

Development Consent

Section 4.38 of the Environmental Planning and 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.



Ken Kanofski
Member of the Commission



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Member of the Commission



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Member of the Commission

Sydney

13 May 2024

SCHEDULE 1

Application Number:	SSD-28088034
Applicant:	Dubbo Firing Nominees Pty Ltd
Consent Authority:	NSW Independent Planning Commission
Site:	Lot 13 DP812799 and part of Lot 208 DP1276395
Development:	Dubbo Firing Power Station

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition in the <i>National Parks and Wildlife Act 1974</i>
AHIMS	Aboriginal Heritage Information Management System established under the <i>National Parks and Wildlife Act 1974</i>
Applicant	Identified as such in Schedule 1, and any other person carrying out any part of the development approved under this consent
BCA	Building Code of Australia
Biofuel	Eligible waste fuel as defined in the EPA's <i>Eligible Waste Fuels Guidelines</i> (or latest version)
CASA	Civil Aviation Safety Authority
Commissioning	The process of transitioning the development from construction to operation including ensuring that all systems and components of the development are designed, installed and tested prior to operation
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works associated with the development, including but not limited to the demolition and removal of buildings or infrastructure; the erection, installation and upgrades of buildings and infrastructure; road upgrades; and the carrying out of works. Does not include pre-construction works
Council	Dubbo Regional Council
CIV	Capital Investment Value
Date of commencement	The date notified to the Department by the Applicant under condition A12
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2(c)
Development layout	The plan in Appendix 1 of this consent
Dubbo Regional Local Emergency Management Committee	The local emergency management committee established under the <i>State Emergency and Rescue Management Act 1989</i>
EIS	The environmental impact statement titled <i>Dubbo Firing Power Station Environmental Impact Statement</i> dated 24 July 2023, the submissions report titled <i>Dubbo Firing Power Station EIS Submissions Report</i> dated 8 November 2023, and the Amendment Letter dated 3 May 2024
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Gas storage pipeline	The infrastructure labelled "Gas Storage Pipeline" in Figure 1 of Appendix 1

Gas connection pipeline	The infrastructure labelled “Gas Connection Pipeline” in Figure 1 of Appendix 1
Heritage NSW	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
Hydrogen plant	The infrastructure labelled “Hydrogen Plant” in Figure 1 of Appendix 1 and described as Hydrogen Generation Facility in the EIS
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm 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 Part B 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 Land Titles Office at the date of this consent
Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • results in actual or potential 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>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important, or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NOx	Nitrogen Oxides
Operation	The carrying out of the development (whether in full or in part) upon the completion of construction, but not including commissioning or the use of temporary facilities
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Power Station	The infrastructure labelled “Power Station” in Figure 1 of Appendix 1
Pre-construction	<p>Includes the following activities:</p> <ul style="list-style-type: none"> • surveys; • building and road dilapidation surveys; • investigative drilling and excavations; • establishing temporary facilities; • installation of environmental impact mitigation measures; • installation of fencing; • construction of minor access roads; and • minor adjustments to services/utilities
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits

	provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
RFS	Rural Fire Service of NSW
Residence	Existing or approved dwelling at the date of grant of this consent
Site	The land defined in Appendix 1
Temporary facilities	Temporary facilities including temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

SCHEDULE 2

PART A. ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under 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 and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The Applicant must carry out the development:
- (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. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) 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
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- 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/s listed in condition A2(c). In the event of an inconsistency, ambiguity, or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

LIMITS ON OPERATIONS

- A5. No diesel or diesel blends may be used to generate electrical power from the power station turbines.
- A6. Power station turbines using biofuel must be fitted with a selective catalytic reduction system/s, or equivalent control equipment, to reduce NOx emissions from electrical power generation activities.
- A7. The gas storage pipeline must not be operated at pressures exceeding 12.7 megapascals (MPa).
- A8. The feed to power generation turbines must not exceed 25% hydrogen by volume.
- A9. Hydrogen produced in the hydrogen plant must be produced from renewable electricity only.
- A10. Hydrogen produced in the hydrogen plant must only be used on site and must not be taken off site.

PLANNING AGREEMENT

- A11. Prior to the commencement of construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a planning agreement with Council in accordance with the offer in Appendix 2.

NOTIFICATION OF COMMENCEMENT

- A12. The Applicant must notify the Department in writing of the date of commencement of:
- (a) construction of the development;
 - (b) operation of the power station using natural gas;
 - (c) operation of the power station using hydrogen;
 - (d) operation of the power station using biofuels; and
 - (e) the decommissioning of the development

The notification must be provided at least two weeks before the commencement of each stage and no more than three months before the commencement of each stage.

- A13. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.
- A14. The Applicant must notify CASA in writing at least six months prior to the commencement of operation of the power station.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A15. With the approval of the Planning Secretary, any strategy, plan or program required by this consent may be:
- (a) prepared and submitted 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) combined (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) updated (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).
- A16. 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.
- A17. 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.

Note: Use of different fuels types in the power station constitutes different stages of development.

PAYMENT OF REASONABLE COSTS

- A18. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any strategy, plan, program, or report required under the consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A19. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) 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 any damage to roads caused as a result of general road usage

PIPELINE CONSTRUCTION AND OPERATION

- A20. The gas storage pipeline must be designed, constructed and operated in accordance with AS 2885 *Pipelines-Gas and liquid petroleum*.

STRUCTURAL ADEQUACY

- A21. All new buildings and structures and any alternations or additions to existing buildings and structures that are part of the development must be 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 proposed building works*
- *Part 8 of the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development*

- A22. All structures must comply with the minimum construction standards for bushfire attack level (BAL) 12.5 in the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard *Steel Framed Construction in Bushfire Areas 2014*.

DEMOLITION

- A23. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures*, or its latest version.

OPERATION OF PLANT AND EQUIPMENT

- A24. 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.

COMPLIANCE

- A25. 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.

APPLICABILITY OF GUIDELINES

- A26. 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 at the date of this consent.
- A27. Notwithstanding condition A26, 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.

PART B. SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY

General Operating Conditions

- B1. All reasonable and feasible mitigation measures must be implemented to:
- (a) prevent the generation of dust from the development; and
 - (b) limit the extent of potential dust generating surfaces exposed at the development at any given time.
- B2. Trucks entering or leaving the site that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.
- B3. The development must be designed and constructed in a manner that:
- (a) allows commissioning and operation of continuous air emissions monitoring;
 - (b) does not prevent emissions control technology from being installed; and
 - (c) allows for sampling to be undertaken in accordance with Australian Standard AS4323.1 *Stationary source emissions – selection of sampling positions*.

Final Design Verification

- B4. Unless otherwise agreed by the Planning Secretary, a **revised air quality impact assessment** for the final plant design must be prepared. The air quality impact assessment must:
- (a) be prepared prior to the commencement of construction;
 - (b) be prepared in consultation with the EPA;
 - (c) be prepared to the satisfaction of the Planning Secretary;
 - (d) be prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*;
 - (e) be based on the manufacturer's performance guarantee for each source;
 - (f) verify that the final plant design complies with all criteria for all relevant pollutants; and
 - (g) demonstrate consideration of best practice air emissions control.

Air Quality Verification

- B5. Prior to the commencement of operations, a monitoring plan to verify the emissions performance of the equipment must be prepared in consultation with the EPA.

Note: The results of this monitoring will inform the requirements of an EPL issued under the POEO Act.

GREENHOUSE GAS

- B6. All reasonable and feasible measures to minimise the Scope 1 and Scope 2 greenhouse gas emissions generated by the development must be implemented, including transitioning to the use of hydrogen and/or biofuels in the power station as soon as it is reasonable and feasible to do so.
- B7. A **power station fuel report** must be prepared for the development. The report must:
- (a) be submitted to the Planning Secretary within 6 months of the commencement of operation and every 3 years thereafter;
 - (b) summarise the fuel type/s being used at the power station;
 - (c) include a review of the feasibility of increasing the hydrogen concentrations in the fuel mix for the power station and/or using biofuels in the power station; and
 - (d) include a schedule of reasonable and feasible measures to minimise Scope 1 and Scope 2 greenhouse gas emissions.

Note: The Applicant will also be required to prepare a greenhouse gas mitigation plan and climate change adaption plan in accordance with the requirements of the EPL issued for the site. This plan may be used to demonstrate compliance with this condition.

HAZARDS

Pre-construction

- B8. Prior to the commencement of construction, the following studies must be prepared and submitted to the Planning Secretary for approval:
- (a) A **fire safety study** for the development that covers the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'*. The study must also cover the requirements on contaminated water retention and treatment systems from relevant standards, codes of practice or the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*

- (b) A **hazard and operability study** for the development. The study must be chaired by a qualified person who is independent of the development and has been approved by the Planning Secretary prior to the commencement of the study. The study must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*.
 - (c) A **final hazard analysis** of the development consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.
- B9. Apart from for preliminary works that are outside the scope of the hazard studies, construction must not commence until the study recommendations have been considered and, where appropriate, acted upon.
- B10. The development must be designed and operated in accordance with the approved final hazard analysis.

Pre-commissioning

- B11. Prior to commissioning the power station and gas pipelines, the following plans and systems must be submitted to the Planning Secretary for approval:
- (a) A comprehensive **emergency plan** and detailed emergency procedures for the development. This plan must include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
 - (b) A document setting out a comprehensive **safety management system** covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies along with details of mechanisms for ensuring adherence to the procedures. The Safety Management System must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request.
- B12. The Applicant must design and operate the development in accordance with the approved Emergency Plan and Safety Management System.

On-going

- B13. A hazard audit must be conducted for the development within one year of the commencement of operations and every three years thereafter, unless otherwise agreed by the Planning Secretary. The audit must be:
- (a) carried out by a qualified person or team that is independent of the development and has been endorsed by the Planning Secretary prior to the commencement of each audit; and
 - (b) consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit'*.
- B14. A copy of the hazard audit report and a program to implement the recommendations made in the audit report must be submitted to the Planning Secretary within three months of the commencement of each hazard audit, unless otherwise agreed by the Planning Secretary.
- B15. The recommendations of the hazard audit report must be implemented in accordance with the program, unless otherwise agreed by the Planning Secretary.

DANGEROUS GOODS

- B16. The storage, handling, and transport of dangerous goods for the development must be carried out in accordance with the relevant Australian Standards, including and not limited to AS1940 and AS1596, and the *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

AVIATION SAFETY

- B17. A low intensity red obstacle light must be installed on the top of one of the power station stacks. The selection of the light must consider the guidance provided in *Advisory Circular AC 139.E-05v1.1 Obstacles (including wind farms) outside the vicinity of a CASA certified aerodrome*.

NOISE

Construction Noise

- B18. Construction may only occur between 7:00 am and 6:00 pm Monday to Fridays; and 8:00 am and 1:00 pm Saturdays, except:
- (a) where construction noise levels are no more than 5 dB $L_{Aeq(15min)}$ above the rating background level at any residence and no more than the Noise Management Levels in Table 3 of the *Interim Construction Noise Guideline (DECC, 2009)*; or
 - (b) for deliveries of plant, equipment and materials which are required to be delivered outside standard construction hours by the police and/or other authorities for safety reasons; or
 - (c) for emergency work to avoid loss of life, damage to property and/or environmental harm; or

- (d) for works implemented in accordance with an out-of-hours work protocol approved by the Planning Secretary.
- B19. An **out-of-hours-work protocol** must be submitted to the Planning Secretary for approval prior to the commencement of any out-of-hours construction work (other than the exceptions listed in conditions B18(a)-B18(c)). The protocol must:
- identify a process for the consideration and management of construction which is outside the hours defined in condition B18;
 - be consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest or final version);
 - justify why the construction needs to be undertaken as out-of-hours construction, including consideration of consultation undertaken as part of the documents listed in condition A2(c);
 - identify low, medium and high-risk out-of-hours work, proposed mitigation and management measures; and
 - include written notification arrangements for affected residences for approved out-of-hours work.
- B20. All reasonable and feasible noise mitigation measures must be implemented to achieve the noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version). Any activities that could exceed the noise management levels must be identified and managed in accordance with the environmental management strategy required under condition C1 of this approval.

Operational Noise

- B21. Noise generated by the development must not exceed the criteria at the residences identified in Table 1.

Table 1: Operational noise criteria dB(A)

Residences ^a	Day LAeq (15 min)	Evening LAeq (15 min)	Night LAeq (15 min)	Sleep Disturbance LAFmax
R1, R2, R3, R4, R5	40	35	35	52
R6	40	38	38	52

^a The locations of the residences referred to in Table 1 are shown in the figure in Appendix 3.

- B22. Noise generated by the development must be monitored and measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017). The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Dubbo Airport. The standard meteorological conditions defined in Part D of the *NSW Noise Policy for Industry* apply to the noise criteria in Table 1. For other meteorological conditions, the applicable noise criteria are as defined in Table 1 plus 5 dB(A).
- B23. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Note: The Applicant will be required to monitor and verify noise emissions in accordance with the requirements of an EPL.

WATER QUALITY

Erosion and Sediment Control

- B24. Erosion and sediment controls must be implemented for the development. The controls must:
- be implemented prior to the commencement of construction or other surface disturbance;
 - be adequately maintained for the duration of surface disturbance; and
 - be in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline.

Note: The development must also comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

WASTE

- B25. All reasonable mitigation and management measures must be implemented to minimise the waste generated by the development.
- B26. All waste generated by the development must be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014) (or its latest version).

- B27. All waste generated by the development must be stored and handled in accordance with its classification.
- B28. All waste must be removed from the site as soon as practicable and reused, recycled or sent to an appropriately licensed waste facility for disposal.
- B29. No waste must be received, stored, treated, process, re-processed or disposed of on the site except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Note: In regard to receiving biofuels at the site, the development must comply with the statutory requirements of the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2022, the NSW Energy from Waste Policy Statement 2021, the Eligible Waste Fuel Guidelines 2022 and any applicable resource recovery order and exemption.

- B30. Chemicals, fuels and oils used on-site must be kept in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or *Storing and Handling of Liquids: Environment Protection- Participants Manual* (EPA, 2007) (or its latest version).

BIODIVERSITY

Biodiversity Offsets

- B31. Native vegetation must not be disturbed by the development until the biodiversity credits specified in Table 2 are retired in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*.

Table 2: Biodiversity credit requirements

Vegetation Community	PCT ID	Area (ha)	Credits
White Box – White Cypress -Western Grey Box	267	0.12	1
Red River Gum	78	0.04	3

ABORIGINAL HERITAGE

- B32. Prior to the commencement of construction, the Aboriginal objects identified in Appendix 4 must be collected and managed in consultation with the Registered Aboriginal Parties for the development. The consultation outcomes and management measures must be recorded in AHIMS.

Unexpected Finds Protocol

- B33. If a suspected Aboriginal object, not identified in the EIS, is discovered on the site:
- the suspected Aboriginal object must not be directly or indirectly harmed; and
 - a qualified expert must confirm whether it is an Aboriginal object and determine the presence or absence of other Aboriginal objects in the vicinity.

- B34. Confirmed Aboriginal objects must be managed in consultation with the Registered Aboriginal Parties.

Note: Objects confirmed to be Aboriginal objects must be recorded in AHIMS.

Discovery of Suspected Human Remains

- B35. If any suspected human remains are discovered in, on or under the land:
- all work at the location must cease immediately;
 - the area must be secured to avoid further harm to the remains;
 - local police and Heritage NSW must be notified as soon as practicable and details of the remains and their location provided; and
 - work must not recommence at the location unless authorised in writing by the Planning Secretary.

Determination of Traditional Ancestral Remains

- B36. Any human remains determined to be a traditional Aboriginal ancestral burial must be managed in consultation with the Registered Aboriginal Parties and Heritage NSW.

TRAFFIC AND TRANSPORT

- B37. Heavy vehicles associated with the development must not use Boothenba Road, unless otherwise agreed by the Planning Secretary.

Parking

- B38. On-site parking facilities must be provided for heavy vehicles and site personnel vehicles, to ensure that traffic associated with the development does not utilise residential streets for parking or public parking facilities.

Traffic Management Plan

- B39. A **Traffic Management Plan** must be prepared and implemented for the development. The plan must:
- (a) be prepared prior to the commencement of construction;
 - (b) be prepared in consultation with TfNSW and Council;
 - (c) include:
 - (i) a summary of any relevant commitments or recommendations identified in the documents listed in condition A2(c);
 - (ii) a description and map of the transport route(s) to be used for all development-related traffic;
 - (iii) a description of measures to minimise project related light traffic on Boothenba Road;
 - (iv) details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s, including school buses;
 - (v) details about the management of oversize/overmass vehicles and heavy vehicles requiring escort; and
 - (vi) a driver's code of conduct.

ROAD MAINTENANCE

- B40. **Dilapidation surveys** must be undertaken to assess the existing condition of Purvis Lane and Yarrandale Road between the development site and Golden Highway, including the Yarrandale Road/ Purvis Lane intersection. The surveys must be:
- (a) completed no more than 60 days prior to and no more than 30 days after completion of construction and decommissioning activities; and
 - (b) provided to Council within 30 days of completion of construction and upgrading and decommissioning activities, unless otherwise agreed by the Planning Secretary.

If there is any dispute about the surveys, then either party may refer the matter to the Planning Secretary for resolution.

VISUAL AND LIGHTING

- B41. Off-site visual impacts of the development must be minimised by the use of low-reflective materials to reduce the potential for glare or reflection.
- B42. Commercial advertising signs or logos on site must not be visible, except where required for identification or safety purposes.
- B43. Vegetation screening must be planted and maintained on the boundaries of the site as shown in the Figure 1 in Appendix 1.
- B44. External lighting associated with the development must:
- (a) be installed as warm coloured low intensity lighting (except where required for safety or emergency purposes);
 - (b) not shine above the horizontal, except for aviation safety lighting required under Condition B18; and
 - (c) comply with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting (or its latest version)*.

CONSTRUCTION WORKFORCE ACCOMMODATION STRATEGY

- B45. A **Construction Workforce Accommodation Strategy** must be prepared for the development. The strategy must:
- (a) be prepared prior to the commencement of construction;
 - (b) be prepared in consultation with Council;
 - (c) propose measures to ensure there is sufficient accommodation for the construction workforce associated with the development;
 - (d) consider the cumulative impacts associated with other State significant development projects in the area; and
 - (e) be implemented prior to the commencement of construction until the full operation of the development commences.

If there is any dispute about the strategy, then either party may refer the matter to the Planning Secretary for resolution.

BUSHFIRE MANAGEMENT

- B46. The development must comply with the relevant asset protection and property access requirements in

Planning for Bushfire Protection (RFS, 2019), *Standards for Asset Protection Zones* (RFS) and the commitments in the documents listed in condition A2(c).

Note: The relevant asset protection requirements are included in Appendix 4 of Planning for Bushfire Protection (RFS, 2019). Table 7.4a in Planning for Bushfire Protection (RFS, 2019) outlines property access requirements.

- B47. A bushfire emergency management and evacuation plan must be prepared for the development. The plan must:
- (a) be in accordance with *A Guide to Developing a Bushfire Emergency Management and Evacuation Plan* (RFS, 2014) and *Australian Standard AS3745 Planning for Emergencies in Facilities*;
 - (b) be provided to the Dubbo Regional Local Emergency Management Committee prior to the commencement of operation; and
 - (c) be implemented prior to construction commencing and for the duration of the development.

PART C. ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT STRATEGY

- C1. An environmental management strategy must be prepared for the development. The strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals and legislation that apply to the development;
 - (c) set out the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development;
 - (d) set out the procedures (including timeframes) to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive record, handle, and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies;
 - (e) include an environmental risk assessment and a description of the measures that will be implemented to manage:
 - (i) the predicted impacts identified in the documents listed in condition A2(c); and
 - (ii) any other environmental risk or impact which has been subsequently identified after the documents in condition A2(c) were submitted.
 - (f) include a process to review the environmental risk assessment annually and determine whether the measures implemented to manage the risks identified are effective;
 - (g) include an adaptive management process to be implemented if the review of the risk assessment indicates that any measure that has been implemented is not effective in managing the identified risk(s), and a process to update the measure/s;
 - (h) include a clear plan depicting all the monitoring to be carried out under the conditions of this consent; and
 - (i) include proposed measures to ensure workers on site receive suitable heritage training, including maintaining records of the training.
- C2. The strategy must be submitted to the Planning Secretary for approval prior to the commencement of construction.
- C3. Construction must not commence until the environmental management strategy is approved by the Planning Secretary.
- C4. The environmental management strategy, as approved by the Planning Secretary, must be implemented prior to the commencement of construction.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the annual review of the environmental risk assessment under condition C1;
 - (b) the submission of an incident report under condition C6;
 - (c) the submission of an independent audit under conditions C9 and C10;
 - (d) the submission of a hazard audit under condition B13;
 - (e) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or
 - (f) notification of a change in development phase under condition A12.
- the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

COMPLIANCE

- C6. The Applicant must notify the Department within 24 hours of an incident occurring. The notification must be made using the Department's Major Projects website and address details of the incident including:
- (a) date, time and location of the incident;
 - (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.
- C7. The Applicant must provide the Department with a subsequent incident report in accordance with

Non-Compliance Notification

- C8. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must:
- (a) be in writing and must be submitted via the Department's Major Projects Website;
 - (b) identify the development (including the development application number and name);
 - (c) 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
 - (d) set out what actions have been, or will be, undertaken 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.

Independent Environmental Audit

- C9. An **independent environmental audit** must be undertaken for the development. The audit must be:
- (a) undertaken within six months of commencing operations, and every three years thereafter, unless the Planning Secretary directs otherwise;
 - (b) led by a suitably qualified, experienced, and independent auditor whose appointment has been endorsed by the Planning Secretary;
 - (c) prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government, 2020, or latest version); and
 - (d) undertaken to the satisfaction of the Planning Secretary, and an audit report must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.
- C10. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government, 2020, or latest version), the Applicant must:
- (a) review and respond to each independent audit report prepared under condition C9 of this consent;
 - (b) submit a response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the independent audit report;
 - (c) implement the recommendations to the satisfaction of the Planning Secretary;
 - (d) make each independent audit report and response to it publicly available no later than 60 days after submission to the Planning Secretary.

ACCESS TO INFORMATION

- C11. Prior to the commencement of operation, the following information and documents (as they are obtained, approved, or as otherwise stipulated within the conditions of this consent) must be publicly on the website for the development:
- (a) the document/s listed in condition A2(c) of this consent;
 - (b) all current statutory approvals for the development;
 - (c) all strategies, plans and programs required under the conditions of this consent;
 - (d) any strategy, plan, or program developed in accordance with the documents listed in condition A2(c) or the conditions of this consent;
 - (e) the proposed staging plans for the development;
 - (f) regular reports on the environmental performance of the development in accordance with the reporting commitments in any plans or programs required by the conditions of this consent;
 - (g) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any strategies, plans and programs;
 - (h) a summary of the current phase and progress of the development;
 - (i) contact details to enquire about the development or to make a complaint;
 - (j) a summary of complaints related to the development, updated within 1 month of receiving a complaint associated with the development;
 - (k) compliance reports of the development;
 - (l) approved hazard audit reports; and
 - (m) any other matter required by the Planning Secretary.
- C12. All information and documents listed in condition C11 must be kept up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 – DEVELOPMENT LAYOUT PLAN

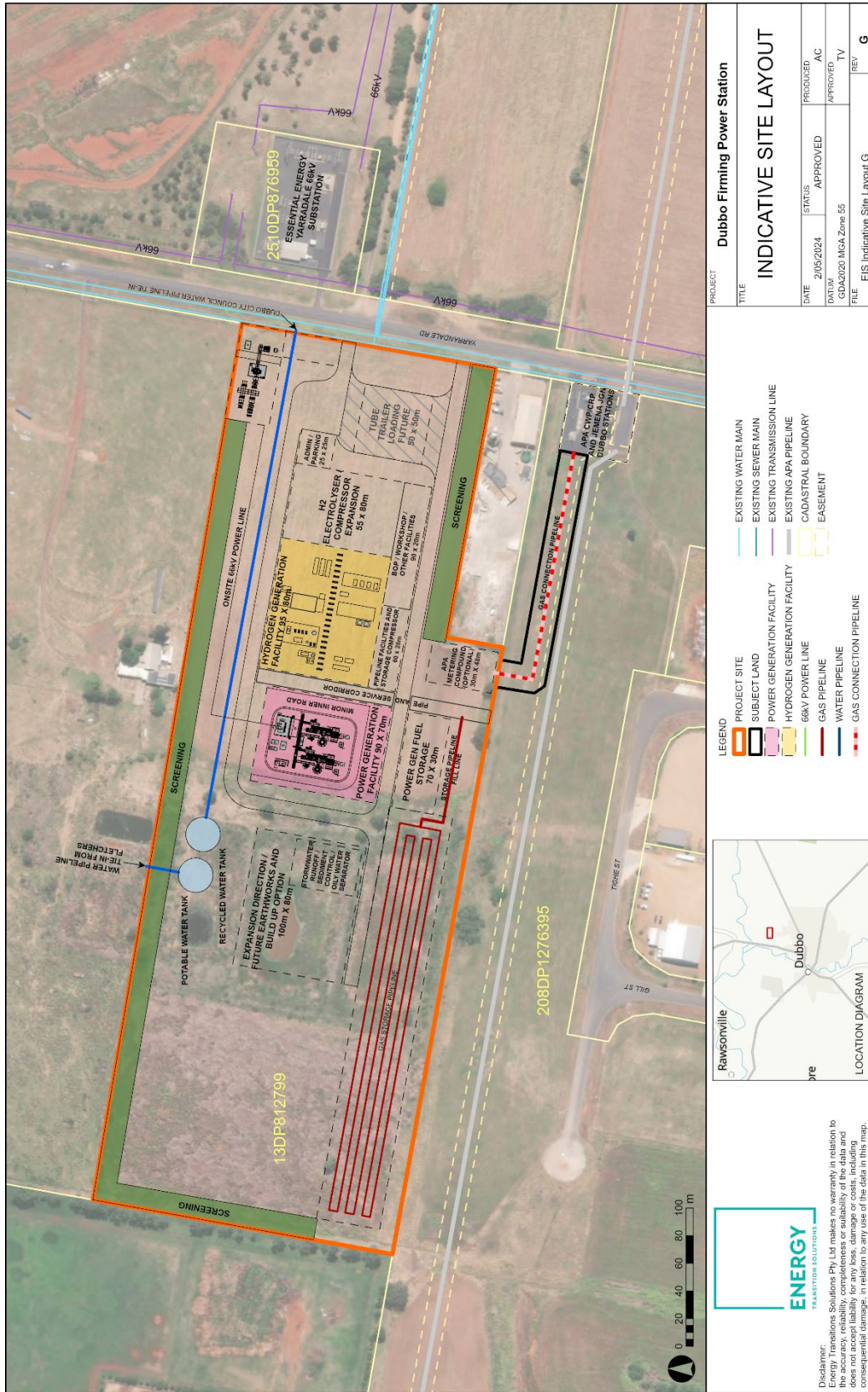
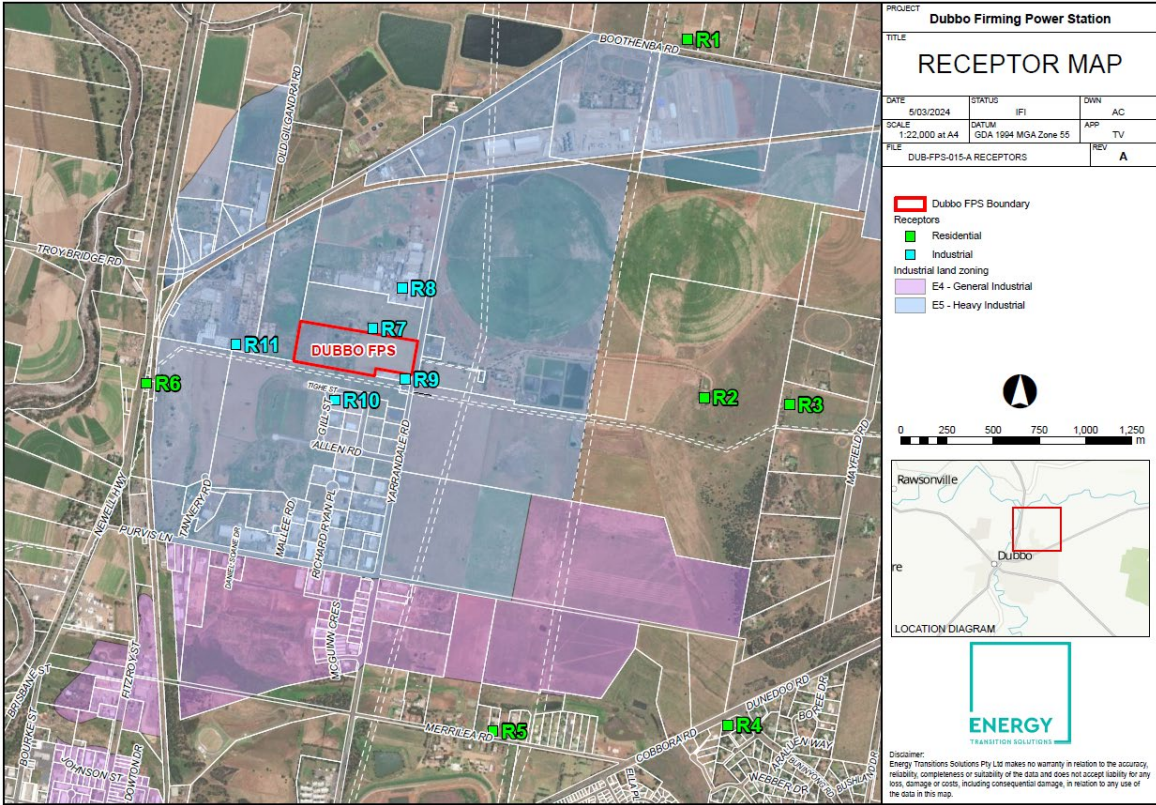


Figure 1 – Development layout

APPENDIX 2 – GENERAL TERMS OF APPLICANT’S VPA OFFER

Council	Payment Details
Dubbo Regional Council	<ul style="list-style-type: none">• A one-time payment of \$950,000 prior to the commencement of construction; or• An annual payment of \$71,250 over the life of the project (adjusted annually for CPI) from the commencement of construction; or• An alternative amount or timing agreed by Council.

APPENDIX 3 – LOCATION OF RESIDENCES



APPENDIX 4 – ABORIGINAL HERITAGE

Appendix Table 1 – Aboriginal Objects in the disturbance area

AHIMS site number	Site name	Contents	Degree of harm
Direct impacts			
36-1-0788	Yarrandale Road Artefact 1	Isolated artefact (quartzite flaked piece)	Total loss of value

Refer to the Figure in this Appendix to identify items.

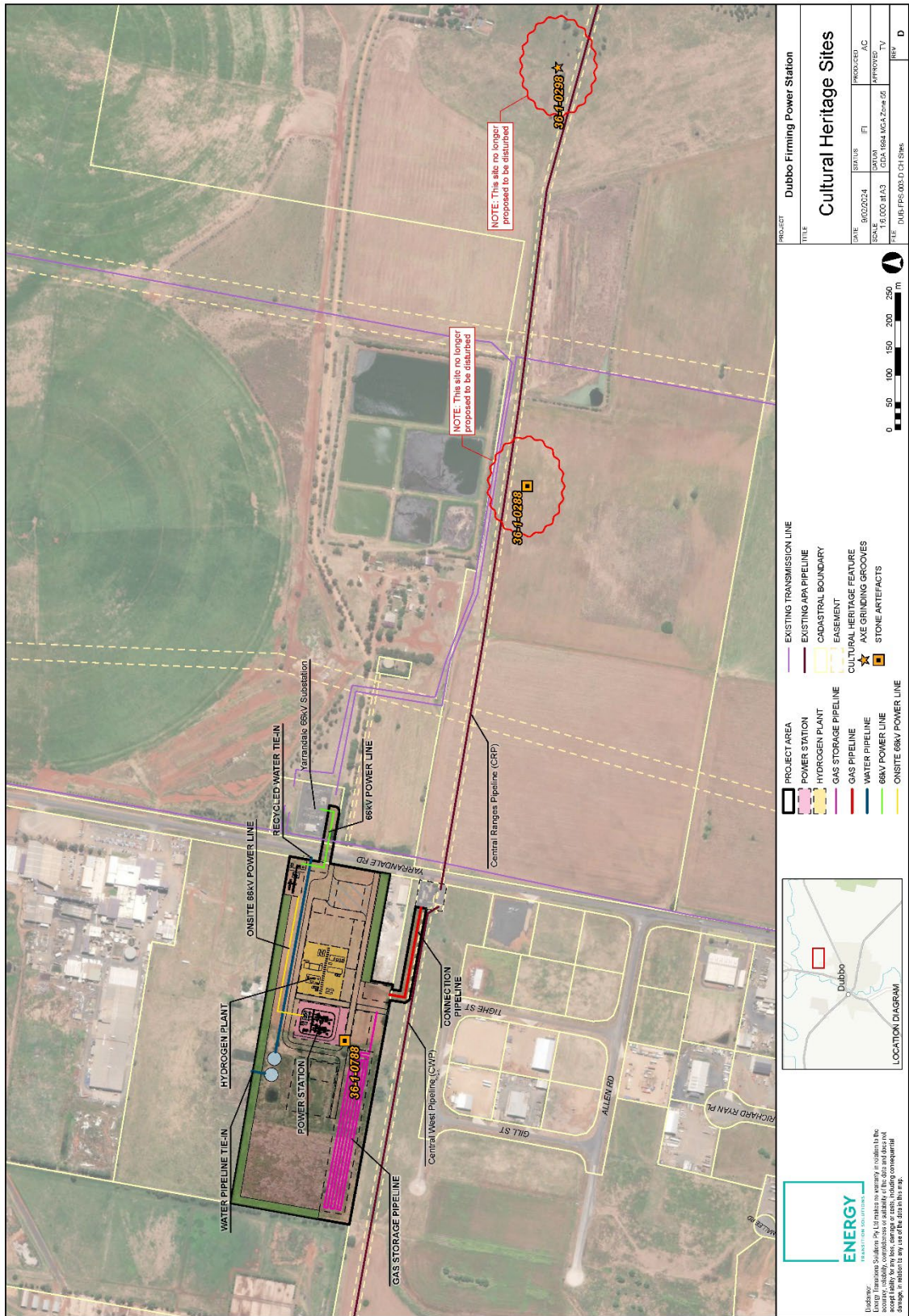


Figure 1 – Aboriginal Heritage sites

APPENDIX 5 – INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the Department's Major Projects website.
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C6 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 C7), the Applicant is required to submit a subsequent incident report that:
 - a. identifies how the incident was detected;
 - b. identifies when the Applicant became aware of the incident;
 - c. identifies any actual or potential non-compliance with conditions of consent;
 - d. identifies further action(s) that will be taken in relation to the incident; and
 - e. a summary of the incident;
 - f. outcomes of an incident investigation, including identification of the cause of the incident;
 - g. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - h. details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.