



13 September 2024

Nicole Brewer
Director, Energy Assessments
Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear Nicole,

**Spicers Creek Wind Farm (SSD-41134610)
Request for Comment – Recommended Conditions of Consent**

I refer to the State significant development application for the Spicers Creek Wind Farm (SSD-41134610) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is considering the imposition of the attached conditions of consent for the Application (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's advice by **5pm on Friday, 20 September 2024**.

This letter and your response will be made publicly available on the Commission's website immediately following the publication of the Commission's determination of this Application.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Tahlia Hutchinson via [REDACTED] or [REDACTED]

Yours sincerely,

[REDACTED]

Stephen Barry
Planning Director

Spicers Creek Wind Farm (SSD-41134610)

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
DEFINITIONS NEW DEFINITIONS	Add a new definition to capture 'NCC' consistent with prior SSD consents and terminology used in conditions.	BCA <u>NCC</u>	Building Code of Australia <u>National Construction Code</u>
	Consistent with the Standard Instrument Local Environmental Plan.	<u>Ground level (existing)</u>	<u>The existing level of a site at any point</u>
Wind Turbine Height A6.	To clarify the point from which measurements are to be taken in determining maximum permitted height.	The maximum permitted height of any wind turbine (measured from above ground level to the blade tip height to be measured as the vertical distance from ground level (existing) to the highest point of the wind turbine's blade tip) is 256 metres.	
Micro-siting Restrictions A8.	To make clear that the blade rotation circle of the turbines must be 50m from canopies.	(d) the revised location of the blade <u>rotation circle</u> of a wind turbine is at least 50 metres from the canopy of existing native vegetation; or where the proposed location of the blade 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;	
STRUCTURAL ADEQUACY A10.	To refer to NCC, consistent with prior SSD consent terminology.	(b) 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 <u>NCC</u> .	
SUBDIVISION A14.	To ensure rural lands are not unnecessarily fragmented by specifying the timing of the proposed subdivision.	The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 4 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the <i>Conveyancing Act 1919 (NSW)</i> . <u>A Subdivision Certificate must not be issued until the relevant Occupation Certificate(s) for the substation(s) are issued.</u>	
COMMUNITY CONSULTATIVE COMMITTEE A18.	To ensure the CCC has an active role in providing advice on community benefit programs.	The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's <i>Community Consultative Committee Guideline: State Significant Projects (2023)</i> , or its latest version. <u>The Applicant must ensure the CCC is consulted on community benefit programs.</u>	
Visual Impact Mitigation B1.	To provide sufficient time for non-associated residences to seeking mitigation measures. Those who are impacted by turbines to be constructed at the end of the construction period, may not be aware of the full extent of impacts until the turbines are visualised. By specifying 'construction' only, the 5 years could technically commence upon the commencement of minor non-turbine works. Also to provide further mitigation examples.	For a period of 5 years from the commencement of construction <u>of the first wind turbine</u> , the owner of any non-associated residence within 5 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 <u>examples include but are not limited to minor civil works</u> , landscaping and vegetation screening) in consultation with the owner.	
Lighting B3.	Minor update to Australian Standard (e)(iv)	(iv) complies with Australian/New Zealand Standard AS/NZS 4282: 2019 <u>2023</u> : Control of Obtrusive Effects of Outdoor Lighting, or its latest version.	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
Operating Conditions B20.	To include water monitoring requirements via a new sub-condition. This is consistent with the recent Thunderbolt wind farm SSD consent. The Commission is also seeking the Department's advice on the relevant catchment(s) to be referenced.	<u>(f) undertake water turbidity monitoring of (insert catchment name(s)) catchments for the life of the development to the extent necessary for monitoring any material negative impact of the development on local waterways and make the result available on its website consistent with condition C16.</u>	
Road Maintenance B33.	Minor update to (b). Update to (c) to ensure upgrading works are also captured.	(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 B22 B33(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 B32 B33(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	
Mitigation of Aviation-Related Impacts B36.	Minor update.	The Applicant must carry out the development in accordance with the <i>National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers</i> ; or its latest version, unless the Planning Secretary agrees otherwise.	
Notification of Aviation Authorities B37.	Additional authorities who provide/have air services who may be impacted.	Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, DoD, NSW Police, NSW Rural Fire Service , the RAAF and NPWS (together the authorities):	
Operating Conditions B45.	To ensure the water supplied is dedicated and static on site – (b)(ii)	(ii) is suitably equipped to respond to any fires on site including provision of a dedicated static 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to each substation;	
Final Layout Plans C8.	To address concerns raised by both Councils regarding past difficulties experienced at the certification stage for renewable developments. Condition seeks to ensure there is an appropriate level of detail and provide Council with relevant information.	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, and provide a copy to the Councils for information , including: (a) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts); (b) architectural plans for building works (including but not limited to site plans, floor plans and elevations) ; (c) the GPS coordinates of the wind turbines; and (d) showing comparison to the approved layout. The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.	
ACCESS TO INFORMATION C16.	A new sub-clause (xi) to ensure the applicant keeps the community informed of the projects key milestones and any delays.	<u>(xi) construction progress updates at appropriate milestones, including identification of any substantial delays;</u>	
Appendix 2 Schedule of Lands	Additional lot identified by the Applicant.	<u>1/1298649</u>	

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

Member of the Commission

Sydney

DRAFT

SCHEDULE 1

Application Number: SSD 41134610
Applicant: Spicers Creek Wind Farm Pty Ltd
Consent Authority: Independent Planning Commission of NSW
Land: The land defined in Appendix 2
Development: Spicers Creek Wind Farm

TABLE OF CONTENTS

DEFINITIONS	<u>34</u>
PART A ADMINISTRATIVE CONDITIONS	<u>67</u>
Obligation to Minimise Harm to the Environment	<u>67</u>
Terms of Consent	<u>67</u>
Limits on Consent	<u>67</u>
Upgrading Of Wind Turbines and Ancillary Infrastructure	<u>78</u>
Structural Adequacy	<u>78</u>
Demolition	<u>78</u>
Protection of Public Infrastructure	<u>78</u>
Operation of Plant and Equipment	<u>78</u>
Subdivision	<u>78</u>
Applicability of Guidelines	<u>89</u>
Compliance	<u>89</u>
Evidence of Consultation	<u>89</u>
Community Consultative Committee	<u>89</u>
Community Enhancement	<u>89</u>
PART B SPECIFIC ENVIRONMENTAL CONDITIONS	<u>940</u>
Visual	<u>940</u>
Noise and Vibration	<u>1044</u>
Air	<u>1142</u>
Soil and Water	<u>1142</u>
Biodiversity	<u>1243</u>
Heritage	<u>1415</u>
Transport	<u>1415</u>
Aviation	<u>1647</u>
Radiocommunications	<u>1748</u>
Hazards	<u>1748</u>
Waste	<u>1849</u>
Accommodation and Employment Strategy	<u>1920</u>
Decommissioning and Rehabilitation	<u>1920</u>
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	<u>2024</u>
Environmental Management	<u>2024</u>
Staging, Combining and Updating Strategies, Plans or Programs	<u>2024</u>
Notifications	<u>2122</u>
Independent Environmental Audit	<u>2122</u>
Access to Information	<u>2122</u>
APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT	<u>2324</u>
APPENDIX 2 SCHEDULE OF LANDS	<u>2627</u>
APPENDIX 3 GENERAL TERMS OF APPLICANT'S OFFER	<u>2728</u>
APPENDIX 4 SUBDIVISION PLANS	<u>2829</u>
APPENDIX 5 BIODIVERSITY	<u>3034</u>
APPENDIX 6 HERITAGE ITEMS	<u>3132</u>
APPENDIX 7 HAULAGE ROUTE AND ROAD UPGRADES	<u>3334</u>
APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	<u>4041</u>

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
Ancillary infrastructure	All project infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices, electricity transmission lines, site compounds, communication cables (including control cables and earthing), wind monitoring masts and internal roads.
Applicant	Spicers Creek Wind Farm Pty Ltd, 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>
BCS	Biodiversity Conservation and Science Group within NSW DCCEEW
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 earthworks on site and the construction of any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Councils	Dubbo Regional Council and Warrumbungle Shire Council
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 development footprint shown in Appendix 1
DNG	Derived native grassland vegetation condition
DoD	Australian Government Department of Defence
DPI Fisheries	NSW Department of Primary Industries Fisheries
EIS	The environmental impact statement for Spicers Creek Wind Farm dated 13 July 2023, including the: <ul style="list-style-type: none"> • Submissions Report dated 8 December 2023, and • additional information provided by the Applicant to the Department dated 29 February 2024, 3 May 2024, 17 May 2024, 30 May 2024, 19 June 2024 and 20 June 2024
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
Ground level (existing)	The existing level of a site at any point
GPS	Global Positioning System
Heavy vehicle	As defined under the <i>Heavy Vehicle National Law (NSW)</i> , but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
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>
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 No, 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	A set of circumstances that causes or threatens to cause material harm to the environment
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
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems 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)
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
<u>NCC</u>	<u>National Construction Code</u>
Non-associated residence	Means: <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
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 figures 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

DRAFT

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 117 wind turbines may be constructed and operated on the site.

Wind Turbine Height

- A6. The maximum permitted height of any wind turbine (to be measured as the vertical distance from ground level (existing) to the highest point of the wind turbine's blade tip measured from above ground level to the blade tip height) is 256 metres.

Battery storage restriction

- A7. Unless the Planning Secretary agrees otherwise, the battery storage associated with the development must not exceed a total delivery capacity of 400 MW.

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) wind turbines (T47 and T58) must not be micro-sited closer to NSW Telecommunications Authority's microwave links;
 - (d) the revised location of the blade rotation circle of a wind turbine is at least 50 metres from the canopy of existing native vegetation; or where the proposed location of the blade 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 revised location of a wind turbine is at least 200 m away from the surveyed boundary of Dapper Nature Reserve;
- (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.

UPGRADING OF WIND TURBINES AND ANCILLARY INFRASTRUCTURE

A9. 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

A10. The Applicant must ensure that:

- (a) 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
- (b) 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 NCCBCA.

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

A11. 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

A12. 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 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 the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

OPERATION OF PLANT AND EQUIPMENT

A13. All plant and equipment used on site, or in connection with the development, must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

SUBDIVISION

A14. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 4 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW). A Subdivision Certificate must not be issued until the relevant Occupation Certificate(s) for the substation(s) are issued.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.
- Division 6.4 of Part 6 of the EP&A Act sets out the application requirements for subdivision certificates.

APPLICABILITY OF GUIDELINES

A15. 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

A16. 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

A17. 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

A18. 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. The Applicant must ensure the CCC is consulted on community benefit programs.

COMMUNITY ENHANCEMENT

A19. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Dubbo Regional Council and Warrumbungle Shire Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms of:
 - (i) agreement between the Applicant and Dubbo Regional Council dated 8 March 2024; and
 - (ii) the Applicant's offer to Warrumbungle Shire Council dated 26 April 2023 and endorsed by Warrumbungle Shire Council on 15 February 2024; which are summarised in Appendix 3.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

VISUAL

Visual Impact Mitigation

- B1. For a period of 5 years from the commencement of construction of the first wind turbine, the owner of any non-associated residence within 5 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~~ examples include but are not limited to minor civil works 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 and Siding Spring Observatory 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 4282:2019/2023: 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* (DECC, 2009), or its 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 activities 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 and 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 4~~.

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

Operational Noise Criteria – Wind Turbines

- B13. 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 (LA90 (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

- B14. The noise generated by the operation of ancillary infrastructure must not exceed 35 dB(A) LAeq(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

- B15. 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:
- undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - submit a copy of the monitoring results to the Department and the EPA.
- B16. The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

AIR

- B17. The Applicant must take all reasonable steps to:
- minimise the off-site dust, fume and blast emissions of the development; and
 - minimise the surface disturbance of the site.

SOIL AND WATER

Water Supply

- B18. 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 licences ~~licenses~~ before commencing any works which intercept or extract groundwater or surface water (unless an exemption applies).

Water Pollution

B19. 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

B20. 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 DPI 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; ~~and-~~
- ~~(e)~~(f) undertake water turbidity monitoring of (insert catchment name(s)) catchments for the life of the development to the extent necessary for monitoring any material negative impact of the development on local waterways and make the result available on its website consistent with condition C16.

BIODIVERSITY

Vegetation Clearance

B21. The Applicant must not clear any native vegetation or fauna habitat located outside the development corridor.

Restrictions on Clearing and Habitat

B22. Unless the Planning Secretary agrees otherwise, the Applicant must:

- (a) ensure that the vegetation and habitat clearing limits specified in Table 1 and 2 of Appendix 5 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

B23. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 of Appendix 5, unless the Planning Secretary agrees otherwise.

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.

B24. 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

B25. 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 BCS, NPWS and AG DCCEEW;
- (b) be prepared in accordance with the Amended Biodiversity Development Assessment Report (BDAR) dated December 2023 and the Amended BDAR Addendum dated 17 May 2024;
- (c) include a description of the measures and timeframes that would be implemented to:
 - (i) ensure the development does not adversely affect the native vegetation and habitat outside the disturbance footprint and ensure the restrictions on clearing in conditions B22 are met;
 - (ii) minimise 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 ensuring that an additional 53.8 ha of Box Gum Woodland CEEC is securely conserved within a Biodiversity Stewardship Agreement within 3 years (over and above the relevant credit obligations) comprised of:
 - 31.3 ha of intact woodland;
 - 9.9 ha of disturbed and modified woodlands; and
 - 12.6 ha of derived native grasslands;
 - (iv) minimise the impacts of the development on threatened flora and fauna species within the disturbance footprint and its surrounds, including the:
 - pink-tailed legless lizard
 - glossy black cockatoo
 - barking owl
 - (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) have regard to the *NSW Saving Our Species - Hygiene guidelines Protocols to protect priority biodiversity areas in NSW from Phytophthora cinnamomi, myrtle rust, amphibian chytrid fungus and invasive plants* (DPIE 2020);
 - (ix) collecting and propagating seed (where relevant);
 - (x) controlling weeds and feral pests;
 - (xi) controlling erosion; and
 - (xii) 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

- B26. 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 BCS, NPWS and AG DCCEEW, and to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the Amended Biodiversity Development Assessment Report (dated December 2023) and the Amended BDAR Addendum (dated 17 May 2024) 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;
 - (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) a wind turbine curtailment strategy (if required);
 - (ii) minimising the availability of raptor perches on wind turbines;
 - (iii) prompt carcass removal;
 - (iv) controlling pests; and
 - (v) using best practice methods for bat deterrence, including managing potential lighting impacts;
 - (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 reasonable;
 - (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 all raw data collected as part of the monitoring program to be submitted to BCS 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

B27. 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 6, historic heritage items identified in Table 3 of Appendix 6, 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 6; 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 B28.

Note: The location of the heritage items referred to in this condition are shown in the figure in Appendix 6.

Heritage Management Plan

B28. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in condition B27, 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 B27 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 B27(b) cannot be avoided;
- (e) include a description of the measures that would be implemented for:
 - (i) protecting heritage items in accordance with condition B27;
 - (ii) minimising and managing the impacts of the development on Aboriginal heritage items identified in condition B27(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

Heavy Vehicles Requiring Escort and Heavy Vehicles Routes

B29. The Applicant must ensure that **for** all heavy vehicles requiring escort associated with the development access to and from the site is via Selwyn Street, George Street, Industrial Drive, 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 (standard route): Golden Highway (to Dunedoo); or
- (b) for vehicles with loads exceeding 5.6 m in height (high load route): Golden Highway, Denman Road, Bengalla Road, Wybong Road, Golden Highway (to Dunedoo);

as identified in Appendix 7 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 Vehicles National Law (NSW) for the use of over-dimensional vehicles on the road network.

Site Access

B30. Unless the Planning Secretary agrees otherwise, the Applicant must ensure that vehicles associated with the development access the site:

- (a) for light and heavy vehicles: via Golden Highway,
 - (i) Sweeneys Lane;
 - (ii) Saxa Road and Tallawonga Road; and
 - (iii) Saxa Road, Gollan Road and Ben Hoden Road;
- (b) for heavy vehicles requiring escort: via Golden Highway,
 - (i) Sweeneys Lane; and
 - (ii) Saxa Road and Tallawonga Road.

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.

B31. Access between portions of the site via the public road network must only be undertaken at the crossing points on Bald Hill Road, Dapper Road, Diehm Road, Lambing Hill Road and Sandy Creek Road identified in the figure in Appendix 1.

Road Upgrades

B32. Unless the Planning Secretary agrees otherwise, the road upgrades identified in:

- (a) Table 1 of Appendix 7 must be implemented in accordance with the relevant timing requirements.
- (b) Table 2 of Appendix 7 must be implemented by the Applicant in accordance with the relevant timing requirements, 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.

Road Maintenance

B33. The Applicant must, in consultation with the relevant Council:

- (a) undertake an independent dilapidation survey to assess the existing condition of:
 - (i) Gollan Road, Saxa Road, Sweeneys Lane, Ben Hoden Road, Tallawonga Road along the access route within the Dubbo Regional LGA and within the Project Site boundary as defined in the EIS, and
 - (ii) all crossing points identified in condition B31.
- (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 B33B32(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 B33B32(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 B33(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise;in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.

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

B34. 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 DPI 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

- B35. Prior to commencing road upgrades identified in condition B32, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Councils, 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 B32;
 - (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 B33;
 - (ii) meeting the operating conditions required by condition B34;
 - (iii) temporary traffic controls in accordance with 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 in the area during construction, upgrading or decommissioning works, including consultation with TfNSW 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, 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) avoiding impacts on Water NSW water quality monitoring sites and ensuring suitable access to these sites is maintained;
 - (xv) responding to any emergency repair or maintenance requirements;
 - (xvi) a traffic management system for managing heavy vehicles requiring escort; and
 - (xvii) a revised turn warrant assessment updating the traffic generation, directions, and routes if the temporary workers accommodation in Dubbo LGA is not provided, to ensure compliance with Austroads and the approved road upgrades.
 - (d) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - ~~(ii)~~ procedures to ensure that drivers adhere to the designated haulage routes and speed limits;
 - ~~(iii)~~(ii) procedures to ensure that drivers to implement safe driving practices; and
 - ~~(iv)~~(iv) 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

- B36. 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 [Planning](#) Secretary agrees otherwise.

Notification of Aviation Authorities

- B37. Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, DoD, [NSW Police](#), [NSW Rural Fire Service](#), the RAAF and NPWS (together the authorities):
- (a) co-ordinates in latitude and longitude of each wind turbine and mast;
 - (b) the final height of each wind turbine and mast in Australian Height Datum;
 - (c) ground level at the base of each wind turbine and mast in Australian Height Datum;
 - (d) confirmation of compliance with any OLS; and
 - (e) details of any proposed aviation hazard lighting.

- B38. Within 30 days of the practical completion of any wind turbine or mast, the Applicant must:

- (a) provide confirmation to the authorities that the information that was previously provided remains accurate; or
- (b) update the information previously provided.

RADIOCOMMUNICATIONS

B39. 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

Fire Safety Study

B40. Prior to commencing construction of the battery storage facility, the Applicant must prepare a Fire Safety Study for the battery storage, to the satisfaction of the Planning Secretary in writing and that meets the requirements of FRNSW. The study must:

- (a) be consistent with the Department's Hazardous Industry Planning and Advisory Paper No. 2 'Fire Safety Study' guideline;
- (b) be prepared in accordance with the FRNSW Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations;
- (c) describe the final design of the battery storage facility;
- (d) include reasonable worst-case bush fire scenario to and from the facility and the associated bush fire management;
- (e) 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 facility design.

B41. 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.

Storage and Handling of Dangerous Goods

B42. 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 Manual* 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.

B43. 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

B44. 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 Nonionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz – 100kHz)* (ICNIRP, 2010).

Operating Conditions

B45. 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) is suitably equipped to respond to any fires on site including provision of a **dedicated static** 20,000 litre water supply tank 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 the defensible space);
- (c) assist the RFS, FRNSW, NPWS 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.

Emergency Plan

B46. Prior to commencing construction of the wind farm and commissioning of the battery storage, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with RFS, and provide a copy of the plan to the local Fire Control Centre, FRNSW and NPWS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry point at all times. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under **Condition condition B40B39**;
- (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 fire and 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 and NPWS 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, RFS and NPWS; 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.

B47. 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

B48. 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 AND EMPLOYMENT STRATEGY

- B49. Prior to commencing construction, the Applicant must prepare and implement an Accommodation and Employment Strategy for the development in consultation with Councils, 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) provide details on the proposed timing for use of the accommodation facilities (subject to a separate approval with Dubbo Regional Council) and certainty that it would align with the commencement of construction of the development;
 - (c) consider the cumulative impacts associated with other State significant projects in the area;
 - (d) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
 - (e) 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.

DECOMMISSIONING AND REHABILITATION

Rehabilitation Objectives – Decommissioning

- B50. 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 2](#).

Table 2 | Rehabilitation Objectives

<i>Feature</i>	<i>Objective</i>
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

Progressive Rehabilitation

- B51. The Applicant must:
- (a) rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following construction or decommissioning;
 - (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

- B52. 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 C15; 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, and provide a copy to the Councils for information, including:
- (a) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts);
 - ~~(a)~~(b) architectural plans for building works (including but not limited to site plans, floor plans and elevations);
 - ~~(b)~~(c) the GPS coordinates of the wind turbines; and
 - ~~(e)~~(d) 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 Department must be notified via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 8.

Non-Compliance Notification

- C11. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Notification of Landowners

- C14. Prior to the commencement of construction, the Applicant must notify any non-associated residence within 5 km of any approved wind turbine of their rights under condition B1.

INDEPENDENT ENVIRONMENTAL AUDIT

- C15. Independent Audits of the development must be conducted and carried out at the frequency described and in accordance with the *Independent Audit Post Approval Requirements (2020)*, unless otherwise agreed or directed by the Planning Secretary:

ACCESS TO INFORMATION

- C16. 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;
 - (vii) a complaints register, which is to be updated on a monthly basis;
 - (viii) minutes of CCC meetings;
 - (ix) the annual Statement of Compliance with the EPL;
 - ~~(x)~~ any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - ~~(x)~~~~(xi)~~ construction progress updates at appropriate milestones, including identification of any substantial delays; and
 - ~~(x)~~~~(xii)~~ any other matter required by the Planning Secretary; and
- (b) keep this information up to date.
-

DRAFT

APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT

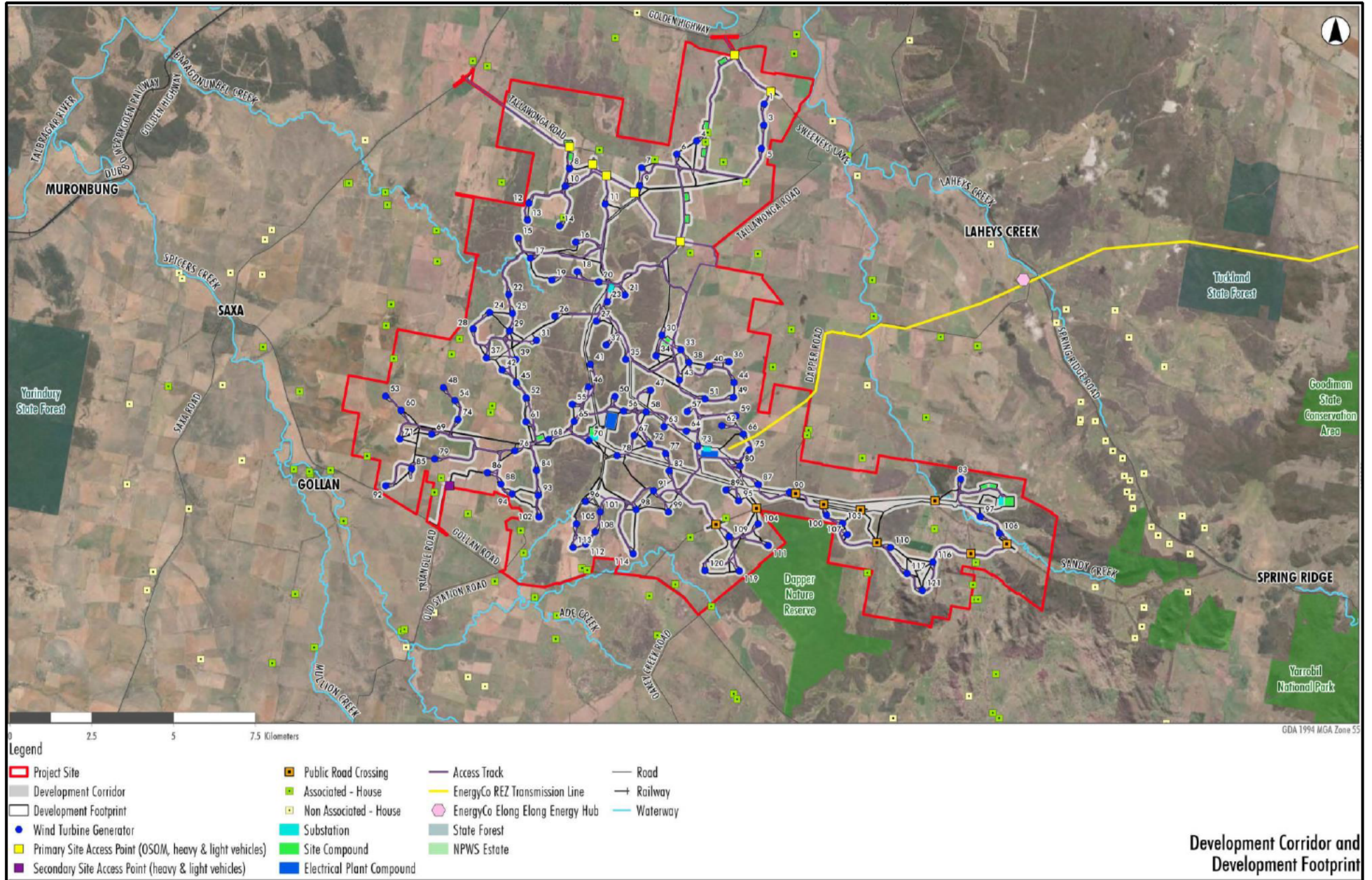


Table 1: Wind turbine locations

<i>Wind Turbine No.</i>	<i>Easting</i>	<i>Northing</i>
1	705930	6441371
3	705917	6440723
4	703865	6440236
5	705847	6440008
6	703262	6439838
7	702184	6439418
8	699993	6439394
9	702128	6438865
10	699858	6438856
11	701073	6438309
12	698747	6438336
13	698702	6437818
14	699683	6437640
15	698421	6437269
16	700174	6437144
17	698792	6436658
18	700224	6436244
19	699446	6435986
20	700875	6435930
21	701676	6435530
22	698128	6435545
23	701140	6435327
24	697548	6434999
25	698245	6434968
26	699534	6434884
27	700804	6434731
28	697044	6434501
29	698152	6434437
30	702808	6434303
31	698978	6434149
32	701107	6434004
33	703385	6433860
34	702628	6433669
35	701699	6433563
36	704854	6433493
37	697446	6433611
38	703629	6433471
39	698344	6433561
40	704247	6433364
41	700620	6433418
42	697929	6433244
43	703343	6432935
44	705011	6432855

<i>Wind Turbine No.</i>	<i>Easting</i>	<i>Northing</i>
61	698655	6431660
62	704638	6431543
63	702872	6431510
64	703553	6431374
65	700123	6431668
66	705293	6431281
67	701957	6431239
68	699348	6431119
69	695777	6431276
70	700577	6431081
71	694804	6431129
72	702436	6430979
73	703898	6430905
74	696580	6431730
75	705475	6430803
76	698316	6430772
77	702916	6430691
78	701440	6430632
79	695867	6430523
80	705190	6430315
82	703031	6430161
83	711931	6429910
84	698979	6430172
85	695166	6430224
86	697477	6430105
87	705750	6429744
88	697894	6429754
89	704765	6429575
90	706707	6429504
91	702550	6429551
92	694374	6429701
93	699030	6429414
94	698233	6429457
95	705149	6429246
96	700472	6429221
97	712531	6428762
98	702020	6428975
99	703007	6428904
100	707835	6428806
101	700922	6428904
102	699054	6428751
103	708329	6428562
104	705742	6428540

45	698357	6432854
46	700566	6432726
47	702447	6432623
48	696137	6432705
49	704991	6432408
50	701371	6432431
51	704120	6432359
52	698660	6432393
53	694371	6432443
54	696487	6432311
55	700070	6432195
56	701638	6431990
57	703582	6431970
58	702305	6431962
59	705072	6431841
60	694844	6432011

105	700198	6428544
106	713114	6428251
107	708468	6428214
108	700768	6428293
109	704856	6428150
110	709786	6427818
111	706056	6427877
112	700480	6427922
113	700094	6427821
114	701934	6427627
116	711084	6427372
117	710290	6427027
119	705173	6427099
120	704121	6427112
121	710761	6426506

APPENDIX 2 SCHEDULE OF LANDS

Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)	Lot Number / Deposit Plan (DP)
5/1201640	33/754310	26/754302
1/1138425	9/754310	54/754302
72/754323	42/754310	30/754302
71/754323	29/754310	45/754302
64/754317	B/403026	53/754302
39/754317	35/754310	46/754302
46/754317	32/754310	89/754305
38/754310	1/1173895	34/754302
47/754317	1/1231764	33/754302
20/1030615	3/1236084	25/754302
21/1030615	19/1030615	44/754302
36/754302	J/371035	43/754302
3/439991	1/1107830	70/754305
41/754302	2/726827	81/730841
1/254329	1/726827	71/754305
14/754302	2/180421	7002/93231
53/754317	1/842496	61/754305
37/754302	49/754317	72/754305
49/754302	1/1191013	1/1060420
1/1001922	2/842496	79/754305
56/754310	1/722859	2/1060420
23/754302	1/1190968	76/754305
48/754302	A/394380	69/754305
59/754317	28/754329	78/754305
17/754302	B/394380	C/394127
47/754302	1/130858	94/754305
7/754302	77/754305	75/754305
16/754302	83/754305	108/754305
55/754302	80/754305	92/754305
70/754323	3/1060420	1/605613
2/1107830	67/754305	64/754305
1/1169948	68/754305	32/754329
68/754323	4/1060420	93/754305
26/754310	59/754305	7001/93310
1/597838	90/754305	2/605613
2/1169948	50/754302	2/1201640
12/619254	156/135461	1/1279056
1/130937	5/754302	46/754305
3/754302	38/754302	91/754305
31/754302	42/754302	40/754302
51/754302	32/754302	<u>1/1298649</u>
35/754302	12/754302	
65/754317	39/754302	
6/754302	27/754302	
3/1201640	24/754302	
4/1201640	28/754302	

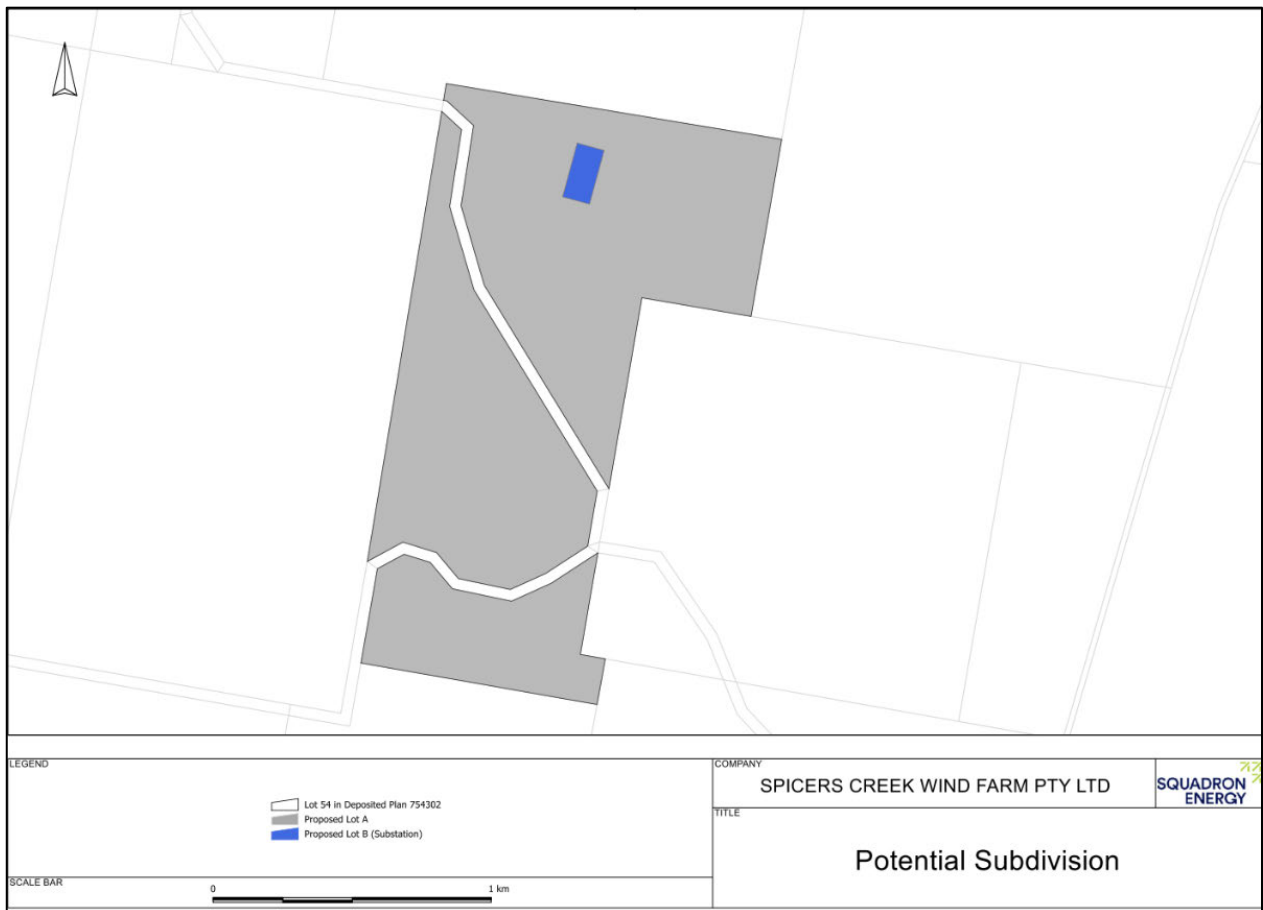
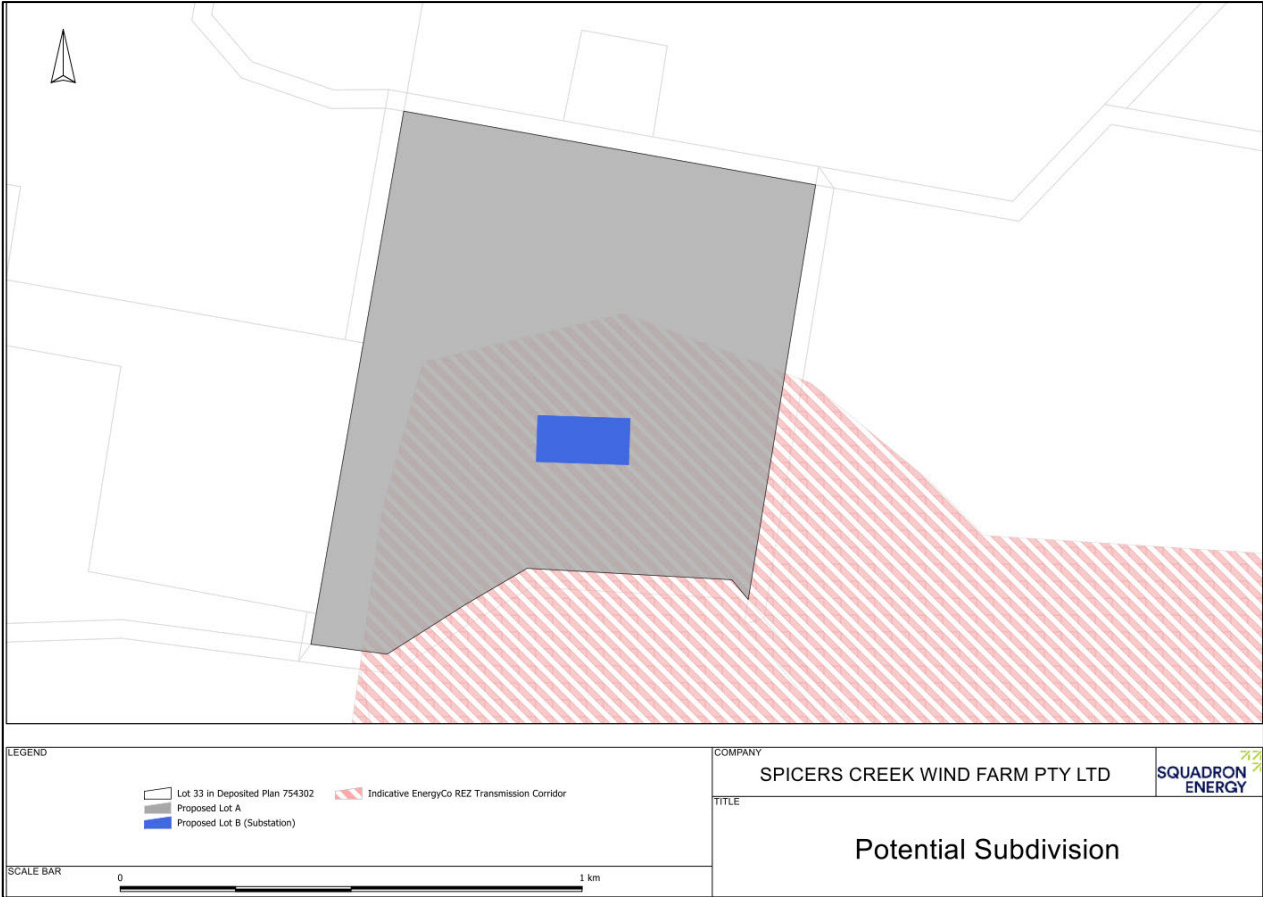
*The site will also be taken to include any Crown land and road reserves contained within the site

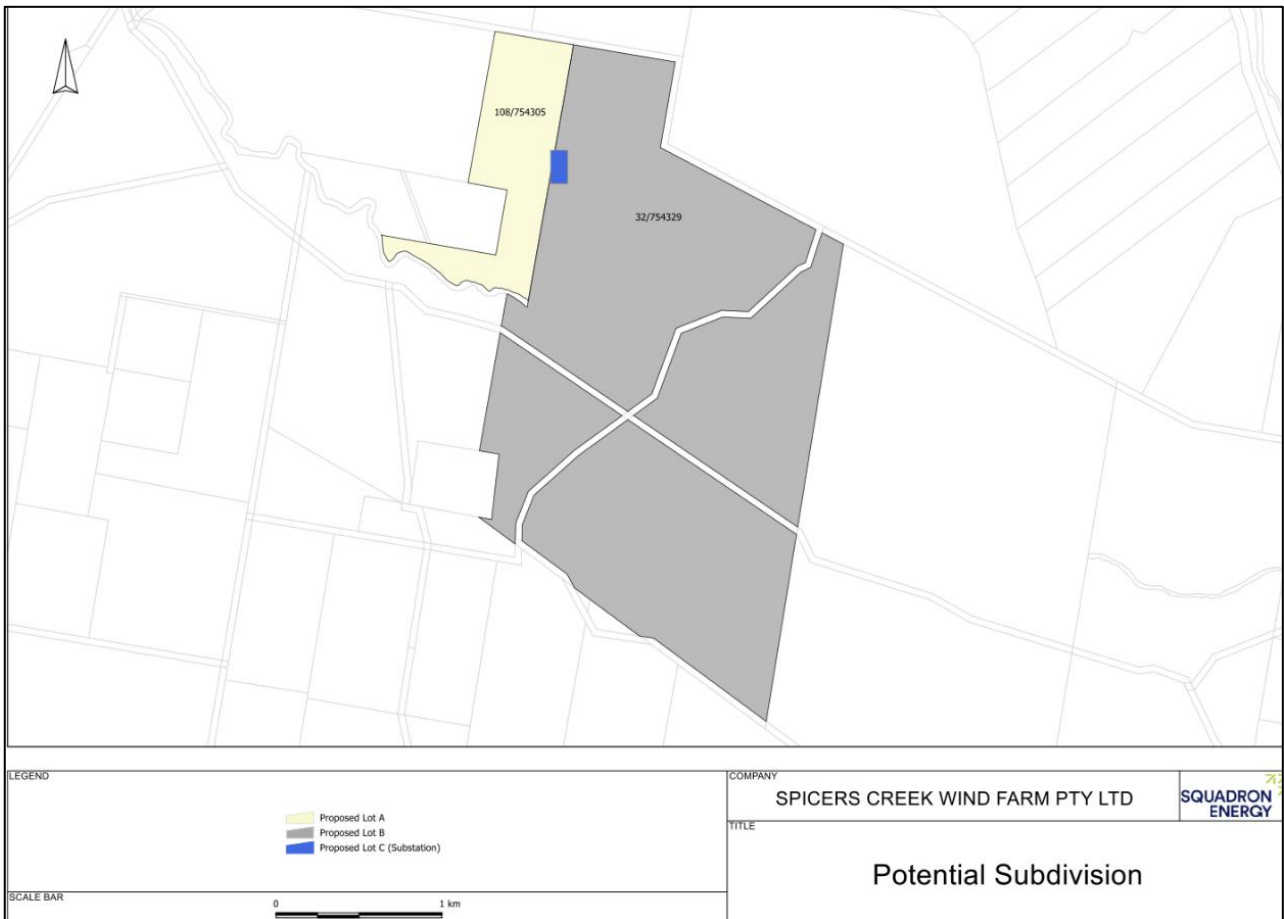
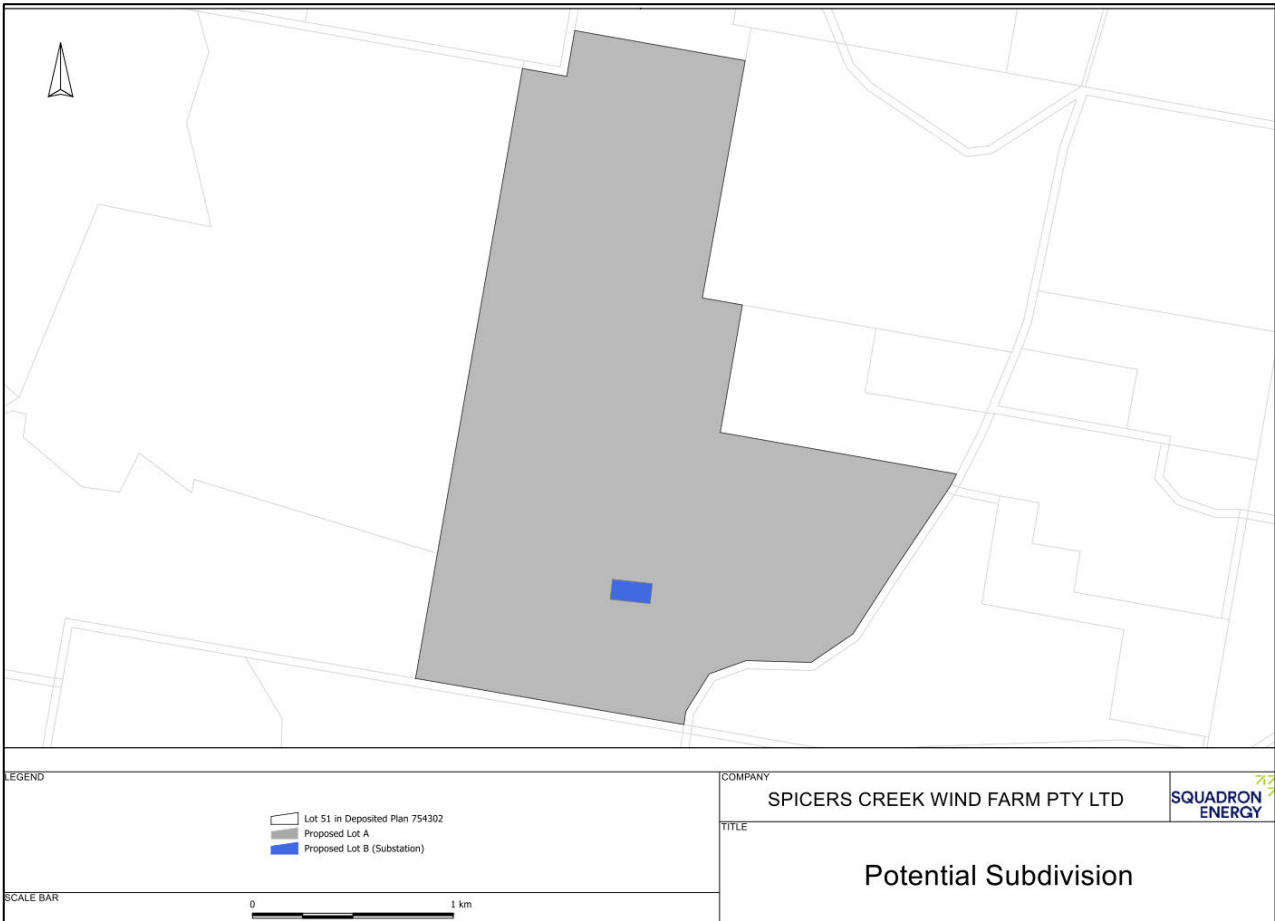
APPENDIX 3 GENERAL TERMS OF APPLICANT'S OFFER

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

<i>Councils</i>	<i>Payment Details</i>
Dubbo Regional Council	<ul style="list-style-type: none"> • The annual contribution payable by the Applicant is 1.5% of the CIV of the final construction layout of the project, split proportionally based on the number of turbines within the Council's LGA, and divided into annual payments for the 30-year life of the project. • The payments will be indexed by CPI from the anniversary of the first payment. • Liability for payments will commence on the commencement of construction, with payments being made on 1 July each year, in arrears.
Warrumbungle Shire Council	<ul style="list-style-type: none"> • The annual contribution payable by the Applicant is 1.5% of the CIV of the final construction layout of the project (adjusted annually to increases in CPI from the date of the Applicant's final investment decision), split proportionally based on the number of turbines within the Warrumbungle LGA, with payments divided annually across the 30-year operational life of the project. • The payments comprise: <ul style="list-style-type: none"> – a first payment of 10% of the CIV of the final construction layout, paid within 30 days of commencement of pre-construction minor works), with all subsequent payments proportionally reduced; – an interim payment (an amount equal to an annual instalment, paid on the anniversary of the payment of the early works payment) with all subsequent payments proportionally reduced; and – annual payments to be made on 1 July each year after commencement of construction with the first and last payments adjusted pro-rata.

APPENDIX 4 SUBDIVISION PLANS





APPENDIX 5 BIODIVERSITY

Table 1: Clearing limits and offset liability for native vegetation

PCT	Condition	BC Act	EPBC Act	Impact (hectares)	Ecosystem Credit Liability
81 - Western Grey Box - cypress pine shrub grass shrub tall woodland in the Brigalow Belt South Bioregion	Moderate Good	EEC	EEC	1.0	39
	DNG			1.7	33
266 – White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion	Moderate Good	CEEC	CEEC	10.5	427
	Thinned Canopy			8.0	312
	Planted			2.0	57
	DNG			6.7	152
267 - White Box - White Cypress Pine - Western Grey Box shrub/grass/forb woodland in the NSW South Western Slopes Bioregion	Moderate Good	EEC	EEC	8.3	341
	Thinned Canopy			6.5	290
	DNG			14.1	200
272 - White Box - Black Cypress Pine - red gum +/- Mugga Ironbark shrubby woodland in hills of the NSW central western slopes	Moderate Good	-	-	30.4	1,150
	Shrubby			5.0	135
	Thinned Canopy			2.0	43
	DNG			52.6	899
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 Good	CEEC	-	22.3	1,222
	DNG			6.0	174
467 - Blue-leaved Ironbark – Black Cypress Pine shrubby sandstone open forest in the southern Brigalow Belt South Bioregion (including Goonoo)	Moderate Good	-	-	53.7	1,741
	Shrubby			15.9	285
	Thinned Canopy			5.0	92
	DNG			19.6	135
468 - Narrow-leaved Ironbark – Black Cypress Pine +/- Blakely's Red Gum shrubby open forest on sandstone low hills in the southern Brigalow Belt South Bioregion (including Goonoo)	Moderate Good	-	-	1.9	46
	DNG			2.1	25

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

Species		BC Act	EPBC Act	Impact (hectares)	Species Credit Liability
<i>Aprasia parapuchella</i>	Pink-tailed Legless Lizard	Vulnerable	Vulnerable	4.89	139
<i>Calyptorhynchus lathamii</i>	Glossy Black-cockatoo	Vulnerable	Vulnerable	15.1	649
<i>Ninox connivens</i>	Barking Owl	Vulnerable	-	22.03	889

APPENDIX 6 HERITAGE ITEMS

Table 1: Aboriginal Heritage items – avoid impacts

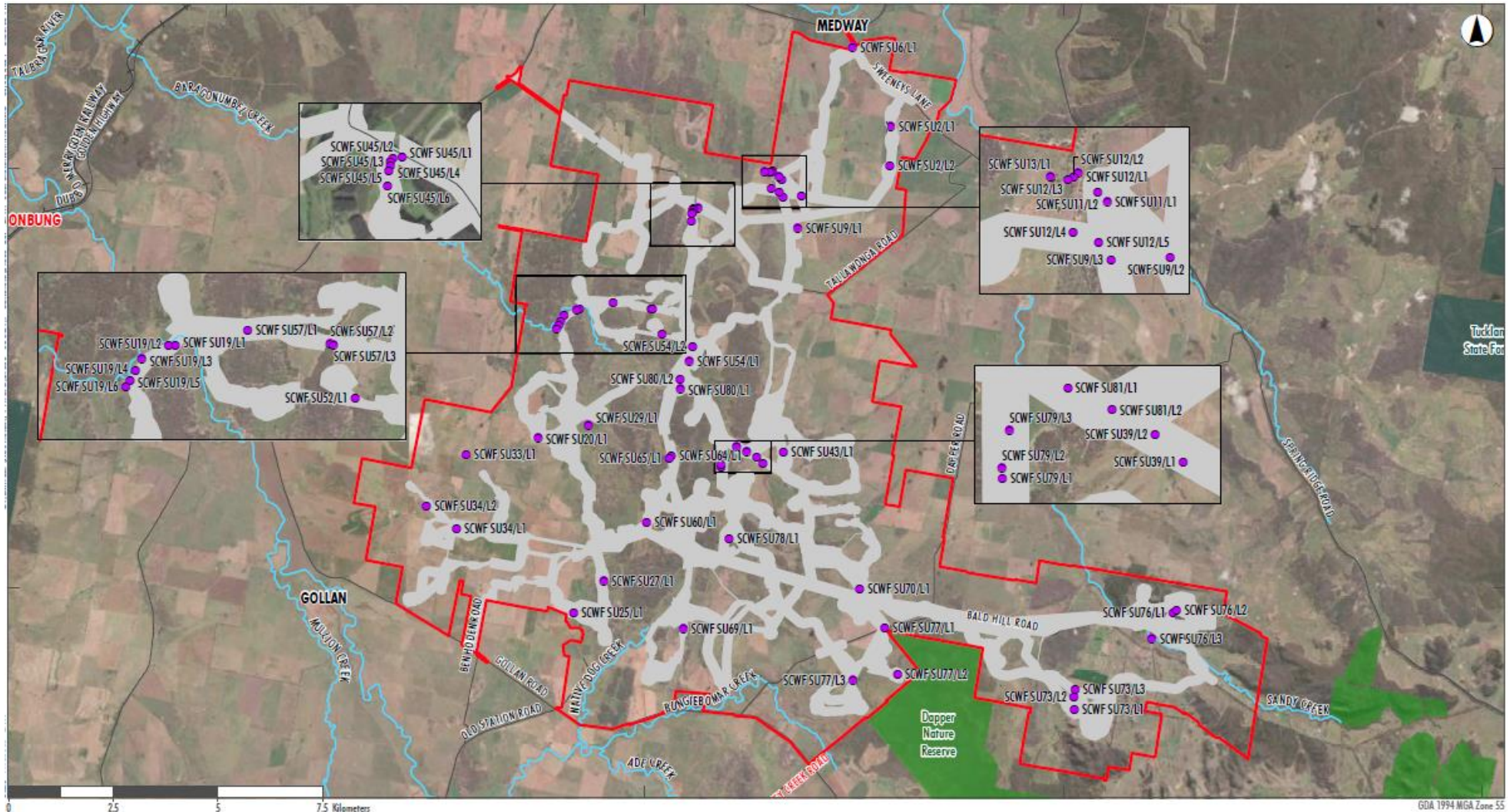
Item name
SCWF SU2/L1
SCWF SU20/L1
SCWF SU25/L1

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

Item name
SCWF SU12/L5
SCWF SU19/L5 (including Transect 2 and 3)
SCWF SU19/L6 (including Transect 1)
SCWF SU39/L2 (including Transect 1)
SCWF SU45/L5 (including Transect 2)
SCWF SU76/L4 – Transect 1
SCWF SU80/L2 (including Transect 1)

Table 3: Historic Heritage items – avoid, partially avoid, relocate or archival recording

Item Name
SCWF SU17/H1
SCWF SU22/H1
SCWF SU43/H1
SCWF SU47/H1
SCWF SU57/H1
SCWF SU10/H1



- Legend**
- Project Site
 - Development Corridor
 - Aboriginal Heritage sites
 - State Forest
 - NPWS Estate
 - Road
 - Railway
 - Waterway

Aboriginal Cultural Heritage items within the Development Corridor

APPENDIX 7 HAULAGE ROUTE AND ROAD UPGRADES

Table 1: Haulage route and road upgrades

<i>Road/Intersection</i>	<i>Treatment</i>	<i>Timing</i>
Mayfield #4 Berth onto Selwyn Street	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
Selwyn Street onto Industrial Drive via George Street	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
New England Highway onto the Golden Highway	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
Golden Highway / Putty Road intersection	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
Golden Highway through Jerrys Plains village	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
Golden Highway onto Denman Road	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
Golden Highway / Wargundy Street intersection	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort
Golden Highway intersection with Saxa Road	Upgrade as necessary within road reserve to allow access for heavy vehicles requiring escort	Prior to use by heavy vehicles requiring escort

Table 2: Haulage route and road upgrades and treatments to be implemented by the Applicant

<i>Road/Intersection</i>		<i>Treatment</i>		<i>Timing</i>	
Intersections					
Golden Highway / Sweeneys Lane intersection		Basic Left Turn (BAL) and Channelised Right Turn short (CHR(S)) generally in accordance with Figure 3 of this Appendix		Prior to use by heavy vehicles requiring escort	
Saxa Road / Tallawonga Road intersection		Channelised Right Turn short (CHR(s)) and Basic Left Turn (BAL) generally in accordance with Figure 4 of this Appendix		Prior to use by heavy vehicles, or heavy vehicles requiring escort	
Gollan Road / Ben Hoden Road intersection		Basic Right Turn (BAR), Basic Left Turn (BAL) generally in accordance with Figure 5 of this Appendix		Prior to use by heavy vehicles	
<i>Road</i>		<i>Start Point</i>	<i>Chainage</i>	<i>Treatment</i>	<i>Timing</i>
Tallawonga Road	Saxa Road	0 m to 10,010 m		<ul style="list-style-type: none"> • Gravel re-sheeting all areas of unsealed roads, applied to a minimum depth of 100 mm and minimum width of 6 m; • replacement or installation of new drainage structures (as necessary); and • upgrade, remove or replace stock grids. 	Prior to commencement of construction
Ben Hoden Road	Gollan Road	0 m to 1,410 m			
Sweeneys Lane	Golden Highway	0 m to 3,300 m			

Sweeneys Lane site access points (2 in total)	Golden Highway	650 m and 2,200 m	Construct access points for safe entry and exit for the largest vehicles accessing the site at this location	Prior to use of the site access point
Tallawonga Road site access points (5 in total)	Saxa Road	3,800 m, 5,100 m, 5,600 m, 6,600 m and 9,000 m		
Ben Hoden Road site access point	Gollan Road	1,400 m		
Public Road Crossings on Sweeneys Lane, Bald Hill Road, Dapper Road, Diehm Road, Sandy Creek Road and Lambing Hill Road	-	-	Construct public road crossings for safe crossing by the largest vehicles across the public road, as identified in Figure 2 of this Appendix	Prior to use of the public road crossing

Figure 1 | Heavy Vehicle Requiring Escort Access Route

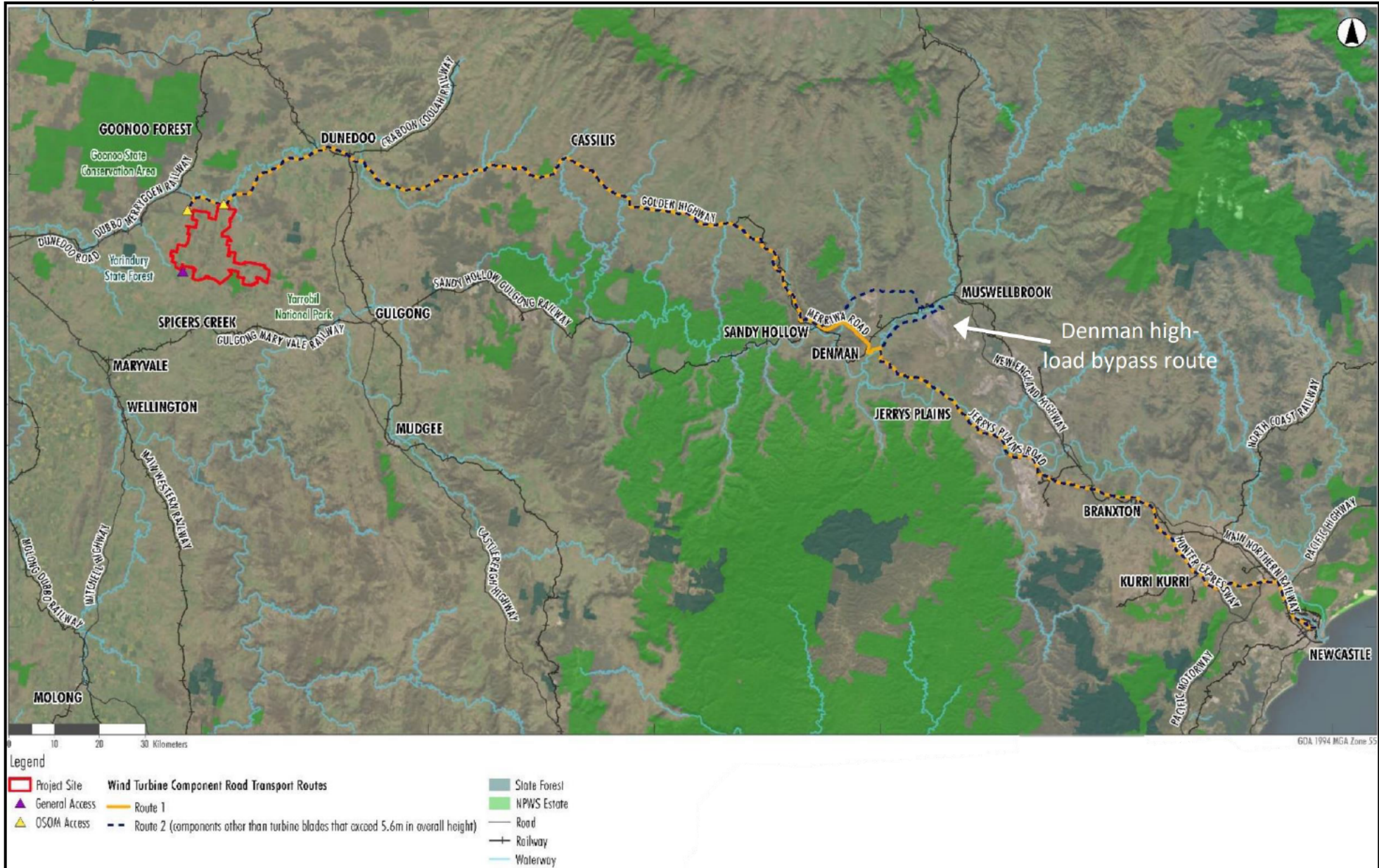


Figure 2 | Site Access

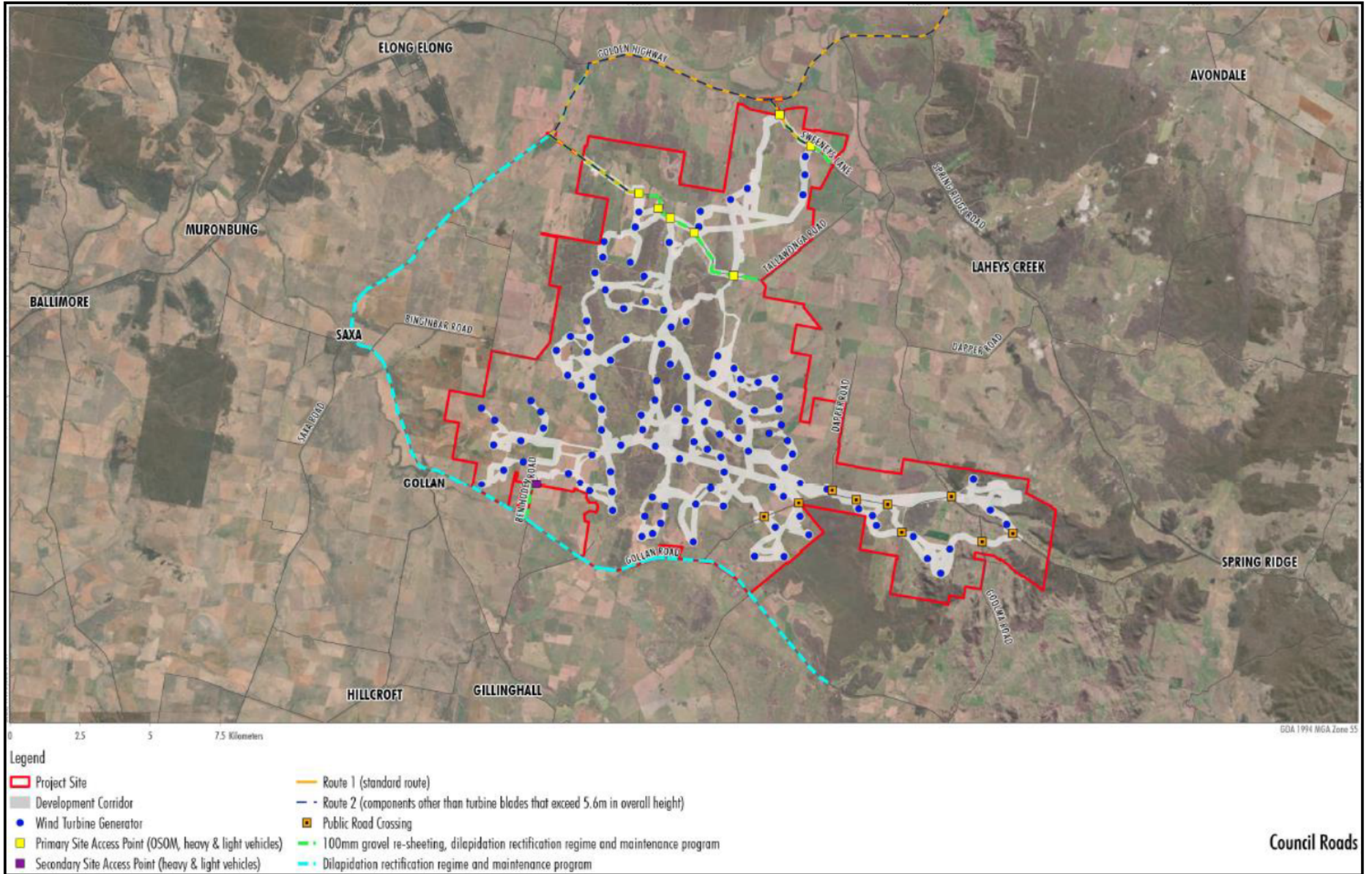
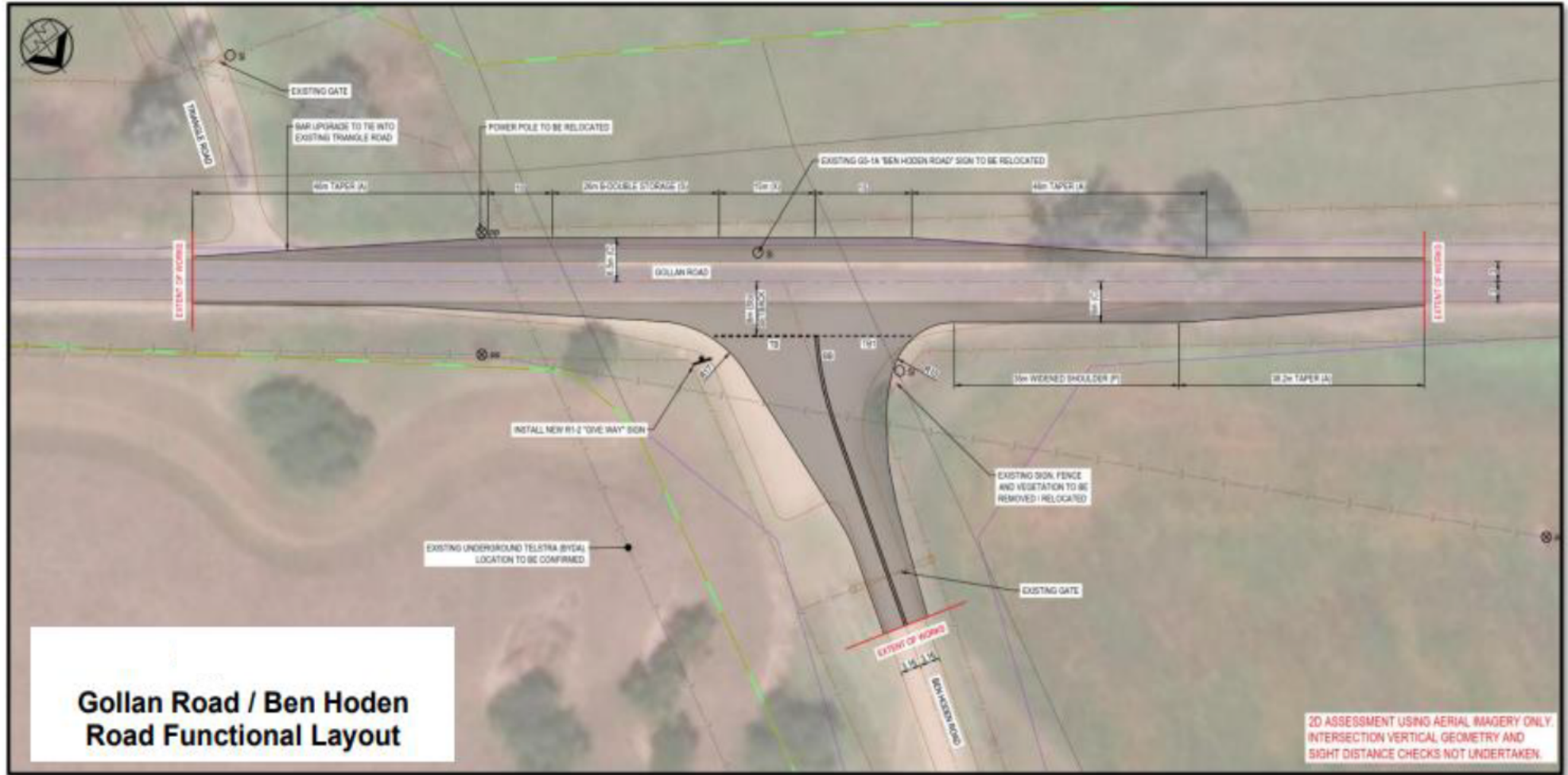


Figure 4 | Saxa Road intersection with Tallawonga Road function layout



Figure 5 | Gollan Road intersection with Ben Hoden Road functional layout



APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 of Schedule 2 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.