750745	78/754966
96/750740	95/750745	81/754966
97/750740	96/750745	82/754966
99/750740	97/750745	88/754966
103/750740	98/750745	92/754966
104/750740	99/750745	96/754966
105/750740	100/750745	98/754966
106/750740	101/750745	13/754967
107/750740	104/750745	14/754967
108/750740	105/750745	3/754975
112/750740	106/750745	4/754975
113/750740	107/750745	5/754975
114/750740	108/750745	10/754975
115/750740	109/750745	11/754975
116/750740	113/750745	12/754975
117/750740	120/750745	1/812579
118/750740	126/750745	11/820719
119/750740	128/750745	12/820719
126/750740	129/750745	13/820719
131/750740	132/750745	136/824118
139/750740	4/750768	1/876041
142/750740	5/750768	2/876041
149/750740	6/750768	1/1091571
150/750740	12/750768	2/1091571
195/750740	14/750768	58/1099077
207/750740	23/750768	2/1105831
208/750740	24/750768	49/1115849
7/750745	33/750768	1/1187452
8/750745	35/750768	2/1187452
14/750745	38/750768	1/1214801
22/750745	39/750768	1/1214808
25/750745	41/750768	1/1227122
26/750745	42/750768	2/1227122
27/750745	43/750768	5503/1244975
28/750745	44/750768	1/1252803

Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)
29/750745	47/750768	3/1253547
30/750745	48/750768	1/1253559
31/750745	53/750768	2/1253639
32/750745	54/750768	4/1256557
36/750745	57/750768	3/1257054
154/750772	7001/1028400	7005/1026530
7005/1028425	7006/1028362	7006/1068801
7007/1068801	7013/1028426	7014/1028426

**The site will also be taken to include any Crown Land and Road Reserves contained within the site.*

RECOMMENDED

APPENDIX 3 QUARRY PLANS

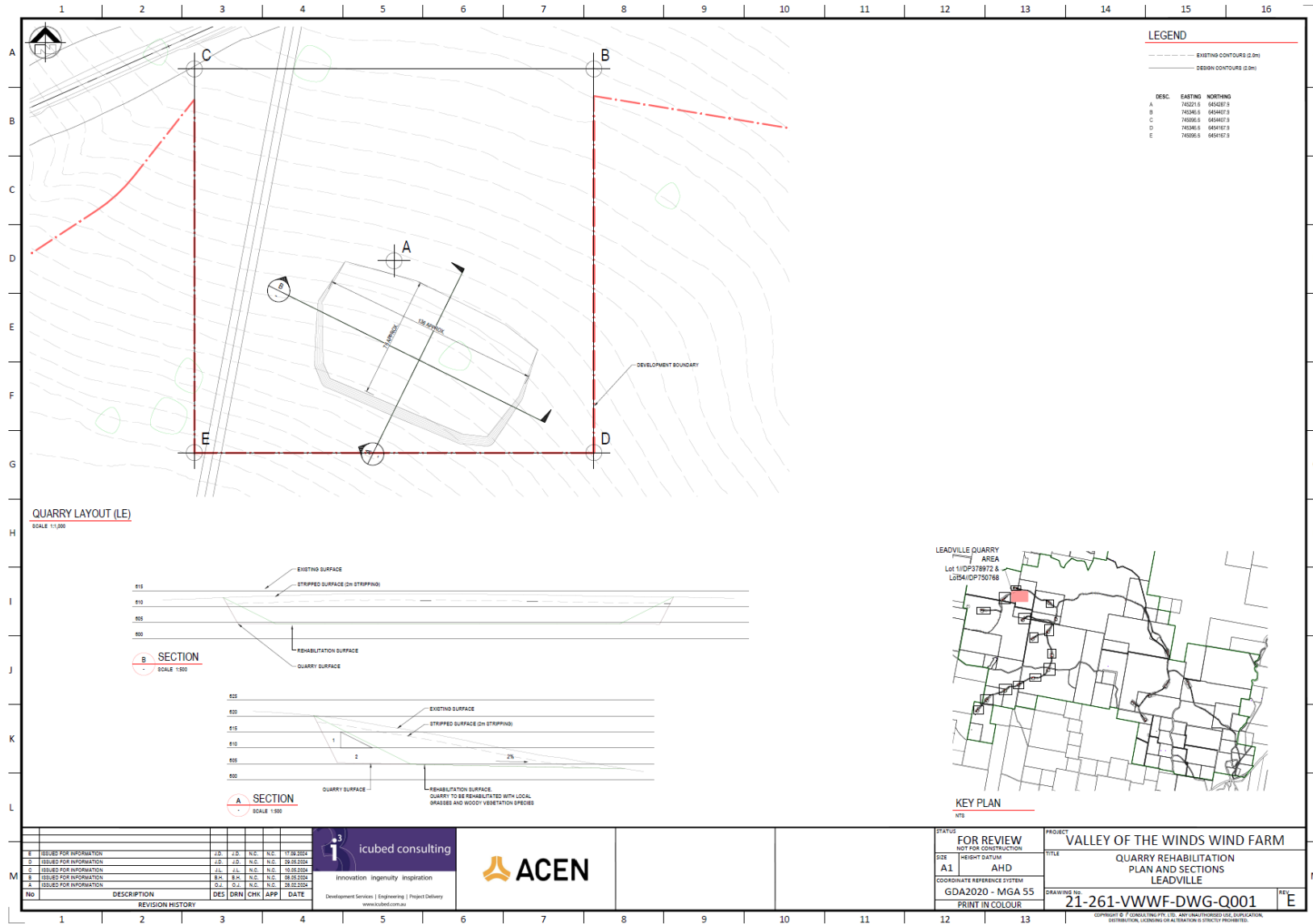


Figure 6 | Quarry Plan – Leadville cluster

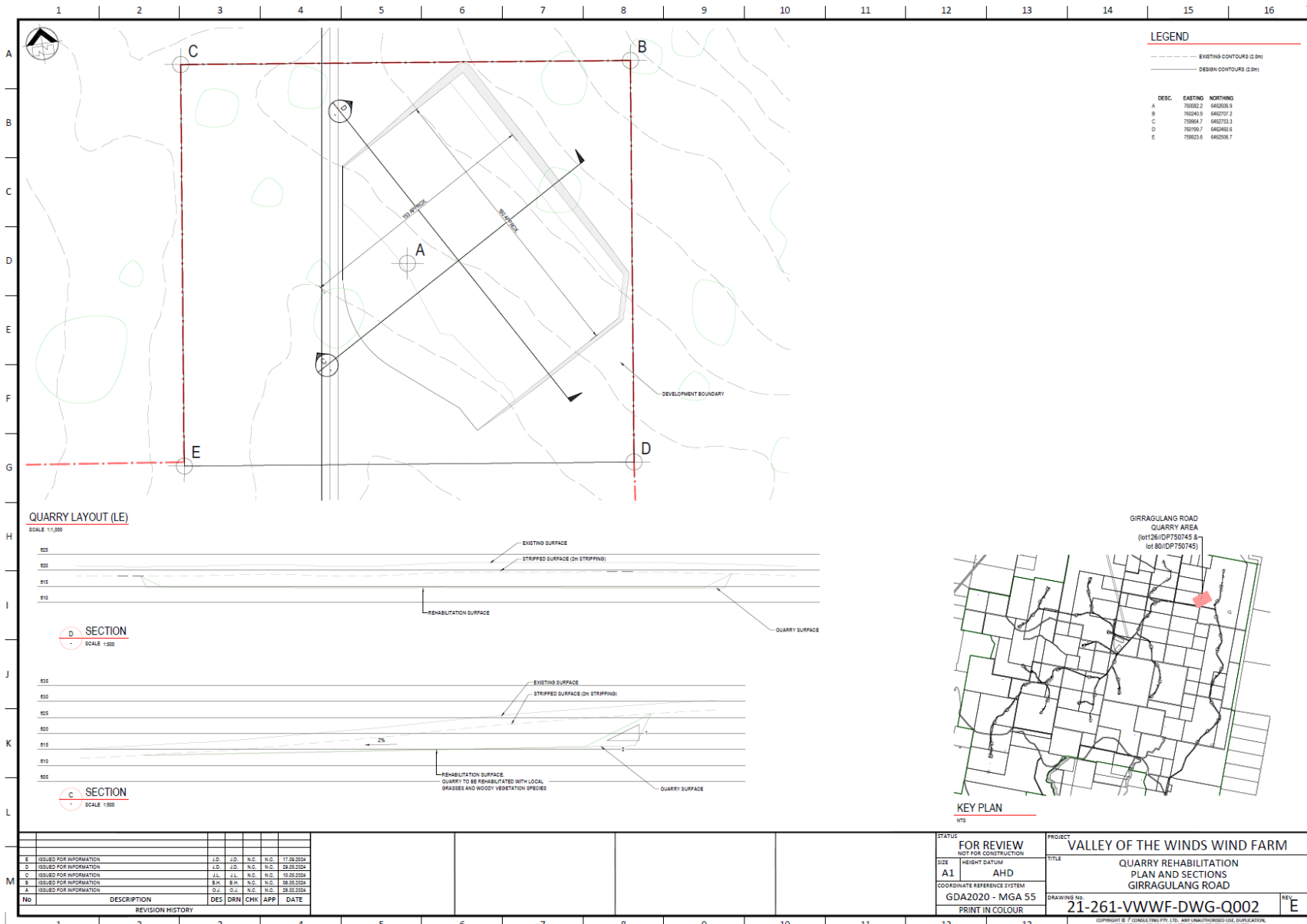


Figure 2 | Quarry Plan – Girragulang Road cluster

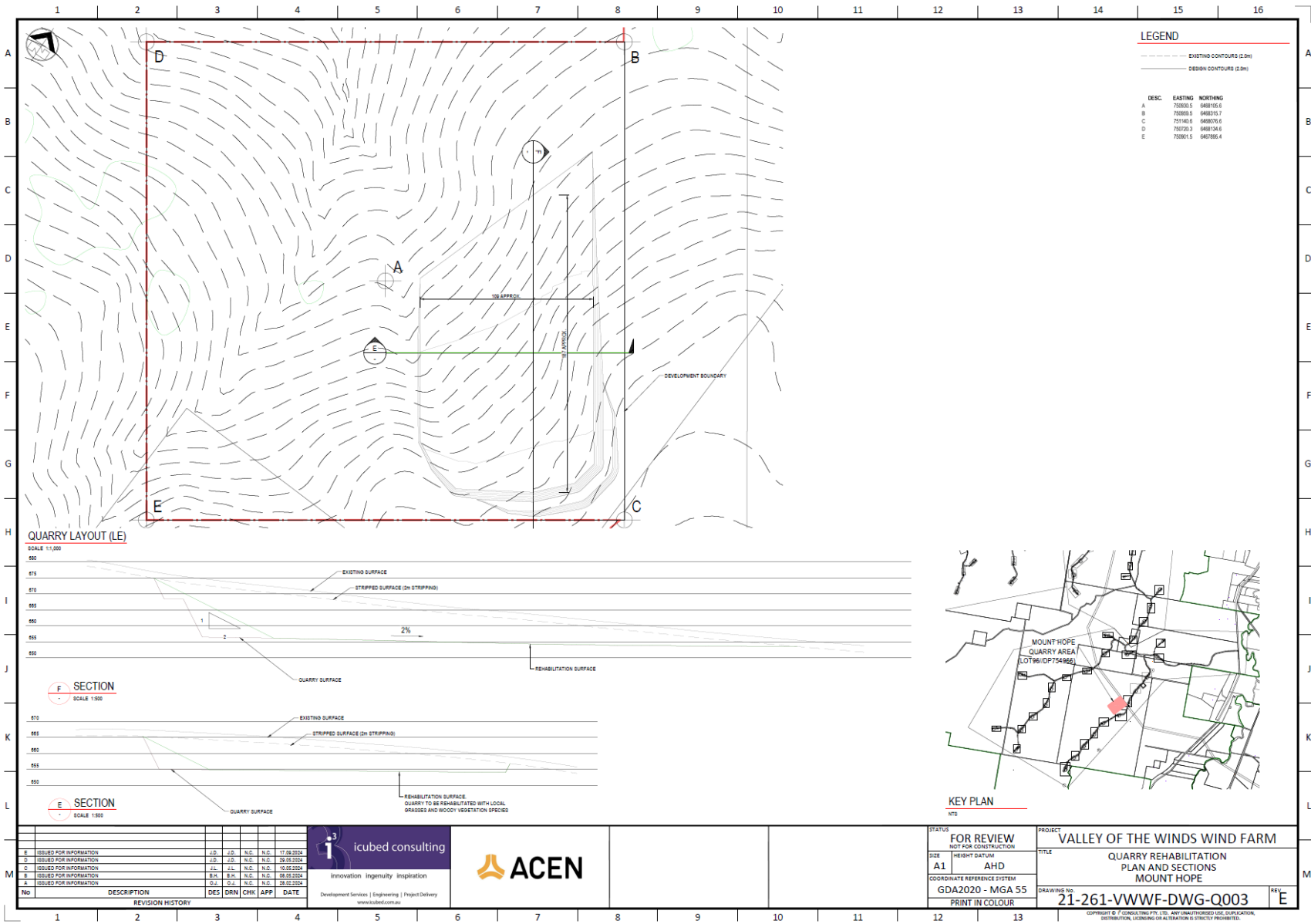


Figure 3 | Quarry Plan – Mount Hope cluster

APPENDIX 4 GENERAL TERMS OF APPLICANT'S VPA OFFER

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement.

Council	Payment Details
Warrumbungle Shire Council	<ul style="list-style-type: none"> • The annual contribution payable by the Applicant is \$1,050 per megawatt (MW) installed per annum (adjusted annually to increases in CPI from 2023-24 financial year), within the relevant local government area over the operational life of development. • In addition, the first payment will be 10% of the estimated total sum of annual contributions over a 25-year life for the project. • All subsequent payments will be equivalent to 90% of the Development Contribution based on the following calculation: \$1,050 (indexed to CPI from 2023-24 financial year) x MW installed capacity x 90% (per annum for a 25-year period) • Payments will commence within 14 days of the EPC Contract being signed, or the date the 'Notice to Proceed' is executed, whichever is first.

RECOMMENDED

APPENDIX 5 HAULAGE ROUTE AND ROAD UPGRADES

Table 1 | Haulage route and road upgrades to be implemented by the Applicant

Road/Intersection		Chainage	Treatment	Timing
Warrumbungle Shire Council				
1#	Mount Hope Road	CH0.9 – CH13.1 from intersection of Mount Hope Road and Neilrex Road	<ul style="list-style-type: none"> Meet minimum 7m unsealed gravel width including shoulders. Widen on curves to accommodate 26m B-double and heavy vehicles requiring escort swept paths. Install any make-up guideposts to meet TfNSW delineation specifications. 	Prior to use of Mount Hope Road for heavy vehicles requiring escort
2	Intersection of wind farm access tracks and Mount Hope Road	Where wind farm access tracks are proposed to intersect Mount Hope Road within the Mount Hope Road cluster project boundary	<ul style="list-style-type: none"> Intersections will be upgraded to Austroads standards* 	Prior to use of Mount Hope Road for heavy vehicles requiring escort swept movements
3	Black Stump Way / Mount Hope Cluster site access road intersection	CH28.4 from Golden Highway/Black Stump Way intersection	<ul style="list-style-type: none"> Sealed short Auxiliary Left (AUL[S]) treatment* Short Channelised Right (CHR[S]) treatment* Seal the minor leg for a distance of at least 30m* 	Prior to commencing construction of the Mount Hope cluster
4	Black Stump Way intersection with Moorefield Road (west)	CH17.4 from Golden Highway/Black Stump Way intersection	<ul style="list-style-type: none"> Sealed full Auxiliary Left (AUL) treatment* Full Channelised Right (CHR) treatment* 	Prior to operation of Temporary Workforce Accommodation Facility
4a	Black Stump Way	CH0 from Golden Highway/Black Stump Way intersection to CH28.4 Mount Hope Cluster access [3]	<ul style="list-style-type: none"> Renew or rehabilitate pavement for width of both lanes to Austroads standards to offset the project lifetime design heavy vehicle Equivalent Standard Axles or a value of 5x10⁻⁵ (whichever is less) Meet minimum 7.5m width sealed pavement Minimum 9m width seal (including shoulders) as far as practicable[^] Mark centre and edge lines and upgrade or remediate any signage and safety barriers to meet TfNSW delineation specifications. 	Prior to use of Black Stump Way for heavy vehicles requiring escort
5a	Moorefield Road (west) - sealed	CH0 from Black Stump Way / Moorefield Road (west) intersection to CH1.6 of Moorefield Road (west)	<ul style="list-style-type: none"> Provide a two-coat bitumen seal and meet minimum 7.2m sealed width 	Prior to operation of the Temporary Workforce Accommodation Facility, or project vehicles along this segment exceeding 20 movements in any hourly period (whichever occurs first)

Road/Intersection		Chainage	Treatment	Timing
5b	Moorefield Road (west) - sealed	CH1.6 from Black Stump Way / Moorefield Road (west) intersection to CH4.6 of Moorefield Road (west) intersection	<ul style="list-style-type: none"> Provide a two-coat bitumen seal and meet minimum 7.2m sealed width including shoulders as far as practicable[^] Upgrade road delineation and furniture in accordance with a Road Safety. 	Prior to project vehicles along this segment exceeding 20 movements in any hourly period
5c	Moorefield Road (west) - unsealed	CH4.6 from Black Stump Way / Moorefield Road (west) intersection [4] to western Girragulung cluster access gate	<ul style="list-style-type: none"> Provide a 7m unsealed width including shoulders as far as practicable [^] Upgrade road delineation and furniture in accordance with a Road Safety Audit. 	Prior to project vehicles along this segment exceeding 20 movements in any hourly period
6	Temporary Workforce Accommodation Facility access point	CH1.6 from Black Stump Way / Moorefield Road (west) intersection [4]	<ul style="list-style-type: none"> Sealed full Auxiliary Left (AUL) treatment* Full Channelised Right (CHR) treatment* Seal the minor leg between the carriageway and road reserve boundary* 	Prior to occupation of the Temporary Workforce Accommodation Facility
10	Moorefield Road (west) intersection with wind farm access track	Where wind farm access tracks are proposed to intersect Moorefield Road (west) within the Girragulung Road cluster project boundary	<ul style="list-style-type: none"> Intersections will be upgraded to Austroads standards* 	Prior to project vehicles along this segment exceeding 20 movements in any hourly period
11	Wardens Road intersection	Where wind farm access tracks are proposed to intersect Wardens Road within the Leadville cluster project boundary	<ul style="list-style-type: none"> Intersections will be upgraded to Austroads standards* 	Prior to project vehicles using the crossing of Wardens Road.
Transport for NSW				
8	Golden Highway intersection with Leadville Cluster Access Road	-	<ul style="list-style-type: none"> Basic right turn [BAR] treatment Basic left turn [BAL] treatment 	Prior to commencing construction of the Leadville cluster
9	Golden Highway intersection with Girragulung Road Cluster access road	-	<ul style="list-style-type: none"> Basic right turn [BAR] treatment Basic left turn [BAL] treatment 	Prior to commencing construction of the Girragulung Road cluster

reference numbers correspond to Appendix 5 Figure 2

* upgrade to Austroads standards unless the Traffic Management Plan in condition B38 demonstrates that lesser upgrades are required.

[^] so far as is practicable without having to realign table drains, extend culverts or remove significant trees or sensitive vegetation or encroach on land that does not belong to Council.

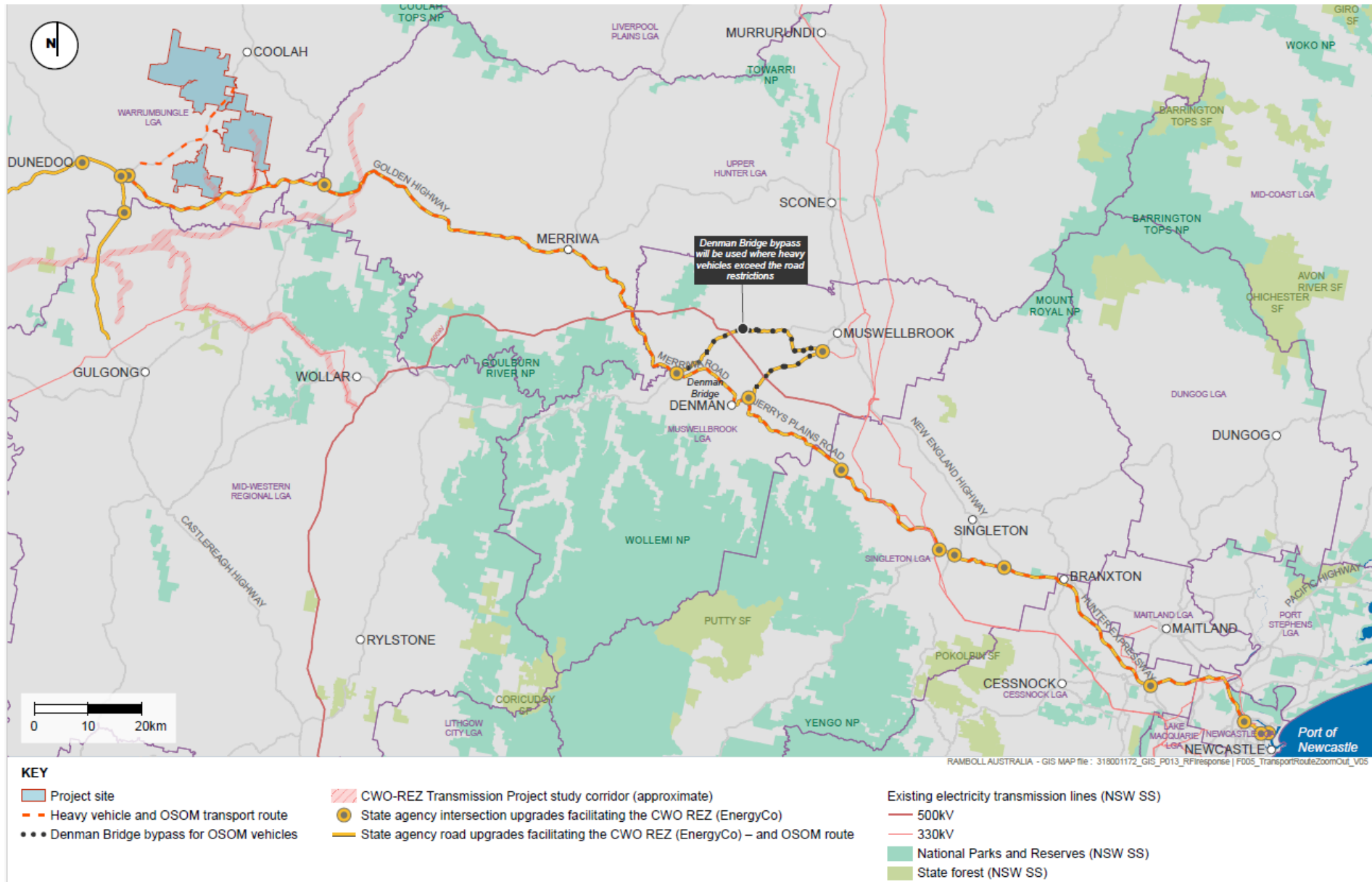


Figure 1 | Haulage route

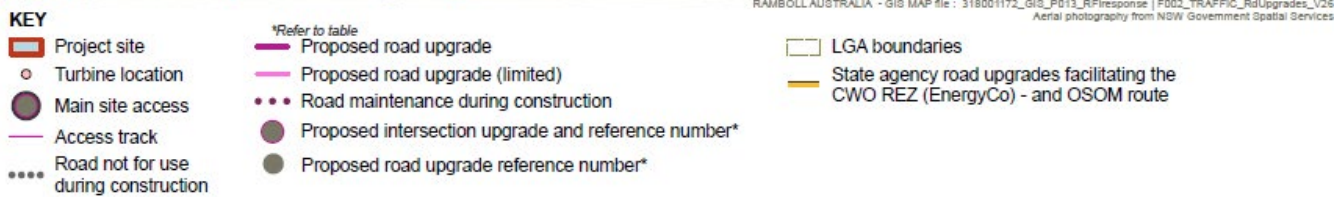
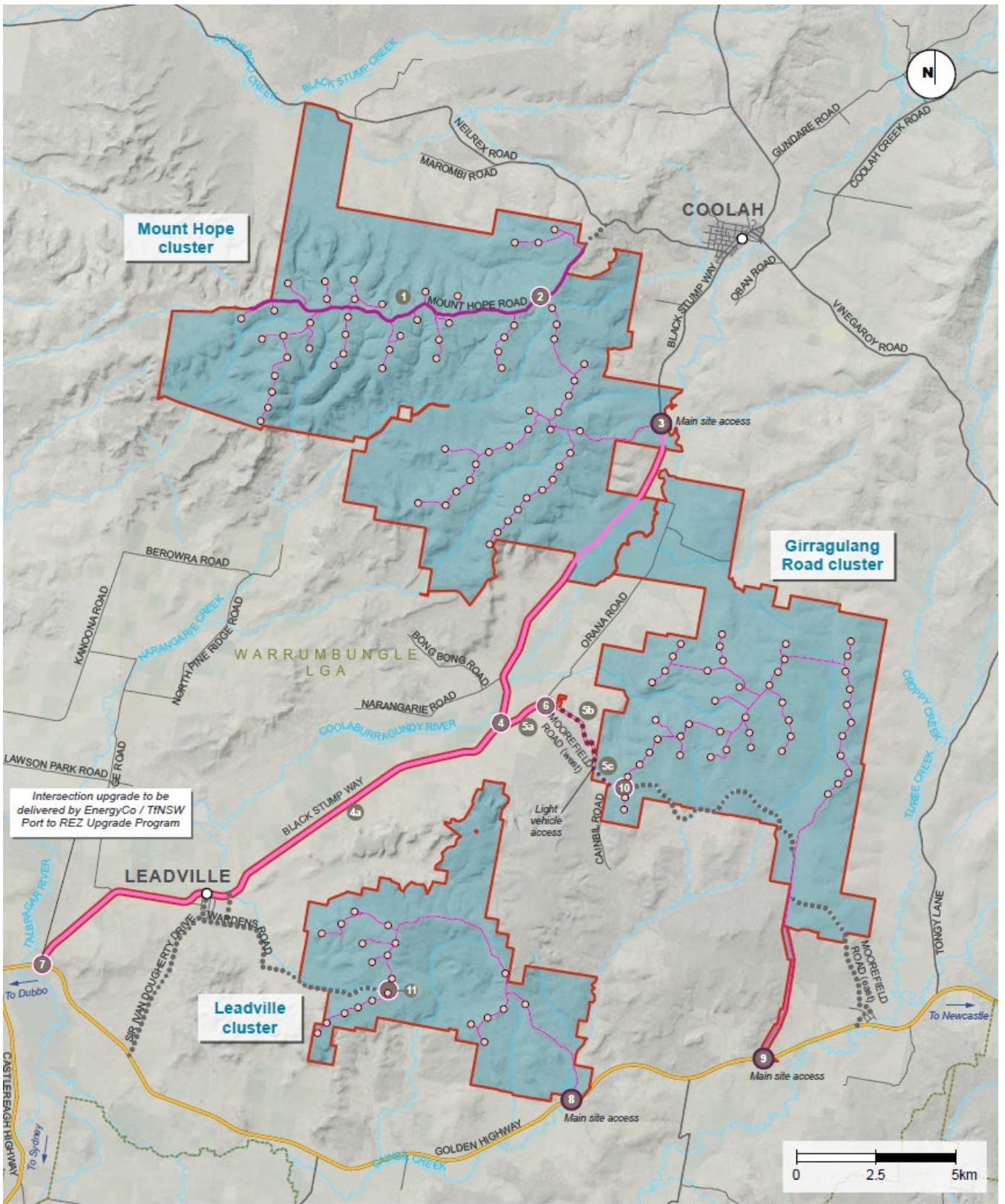


Figure 2 | Site access and road upgrades

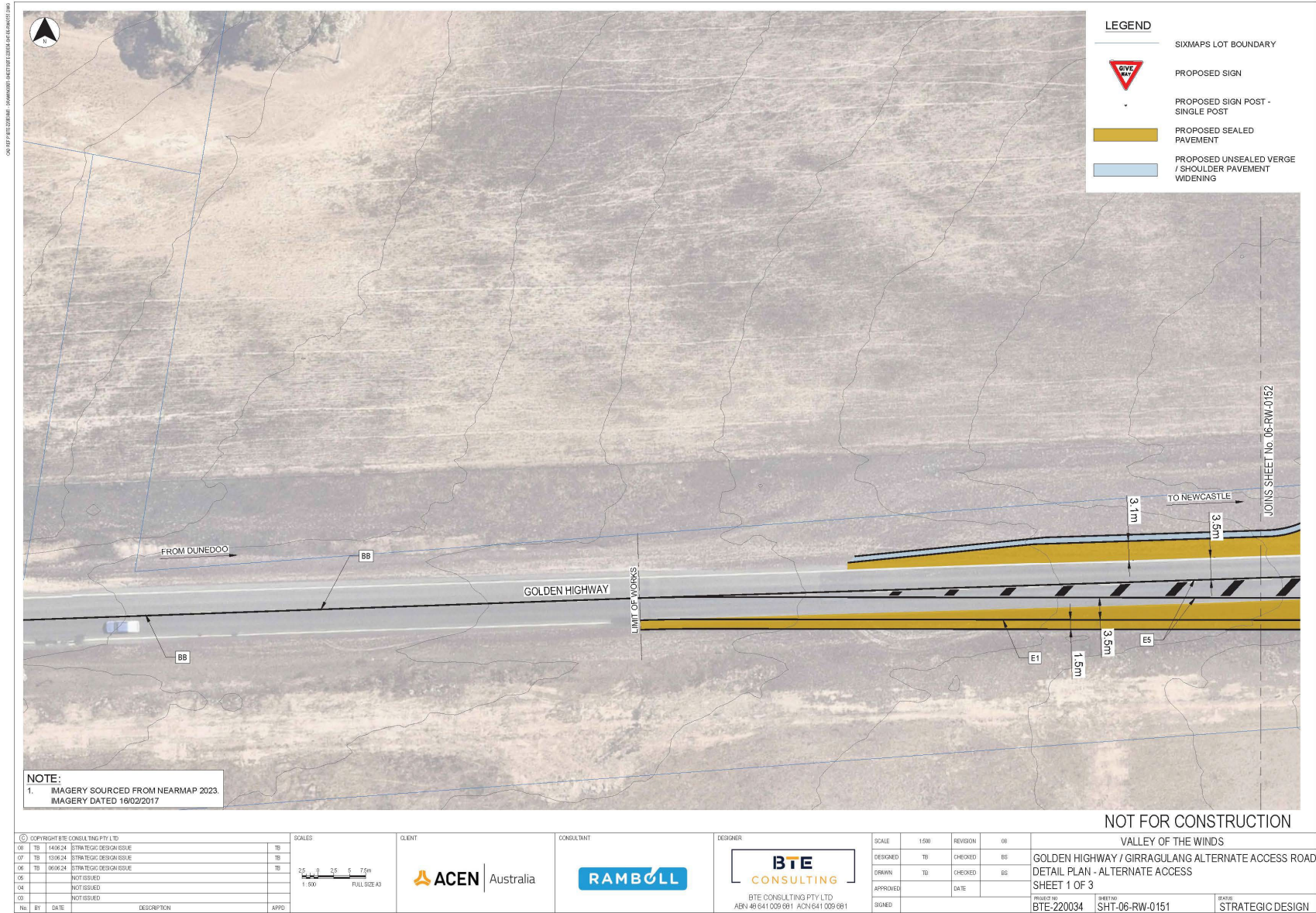


Figure 3a | Intersection upgrades

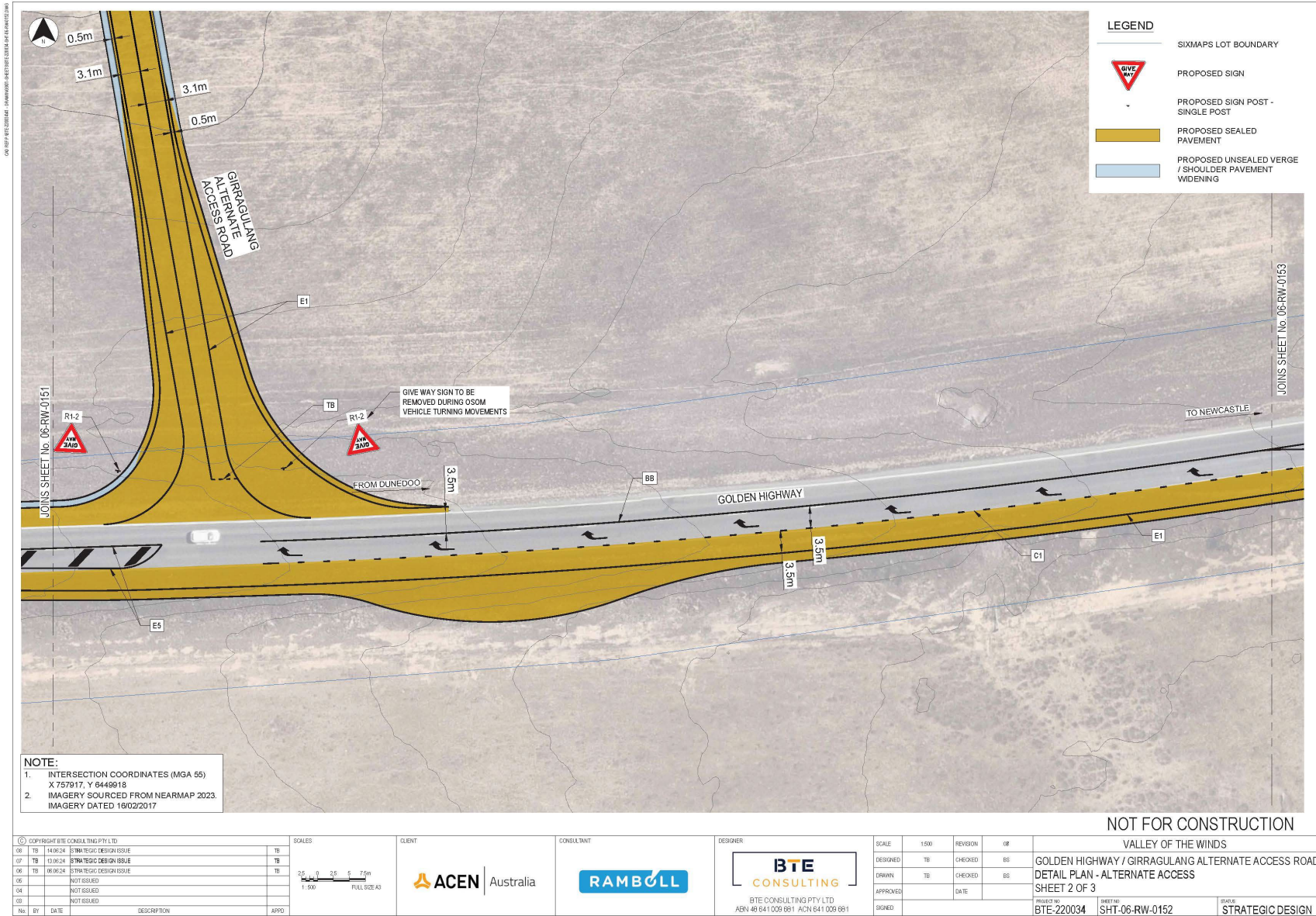


Figure 3b | Intersection upgrades

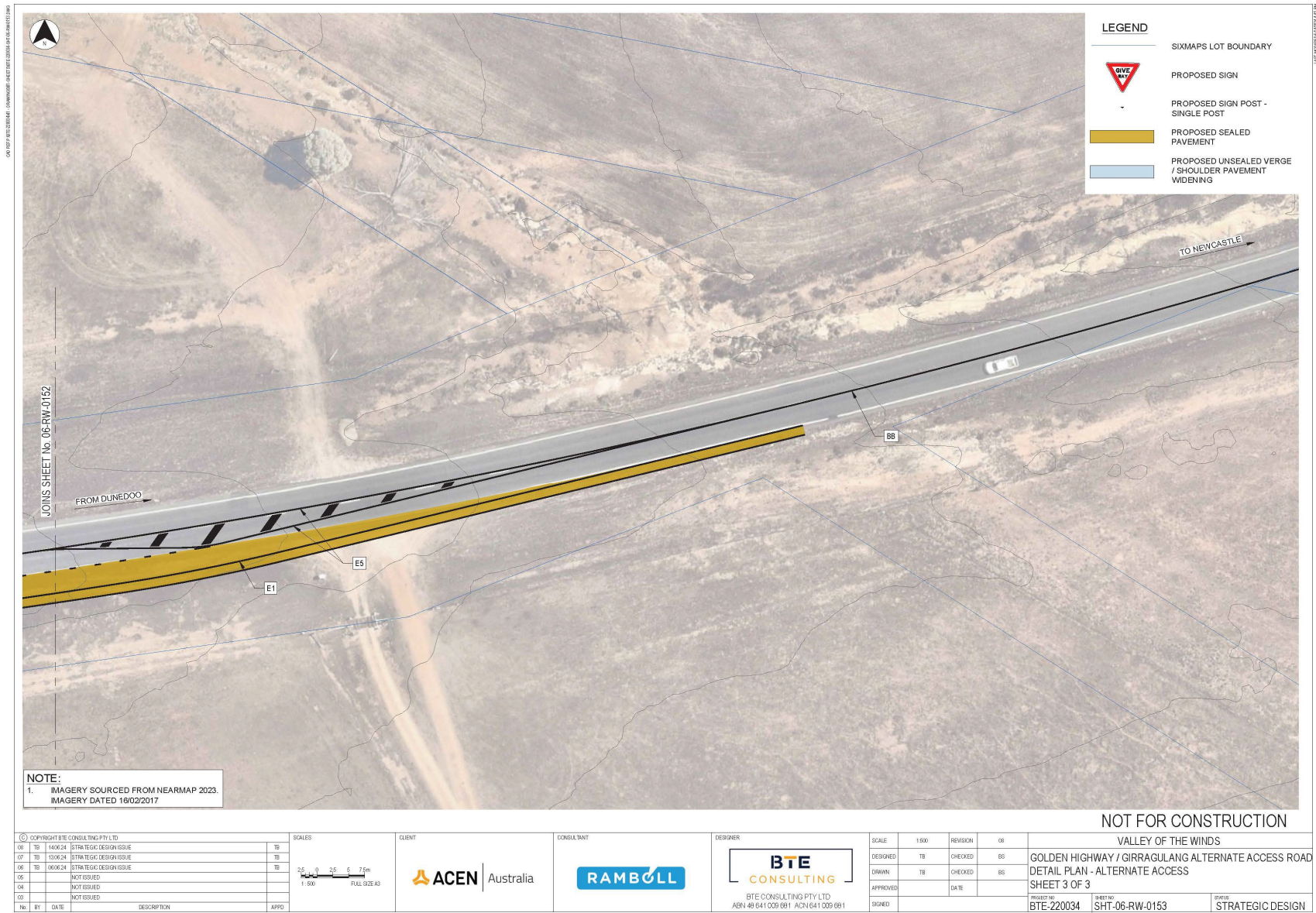


Figure 3c | Intersection upgrades

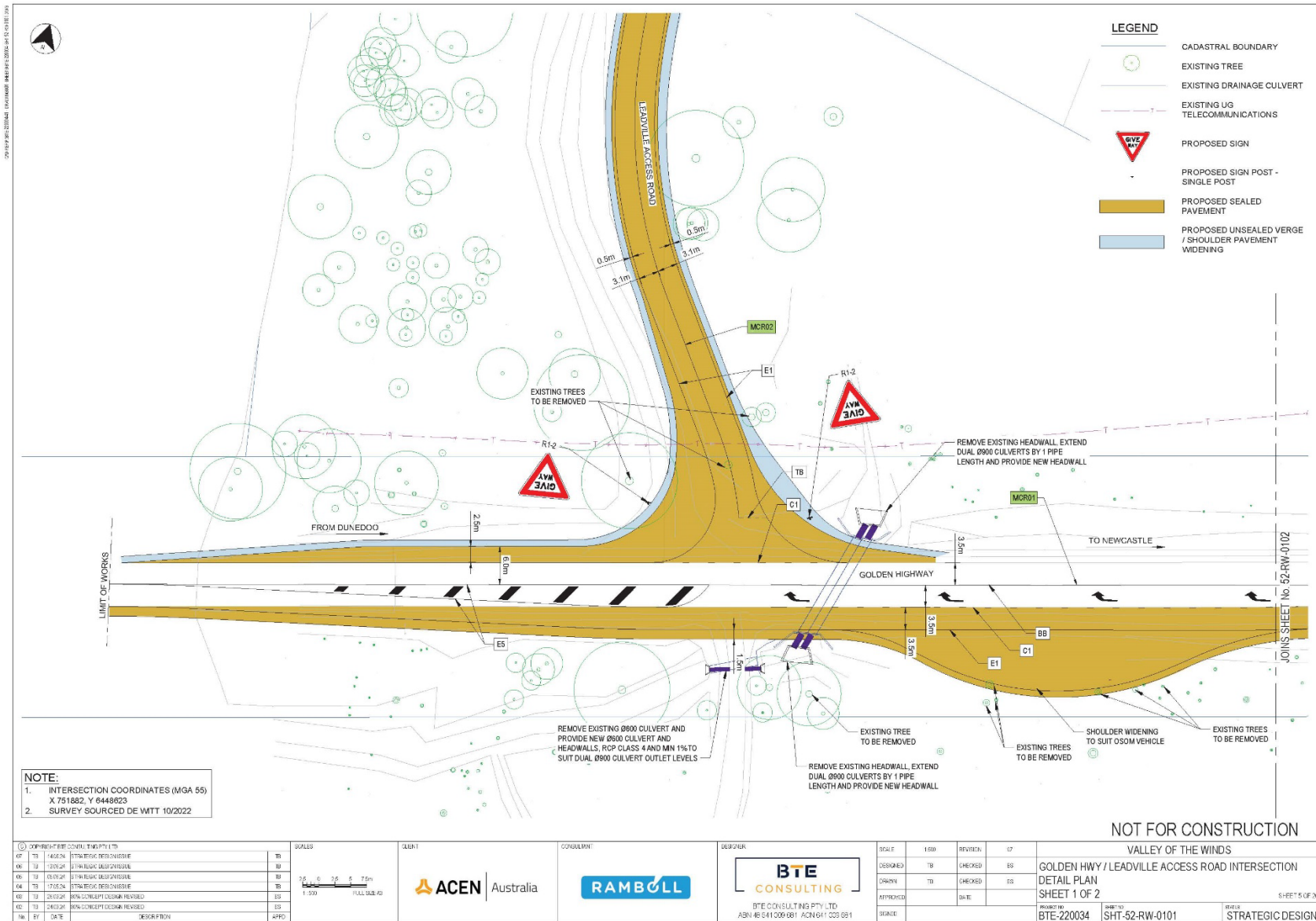
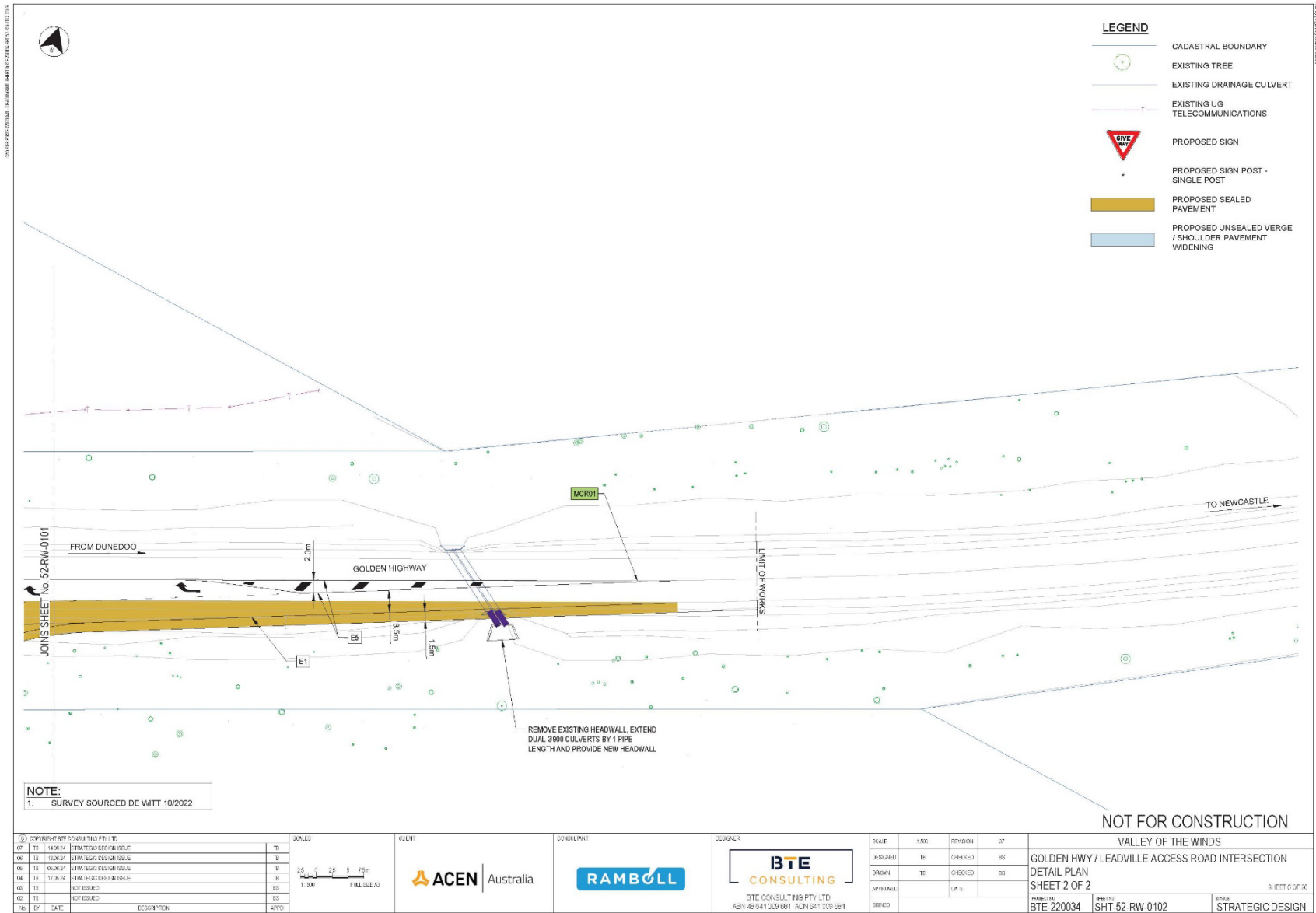


Figure 3d | Intersection upgrades



LEGEND

- CADASTRAL BOUNDARY
- EXISTING TREE
- EXISTING DRAINAGE CULVERT
- EXISTING UG TELECOMMUNICATIONS
- PROPOSED SIGN
- PROPOSED SIGN POST - SINGLE POST
- PROPOSED SEALED PAVEMENT
- PROPOSED UNSEALED VERGE / SHOULDER PAVEMENT WIDENING

NOTE:
1. SURVEY SOURCED DE WITT 10/2022

NOT FOR CONSTRUCTION

(C) COPYRIGHT BTE CONSULTING PTY LTD 07 TS 140624 STRATEGIC DESIGN ISSUE TB 08 TS 170624 STRATEGIC DESIGN ISSUE TB 09 TS 170624 STRATEGIC DESIGN ISSUE TB 04 TS 170624 STRATEGIC DESIGN ISSUE TB 03 TS NOT ISSUED ES 02 TS NOT ISSUED ES 01 TS DATE DESCRIPTION APPRO		SCALES 1:500 FULL SCALE	CLIENT 	CONSULTANT 	DESIGNER BTE CONSULTING PTY LTD ABN 46 541 038 081 ACN 611 323 581	SCALE 1:500 REGION 07 DESIGNED TE CHECKED BO DRAWN TE CHECKED BO APPROVED DATE	VALLEY OF THE WINDS GOLDEN HWY / LEADVILLE ACCESS ROAD INTERSECTION DETAIL PLAN SHEET 2 OF 2 SHEET 6 OF 26
PROJECT NO: BTE-220034 SHEET NO: SHT-52-RW-0102 REVIEW: STRATEGIC DESIGN							

Figure 3e | Intersection upgrades

APPENDIX 6 BIODIVERSITY

Table 1 | Clearing limits and offset liability for native vegetation

Plant Community Type	Condition	BC Act	EPBC Act	Impact (hectares)	Ecosystem Credit Liability	Timing
Black Stump Way and Moorefield Road (west)						
281 - Rough-Barked Apple – red gum – Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	Moderate	CEEC	CEEC	2.17	78	Prior to commencing local road upgrades on Black Stump Way and Moorefield Road (west)
	DNG		-	13.79	0	
Project Site						
84 - River Oak – Rough-barked Apple – red gum – box riparian tall woodland (wetland) of the Brigalow Belt South Bioregion and Nandewar Bioregion	Moderate	-	-	1.14	12	Prior to commencing construction
267 - White Box – White Cypress Pine – Western Grey Box shrub/grass/forb woodland in the NSW South Western Slopes Bioregion	Moderate	EEC	EEC	0.67	19	
	Low			4.04	58	
281 - Rough-Barked Apple – red gum – Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	Good	CEEC	CEEC	0.66	30	
	Moderate		CEEC	5.53	195	
	Moderate		-	4.00	212	
	Low		-	3.7	44	
479 - Narrow-leaved Ironbark- Black Cypress Pine – stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion	Burned	-	-	4.52	107	
	Moderate			8.06	159	
	Regenerating			5.7	28	
	Low			4.19	0	
483 - Grey Box x White Box grassy open woodland on basalt hills in the Merriwa region, upper Hunter Valley	Good	CEEC	CEEC	0.28	12	
	Moderate	CEEC	CEEC	27.46	511	
	Moderate	CEEC	-	80.53	1755	
	Low	CEEC	-	156.18	3034	
	Poor	-	-	327.30	53	

Table 2 | Clearing limits and offset liability for threatened fauna species

Species		BC Act	EPBC Act	Impact (hectares)	Species Credit Liability	Timing
Black Stump Way and Moorefield Road (west)						
Barking owl	<i>Ninox connivens</i>	V	-	2.17	63	Prior to commencing local road upgrades on Black Stump Way and Moorefield Road (west)
Brush-tailed phascogale	<i>Phascogale tapoatafa</i>	V	-	1.21	34	
Bush stone-curlew	<i>Burhinus grallarius</i>	E	-	2.17	63	
Eastern Cave Bat	<i>Vespadelus troughtoni</i>	V	E	2.36	23	
Gang-gang cockatoo	<i>Callocephalon fimbriatum</i>	E	E	1.21	34	
Koala	<i>Phascolarctos cinereus</i>	E	E	2.17	63	
Large-eared pied bat	<i>Chalinolobus dwyeri</i>	V*	V*	6.70	45	
Masked owl	<i>Tyto novahollandiae</i>	V	-	2.17	63	
Pink-tailed legless lizard	<i>Aprasia parapulchella</i>	V	V	2.90	32	
Powerful owl	<i>Ninox strenua</i>	V	-	2.17	63	
Southern myotis	<i>Myotis macropus</i>	V	-	0.28	1	
Squirrel glider	<i>Petaurus norfolcensis</i>	V	-	2.17	63	
Superb parrot	<i>Polytelis swainsonii</i>	V	V	2.17	63	
Project site						
Barking owl	<i>Ninox connivens</i>	V	-	15.72	359	Prior to commencing construction
Large-eared pied bat	<i>Chalinolobus dwyeri</i>	V*	V*	52.21	1407	
Masked owl	<i>Tyto novahollandiae</i>	V	-	2.77	77	
Pale-headed snake	<i>Hoplocephalus bitorquatus</i>	V	-	1.14	15	
Powerful owl	<i>Ninox strenua</i>	V	-	2.75	77	
Squirrel glider	<i>Petaurus norfolcensis</i>	V	-	11.98	383	

¹ the BC Act and EPBC Act listing of *Chalinolobus dwyeri* changed from Vulnerable to Endangered since finalising the BDAR.

APPENDIX 7 HERITAGE ITEMS

Table 1 | *Aboriginal Heritage items – avoid impacts*

AHIMS ID / Site Name
Orana OS-1
Old Farm OS-1
36-3-0084

Table 2 | *Aboriginal Heritage items – avoid, minimise and / or salvage*

AHIMS ID / Site Name
Cainbil Creek OS-1
The Rock IF-1
Kensington OS-1

Table 3 | *Historic Heritage items – avoid impacts*

Item Name
Mt Hope-HS01
The Rock-HS01
The Rock-HS02
Collier Creek-HS01

RECOMMENDED

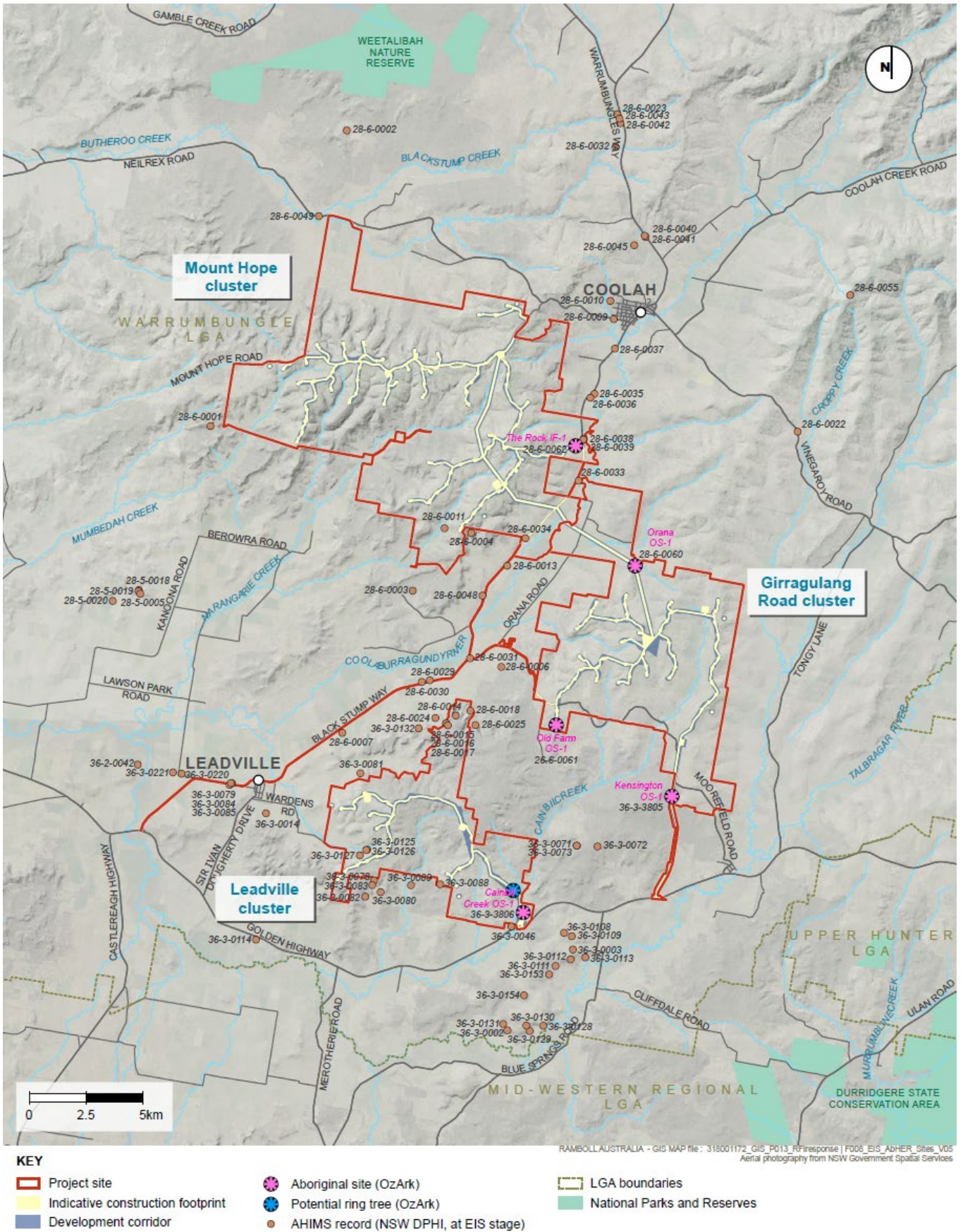


Figure 1 | Heritage items

APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that:
 - (c) identifies how the incident was detected;
 - (d) identifies when the Applicant became aware of the incident;
 - (e) identifies any actual or potential non-compliance with conditions of consent;
 - (f) identifies further action(s) that will be taken in relation to the incident; and
 - (g) a summary of the incident;
 - (h) outcomes of an incident investigation, including identification of the cause of the incident;
 - (i) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (j) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.