

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 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.

Nicole Brewer
Director
Energy Assessments

Sydney

4 August 2022

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 14540514

Applicant: **Shell Energy Wallerawang 9 BESS Pty Ltd**

Consent Authority: Minister for Planning **and Public Spaces**

Land: See Appendix 2

Development: Wallerawang Battery Energy Storage System

Red type represents Modification 1 (SSD-14540514-Mod-1)

Application Number	Determination Date	Decider	Modification Description
SSD-14540514-Mod-1	25 March 2026	Executive Director	Layout reconfiguration, capacity increase and addition of access points

TABLE OF CONTENTS

DEFINITIONS	4
PART A: ADMINISTRATIVE CONDITIONS	6
Obligation to Minimise Harm to the Environment	6
Terms of Consent	6
Battery Storage Restriction	6
Upgrading of Battery Storage and Ancillary Infrastructure	6
Structural Adequacy	6
Demolition	7
Protection of Public Infrastructure	7
Operation of Plant and Equipment	7
Applicability of Guidelines	7
Compliance	7
Evidence of Consultation	7
Community Enhancement	7
PART B: ENVIRONMENTAL CONDITIONS – GENERAL	8
Transport	8
Biodiversity	9
Amenity	11
Heritage	13
Landscaping	13
Soil and Water	14
Hazards	14
Waste	16
Decommissioning and Rehabilitation	16
PART C: ENVIRONMENTAL MANAGEMENT AND REPORTING	17
Environmental Management Strategy	17
Notifications	18
Independent Environmental Audit	19
Access to Information	19
APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT	20
APPENDIX 2: SCHEDULE OF LANDS	21
APPENDIX 3: GENERAL TERMS OF THE APPLICANT'S VPA OFFER	22
APPENDIX 4: DRAFT LANDSCAPE PLAN	23
APPENDIX 5: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	24
APPENDIX 6: HEAVY VEHICLE ROUTES	25

DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Access road	Unnamed road between the Castlereagh Highway intersection and the site
Ancillary infrastructure	All project infrastructure with the exception of battery storage, including but not limited to collector substations , switching rooms, permanent offices, site compounds, electricity transmission lines and internal roads.
Applicant	Shell Energy Wallerawang 9 BESS Pty Ltd , or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
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
Consent authority	Minister for Planning and Public Spaces
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
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW DCCEEW
Decommissioning	The removal of battery storage infrastructure and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Housing and Infrastructure
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)
EIS	The Environmental Impact Statement for Wallerawang Battery Energy Storage System, dated 20 January 2022, the Submissions Report dated 4 May 2022, and the additional information provided by the applicant dated 13 July 2022, Wallerawang Battery Energy Storage System Modification Report dated November 2024, Submissions Report dated 5 June 2025, Amendment Reports dated 5 June 2025 and 11 September 2025, and additional information dated 15 September 2025, 22 September 2025, 17 February 2026, 26 February 2026 and 6 March 2026.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation (Development Certification and Fire Safety) 2021</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Fire Break	An area maintained as mineral earth and/or gravelled and/or paved and/or only grass that is managed to a maximum height of 10 cm (i.e. no vegetation > 10cm)
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the Heavy Vehicle National Law (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group within NSW DCCEEW
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>
High-risk heavy vehicle requiring escort	A vehicle under escort identified as "high risk" as defined in Table 1 of TfNSW's Fact Sheet for Transport Management Plan (as amended)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance

Material harm	Is harm that: • involves actual harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <i>Note: This definition excludes “harm” that is either authorised under this consent or any other statutory approval.</i> <i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
Maximum Energy Discharge Capacity (MW)	Is the rated output active power as defined by 4.3.5 of IEC 62933-1 Ed. 2.0 b:2024, <i>Electrical energy storage (EES) systems—Part 1</i>
Maximum Energy Storage Capacity (MWh)	Is the Effective Energy Storage Capacity at the Beginning of Service Life as described by Figure 1 of IEC 62933-1 Ed. 2.0 b:2024, <i>Electrical energy storage (EES) systems—Part 1</i>
Minister	Minister for Planning and Public Spaces , or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
MW	Megawatt
MWh	Megawatt-hour
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
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-construction minor works	Includes the following activities: • artefact surveys and/or salvage; • overhead line safety marking; • building and road dilapidation surveys; • geotechnical drilling, excavation or salvage; • establishing temporary site office (in locations meeting the criteria identified in the conditions of this consent); • installation of environmental impact mitigation measures, fencing and enabling works; and • minor adjustments to services/utilities, etc.
PCT	Plant Community Type
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
Residence	A dwelling in existence at the date of this consent
RFS	NSW Rural Fire Service
Site	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 augmentation and/or 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
Water Group	Water Group within NSW DCCEEW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 1.
- A3. The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:
- (a) any strategies, plans or correspondence that are submitted in accordance with this consent;
 - (b) 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. **Unless the Planning Secretary agrees otherwise, the battery storage facility or system associated with the development must not exceed a Maximum Energy Discharge Capacity of 300 MW and a Maximum Energy Storage Capacity of 775 MWh for the northern layout, and a Maximum Energy Discharge Capacity of 300 MW and a Maximum Energy Storage Capacity of 1,200 MWh for the southern layout.**

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 **and the total delivery capacity prescribed in condition A5**. 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 (**Development Certification and Fire Safety**) Regulation 2021 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:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

OPERATION OF PLANT AND EQUIPMENT

- A10. All plant and equipment used on site, or in connection with the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A11. 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

- A12. 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

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMMUNITY ENHANCEMENT

- A14. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the letter of offer dated 6 July 2022, **and letter dated 12 September 2025**, which are summarised in Appendix 3.

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 **pre-construction minor works, road upgrades, construction, upgrading and decommissioning**;
 - (ii) 36 movements of heavy vehicles requiring escort **(including high-risk heavy vehicles requiring escort)** during construction, upgrading and decommissioning; and
 - (b) length of any vehicles (excluding heavy vehicles requiring escort **and high-risk 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 requiring escort, **high-risk heavy vehicles requiring escort** and heavy vehicles entering or leaving the site each day for the duration of the project.

B2A. Prior to the use of high-risk heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (specifically for the use of roads, and any road upgrades that may be required, from the point of origin to the approved site access point).

Note: This Development Consent does not provide consent for the use of the public road network, or any upgrades, for heavy vehicles and heavy vehicles requiring escort on the over dimensional transport routes identified in the EIS, with the exception of the road upgrade described in condition B5 (a).

Access Route

- B3. **Unless the Planning Secretary agrees otherwise, all heavy vehicles requiring escort and all high-risk heavy vehicles requiring escort associated with the development must travel to and from the site via the M4, Great Western Highway and Castlereagh Highway.**

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.

B3A. Unless the Planning Secretary agrees otherwise, all heavy vehicles associated with the development must travel to and from the site as described in Appendix 6.

Site Access

- B4. **All vehicles associated with the development must enter and exit the site via one of the following access points:**
- (a) **Castlereagh Highway (Primary access);**
 - (b) **Main Street (Secondary access); or**
 - (c) **Heel Street (Transgrid access, Transgrid operated vehicles only),**
- as identified in Appendix 1, and as described in the EIS.**

Road Upgrades

- B5. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must complete the following road upgrade treatments:

- (a) Castlereagh Highway at the site access point with Basic Right turn treatment and Rural Auxiliary Left Turn treatment – Short Turn Lane [AUL(S)] to be sealed, designed and constructed for a 100km/h speed environment with Safe Intersection Site Distance (SISD); and
- (b) access road to be widened to accommodate simultaneous passing of the largest design vehicle accessing/egressing the site and sealed for a minimum of 30 m from the edge of the hold line.

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

Operating Conditions

- B6. The Applicant must ensure:
- (a) the internal roads are constructed **and maintained** 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

- B7. Prior to commencing **the road upgrades required by condition B5 or pre-construction minor works (whichever occurs first)**, 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 **routes** to be used for all development-related traffic;
 - (b) details of the road upgrade works required by condition B5 of Schedule 3 of this consent;
 - (c) details of the measures that would be implemented to minimise traffic impacts during **pre-construction minor works**, construction, upgrading or decommissioning works, including:
 - (i) temporary traffic controls, including detours and signage;
 - (ii) a restriction on right turn movements for construction workers into the site from the Castlereagh Highway between 6 am and 7 am during construction, including details of enforcement measures;
 - (iii) notifying the local community about development-related traffic impacts;
 - (iv) procedures for receiving and addressing complaints from the community about development-related traffic;
 - (v) minimising potential cumulative traffic impacts with other State significant development projects in the area;
 - (vi) minimising dirt tracked onto the public road network from development-related traffic;
 - (vii) scheduling of heavy vehicle movements to minimise convoy length or platoons;
 - (viii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - (ix) responding to any emergency repair or maintenance requirements; and
 - (x) 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.
 - (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.

Construction Works in Proximity to the Rail Corridor

- B8. All construction works in proximity to the Main Western Rail Line must be undertaken to the satisfaction of TfNSW.

BIODIVERSITY

Vegetation Clearance

- B9. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Offsets

- B10. 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

Vegetation Community	PCT ID	Credits Required
Black Gum grassy woodland of damp flats and drainage lines of the eastern Southern Tablelands, South Eastern Highlands Bioregion	677	30
Tableland Semi-permanent Shallow Wetlands	3981	1

Table 2: Species Credit Requirements

Species Credit Species	Credits Required
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	35
Black Gum (<i>Eucalyptus aggregata</i>)	94
Booroolong Frog (<i>Litoria booroolongensis</i>)	1

- B11. 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

- B12. **Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with CPHR, and to the satisfaction of the Planning Secretary. This plan must:**

- (a) **be prepared by a suitably qualified and experienced biodiversity expert/s;**
- (b) **be prepared in accordance with the *Biodiversity Development Assessment Report (V3.4, dated 16 April 2025)*;**
- (c) **include a description of the measures and timeframes that would be implemented for:**
 - (i) **protecting vegetation and fauna habitat outside the approved disturbance areas;**
 - (ii) **minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;**
 - (iii) **minimising the impacts to fauna on site and implementing fauna management protocols;**
 - (iv) **rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;**
 - (v) **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**
 - (vi) **controlling weeds, feral pests and pathogens;**
- (d) **include a program to monitor and report on the effectiveness of mitigation measures and report to CPHR following each annual reporting window;**
- (e) **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

- (f) 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

B13. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities between:

- (a) 7 am to 6 pm Monday to Friday;
- (b) 8 am to 1 pm Saturdays; and
- (c) at no time on Sundays and NSW public holidays.

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; and
- emergency work to avoid the loss of life, property and/or material harm to the environment.

Variation of Construction Hours

B13A. The hours of construction activities specified in condition B13 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 construction method statement consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Noise

B14. 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 **unless the Planning Secretary agrees otherwise.**

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}
Any non-associated residence	40 ¹	35 ¹	35 ¹	52 ¹
Any non-associated residence	40 ²	37 ²	37 ²	52 ²

Notes:

1. to be measured under, up to, and including noise enhancing meteorological conditions (as described in Table D1 of the NPfl) and typical operating temperatures that are not expected to be exceeded for more than 10% of any season.
2. to be measured under, up to, and including noise enhancing meteorological conditions (as described in Table D1 of the NPfl) and all operating temperatures.

B14A. 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 B14;
 - (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 B14 at all times.

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

B14B. The Applicant shall provide, on request by the Department, receiver based architectural treatments to all properties predicted to, or demonstrated to, exceed the default noise objectives identified by Note 1 in Table 2 for more than 10% of any season. The architectural treatments should as a minimum be consistent with examples provided in Table 4.2 of the *Noise Policy for Industry* (EPA, 2017).

However, this condition does not apply if the Applicant has an agreement with the owner(s) of the residence to generate higher noise levels, and the Applicant has advised the Planning Secretary in writing of this agreement.

Dust

B15. The Applicant must minimise the dust generated by the development.

Visual

B16. The Applicant must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;

- (b) **implement all reasonable and feasible measures to minimise the visual impact of infrastructure, including the selection of paint colours and finishes to blend 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

B17. 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 4282:2023 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

HERITAGE

Aboriginal Cultural Heritage Chance Finds Protocol

B18. **Prior to the commencement of road upgrade works, the Applicant must prepare an Aboriginal Cultural Heritage Chance Finds Protocol for the development in consultation with Aboriginal Stakeholders and Heritage NSW. The Applicant must implement the Chance Finds Protocol.**

B18A. **The Applicant must:**

- (a) **ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items outside of the development footprint;**
- (b) **prior to commencing construction, install temporary fencing to prevent access and disturbance to the portion of Wallerawang AFT+ PAD 01 (AHIMS #45 -1- 2844) that is to be protected and preserved; and**
- (c) **ensure a long-term management strategy is developed and implemented for the Aboriginal objects recovered from Wallerawang BESS AFT+ PAD 01 (AHIMS #45 -1-2844). Where artefacts are reburied on site, this must occur in an area not subject to construction impacts and be in accordance with Requirement 26 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.**

LANDSCAPING

Vegetation Buffer

B19. The Applicant must establish and maintain a vegetation buffer (landscape screening) as per the draft landscape plan in Appendix 4. The landscape screening must:

- (a) be planted prior to commencing operation;
- (b) be comprised of species that are endemic to the area;
- (c) minimise views of the development from the Wallerawang township within 3 years of commencing operations;
- (d) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
- (e) be properly maintained with appropriate weed management **and replacement of failed plantings**, unless the Planning Secretary agrees otherwise.

Landscaping Plan

B20. Prior to commencing construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with Council and to the satisfaction of the Planning Secretary. This plan must include:

- (a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition B19 (a) – (e) above;
- (b) a program to monitor and report on the effectiveness of these measures; and

- (c) details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

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

SOIL AND WATER

Water Supply

- B21. 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

- B22. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

- B23. The Applicant must:
 - (a) minimise any soil erosion and control sediment generation;
 - (b) ensure that construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with the relevant requirements in the *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 are designed, constructed and maintained to avoid causing any erosion on site;
 - (e) ensure that all works are undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version, unless **Water Group** agrees otherwise;
 - (f) ensure that all works are undertaken in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management* (Update 2013), or its latest version, unless **Water Group** agrees otherwise; **and**
 - (g) **provide for interception and removal of contaminants from bioretention basin(s) in the event of fire damage to the battery cells.**

Soil and Water Management Plan

- B24. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with Water NSW **and Council**. The plan must:
 - (a) demonstrate how the project will satisfy conditions B21, B22 and B23;
 - (b) include measures for the long-term sustainable stormwater management of the development; and
 - (c) include details of the soil and erosion control measures, including sediment basins.

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

HAZARDS

Fire Safety Study

- B25. **A fire safety study must be prepared for the development. The study must:**
 - (a) **be prepared to the satisfaction of the Planning Secretary prior to commencing construction of the battery storage facility (including associated foundations and cabling);**
 - (a) **be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline and FRNSW's Fire Safety Guideline Technical**

Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations;

- (b) describe the final design of the battery storage facility;
- (c) include the most credible worst-case fire scenario to and from the battery storage facility and associated fire management procedures; 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 facility design.

B25A. Unless otherwise agreed by the Planning Secretary, construction of the battery storage facility must not commence until the Planning Secretary has received evidence that FRNSW has confirmed in writing that the fire safety study meets the requirements of condition B25, and the study has been approved by the Planning Secretary. The fire safety study must be implemented, as approved by the Planning Secretary.

Storage and Handling of Dangerous Goods

- B26. 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.

B26A. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed on the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Operating Conditions

- B27. The Applicant must:
- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
 - (b) ensure that the development:
 - 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
 - is suitably equipped to respond to any fires on site, including provision of a water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
 - (c) ensure that the battery storage area:
 - includes a 10 metre defendable space around the perimeter that permits unobstructed vehicle access **to assist the RFS and emergency services as much as possible if there is a fire in the vicinity of the site**; and
 - 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

- B28. **An Emergency Plan must be prepared for the development. The plan must:**
- (a) be prepared and implemented prior to the commissioning of the battery storage facility;
 - (b) be prepared in consultation with FRNSW and RFS;
 - (c) be provided to the local Fire Control Centre, relevant local emergency management committee and FRNSW;
 - (d) be prepared in accordance with the findings of the Fire Safety Study required under condition B25;

- (e) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' guideline;
- (f) include details on general emergency management planning, including:
 - (i) details of how the battery storage and sub-systems can be safely isolated in an emergency;
 - (ii) identification of fire risks and hazards and detailed measures for the development to prevent fires igniting;
 - (iii) availability of fire suppression equipment, access and water;
- (g) include bushfire emergency management planning consistent with *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014) and *Planning for Bushfire Protection* (RFS, 2019, or equivalent) including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone;
 - (ii) a list of works that must 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;
 - (h) include emergency management and evacuation procedures and identification of specific emergency exit routes to be used including evidence of access agreements with relevant landowners (e.g. right of carriageway); and
 - (i) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019).

B28A. Two copies of the plan and the Emergency Services Information Package must be kept on-site in prominent positions adjacent to the site entry point(s) at all times.

WASTE

B29. The Applicant must:

- (j) minimise the waste generated by the development;
- (k) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (l) store and handle all waste on site in accordance with its classification;
- (m) not receive or dispose of any waste on site; and
- (n) 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

B30. 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*

Feature	Objective
Site	Safe, stable and non-polluting. Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use.
Battery Storage and ancillary infrastructure	To be decommissioned and removed where buried to depths of less than 500 mm, unless the Planning Secretary agrees otherwise and with the exception of assets held by the Network Service Provider.
Community	Ensure public safety at all times.

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
 - (b) 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 4;
 - (ii) submission of an audit report under condition C15 of Schedule 4; or
 - (iii) any modification to the conditions of this consent.

Staging, Combining and Updating Strategies, Plans or Programs

- C3. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C5. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy,

plan or program.

- C6. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

NOTIFICATIONS

Notification of Department

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

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

Final Layout Plans

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and including details on the siting of the battery storage and ancillary infrastructure, via the Major Projects website.

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 Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:**

- (a) date, time and location;**
- (b) a brief description of what occurred and why it has been classified as an incident;**
- (c) a description of what immediate steps were taken in relation to the incident; and**
- (d) identifying a contact person for further communication regarding the incident.**

- C10A. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 5.**

Non-Compliance Notification

- C11. **Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.**

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

- C12. **Deleted**

- C13. **Deleted**

INDEPENDENT ENVIRONMENTAL AUDIT

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

C15. **Deleted**

C16. **Deleted**

C17. **Deleted**

C18. **Deleted**

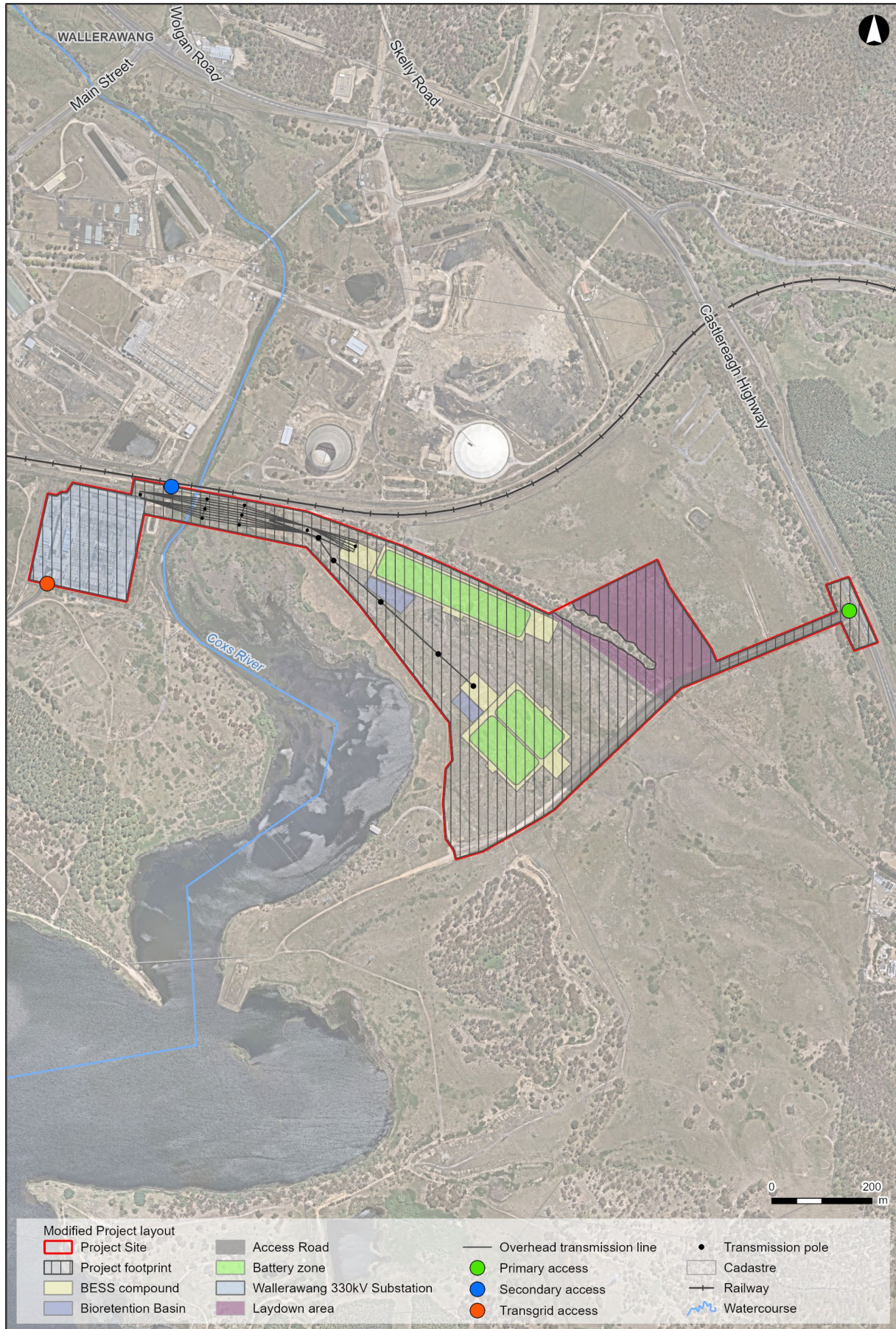
C19. **Deleted**

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 LAYOUT OF DEVELOPMENT



**APPENDIX 2:
SCHEDULE OF LANDS**

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
3	1226927
4	1226927
91	1043967
2	1131955
100	1043966
3	1018958
4	1016725
3	1181412

Note:

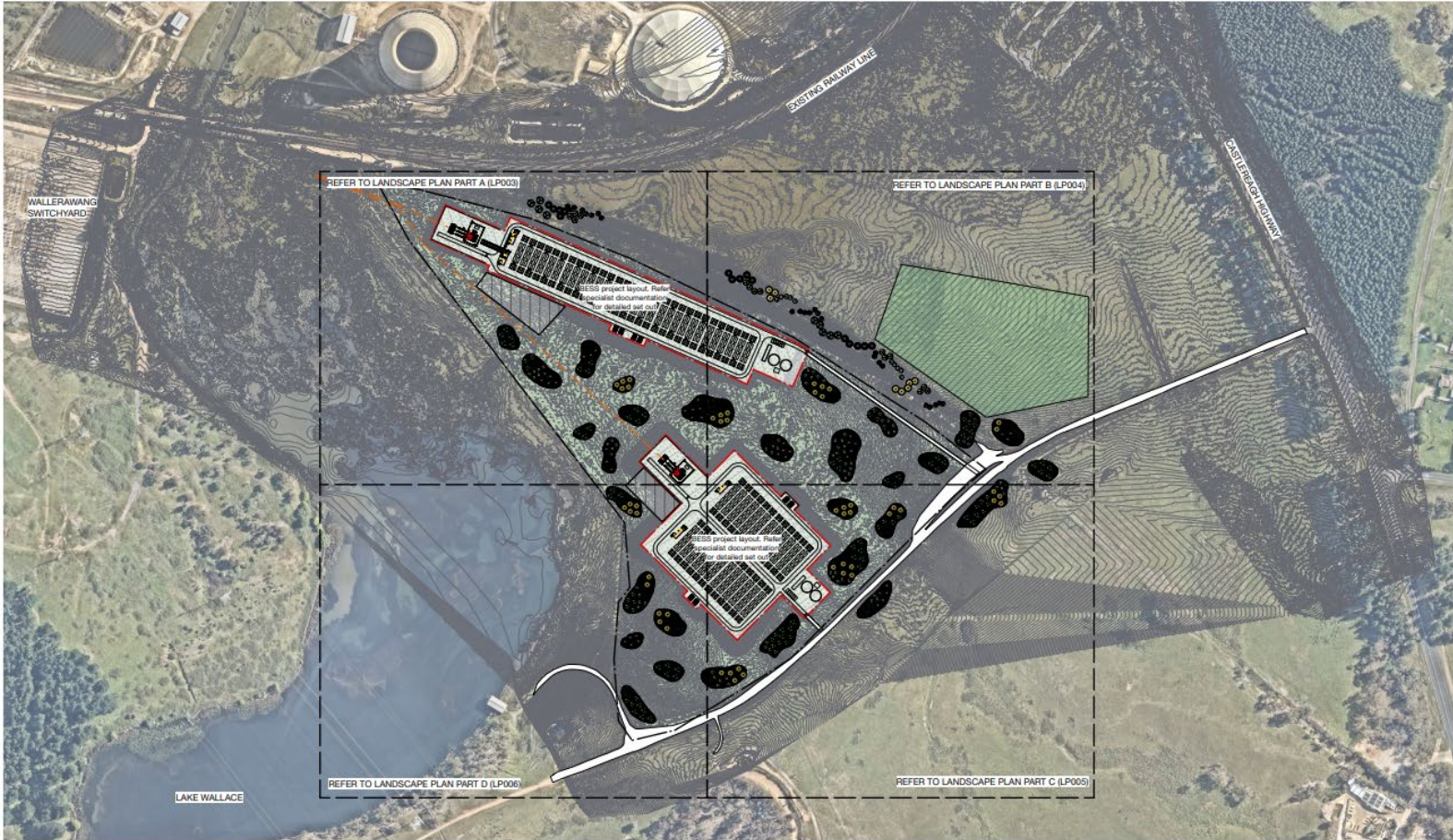
- The project site will also be taken to include any Crown land and road reserves contained within the project site.

APPENDIX 3: 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.

Council	Payment Details
Lithgow City Council	- A payment of \$1,000 per MW (by nameplate capacity) installed and in commercial operations. - Indexed to CPI annually on the anniversary of the date that the first MW commences commercial operations. - Paid on the date of the commencement of commercial operations and the 5th, 10th and 15th anniversary of the commencement of operation. - Total value estimated to be \$2.4 million. Payments are to be directed towards themes of economic transformation of the LGA and community infrastructure.

APPENDIX 4:
DRAFT LANDSCAPE PLAN



SITE PLAN
Scale: 1:2500

LEGEND	
	Development Footprint
	Fence
	Transmission Lines
	BESS Area
	Hydroseeding
	Road
	Indicative Site Contours - to be confirmed in Detailed Design
	Indicative Sediment Basin- sizing and location to be determined during early works
TREES	
	<i>Acacia maitlandii</i> Blackwood
	<i>Angophora floribunda</i> Rough-barked Apple
	<i>Eucalyptus blakelyi</i> Blakely's Red Gum
	<i>Eucalyptus mannifera</i> Brittle Gum
	<i>Eucalyptus pauciflora</i> Snow Gum
	<i>Eucalyptus polyanthemos</i> Red Box
	<i>Eucalyptus viminalis</i> Manna Gum
MASS PLANTING	
	Mass Planting - MP1

APPENDIX 5: INCIDENT NOTIFICATION AND REPORTING 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.

APPENDIX 6: HEAVY VEHICLE ROUTES

Table 1 | Heavy vehicle route options.

Access Points	Route roads
Primary access	Travel to and from the primary access point via; Castlereagh Highway, and Great Western Highway for vehicles travelling from Lithgow or Bathurst
Secondary access	Travel to and from the secondary access point via; Castlereagh Highway and Main Street
Transgrid access	Travel to and from the Transgrid access point via; Barton Avenue, Cripps Avenue and Heel Street. (Transgrid vehicles only)

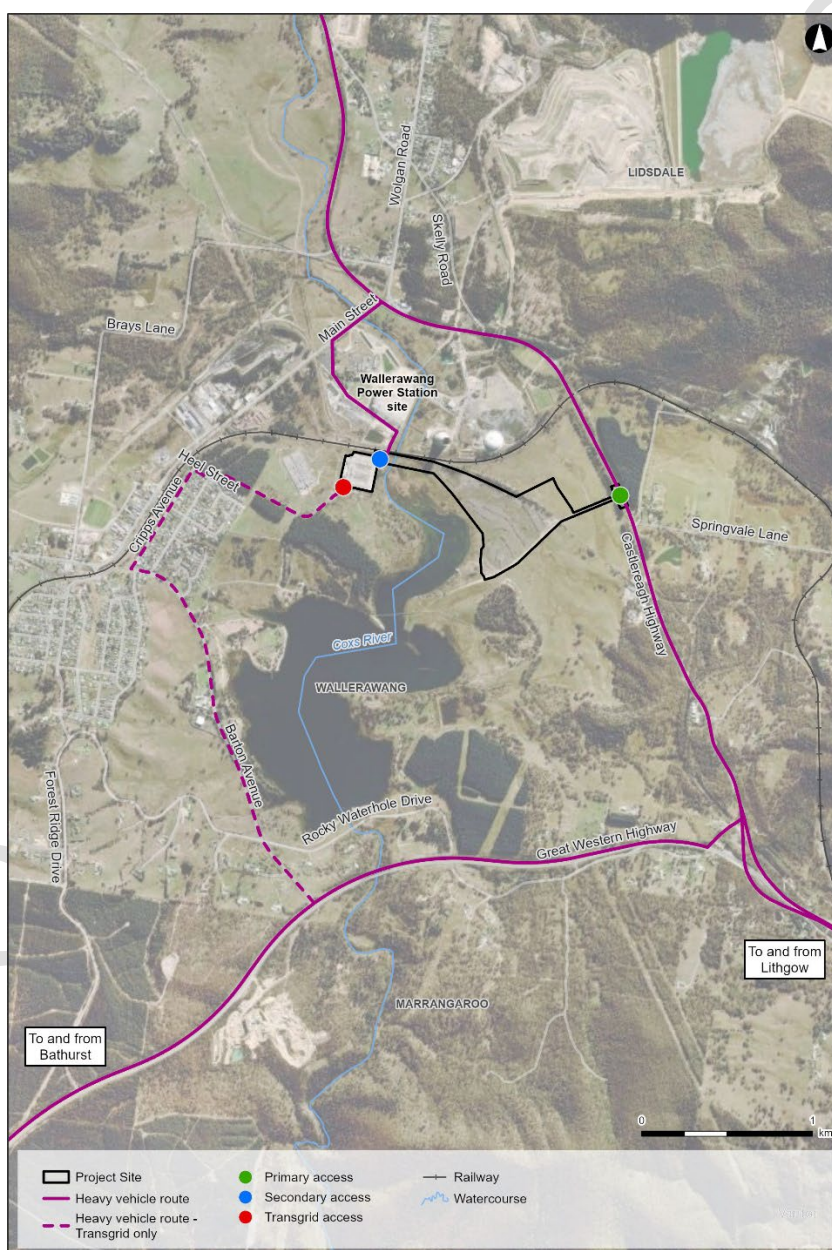


Figure 1 – Heavy vehicle route options