

## Development Consent

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

As delegate of the Minister for Planning, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

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.

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

## SCHEDULE 1

**Application Number:** SSD-11437498  
**Applicant:** AGL Energy Limited  
**Consent Authority:** Minister for Planning  
**Land:** See Appendix 2  
**Development:** Broken Hill Battery Energy Storage System

**Red type represents Modification 1 (SSD-11437498-Mod-1)**

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-11437498-Mod-1	15 July 2022	Director	Underground transmission option

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All project infrastructure with the exception battery storage, including but not limited to substation, switchyard, permanent offices and site compounds, electricity transmission lines and internal roads.
Applicant	AGL Energy Limited, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BCS	Biodiversity Conservation and Science Directorate of 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 completion of construction, prior to operations commencing.
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of 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	Broken Hill City Council
Decommissioning	The removal of the battery storage system and ancillary infrastructure and/or rehabilitation of the site
<b>Department</b>	<b>Department of Planning and Environment</b>
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)
<b>DPE Water</b>	Water Group within the Department
EIS	The Environmental Impact Statement for Broken Hill Battery Storage System dated May 2021 <b>as amended by:</b> <ul style="list-style-type: none"> <li><b>Broken Hill Battery Energy Storage System Submissions Report dated 30 July 2021;</b></li> <li><b>Broken Hill Battery Energy Storage System Modification Report dated 22 February 2022;</b></li> <li><b>Broken Hill Battery Energy Storage System Modification Submissions Report dated 6 June 2022</b></li> </ul>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage NSW	Heritage NSW division within Department of Premier and Cabinet
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	Is harm that: <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>
<b>Minister</b>	<b>Minister for Planning, or delegate</b>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of 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
<b>Planning Secretary</b>	<b>Secretary of the Department, or nominee</b>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

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	<b>As shown in Appendix 1 and listed in Appendix 2</b>
Temporary facilities	<b>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</b>
TfNSW	<b>Transport for New South Wales</b>
Upgrading	<b>The augmentation and/or replacement of battery storage and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent</b>
Vehicle movement	<b>One vehicle entering and leaving the site</b>

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

### **TERMS OF CONSENT**

2. The Applicant must carry out the development:
  - (a) generally in accordance with the EIS; and
  - (b) in accordance with the conditions of this consent.

*Note: The general layout of the development is shown in Appendix 1.*
3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. 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.

### **UPGRADING OF BATTERY ENERGY STORAGE FACILITY AND ANCILLARY INFRASTRUCTURE**

5. The Applicant may upgrade the battery storage and/or 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**

6. 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.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### **DEMOLITION**

7. 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**

8. 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.

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**

9. The Applicant must ensure that all plant and equipment used on Noted, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.



## **SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL**

### **BATTERIES**

#### **Battery Storage Restriction**

1. The battery storage facility or system associated with the development must not exceed a total delivery capacity of 50 MW or a storage capacity of 100 MWh.

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

### **TRANSPORT**

#### **Over-Dimensional and Heavy Vehicle Restrictions**

2. The Applicant must ensure that the:
  - (a) development does not generate:
    - more than 20 heavy vehicle movements a day on the public road network during construction, upgrading and decommissioning;
    - over-dimensional vehicle movements during construction, upgrading and decommissioning; on the public road network; and
  - (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres,unless the Planning Secretary agrees otherwise.
3. The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.

#### **Access Route**

4. All heavy vehicles associated with the development must travel to and from the site via Pinnacles Place via Pinnacles Road, Kanandah Road, Creedon Street and the Barrier Highway as identified in Appendix 3.

#### **Site Access**

5. All vehicles associated with the development must enter and exit the site via the preferred site access point on Pinnacles Place, except for vehicles associated with works at the TransGrid substation which may be accessed from the site access point on Pinnacles Road, as identified in Appendix 3.

#### **Road Upgrades**

6. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must upgrade the site access point on Pinnacles Place as identified in Appendix 1, to the satisfaction of Council.

#### **Road Maintenance**

7. The Applicant must:
  - (c) undertake an independent dilapidation survey to assess the:
    - existing condition of Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon Street along the transport route, prior to construction, upgrading or decommissioning works; and
    - condition of Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon along the transport route, following construction, upgrading or decommissioning works;
  - (d) repair Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon along the transport route if dilapidation surveys identify that the road has been damaged as a result of vehicle movements related to the project during construction, upgrading or decommissioning works;

in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.

If there is a dispute about the repair of Pinnacles Place, Pinnacles Road, Kanandah Road and Creedon between the applicant and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision on the matter must be final and binding on both parties.

## Operating Conditions

8. The Applicant must ensure:
- (a) the internal roads are constructed as all-weather roads;
  - (b) the capacity of the existing roadside drainage network is not reduced;
  - (c) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction wherever practicable; and
  - (d) vehicles leaving the site are in a clean condition, with loads appropriately covered or contained, to minimise dirt being tracked onto the sealed public road network.

## Traffic Management Plan

9. Prior to commencing site access works, 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 temporary on-site construction car park;
  - (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
    - details of the dilapidation surveys required by condition 6 of Schedule 3 of this consent;
    - temporary traffic controls, including detours and signage);
    - notifying the local community about development-related traffic impacts;
    - procedures for receiving and addressing complaints from the community about development-related traffic;
    - minimising potential cumulative traffic impacts with other projects in the area, including during construction, upgrading or decommissioning works;
    - minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network (measures also required during operation of the project);
    - minimising dirt tracked onto the public road network from development-related traffic;
    - scheduling of haulage vehicle movements to minimise convoy length or platoons;
    - responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
    - monthly monitoring for, and responding to, any emergency repair and/or maintenance requirements; and
  - (d) a driver's code of conduct that addresses:
    - travelling speeds;
    - driver fatigue;
    - procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
    - procedures to ensure that drivers implement safe driving practices;
  - (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

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

### Biodiversity Offsets

11. 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 below, 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.

**Table 1: Ecosystem Credit Requirements**

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits Required</b>
Bluebush shrubland on stony rises and downs in the arid and semi-arid zones	155	<b>10</b>

**Table 2: Species Credit Requirements**

<b>Species Credit Species</b>	<b>PCT ID</b>	<b>Credits Required</b>
Australian Bustard ( <i>Ardeotis australis</i> )	155	<b>11</b>

### **Biodiversity Management Plan**

12. Prior to commencing construction, 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:
- include a description of the measures and timeframes that would be implemented for:
    - protecting vegetation and fauna habitat outside the approved disturbance areas;
    - minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
    - minimising the impacts to fauna on site and implementing fauna management protocols;
    - rehabilitating and revegetating disturbance areas with species that are endemic to the area;
    - maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and
    - controlling weeds, feral pests and pathogens;
  - include a program to monitor and report on the effectiveness of mitigation measures; and
  - 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.

*Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement.*

### **AMENITY**

#### **Construction, Upgrading and Decommissioning Hours**

13. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities between:
- 7 am to 6 pm Monday to Friday;
  - 8 am to 1 pm Saturdays; and
  - at no time on Sundays and NSW public holidays.

The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Planning Secretary:

- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

### **Noise**

14. The Applicant must:
- minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version; and
  - ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A) LAeq,15min to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA, 2017) at any non-associated residence.

### **Dust**

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

## Visual

16. 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.

## Lighting

17. The Applicant must:

- (d) minimise the off-site lighting impacts of the development; and
- (e) ensure that any external lighting associated with the development:
  - is installed as low intensity lighting (except where required for safety or emergency purposes);
  - does not shine above the horizontal; and
  - complies with *Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, and the *Dark Sky Planning Guidelines* (DPE 2018) or its latest versions.

## HERITAGE

### Protection of Heritage Items

18. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items located outside the approved development footprint.

**Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 1 of Appendix 5, the Applicant must relocate the item/s that would be impacted to a suitable alternate location, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.**

**Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figures in Appendix 5.**

### Heritage Management Plan

19. Prior to carrying out any development 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 suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
- (c) include a description of the measures that would be implemented for:
  - a contingency plan and reporting procedure if:
    - previously unidentified heritage items are found; or
    - Aboriginal skeletal material is discovered;
  - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
  - **relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 1 of Appendix 5; and**
  - ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- (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

20. 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

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

## Operating Conditions

22. The Applicant must:
- (a) minimise 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 all works are undertaken in accordance with Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018), unless **DPE Water** agrees otherwise.

## Soil and Water Management Plan

23. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with **DPE Water**. This plan must:
- (a) demonstrate how the project will meet conditions 21 and 22(a) to (d); and
  - (b) include details of the soil erosion control measures including sediment basins.

The Applicant must implement the Soil and Water Management Plan for construction upgrading, operation and/or decommissioning of the development.

## HAZARDS

### Fire Safety Study

24. Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary. The study must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline* and relevant Australian Standards and International Guidelines; and
  - (b) describe the final design of the battery storage facility.

Following completion of the Study, the Applicant must implement the measures described in the Fire Safety Study.

### Storage and Handling of Dangerous Goods

25. 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

26. The Applicant must:
- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
  - (b) ensure that the development:
    - includes defendable space as outlined in the EIS and as shown in Appendix 1, permitting unobstructed vehicle access to the site;
    - manages the defendable space as an Asset Protection Zone;

- complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019 (or equivalent)* and *Standards for Asset Protection Zones* (including provision of water, electricity and gas, ancillary equipment, transmission lines and management of vegetation) as otherwise approved by the Rural Fire Service;
- (c) assist the RFS 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

27. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development in consultation with FRNSW and the NSW RFS. 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 consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019 (or equivalent)*;
  - (b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
  - (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;
  - (d) list works that should not be carried out during a total fire ban;
  - (e) include availability of fire suppression equipment, access and water;
  - (f) include procedures for the storage and maintenance of any flammable materials;
  - (g) notification of the local RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation proposed to be carried out during a bushfire danger period to ensure whether conditions are appropriate;
  - (h) 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;
  - (i) include a figure showing site infrastructure, Asset Protection Zone and any on-site water supply tank;
  - (j) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
  - (k) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
  - (l) include bushfire emergency management planning; and
  - (m) include details of the 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
  - (n) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.

The Applicant must implement the Emergency Plan for the duration of the development.

### WASTE

28. 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.

### REMEDIATION

#### Remedial Works

29. Prior to carrying out any development, the Applicant must develop and implement a Remedial Action Plan prepared in accordance with the relevant guidelines produced or approved under the *Contaminated Lands Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

## Validation Report

30. Within one month of the completion of the remediation works, the Applicant must submit a copy of a validation report/letter to the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

## Unexpected Finds

31. 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 be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

## DECOMMISSIONING AND REHABILITATION

32. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 3.

**Table 3:** Rehabilitation Objectives

<b>Feature</b>	<b>Objective</b>
Site	<ul style="list-style-type: none"><li>• Safe, stable and non-polluting</li></ul>
Battery storage infrastructure	<ul style="list-style-type: none"><li>• To be decommissioned and removed, unless the Planning Secretary agrees otherwise</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>



## **SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Environmental Management Strategy**

1. 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) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (e) include:
    - references to any plans approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out in relation to the development.

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

#### **Revision of Strategies, Plans and Programs**

2. 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:
    - submission of an incident report under condition 7 of Schedule 4;
    - submission of an audit report under condition 11 of Schedule 4; or
    - any modification to the conditions of this consent.

#### **Updating and Staging of Strategies, Plans or Programs**

3. With the approval of the Planning Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis. To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Planning Secretary for approval. With the agreement of the Planning Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

##### *Notes:*

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

### **NOTIFICATIONS**

#### **Notification of Department**

4. 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**

5. 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 the battery storage and ancillary infrastructure, via the Major Projects website.

### **Work as Executed Plans**

6. Prior to commencing operations or following the upgrades of any battery storage infrastructure or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the approved final layout plans to the Department via the Major Projects website.

### **Incident Notification**

7. The Planning Secretary 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 4.

### **Non-Compliance Notification**

8. 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.
9. 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.
10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **INDEPENDENT ENVIRONMENTAL AUDIT**

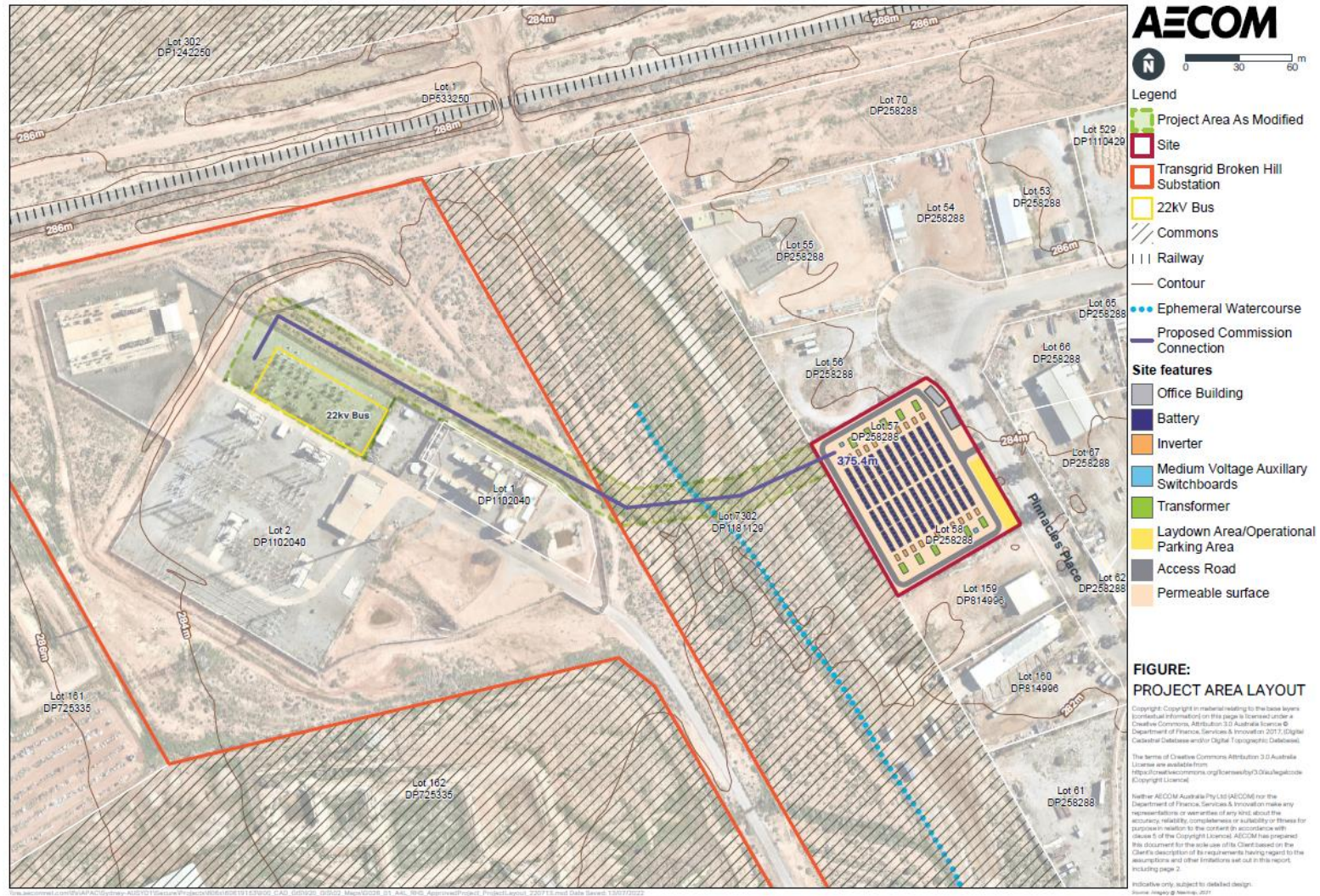
11. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)* to the following frequency:
  - (a) within 3 months of commencing construction; and
  - (b) within 3 months of commencement of operations.
12. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
13. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
14. 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 11 of Schedule 4 of this consent, or condition 13 of Schedule 4 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.
15. 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.
16. 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

17. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
  - the EIS;
  - the final layout plans for the development;
  - current statutory approvals for the development;
  - approved strategies, plans or programs required under the conditions of this consent;
  - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - how complaints about the development can be made;
  - a complaints register;
  - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

## APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



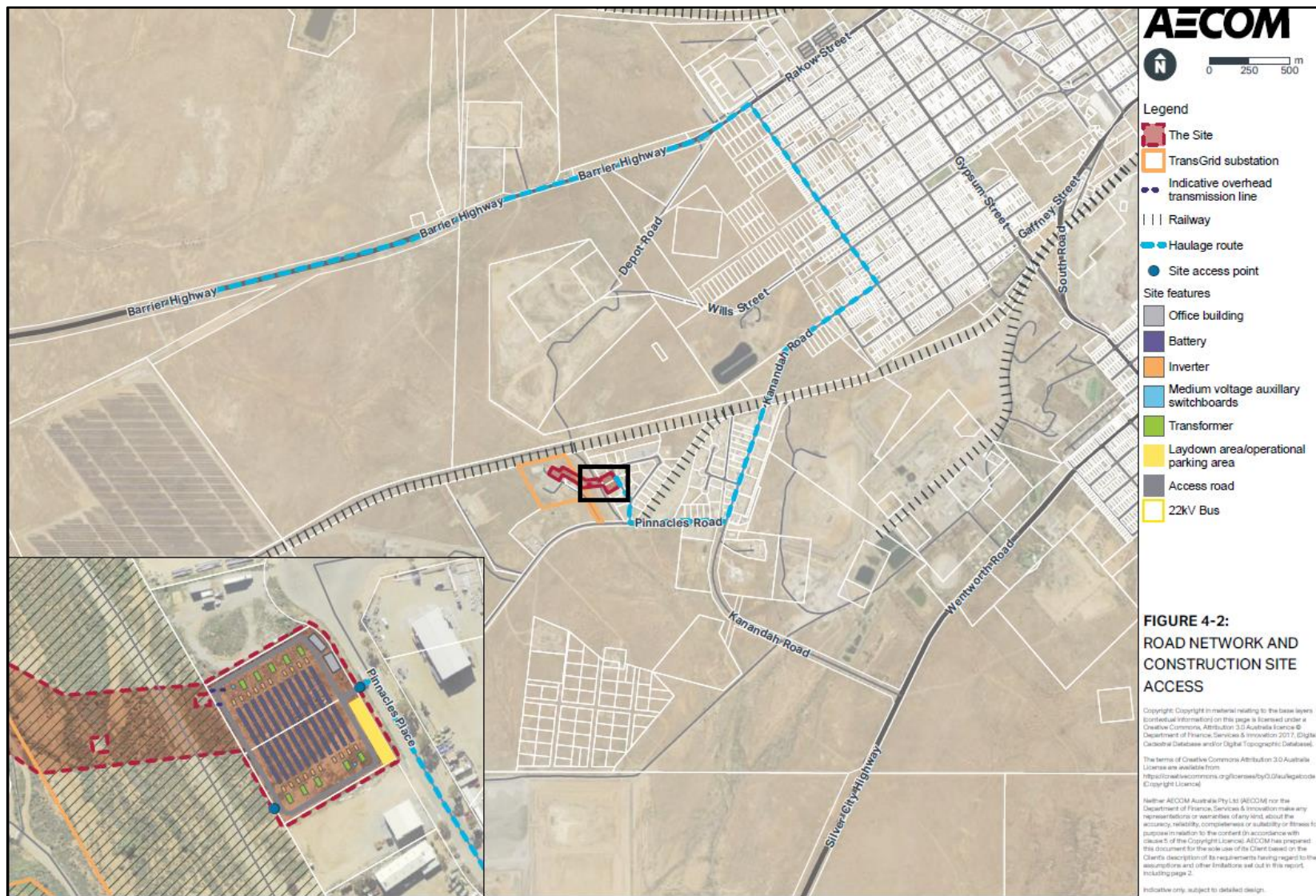
**APPENDIX 2:  
SCHEDULE OF LANDS**

<i><b>Lot Number</b></i>	<i><b>Deposit Plan (DP)</b></i>
7302	1181129
2	1102040
57	258288
58	

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



### APPENDIX 3: HEAVY VEHICLE ROUTE RESTRICTIONS



**APPENDIX 4:  
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 7 of Schedule 4 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.

**APPENDIX 5:  
ABORIGINAL HERITAGE ITEMS**

**Table 1:** *Aboriginal Heritage Items – relocate*

<i>Item name</i>
<b>BESS-AS1-21</b>

*\*Refer to the Figure in this Appendix to identify items*



