

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



**Iwan Davies**  
Director  
Energy Assessments

Sydney

2 November 2023

## SCHEDULE 1

<b>Application Number:</b>	SSD-12346552
<b>Applicant:</b>	Neoen Australia Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Great Western Battery Energy Storage System

## TABLE OF CONTENTS

<b>SCHEDULE 1 .....</b>	<b>1</b>
<b>DEFINITIONS .....</b>	<b>3</b>
<b>SCHEDULE 2 .....</b>	<b>5</b>
<b>PART A ADMINISTRATIVE CONDITIONS.....</b>	<b>5</b>
Obligation To Minimise Harm To The Environment .....	5
Terms Of Consent.....	5
Battery storage restriction.....	5
Upgrading Of Battery Storage And Ancillary Infrastructure .....	5
Structural Adequacy .....	5
Demolition .....	5
Protection Of Public Infrastructure .....	6
Operation Of Plant And Equipment.....	6
Subdivision.....	6
Applicability Of Guidelines.....	6
Compliance .....	6
Evidence of Consultation.....	6
Community enhancement.....	6
<b>PART B ENVIRONMENTAL CONDITIONS – GENERAL.....</b>	<b>7</b>
Transport.....	7
Biodiversity.....	9
Amenity .....	10
Heritage .....	11
Soil And Water .....	12
Hazards.....	13
Waste.....	14
Decommissioning And Rehabilitation .....	14
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING.....</b>	<b>15</b>
Environmental Management.....	15
Notifications.....	16
Independent Environmental Audit.....	16
Access To Information.....	17
<b>APPENDIX 1: GENERAL DEVELOPMENT LAYOUT.....</b>	<b>18</b>
<b>APPENDIX 2: SCHEDULE OF LANDS.....</b>	<b>20</b>
<b>APPENDIX 3: SUBDIVISION PLAN.....</b>	<b>21</b>
<b>APPENDIX 4: ROAD UPGRADES .....</b>	<b>22</b>
<b>APPENDIX 5: SITE ACCESS.....</b>	<b>23</b>
<b>APPENDIX 6: LANDSCAPE PLAN.....</b>	<b>24</b>
<b>APPENDIX 7: GENERAL TERMS OF THE APPLICANT'S VPA OFFER .....</b>	<b>25</b>
<b>APPENDIX 8: ABORIGINAL HERITAGE ITEMS .....</b>	<b>26</b>
<b>APPENDIX 9: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS.....</b>	<b>27</b>

## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All project infrastructure with the exception of battery storage, including but not limited to switching rooms, permanent offices, site compounds, electricity transmission lines and internal roads
Applicant	Neoen Australia Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system, as shown in Appendix 1
BCS	Biodiversity Conservation and Science Directorate within the Department
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 Schedule 2
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of the battery storage and 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)
Council	Lithgow City Council
Decommissioning	The removal of battery storage infrastructure and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning and Environment
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
DPE Water	Water Group within the Department
EIS	The Environmental Impact Statement for Great Western Battery Energy Storage System, dated 23 February 2022, Submissions Report dated 4 November 2023 and the additional information dated 29 February 2023, 28 April 2023 and 19 October 2023
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the Heavy Vehicle National Regulator guidance note: <i>National heavy mass and dimension limits July 2016</i>
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide
Heritage NSW	Heritage NSW division within the Department of Planning and Environment
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	<p>Is harm that:</p> <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>• 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)</li> </ul>
MW	Megawatt
MWh	Megawatt hour
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-associated residence	A dwelling in existence at the date of this consent which is not associated with the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident

Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Planning Secretary	Secretary of the Department, or nominee
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
Reasonable	Reasonable relates 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
RFS	Rural Fire Service
Site	As indicated by the red line, transmission line alignment and substation as shown 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, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of battery storage and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement

## 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, commissioning, upgrading, 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) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
- (c) the implementation of any actions or measures contained in these documents.

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.

#### BATTERY STORAGE RESTRICTION

A5. The battery storage associated with the development must not exceed a total delivery capacity of 500 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 the future.*

#### UPGRADING OF BATTERY STORAGE AND ANCILLARY INFRASTRUCTURE

A6. The Applicant may upgrade the battery storage and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. 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

A7. The Applicant must ensure that 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 *Building Code of Australia*.

*Notes:*

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

#### DEMOLITION

A8. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

## PROTECTION OF PUBLIC INFRASTRUCTURE

A9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

## OPERATION OF PLANT AND EQUIPMENT

A10. All plant and equipment used on site, or in connection with the development, must be:

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

## SUBDIVISION

A11. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as identified in Appendix 3 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW).

*Notes:*

- *Under Part 6 of 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

A12. 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

A13. 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

A14. Where conditions of this consent require consultation with an identified party, the Applicant must:

- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- provide details of the consultation undertaken including:
  - the outcome of that consultation, matters resolved and unresolved; and
  - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## COMMUNITY ENHANCEMENT

A15. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:

- Division 7.1 of Part 7 of the EP&A Act; and
- the terms of the correspondence dated 14 October 2022, which are summarised in Appendix 7.

## PART B ENVIRONMENTAL CONDITIONS – GENERAL

### TRANSPORT

#### Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

B1. The Applicant must ensure that the:

- (a) development does not generate more than:
  - i) 20 heavy vehicle movements a day during construction, upgrading and decommissioning; and
  - ii) 8 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and
- (b) length of any vehicles (excluding heavy vehicles requiring escort) used for the development does not exceed 26 metres,

unless the Planning Secretary agrees otherwise.

B2. The Applicant must keep accurate records of the number of heavy vehicles, and heavy vehicles requiring escort, entering or leaving the site each day for the duration of the project.

#### Access Route

B3. All heavy vehicles and heavy vehicles requiring escort associated with:

- (a) the battery storage, must travel to and from the site from the Castlereagh Highway via Main Street, Pipers Flat Road and Brays Lane as identified in Appendix 5;
- (b) works within the Wallerawang substation, must travel to and from the site from the Great Western Highway via Barton Avenue and James Parade as identified in Appendix 5;
- (c) the external transmission line, must travel to and from the site via Brays Lane or Main Street as identified in Appendix 5.

*Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of heavy vehicles requiring escort on the road network.*

#### Site Access

B4. All vehicles associated with:

- (a) the battery storage, must enter and exit the site via the site access point off Brays Lane, as identified in Appendix 5;
- (b) works within the Wallerawang substation for the project, must enter and exit the site via the site access point off James Parade, as identified in Appendix 5; and
- (c) the external transmission line, must enter and exit the site via the site access point off either Brays Lane or Main Street, as identified in Appendix 5.

#### Road Upgrades

B5. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must widen the road as shown in Appendix 4.

Unless the relevant road authority agrees otherwise, these upgrades must comply with the current *Austroads Guidelines, Australian Standards* and *TfNSW supplements*, and be carried out to the satisfaction of the relevant roads authority.

#### Road Maintenance

B6. The Applicant must, in consultation with Council:

- (a) undertake an independent dilapidation survey to assess the:
  - (i) existing condition of Barton Avenue, James Parade, Main Street, Pipers Flat Road and Brays Lane on the transport route, prior to construction, upgrading or decommissioning works; and
  - (ii) condition of the roads identified in condition B6(a), following construction, upgrading or decommissioning works;
- (b) repair the roads identified in condition B6(a) if dilapidation surveys identify development related damage to the road during construction, upgrading or decommissioning works.

If there is a dispute about road repair between the applicant and the relevant road authority, then either party may refer the matter to the Planning Secretary for resolution.

## Works within the Rail Corridor

B7. Unless the Planning Secretary agrees otherwise:

- (a) prior to commencement of works on the external transmission line within the Country Rail Network rail corridor, the Applicant must obtain an Infrastructure License from UGL Regional Linx Third Party Works; and
- (b) works within the Country Rail Network rail corridor must be undertaken in accordance with the *Development Near Rail Corridors and Busy Roads – Interim Guidelines*.

## Operating Conditions

B8. The Applicant must ensure:

- (a) the internal roads are constructed as all-weather roads;
- (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- (c) the capacity of the existing roadside drainage network is not reduced;
- (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (e) 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

B9. Prior to commencing the road upgrades identified in condition B5, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the transport route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition B5;
- (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 B6;
  - (ii) ensuring compliance with the access route described in conditions B3;
  - (iii) monitor the compliance of vehicles using the access route described in conditions B3;
  - (iv) details of vehicle access and movements for construction of the transmission line;
  - (v) temporary traffic controls, including detours and signage;
  - (vi) notifying the local community about development-related traffic impacts;
  - (vii) procedures for receiving and addressing complaints from the community about development related traffic;
  - (viii) minimising potential cumulative traffic impacts with other projects in the area;
  - (ix) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
  - (x) minimising dirt tracked onto the public road network from development-related traffic;
  - (xi) 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;
  - (xii) encouraging car-pooling or ride sharing by employees;
  - (xiii) scheduling of heavy vehicle movements to minimise convoy length or platoons;
  - (xiv) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
  - (xv) responding to any emergency repair or maintenance requirements; and
  - (xvi) a traffic management system for managing heavy vehicles requiring escort.
- (d) a driver's code of conduct that addresses:
  - (i) driver fatigue;
  - (ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
  - (iii) procedures to ensure that drivers implement safe driving practices; and
- (e) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

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

## BIODIVERSITY

### Vegetation Clearance

B10. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS.

### Biodiversity Offsets

B11. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits as specified in Table 1 and Table 2 below. 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.

**Table 1: Ecosystem Credit Requirements**

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits</b>
Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion	677	8
Broad-leaved Peppermint - Ribbon Gum grassy open forest in the north east of the South Eastern Highlands Bioregion	732	29

**Table 2: Species Credit Requirements**

<b>Species Credit Species</b>	<b>Credits Required</b>
Black Gum ( <i>Eucalyptus aggregata</i> )	2
Squirrel Glider ( <i>Petaurus norfolkensis</i> )	33
Koala ( <i>Phascolarctos cinereus</i> )	34
Purple Copper Butterfly ( <i>Paralucia spinifera</i> )	18
Eastern Pygmy-possum ( <i>Cercartetus nanus</i> )	33

B12. 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

B13. Prior to carrying out any development that could directly or indirectly impact biodiversity values, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in accordance with the revised Biodiversity Development Assessment Report (dated 17 February 2023);
- (b) include a description of the measures and timeframes that would be implemented for:
  - (i) protecting vegetation and fauna habitat outside the approved disturbance footprint;
  - (ii) managing the remnant vegetation and fauna habitat on site;
  - (iii) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
  - (iv) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
  - (v) minimising the impacts to fauna on site and implementing fauna management protocols;
  - (vi) rehabilitating and revegetating temporary disturbance footprint with native species that are appropriate to the site's ecology and conditions;
  - (vii) maximising the salvage of vegetative and soil resources within the approved disturbance footprint for beneficial reuse in the enhancement or the rehabilitation of the site; and
  - (viii) controlling weeds, feral pests and pathogens.
- (c) include a program to monitor and report on the effectiveness of mitigation measures;
- (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; 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.

## AMENITY

### Construction Hours

B14. Road upgrades, construction, commissioning, demolition, upgrading or decommissioning activities (excluding blasting) may only be undertaken between:

- (d) 7 am to 6 pm Monday to Friday;
- (e) 8 am to 1 pm Saturdays; and
- (f) at no time on Sundays and NSW public holidays

unless the Planning Secretary agrees otherwise.

### Exceptions to Construction Hours

B15. The following activities may be carried outside the hours specified in condition B14 above:

- (a) commissioning 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 prevent material harm to the environment.

### Variation of Construction Hours

B16. The hours of construction activities specified in condition B14 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 or 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 latest version.

### Noise

B17. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) or its latest version; and
- (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3 below to be determined in accordance with the procedures in the NSW *Noise Policy for Industry* (EPA, 2017) at any non-associated residence.

**Table 3: Operational Noise Limit Requirements**

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	$L_{Aeq}$ (15min)	$L_{Aeq}$ (15min)	$L_{Aeq}$ (15min)	$L_{AFmax}$
R1 - 233 Brays Lane, Wallerawang	42	38	35	52
R2 - 173 Brays Lane, Wallerawang	40	38	35	52
R3 - 137 Brays Lane, Wallerawang	40	38	35	52
R4 - 113 Brays Lane, Wallerawang	40	35	35	52
R5 - 91 Brays Lane, Wallerawang	40	35	35	52

B18. Unless the Planning Secretary agrees otherwise, within 3 months of the commencement of operation, the Applicant must prepare and submit a Noise Monitoring Report for the development to the satisfaction of the Planning Secretary. The Noise Monitoring Report must:

- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant;

- (b) demonstrate that noise monitoring:
  - (i) has been carried out in accordance with the procedures in the *Noise Policy for Industry* (EPA, 2017); and
  - (ii) includes monitoring during the day, evening and night periods during operational, temperature and meteorological conditions that would represent typical worst-case scenarios where reasonable and feasible; and
- (c) include:
  - (i) 1/3 octave data and calculated sound power levels along with a discussion of any excessive annoying characteristics and directionality;
  - (ii) an analysis of compliance with the noise limits specified in condition B17;
  - (iii) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and
  - (iv) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B17 at all times.

B19. The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

#### **Dust**

B20. The Applicant must minimise the dust generated by the development.

#### **Visual**

B21. Unless the Planning Secretary agrees otherwise, the Applicant must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

#### **Vegetation Buffer**

B22. Unless the Planning Secretary agrees otherwise, the Applicant must establish and maintain a vegetation buffer (landscape screening), at the locations identified in the landscape plan in Appendix 6 of this consent and as described in the EIS. The landscape screening must:

- (a) be planted prior to commencing operation;
- (b) be comprised of species that are endemic to the area;
- (c) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
- (d) be properly maintained with appropriate weed management.

#### **Lighting**

B23. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
  - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
  - (ii) does not shine above the horizontal; and
  - (iii) complies with *Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

#### **HERITAGE**

##### **Protection of Heritage Items**

B24. The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items identified in Table 1 of Appendix 8 or any Aboriginal heritage items located outside the approved development footprint.

##### **Heritage Management Plan**

B25. Prior to carrying out any development that could directly or indirectly impact the heritage item/s identified in condition B24, 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 in writing;
- (b) be prepared in consultation with Heritage NSW and Aboriginal stakeholders;
- (c) include a description of the measures that would be implemented for:
  - (i) protecting the Aboriginal heritage items identified in Table 1 in Appendix 8 or items located outside of the approved development footprint, including fencing off the Aboriginal heritage items prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 8;
  - (ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 8, and protecting any items located outside the approved development area;
  - (iii) a contingency plan and report procedure if:
    - 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
  - (v) ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
- (d) 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.

## SOIL AND WATER

### Water Supply

B26. 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 for the development.*

### Water Pollution

B27. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

### Operating Conditions

B28. The Applicant must:

- (a) minimise any soil erosion and control sediment generation;
- (b) ensure the battery storage and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
- (c) ensure the battery storage and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site;
- (d) ensure the battery storage and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;
- (e) ensure the battery storage and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
- (f) ensure all works are undertaken in accordance with the following, unless DPE Water agrees otherwise:
  - *Neutral or Beneficial Effect on Water Quality Assessment Guideline* (WaterNSW, 2022), or its latest version;
  - *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022), or its latest version;
  - *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), or its latest version; and
  - *DPI Fisheries Policy and Guidelines for Fish Friendly Water Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004).

### Soil and Water Management Plan

B29. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with DPE Water and WaterNSW. This plan must:

- (a) be prepared by suitably qualified and experienced persons;

- (b) include a description of the measures that would be implemented to ensure that the objectives of condition B28 (a) – (f) above are achieved;
- (c) include a program to monitor and report on the effectiveness of these measures; and
- (d) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

## HAZARDS

### Fire Safety Study

B30. Prior to commencing commissioning, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must:

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

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

*Note: 'to the satisfaction 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 Advisory Paper No. 2 'Fire Safety Study' guideline.*

### Storage and Handling of Dangerous Goods

B31. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

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

### Operating Conditions

B32. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
  - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*; and
  - (ii) is suitably equipped to respond to any fires on site, including provision of a minimum 20,000 litre water supply tank(s) fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
- (c) ensure that the battery storage area:
  - (i) includes a 10 metre defendable space around the perimeter that permits unobstructed vehicle access; and
  - (ii) is managed as an asset protection zone (including the defendable space);
- (d) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (e) notify the relevant Local Emergency Management Committee following construction of the development, and prior to commencing operations.

### Emergency Plan

B33. Prior to commencing commissioning, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, and provide a copy of the plan to the relevant NSW RFS Fire Control Centre and FRNSW. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B30;
- (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) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
- (d) include bushfire emergency management planning, including:
  - (i) details of the location, management and maintenance of the Asset Protection Zone;
  - (ii) a list of works that should not be carried out during a total fire ban;
  - (iii) details of how RFS would be notified, and procedures that would be implemented, in the event that:
    - there is a fire on-site or in the vicinity of the site;
    - there are any activities on site that would have the potential to ignite surrounding vegetation; or
    - there are any proposed activities to be carried out during a bushfire danger period; and
- (e) include an Emergency Services Information Package in accordance with *Emergency services information and tactical fire plan* (FRNSW, 2019), prepared in consultation with RFS, and to the satisfaction of FRNSW.

B34. The Applicant must:

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

**Unexpected Finds**

B35. Prior to the commencement of construction, the Applicant must prepare an unexpected finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the Environmental Management Strategy for the development and must ensure any material identified as contaminated is to be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

**WASTE**

B36. 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 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.

**DECOMMISSIONING AND REHABILITATION**

B37. 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 4.

**Table 4: Rehabilitation Objectives**

<b>Feature</b>	<b>Objective</b>
Site	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting.</li> <li>• Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use.</li> </ul>
Battery Storage infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Planning Secretary agrees otherwise, with the exception of assets held by the Network Service Provider.</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore land capability to pre-existing use.</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety at all times.</li> </ul>

## 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) references 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 1 month of the:
  - (i) submission of an incident report under condition C10 of Schedule 2;
  - (ii) submission of an audit report under condition C14 of Schedule 2; 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 development may be staged and 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 showing comparison to the approved layout and including details on the siting of battery storage components and ancillary infrastructure.

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 battery storage components or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the final layout plans to the Department via the Major Projects website.

### Incident Notification

C10. The Department must be notified in writing via the Major Projects website 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 9.

### 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.

## INDEPENDENT ENVIRONMENTAL AUDIT

C14. Independent Audits of the development must be conducted and carried out at the frequency and in accordance with the *Independent Audit Post Approval Requirements (2020)* to the following frequency:

- within 3 months of commencing construction; and
- within 3 months of commencement of operations.

C15. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

C16. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition C14 of Schedule 2 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.

C17. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition C14 of Schedule 2 of this consent, or condition C16 of Schedule 2 where notice is given by the Planning Secretary;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

C18. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements* (2020) unless otherwise agreed by the Planning Secretary.

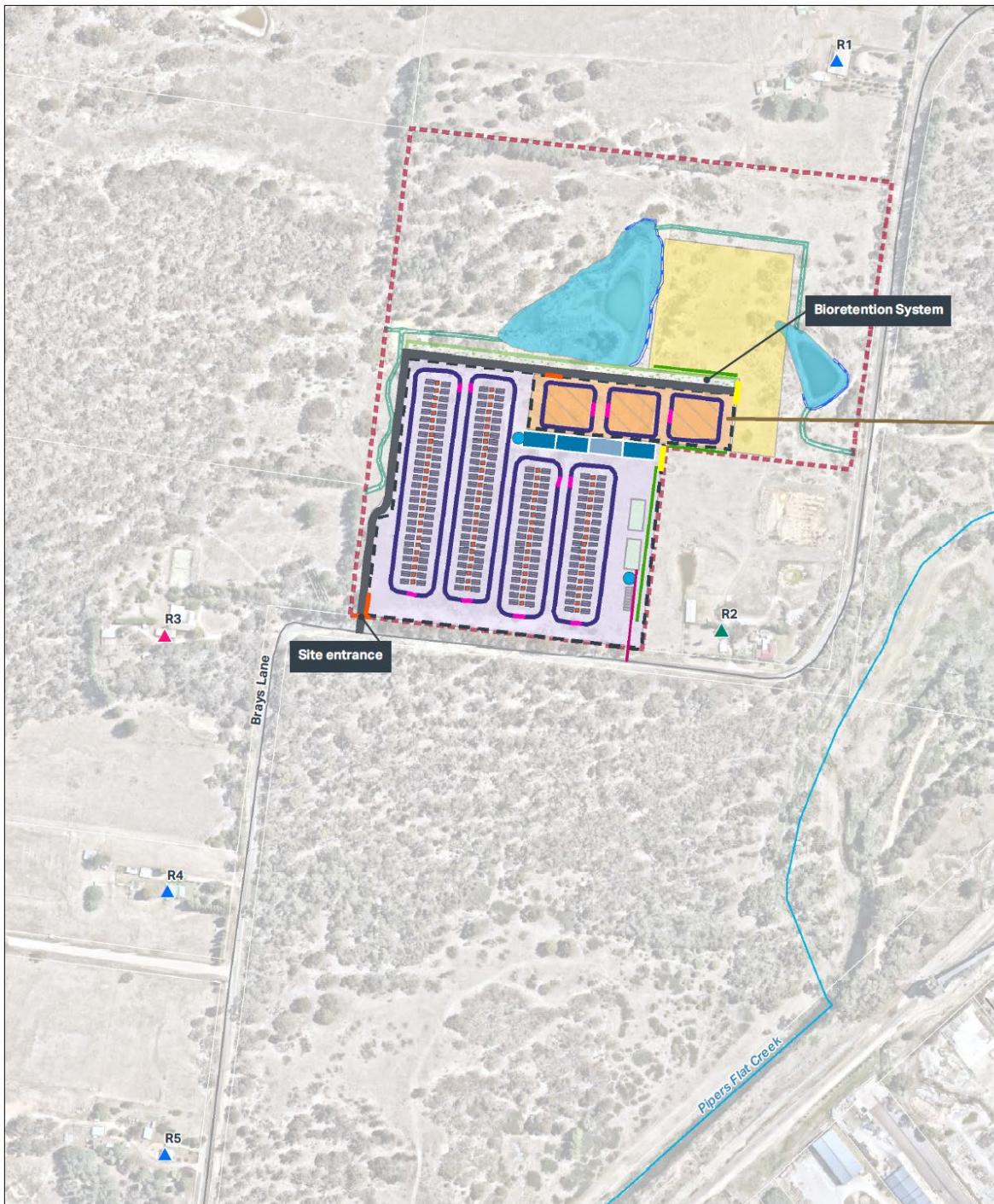
C19. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements* (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

#### **ACCESS TO INFORMATION**

C20. 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) how complaints about the development can be made;
  - (viii) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - (ix) any other matter required by the Planning Secretary; and
- (b) keep this information up to date

## APPENDIX 1: GENERAL DEVELOPMENT LAYOUT



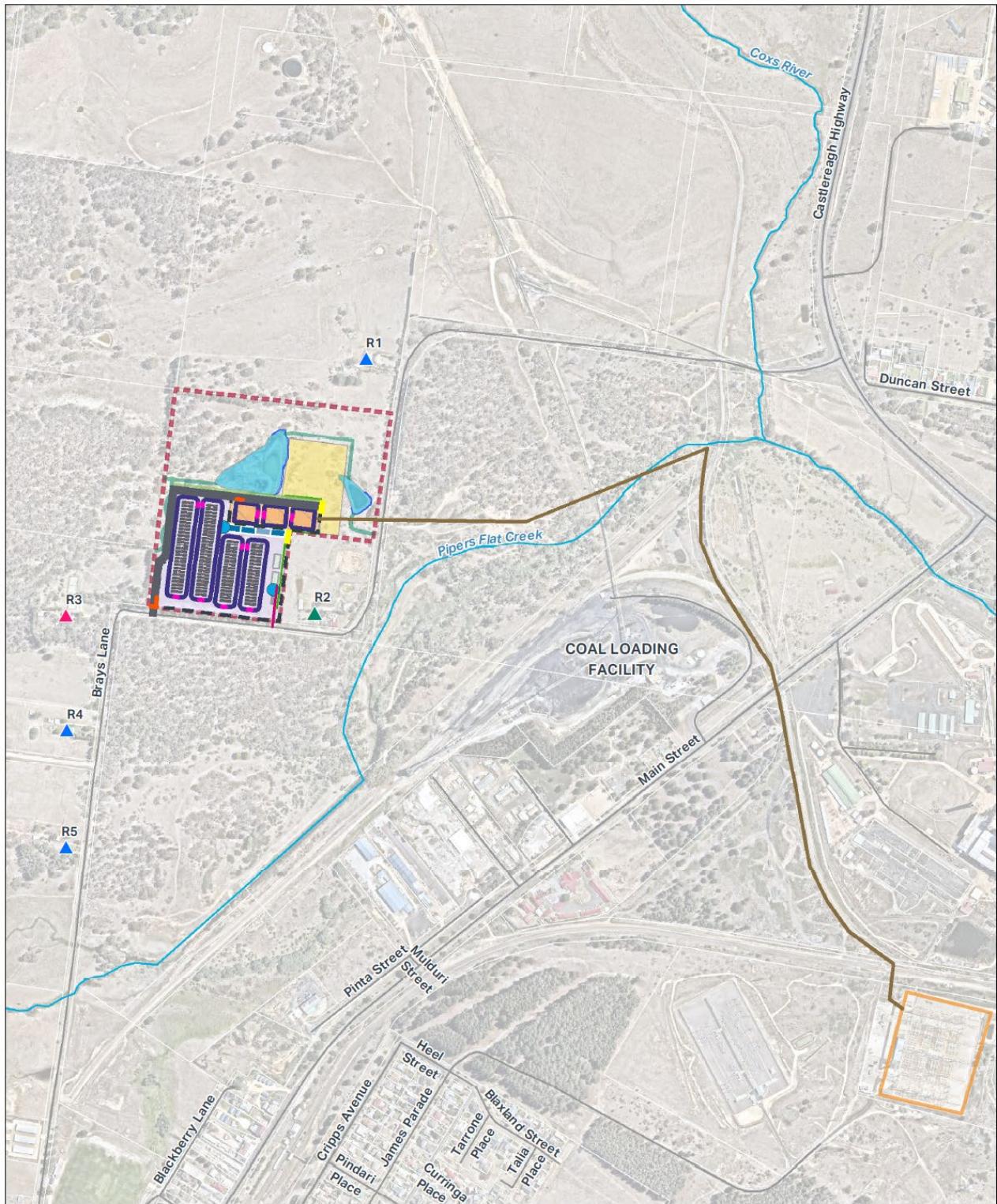
<b>The Site</b>	<b>Water Tank</b>	<b>Control Room</b>
330 kV BESS Substation	Associated Receiver	Switch Rooms
Internal Access Road	Non-associated Receiver	Landscape Planting
Noise Wall	Host Landowner	O&M Building
Sliding Doors	Large Transformers	Carpark
Access Gate	Battery and Inverter	Approx Extent Of Dam Modification
Security Fencing	Transformers	Construction Laydown, Storage And Parking
Water Connection Point	Bioretention System	Battery Storage Area
Transmission Line Alignment	Dam Walls	Carpark
Emergency Exit	Swales	
Watercourse		

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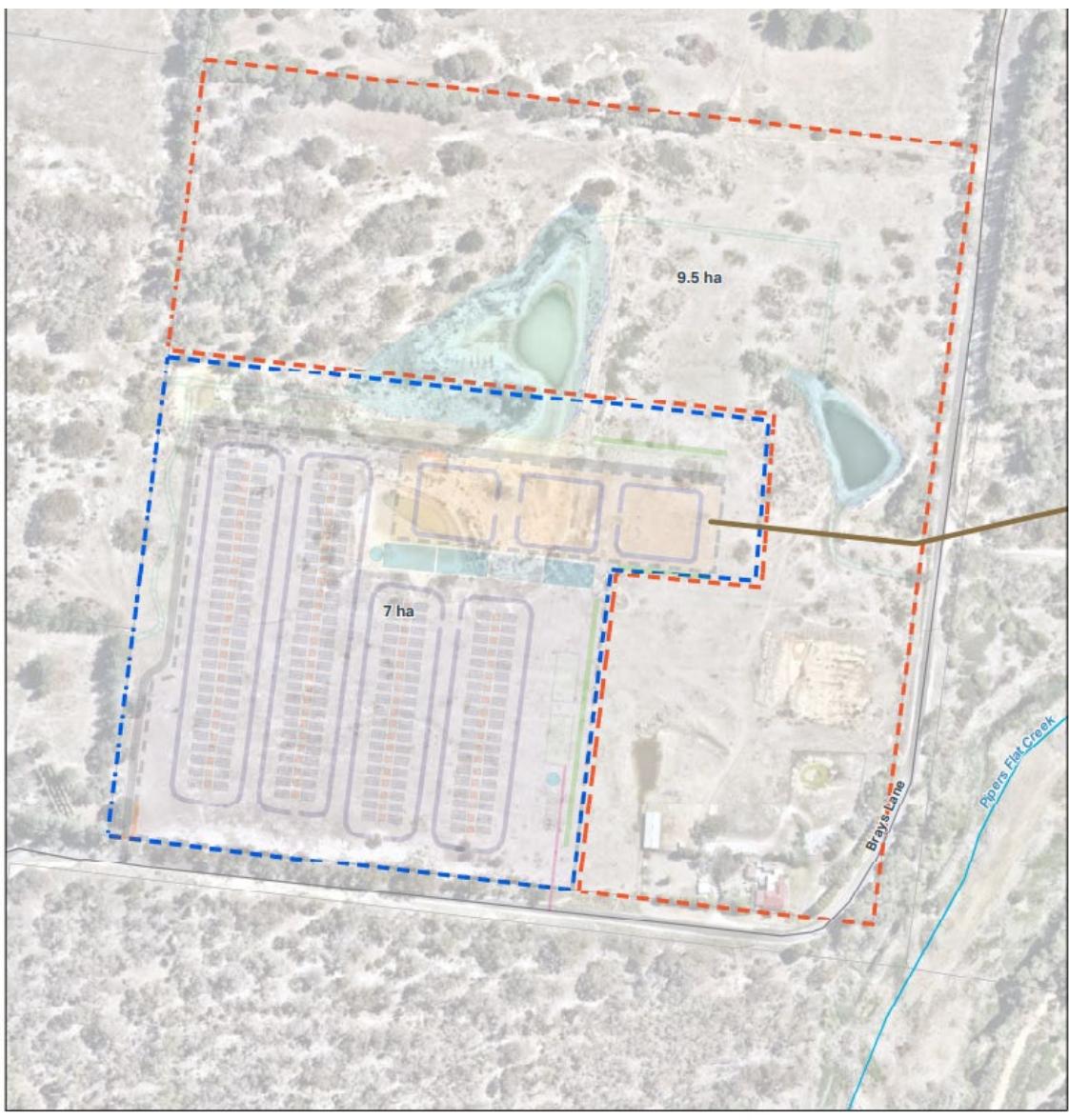
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**APPENDIX 2:**  
**SCHEDULE OF LANDS**

<b>Lot Number</b>	<b>Deposit Plan (DP)</b>
4	751651
8	252472
9	252472
2	108089
1	108089
10	1168824
1115	1204803
91	1043967

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

## APPENDIX 3: SUBDIVISION PLAN



**Figure 2-2**  
Subdivision of the Existing Lot

**Legend**

- Lot 4
- Lot 5
- Lot Boundary

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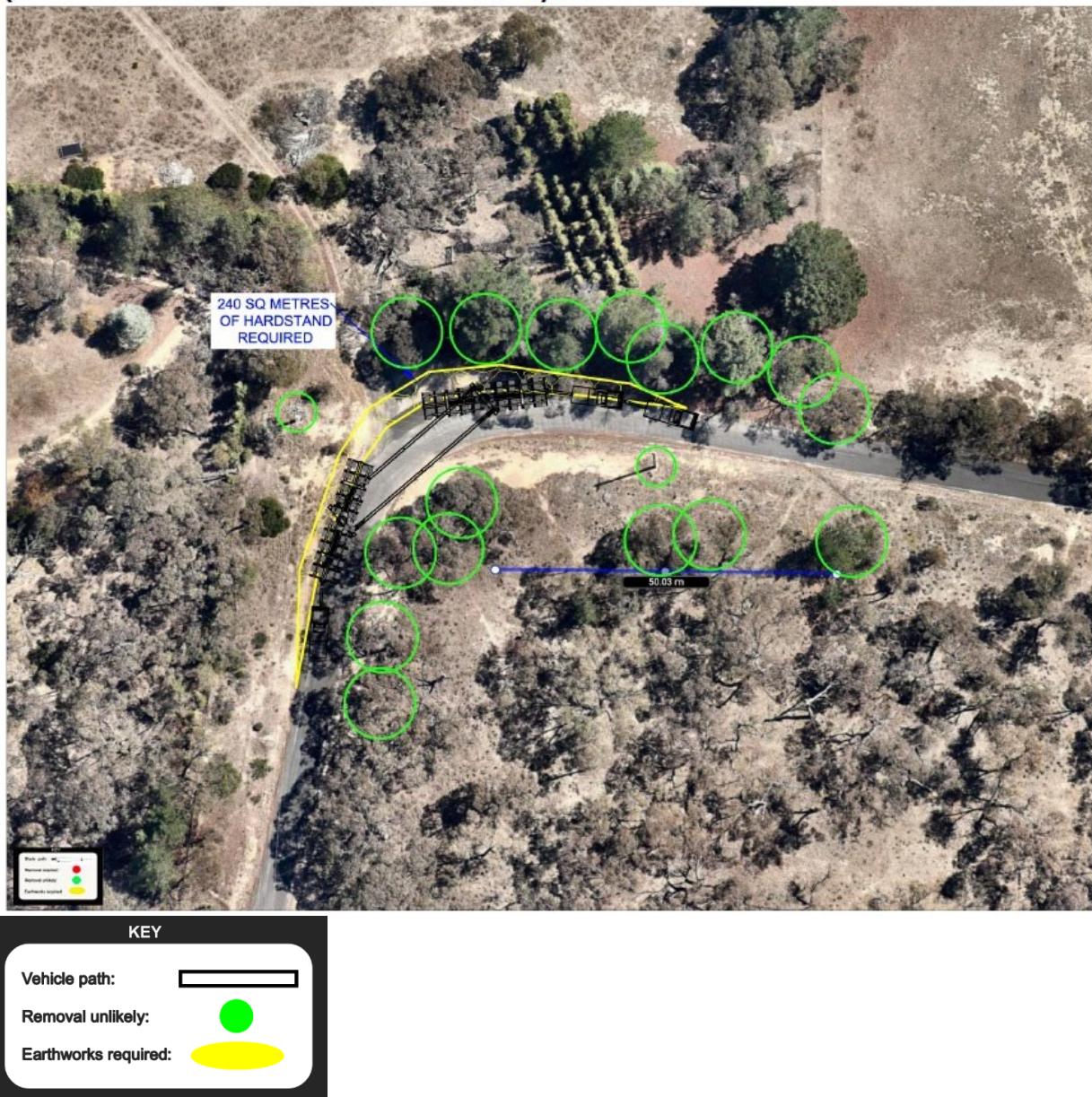
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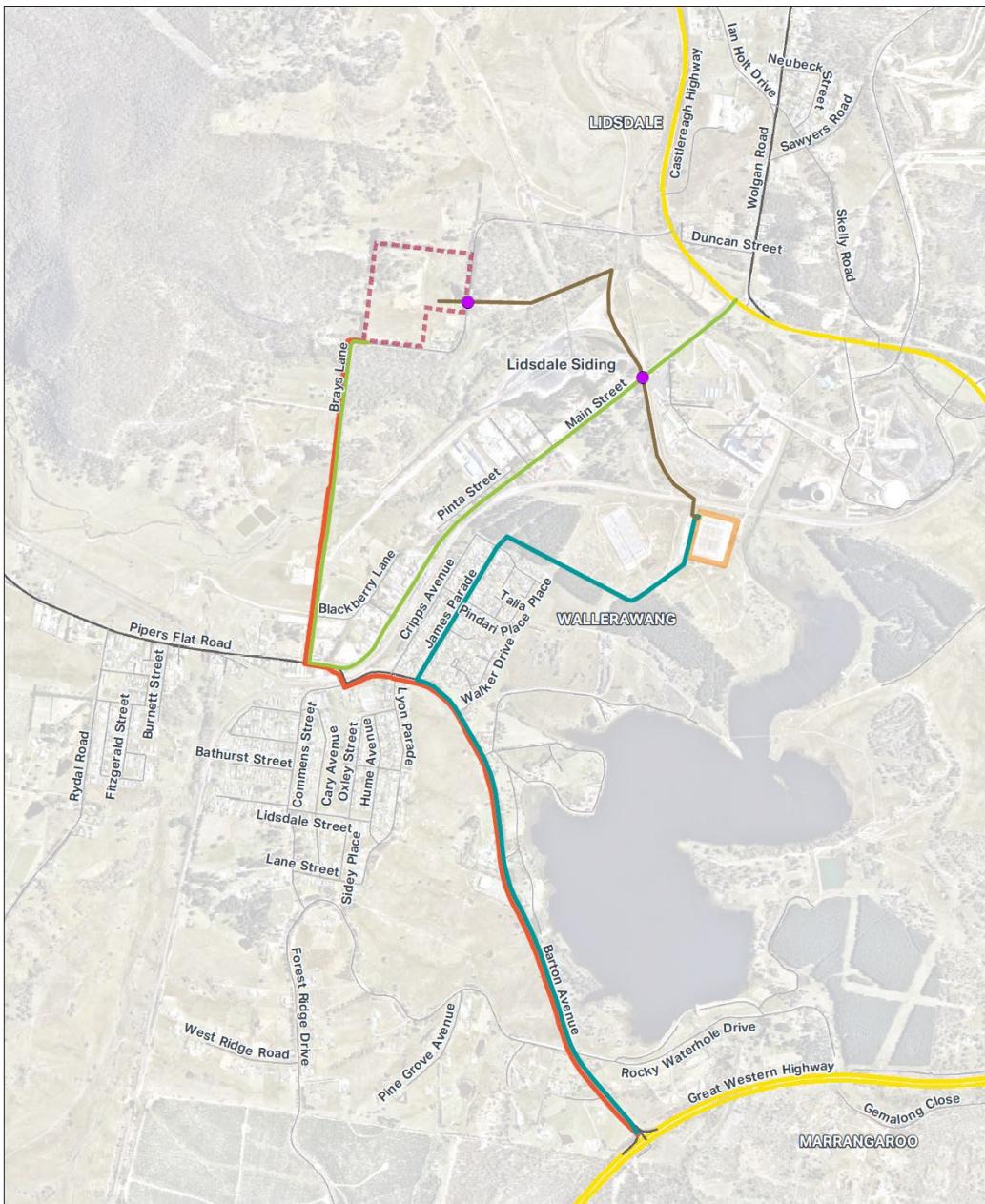
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## APPENDIX 4: ROAD UPGRADES

**470.8 Km's: Brays Lane at Wallerawang.  
(375MVA transformer at 180T)**



## APPENDIX 5: SITE ACCESS



### Legend

- The Site
- Transgrid 330kV Wallerawang Substation
- Motorway
- Primary Road
- Local Road
- Access Points for the External Transmission Line

### Route Options

- Primary Access
- Oversized/ Overmass vehicle access and primary heavy vehicle access
- Transgrid Wallerawang 330kV Substation Access



N



0

370

740 m

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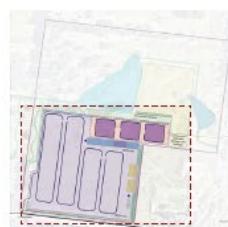
## APPENDIX 6: LANDSCAPE PLAN



### LEGEND

Project boundary	Access gate
<b>Landscape Planting</b>	Transmission line alignment
Large shrubs	Noise wall
Medium shrubs	Large transformers
Swale planting	330 KV substation
Tree planting	Control room
Paving	Switch room
Construction laydown, storage and parking	BESS area
Bioretention system	O&M building
Local road	Water tank
Proposed access road	Car park
Security fencing	Asset Protection Zone

**Note:**  
Vegetation within APZ to be  
managed in accordance with  
RFS Standards for Asset  
Protection Zone



## GREAT WESTERN BATTERY ENERGY SYSTEM INDICATIVE SITE LAYOUT WITH LANDSCAPE PLAN

### Indicative Species List

Trees	Botanical Name	Mature Size (Height X Spread)
Eucalyptus blakelyi		20.0m x 10.0m
Acacia obtusifolia		15.0m x 10.0m
Banksia integrifolia		15.0m x 6.0m

Large Shrubs	Botanical Name	Mature Size (Height X Spread)
Acacia longifolia		9.0m x 6.0m
Banksia spinulosa		3.0m x 4.0m

Medium + Small Shrubs	Botanical Name	Mature Size (Height X Spread)
Acacia hamiltoniana 'Madien'		3.0m x 2.0m
Grevillea rosmarinifolia		2.5m x 2.0m
Ozothamnus diosmifolius		2.5m x 1.5m
Rhagodia spinescens		1.2m x 3.0m
Westringia fruticosa		2.0m x 2.0m

Grasses + Ground covers	Botanical Name	
Dianella revoluta		
Hardenbergia violacea 'Meema'		
Hibbertia scandens		
Lomandra longifolia		
Poa labillardieri		

Bio-retention planting	Botanical Name	
Brachyscome microcarpa	Juncus usitatus	
Carex appressa	Lomandra longifolia	
Dianella revoluta	Dianella revoluta	
Ficinia nodosa	Hibbertia scandens	
Hibbertia obtusifolia	Poa labillardieri	

### Planting specifications:

#### Installation container sizes:

- Trees:** 200L (minimum)
- Large Shrubs:** 25L (minimum)
- Medium/Small Shrubs:** 200mm
- Grasses/Ground Covers:** 50mm Tube

#### Spacing:

- Tree planting within APZ to be 10m spacing to avoid canopies touching.
- Large shrubs to be spaced 4-6m apart.
- Medium/Small shrubs to be planted in clumps, clumps to be spaced 2-3m apart.
- Grasses/Ground covers to be installed at 4 plants/m<sup>2</sup>.

Not to scale

Project: 60639954

Prepared by: AECOM Pty Ltd ABN 20 093 846 925

Date: 3.11.2022

Revision: E

**AECOM**

## APPENDIX 7: GENERAL TERMS OF THE APPLICANT'S VPA OFFER

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community enhancement in the area surrounding the project site.

<i>Council</i>	<i>Payment details</i>
Lithgow City Council	<ul style="list-style-type: none"><li>Contributions to Council to the value of 0.3% of the final capital cost of the project, divided into six equal payments paid each third year beginning at the commencement of operation.</li><li>A Community Benefit Fund to the total value of 0.2% of the final capital cost of the project over the lifetime of the development, 0.01% of the final capital cost of the project to be paid annually from the commencement of operation.</li></ul>

## APPENDIX 8: ABORIGINAL HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impact

Item name
45-1-2716

Table 2: Aboriginal heritage items – salvage

Item name
45-1-2853

## **APPENDIX 9:** **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 C7 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.