

## Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2 to 4.

These conditions are required to:

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

**A/Executive Director  
Energy, Industry and Compliance**

Sydney

7 May 2021

***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.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

**Application Number:** SSD 6687  
**Applicant:** Ungula Wind Farm Pty Ltd  
**Consent Authority:** Minister for Planning and Public Spaces  
**Land:** See Appendix 1  
**Development:** Ungula Wind Farm

**Red type represents Modification 1 (SSD-6687-Mod-1)**

**Blue type represents Modification 2 (SSD-6697-Mod-2)**

### SUMMARY OF MODIFICATIONS

<b>Application Number</b>	<b>Determination Date</b>	<b>Decider</b>	<b>Modification Description</b>
<b>SSD-6687-Mod-1</b>	<b>21 April 2022</b>	<b>Director</b>	<b>Removal of turbines and change to site layout</b>
<b>SSD-6687-Mod-2</b>	<b>2 December 2022</b>	<b>Director</b>	<b>Update to subdivision plans</b>

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	The following infrastructure necessary for the operation of the development: <ul style="list-style-type: none"> <li>• battery storage;</li> <li>• collector substations;</li> <li>• switching stations;</li> <li>• permanent offices;</li> <li>• electricity transmission lines;</li> <li>• site compounds;</li> <li>• underground and overhead electricity transmission lines;</li> <li>• communication cables (including control cables and earthing)</li> <li>• wind monitoring masts; and</li> <li>• internal roads.</li> </ul>
Applicant	Ungula Wind Farm Pty Ltd, or any person carrying out the development approved under this consent
Battery Storage	Large scale energy storage system
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	The Department's Biodiversity, Conservation and Science Directorate
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
CEEC	Critically endangered ecological community, as defined under the BC Act or EPBC Act
Conditions of this consent	Conditions contained in schedules 1 to 4 inclusive
Construction	All physical works to enable the operation, including but not limited to the construction of wind turbines and ancillary infrastructure carried out before the commencement of operation, excluding pre-construction minor works and road upgrades
Council	Dubbo Regional Council
CPI	Consumer Price Index
Curtilage	The land immediately surrounding any form of residential accommodation, including any courtyard, garden, yard and adjacent buildings or structures that are incidental to the accommodation
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Decommissioning	The deconstruction and removal of wind turbines and above ground ancillary infrastructure
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	<b>Department of Planning and Environment</b>
Development	The development described in the EIS, as modified by the conditions of this consent
Development corridor	The corridor shown in the figures in Appendix 2
DPIE Water	The Department's Water Division
EEC	Endangered ecological community, as defined under the BC Act
EIS	<b>The environmental impact statement for Ungula Wind Farm dated May 2020, as amended by:</b> <ul style="list-style-type: none"> <li>• <b>the Submissions Report dated November 2020;</b></li> <li>• <b>the Amendment Report dated November 2020;</b></li> <li>• <b>and the additional information provided by the Applicant to the Department dated 22 January 2021, 15 March 2021, 23 April 2021 and 6 May 2021;</b></li> <li>• <b>the Ungula Wind Farm Modification Report dated 17 March 2022; and</b></li> <li>• <b>the Ungula Wind Farm Modification 2 Report dated 6 October 2022.</b></li> </ul>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Development Certification and Fire Safety Regulation	<i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>
EPA	Environment Protection Authority
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act

Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
FRNSW	Fire and Rescue NSW
GPS	Global Positioning System
Heavy vehicle	As defined under the <i>Heavy Vehicle National Law (NSW)</i> , but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heritage Act	<i>Heritage Act 1977</i>
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: the State Heritage Register under the Heritage Act 1977, a state agency heritage and conservation register under section 170 of the Heritage Act 1977, a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 2 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>b) 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>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	<b>Minister for Planning, or delegate</b>
Mitigation	Activities associated with reducing the impacts of the development
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and NSW Public Holidays
Non-associated residence	Means: <ul style="list-style-type: none"> <li>• a residence on privately-owned land in respect of which the owner has not reached an agreement with the Applicant in relation to the development (as provided by this consent); or</li> <li>• a residence on privately-owned land in respect of which the owner has reached an agreement with the Applicant in relation to the development (as provided by this consent), but the agreement does not cover the relevant impact; or</li> <li>• the performance measure for such impact under that agreement has been exceeded.</li> </ul>
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
OLS	Obstacle Limitation Surface
Operation	The carrying out of the approved purpose of the development upon completion of construction, but does not include commissioning trials of equipment or use of temporary facilities
Over-dimensional	Over-mass and/or over-size/length vehicles
Planning Secretary	<b>Secretary of the Department, or nominee</b>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

Pre-construction minor works	Includes the following activities: <ul style="list-style-type: none"> <li>• surveys</li> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling, excavation or salvage;</li> <li>• minor clearing or translocation of native vegetation;</li> <li>• establishing temporary site office (in locations meeting the criteria identified in the conditions of this consent)</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• construction of minor access roads and minor adjustments to services/utilities, etc.</li> </ul>
Privately-owned land	Land that is not owned by a public agency or publicly-owned commercial entity (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
RAAF Radiocommunications	Royal Australian Air Force – Aeronautical Information Services Radio emission, or the reception of radio emission, for the purposes of communicating information as defined under the <i>Radiocommunications Act 1992</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Shadow flicker	The flickering effect caused by the intermittent shading of the sun by the rotating blades of the wind turbines
Site	The land defined in Appendix 1
Temporary facilities	Temporary facilities used for the construction and/or decommissioning of the development, including but not limited to temporary site offices, amenities and compounds, rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, testing laboratories or material stockpiles and temporary field laydown areas.
TfNSW	Transport for New South Wales, formerly Roads and Maritime Services (RMS)
Upgrades and Upgrading	The carrying out of works in accordance with the conditions of this consent (including replacing plant, equipment or machinery and updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of maintenance works
VPA	Voluntary Planning Agreement
Wind turbine	Turbines used for the generation of electricity by wind, including the tower, blades and associated components

## 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 2.
- 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.

#### LIMITS ON CONSENT

##### Total number of Wind Turbines

- A5. A maximum of **93** wind turbines may be constructed and operated on the site. The wind turbines may be replaced or upgraded as necessary from time to time in accordance with the conditions of this consent.

##### Wind Turbine Height

- A6. The maximum permitted height of any wind turbine (measured from above ground level to the blade tip) is 250 metres.

##### Micro-siting Restrictions

- A7. Wind turbines and ancillary infrastructure may be micro-sited without further approval providing:
- (a) the surface disturbance remains within the development corridor (with the exception of wind monitoring masts) shown on the figure in Appendix 2;
  - (b) no wind turbine is moved more than 100 metres from the relevant GPS coordinates shown in Appendix 2;
  - (c) the revised location of the blade of a wind turbine is at least 50 metres from the canopy of existing hollow-bearing trees; or where the proposed location of the blade of a wind turbine is already within 50 metres of the canopy of existing hollow-bearing trees, the revised location is not any closer to the existing hollow-bearing trees;
  - (d) the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent; and
  - (e) the wind monitoring masts are located within the development corridor where possible and their development would not result in any non-compliance with the conditions of this consent.

## BATTERIES

### Battery Storage Restriction

- A8. Unless the Planning Secretary agrees otherwise, the battery storage facility or system associated with the development must not exceed a total delivery capacity of 150 MW.

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

## EVIDENCE OF CONSULTATION

- A9. 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.

## PROTECTION OF PUBLIC INFRASTRUCTURE

- A10. 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 any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition A14 of this consent.*

## DEMOLITION

- A11. The Applicant must ensure that all demolition work on site is carried out in accordance with AS 2601-2001: *The Demolition of Structures* (Standards Australia, 2001), or its latest version.

## STRUCTURAL ADEQUACY

- A12. The Applicant must ensure that:
- (a) the wind turbines are constructed in accordance with the relevant standards, including the structural design requirements of *IEC 61400-1 Wind turbines – Part 1: Design Requirements* (or equivalent); and
  - (b) all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

*Notes:*

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

## COMPLIANCE

- A13. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## 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 Council's letter dated 26 March 2021, which are summarised in Appendix 3.

## **OPERATION OF PLANT AND EQUIPMENT**

- A15. All plant and equipment used on site, or in connection with the development, must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **SUBDIVISION**

- A16. The Applicant may subdivide land comprising the site for the purposes of carrying out the development, in the following manner:
- (a) to create separate freehold titles for the purposes of the three substation options identified Appendix 4; and
  - (b) to enable registration of leases on any title of the land comprising the site by:
    - registration of plans of subdivision for lease purposes; or
    - such other manner as may be required under the Conveyancing Act 1919 (NSW), as shown by the lease areas contained in Appendix 5, in accordance with the EIS and the requirements of the EP&A Act, EP&A Regulation and *Conveyancing Act 1919* (NSW).
- A17. For the avoidance of doubt, other than as permitted by condition A16(a) of Schedule 2, this consent does not permit the creation of new individual freehold titles as a result of the subdivision of existing freehold titles.
- A18. Any subdivision certificate issued in relation to a plan of subdivision registered in accordance with condition A16(b) of Schedule 2 must contain a statement that the subdivision is only for the purposes of registering leases as set out in condition A16(b) of Schedule 2.
- A19. The consent for subdivision for lease purposes under condition A16(b) of Schedule 2 expires on the date the Secretary is satisfied that the site has been rehabilitated in accordance with condition 35 of Schedule 3.

## **COMMUNITY CONSULTATIVE COMMITTEE**

- A20. The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016), or its latest version.

## **APPLICABILITY OF GUIDELINES**

- A21. 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.
- A22. 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.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### VISUAL

#### Visual Agreement

B1. Deleted.

#### Visual Impact Mitigation

B2. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 5 km of any wind turbine identified in the Final Layout Plan may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

These mitigation measures must be reasonable and feasible, aimed at reducing the visibility of the wind turbines from the residence and its curtilage, and commensurate with the level of visual impact on the residence.

All agreed mitigation measures must be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

#### Notes:

- To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of wind turbines from any other locations on the property other than the residence and its curtilage.
- The identification of appropriate visual impact mitigation measures will be more effective following the construction of the wind turbines. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction, it is recommended owners consider whether there is benefit in delaying such a request until the relevant wind turbines are visible from their residence or its curtilage.

#### Visual Appearance

B3. The Applicant must:

- take all reasonable steps to minimise the off-site visual impacts of the development;
- ensure the wind turbines are:
  - painted off white/grey, unless otherwise agreed by the Planning Secretary; and
  - finished with a surface treatment that minimises the potential for glare and reflection;
- ensure the visual appearance of all ancillary infrastructure (including paint colours, specifications and screening) blends in as far as possible with the surrounding landscape; and
- not mount any advertising signs or logos on wind turbines or ancillary infrastructure (except where required for safety or emergency purposes).

#### Lighting

B4. The Applicant must:

- take all reasonable steps to minimise the off-site lighting impacts of the development;
- ensure that any aviation hazard lighting complies with CASA's recommendations;
- minimise the visual impacts of any aviation lighting by implementing measures including as appropriate in the circumstances:
  - partial shielding of lights;
  - operating the lights only at night or during times of reduced visibility; and
  - turning the lights on and off simultaneously; and
- ensure that all external lighting associated with the development (apart from any aviation hazard lighting):
  - is installed as low intensity lighting (except where required for safety or emergency purposes);
  - does not shine above the horizontal;
  - uses best management practice for bat deterrence; and
  - complies with Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.

If there is a dispute about the need for aviation hazard lighting under B4(b), including which wind turbines are to be lit, then either party may refer the matter to the Planning Secretary for resolution.

## Shadow Flicker

- B5. The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence.

## NOISE AND VIBRATION

### Hours of Operation

- B6. Road upgrades, construction, demolition, upgrading or decommissioning activities (excluding blasting) may only be undertaken between:
- (a) 7 am to 6 pm Monday to Friday;
  - (b) 8 am to 1 pm Saturdays; and
  - (c) at no time on Sundays and NSW public holidays:
- unless the Planning Secretary agrees otherwise.
- B7. The following activities may be carried out outside the hours specified in condition B6 above:
- (a) activities that are inaudible at non-associated residences;
  - (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
  - (c) emergency work to avoid the loss of life, property or to prevent material harm to the environment.

### Construction and Decommissioning

- B8. The Applicant must take all reasonable steps to minimise the construction or decommissioning noise of the development, including any associated traffic noise.
- B9. The Applicant must ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009).

### Blasting

- B10. Blasting may only be carried out on site between 9 am and 5 pm Monday to Friday and between 9 am to 1 pm on Saturday. No blasting is allowed on Sundays or public holidays.
- B11. The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 2.

Table 1 | Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Any non-associated residence	120	10	0%
	115	5	5% of the total number of blasts or events over a rolling period of 12 months

### Operational Noise Criteria – Wind Turbines

- B12. The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level ( $L_{A90(10\text{-minute})}$ ) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated wind turbine generator power, at any non-associated residence.

Noise generated by the operation of the wind turbines is to be measured in accordance with the relevant requirements of the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version). The noise generated by the operation of the wind turbines must also be adjusted for tonality and low frequency noise in accordance with the Department's *Wind Energy: Noise Assessment Bulletin* (2016) (or its latest version).

However, these criteria do not apply if the Applicant has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

### Operational Noise Criteria – Ancillary Infrastructure

- B13. The noise generated by the operation of ancillary infrastructure must not exceed 35 dB(A)  $L_{Aeq(15\text{ minute})}$  at any non-associated residence.

Noise generated by the operation of ancillary infrastructure is to be measured in accordance with the relevant requirements of the *NSW Noise Policy for Industry (2017)* (or its equivalent).

### **Operational Noise Monitoring**

- B14. Within 6 months of the commencement of operations (or the commencement of operation of a stage, if the development is to be staged), the Applicant must:
- (a) undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
  - (b) submit a copy of the monitoring results to the Department and the EPA.
- B15. The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

### **AIR**

- B16. The Applicant must take all reasonable steps to:
- (a) minimise the off-site dust, fume and blast emissions of the development; and
  - (b) minimise the surface disturbance of the site.

### **SOIL & WATER**

#### **Water Supply**

- B17. 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 licenses for the development.*

#### **Water Pollution**

- B18. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

*Note: Section 120 of the POEO Act makes it an offence to pollute any waters.*

#### **Operating Conditions**

- B19. The Applicant must:
- (a) minimise erosion and control sediment generation;
  - (b) ensure the wind turbine pads, ancillary infrastructure, access roads and any other land disturbances have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater - Soils and Construction Volume 1* (Landcom, 2004) and *Managing Urban Stormwater – Soils and Construction Volume 2C Unsealed Roads* (DECC, 2008), or their latest versions;
  - (c) ensure all waterway crossings are constructed in accordance with the *Water Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), unless DPIE Water agrees otherwise;
  - (d) ensure the concrete batching plants and substation are suitably bunded; and
  - (e) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

## BIODIVERSITY

### Restrictions on Clearing and Habitat

B20. The Applicant must:

- (a) ensure that no more than:
  - **28.73** hectares (ha) of BC Act listed White-Box-Yellow Box-Blakely's Red Gum Woodland CEEC;
  - **13.88** ha of EPBC Act listed White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC;is cleared for the development; and
- (b) minimise:
  - the impacts of the development on hollow-bearing trees;
  - the impacts of the development on threatened bird and bat populations; and
  - the clearing of native vegetation and key habitat.

### Biodiversity Offsets

B21. Unless the Planning Secretary agrees otherwise, prior to the commencement of construction, the Applicant must:

- (a) update the baseline mapping of the vegetation and key habitat within the development corridor;
- (b) calculate the biodiversity offset credit liabilities for the development in accordance with the *Framework for Biodiversity Assessment* under the *NSW Biodiversity Offset Policy for Major Projects*, in consultation with BCS, and to the satisfaction of the Planning Secretary.

B22. Unless the Planning Secretary agrees otherwise, prior to the commencement of construction, the Applicant must retire the biodiversity credits.

The retirement of the credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*, 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 established 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.

*Note: Following repeal of the TSC Act on 25 August 2017, credits created under that Act are taken to be 'biodiversity credits' under the Biodiversity Conservation Act 2016, in accordance with clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.*

### Biodiversity Management Plan

B23. Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in consultation with BCS; and
- (b) include:
  - a description of the measures that would be implemented for:
    - minimising the amount of native vegetation clearing within the approved development footprint;
    - minimising the loss of key fauna habitat, including tree hollows;
    - minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
    - minimising the potential indirect impacts on threatened flora and fauna species, migratory species and 'at risk' species;
    - rehabilitating and revegetating temporary disturbance areas;
    - protecting native vegetation and key fauna habitat outside the approved disturbance area;
    - maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (such as fauna habitat enhancement) during the rehabilitation and revegetation of the site;
    - collecting and propagating seed (where relevant);
    - controlling weeds and feral pests;
    - controlling erosion; and
    - bushfire management;
  - a detailed program to monitor and report on the effectiveness of these measures.

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

## Bird and Bat Adaptive Management Plan

- B24. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must include:
- (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by the development;
  - (b) a detailed description of the measures that would be implemented on site for minimising bird and bat strike during operation of the development, including:
    - minimising the availability of raptor perches on wind turbines;
    - prompt carcass removal;
    - controlling pests; and
    - using best practice methods for bat deterrence, including managing potential lighting impacts;
  - (c) trigger levels for further investigation of the potential impacts of the project on particular bird or bat species or populations;
  - (d) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations; including the implementation of measures to:
    - reduce the mortality of those species or populations (including detailed consideration of favourable eucalyptus flowering events); or
    - enhance and propagate those species or populations in the locality, where feasible; and
  - (e) a detailed program to monitor and report on:
    - the effectiveness of these measures; and
    - any bird and bat strikes on site;
  - (f) provisions for a copy of the all raw data collected as part of the monitoring program to be submitted to BCS and the Planning Secretary.

Following the Planning Secretary's approval, the Applicant must implement the Bird and Bat Adaptive Management Plan.

## HERITAGE

### Protection of Heritage Items

- B25. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 6 or any 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 2 of Appendix 6, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative 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 figure in Appendix 6.*

### Heritage Management Plan

- B26. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Appendix 6, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Heritage NSW and Aboriginal stakeholders;
  - (c) include a description of the measures that would be implemented for:
    - protecting the Aboriginal items identified in Table 1 in Appendix 6, including fencing off the items prior to carrying out any development that could directly or indirectly impact the heritage items identified in Appendix 6, and protecting any items located outside the approved development corridor;
    - minimising and managing the impacts of the development on Aboriginal heritage items within the development corridor, including:
      - undertaking test excavations and salvage (if required) at the landform units identified in Table 3 in Appendix 6, where impacts cannot be avoided;
      - a strategy for the long-term management of any Aboriginal and European heritage items or material collected during the test excavation or salvage works;
    - a contingency plan and reporting procedure if:
      - Aboriginal heritage items outside the approved disturbance area are damaged;
      - previously unidentified Aboriginal 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; and
  - ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
- (d) a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

## TRANSPORT

### Designated Heavy and Over-Dimensional Vehicle Routes

B27. All over-dimensional associated with the development must travel to and from the site via Golden Highway, Saxa Road, Mitchell Highway, Goolma Road, Twelve Mile Road and the approved site access point off Twelve Mile Road, as identified in the 'Indicative OSOM Route' and 'Project Access Route' in the figure in Appendix 8, unless the Planning Secretary agrees otherwise.

Notes:

- *The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.*
- *To avoid any doubt, this consent does not allow the use of Twelve Mile Road east of the approved site access point off Twelve Mile Road for over-dimensional access unless the Planning Secretary agrees otherwise.*

B28. All heavy and light vehicles associated with the development must travel to and from the site via Twelve Mile Road (west) and the approved site access point off Twelve Mile Road, as identified by the 'Project Access Route' in the figure in Appendix 8, unless the Planning Secretary agrees otherwise.

*Note: To avoid any doubt, this consent does not allow the use of Twelve Mile Road east of the approved site access point off Twelve Mile Road for heavy or light vehicle access, unless the Planning Secretary agrees otherwise.*

B29. Ungula Road, Wuuluman Road and Ilgingery Road must only be used by over-dimensional, heavy and light vehicles at the following locations to allow access between portions of the site:

- (a) the secondary intersection on Ungula Road;**
- (b) the four secondary intersections on Ilgingery Road; and
- (c) between secondary intersection (A) and secondary intersection (C) on Ilgingery Road.

In addition, heavy vehicles and light vehicles may use Ungula Road, Wuuluman Road and Ilgingery Road for the purposes of upgrading the intersections in B29(a) and B29(b) above.

### Road Upgrades

B30. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must implement the road upgrades identified in Appendix 7, to the standard and satisfaction of the relevant roads authority.

If there is a dispute about the road upgrades to be implemented, or the implementation of these upgrades, then either party may refer the matter to the Planning Secretary for resolution.

### Road Maintenance

B31. The Applicant must:

- (a) undertake an independent dilapidation survey to assess the:
    - existing condition of Twelve Mile Road on the transport route, and the sections of Ungula Road, Wuuluman Road and Ilgingery Road described in condition B29, prior to construction, upgrading or decommissioning works; and
    - condition of Twelve Mile Road on the transport route, and the sections of Ungula Road, Wuuluman Road and Ilgingery Road described in condition B29:
      - within 1 month of the completion of any construction, upgrading or decommissioning works;
      - on an annual basis during construction works;
      - rehabilitate and/or make good any development-related damage
  - (b) repair Twelve Mile Road, on the transport route, and the sections of Ungula Road, Wuuluman Road and Ilgingery Road described in condition B29, if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works;
- in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.

## Unformed Crown Roads

B32. The Applicant must ensure any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with the DPIE Crown Lands.

## Traffic Management Plan

B33. Prior to commencing road upgrades, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the transport route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition B30 of Schedule 2 of this consent;
- (c) details of the measures that would be implemented to:
  - minimise traffic safety impacts of the development and disruptions to local road users during construction, upgrading or decommissioning works, including:
    - details of the dilapidation surveys required by condition B31 of Schedule 2 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 State significant development projects in the area;
    - minimising potential conflict between development-related traffic and rail services, stock movements and school buses, in consultation with local schools, including preventing queuing on the public road network;
    - implementing measures to minimise development-related traffic on the public road network outside of standard construction hours;
    - minimising dirt tracked onto the public road network from development-related traffic;
    - details of the employee shuttle bus service (if proposed), including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service;
    - encouraging car-pooling or ride sharing by employees;
    - 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;
    - ensuring loaded vehicles entering or leaving the site have their loads covered or contained;
    - responding to any emergency repair or maintenance requirements;
    - a traffic management system for managing over-dimensional vehicles; and
    - fatigue management.
  - comply with the traffic conditions in this consent;
- (d) include a drivers code of conduct that addresses:
  - travelling speeds;
  - procedures to ensure that drivers to and from the development adhere to the designated over-dimensional and heavy vehicle routes;
  - procedures to ensure that drivers to and from the development implement safe driving practices; and
  - include a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

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

## AVIATION

### Mitigation of Aviation-Related Impacts

B34. The Applicant must carry out the development in accordance with the *National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers*, or its latest version, unless the Secretary agrees otherwise.

### Notification of Aviation Authorities

B35. Prior to the construction of any wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, and the RAAF (together the authorities):

- (a) co-ordinates in latitude and longitude of each wind turbine and mast;
- (b) the final height of each wind turbine and mast in Australian Height Datum;
- (c) ground level at the base of each wind turbine and mast in Australian Height Datum;
- (d) confirmation of compliance with any OLS; and

- (e) details of any proposed aviation hazard lighting.
- B36. Within 30 days of the practical completion of any wind turbine or mast, the Applicant must:
- (a) provide confirmation to the authorities that the information that was previously provided remains accurate; or
  - (b) update the information previously provided.

## RADIOCOMMUNICATIONS

- B37. If the development results in the disruption to any radio communications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these services as soon as possible following the disruption, but no later than 1 month following the disruption of the service unless the relevant service provider or user or Planning Secretary agrees otherwise.

If there is a dispute about the mitigation measures to be implemented or the implementation of these mitigation measures, then either party may refer the matter to the Planning Secretary for resolution.

## HAZARDS

### Final Hazard Analysis

- B38. Prior to commencing construction of the battery storage facility, the Applicant must undertake a Final Hazard Analysis (FHA) for the battery storage facility in consultation with the Department and to the satisfaction of the Planning Secretary. The Final Hazard Analysis must:
- (a) be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Hazard Analysis and Multi-Level Risk Assessment*;
  - (b) include blade throw risks from wind turbines;
  - (c) consider recent developments in research and standards for battery energy storage systems; and
  - (d) describe the final design of the battery storage facility.

### Fire Safety Study

- B39. Prior to commencing construction of the battery storage facility, 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;
    - NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems; and
  - (b) describe the final design of the battery storage facility.

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

### Storage and Handling of Dangerous Goods

- B40. 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 listed from (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

### Operating Conditions

- B41. 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;
    - is suitably equipped to respond to any fires on site including provision of a 40,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road;
  - (c) develop procedures to manage potential fires on site, in consultation with the RFS;
  - (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

B42. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre. 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) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (h) include a figure showing site infrastructure, any Asset Protection Zones and the on-site water supply tank;
- (i) 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;
- (j) include details of the location, management and maintenance of any Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (k) include bushfire emergency management planning;
- (l) 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
- (m) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency;

Following approval, the Applicant must implement the Emergency Plan.

### Safety

B43. The Applicant must:

- (a) prepare a Safety Management System for the development in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'* prior to commissioning any wind turbines on site or the battery storage facility; and
- (b) implement and, if necessary, update the system over the remaining life of the development.

### WASTE

B44. The Applicant must:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (c) store and handle all waste generated on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

### ACCOMMODATION AND EMPLOYMENT STRATEGY

B45. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Planning Secretary. This strategy must:

- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- (b) consider the cumulative impacts associated with other State significant development projects in the area;
- (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and

- (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

Following the Planning Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.

## DECOMMISSIONING AND REHABILITATION

### Rehabilitation Objectives - Decommissioning

- B46. 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 2 | Rehabilitation Objectives

<i>Feature</i>	<i>Objective</i>
Development site (as a whole)	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible</li> </ul>
Revegetation	<ul style="list-style-type: none"> <li>• Restore native vegetation generally as identified in the EIS</li> </ul>
Above ground wind turbine infrastructure (excluding wind turbine pads)	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Planning Secretary agrees otherwise</li> </ul>
Wind turbine pads	<ul style="list-style-type: none"> <li>• To be covered with soil and/or rock and revegetated</li> </ul>
Above ground ancillary infrastructure (including the battery storage facility)	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary</li> </ul>
Internal access roads	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless an agreed alternative use is identified to the satisfaction of the Planning Secretary</li> </ul>
Underground cabling	<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 or maintain land capability to pre-existing use</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety at all times</li> </ul>

### Progressive Rehabilitation

- B47. The Applicant must:

- rehabilitate all areas of the site not proposed for future disturbance progressively, that is, as soon as reasonably practicable following construction or decommissioning;
- minimise the total area exposed at any time; and
- where it is not possible to carry out measures for permanent rehabilitation, employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion until such time that it is.

### Dismantling of Wind Turbines

- B48. Any individual wind turbines which cease operating for more than 12 consecutive months must be dismantled within 18 months after that 12 month period, unless the Planning Secretary agrees otherwise.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- C1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) reference to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

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

#### Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 3 months of the:
    - submission of an incident report under condition C10 of Schedule 2;
    - submission of an audit report under condition C15 of Schedule 2; or
    - 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, including:
- (a) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts);
  - (b) the GPS coordinates of the wind turbines; and
  - (c) showing comparison to the approved layout.

The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.

### Work as Executed Plans

- C9. Prior to commencing operations or following the upgrades of any wind turbines or ancillary infrastructure, the Applicant must submit work as executed plans of the development and showing comparison to the final layout plans to the Planning Secretary, via the Major Projects website.

### Incident Notification

- C10. The Department must be notified via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 9.

### Non-Compliance Notification

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

### Notification of Landowners

- C14. Prior to the commencement of construction, the Applicant must notify the owners of:
- (a) the land listed in Table 1 and Table 2 of the conditions of this consent of their rights under condition B1 and B2 of Schedule 2; and
  - (b) any non-associated residence within 5 km of any approved wind turbine of their rights under condition B2 of Schedule 2.

## INDEPENDENT ENVIRONMENTAL AUDIT

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

## ACCESS TO INFORMATION

- C16. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
    - (i) the EIS;

- (ii) the final layout plans for the development;
  - (iii) current statutory approvals for the development;
  - (iv) approved strategies, plans or programs required under the conditions of this consent;
  - (v) the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;
  - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
  - (vii) a complaints register, which is to be updated on a monthly basis;
  - (viii) minutes of CCC meetings;
  - (ix) the annual Statement of Compliance with the EPL;
  - (x) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - (xi) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.
-

## APPENDIX 1 SCHEDULE OF LAND

<b>Lot</b>	<b>DP</b>
1	DP131417
4	DP211380
3	DP211380
2	DP211380
2	DP233293
2	DP233294
1	DP406094
2	DP586633
1	DP622508
11	DP622801
34	DP750753
36	DP750753
40	DP750753
78	DP750753
83	DP750753
76	DP750760
81	DP750760
89	DP750760
94	DP750760
121	DP750760
122	DP750760
20	DP750778
21	DP750778
24	DP750778
25	DP750778
26	DP750778
27	DP750778
30	DP750778
32	DP750778
33	DP750778
34	DP750778
66	DP750778

<b>Lot</b>	<b>DP</b>
76	DP750778
80	DP750778
81	DP750778
82	DP750778
91	DP750778
92	DP750778
110	DP750778
123	DP750778
124	DP750778
134	DP750778
121	DP750778
122	DP750778
133	DP750778
69	DP750779
70	DP750779
83	DP750779
120	DP754290
175	DP754290
1	DP1110777
2	DP1110777
1	DP1141897
2	DP1141897
421	DP1206509
422	DP1206509
1	DP1207200
2	DP1207200
1	DP1207626
1	DP1239686
2	DP1267507
3	DP1267507
4	DP1267507

*Note: The land comprising the Site includes:*

- any crown land and any road reserves contained within the boundary of the Site set out in the figure in Appendix 2; and
- any land which is required for the road upgrades specified in Appendix 7

## APPENDIX 2 DEVELOPMENT LAYOUT

Wind Turbine No.	Easting	Northing
1	701569.5	6401928
2	701580.3	6401569
3	702290.2	6402040
4	702162.1	6401684
5	702705	6401224
6	703150	6400483
7	702682	6400548
8	703283	6400092
9	702984	6401995
10	703488	6401830
11	703872	6401744
12	704035	6401475
13	704347	6401535
14	704604	6401263
15	704809.9	6401030
16	705171	6400475
17	705387	6400027
18	705770	6400352
19	706034	6400846
20	706081	6399935
21	706299	6399576
22	706886	6400218
23	706481	6399295
24	706057	6399237
25	706059	6398848
26	702099	6399595
27	701876	6399255
28	701774	6398880
29	702407	6399045
30	702821	6399092
31	702079	6398630
32	701810	6398358

Wind Turbine No.	Easting	Northing
33	701484	6397999
34	702090	6397776
35	702525	6397933
36	702906	6397693
37	702590	6397388
38	702132	6397054
39	702861	6396851
40	702086	6396167
41	703685.2	6397101
42	703879	6397473
43	703804	6397974
44	704041	6398513
45	704586	6397614
46	704949	6398339
47	703497	6396749
48	703706	6396401
49	704083	6395983
50	704620	6396071
51	705155	6396493
52	704127	6395394
53	704556	6395230
54	704733	6394671
55	705344	6395169
56	705593	6395419
57	705826	6395769
58	705222	6394706
59	705792	6394572
60	706016	6394933
61	706235	6395084
62	706509	6395167
63	705936	6394269
64	706146	6393966
65	706406	6394271

Wind Turbine No.	Easting	Northing
66	706156.1	6393477
67	705801.3	6393240
68	706397.4	6393302
69	705897	6392850
70	705749	6392498
83	704248	6393006
84	704058	6393365
85	703599	6392997
86	701724	6392658
87	702031	6393018
88	700445	6392140
89	700586	6391683
90	701773.5	6394574
91	702139.3	6394678
92	701885	6395084
93	701616	6395256
94	701060.2	6395204
95	701044.6	6395562
96	701221.2	6396484
97	700895	6396735
98	700584	6397185
99	700086	6396718
100	699414	6396443
101	699689	6396138
102	700211	6395928
103	699644	6395773
104	698793	6396400
105	698662	6395948
106	698111	6394706.5
107	697381	6396261
108	697176	6395899
109	696892	6395306

*Note: Coordinate system is GDA 94 MGA 55*

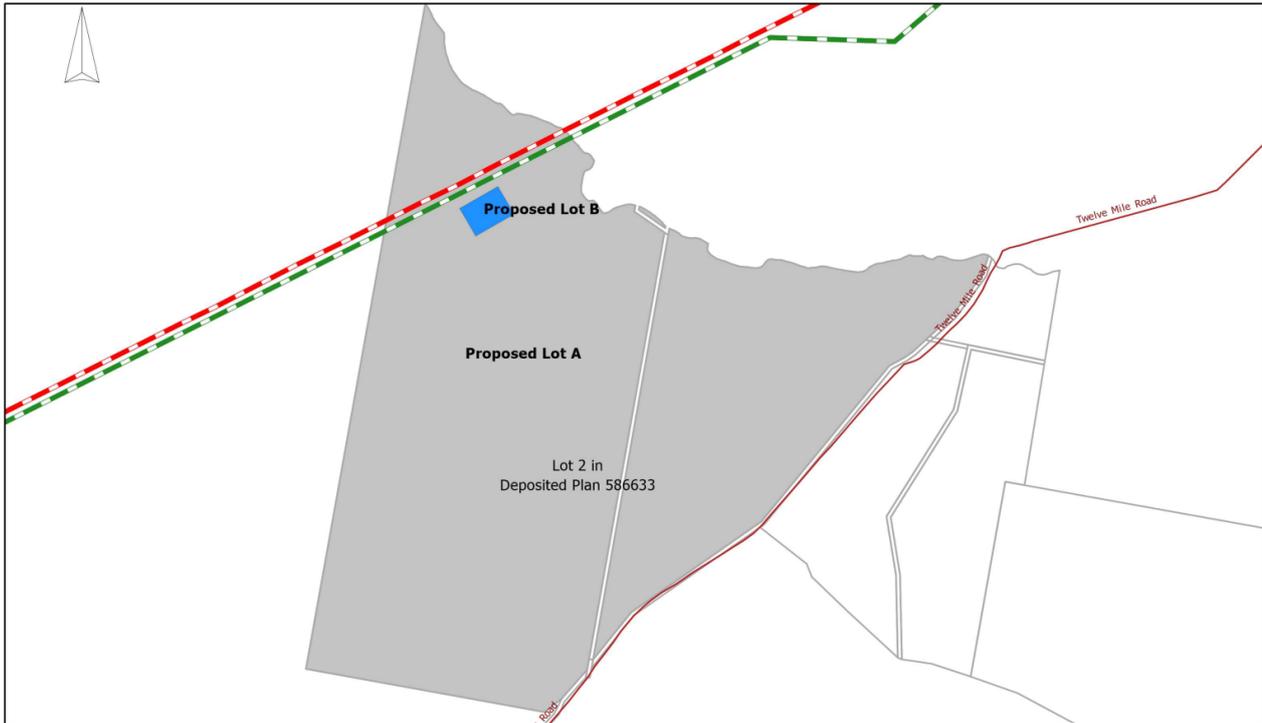


### APPENDIX 3 GENERAL TERMS OF APPLICANT'S VPA OFFER

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on strategic planning for Wellington as a renewable energy hub, funding strategic projects, a community benefit fund and ongoing road maintenance works for local roads in the area surrounding the project site.

<b>Councils</b>	<b>Payment Details</b>
Dubbo Regional Council	The annual contribution payable by the Applicant is \$3,309 per annum per wind turbine constructed or under construction (up to \$320,973 per annum) (adjusted annually to increases in CPI from the construction commencement date) over the operational life of the development, to be paid in arrears on 1 July each year with the first payment occurring following the commencement of 'construction' and ceasing when the final wind turbine is 'decommissioned' in accordance with the definitions within this consent.

## APPENDIX 4 SUBDIVISION PLANS (SUBSTATIONS)



<b>LEGEND</b> 		COMPANY <b>UUNGULA WIND FARM PTY LTD</b>			
<b>Potential TransGrid Subdivision Option 1</b>					
DATE	17/04/20	SCALE	1:23000	DWG NO	UWF-068
DRAWN BY	J PETERSEN	CHECKED BY	M FLOWER	SHEET	1 OF 3
		REV	A	VER	1
		JOB NO	110247	SIZE	A3
SCALE BAR 0 ————— 1 km					

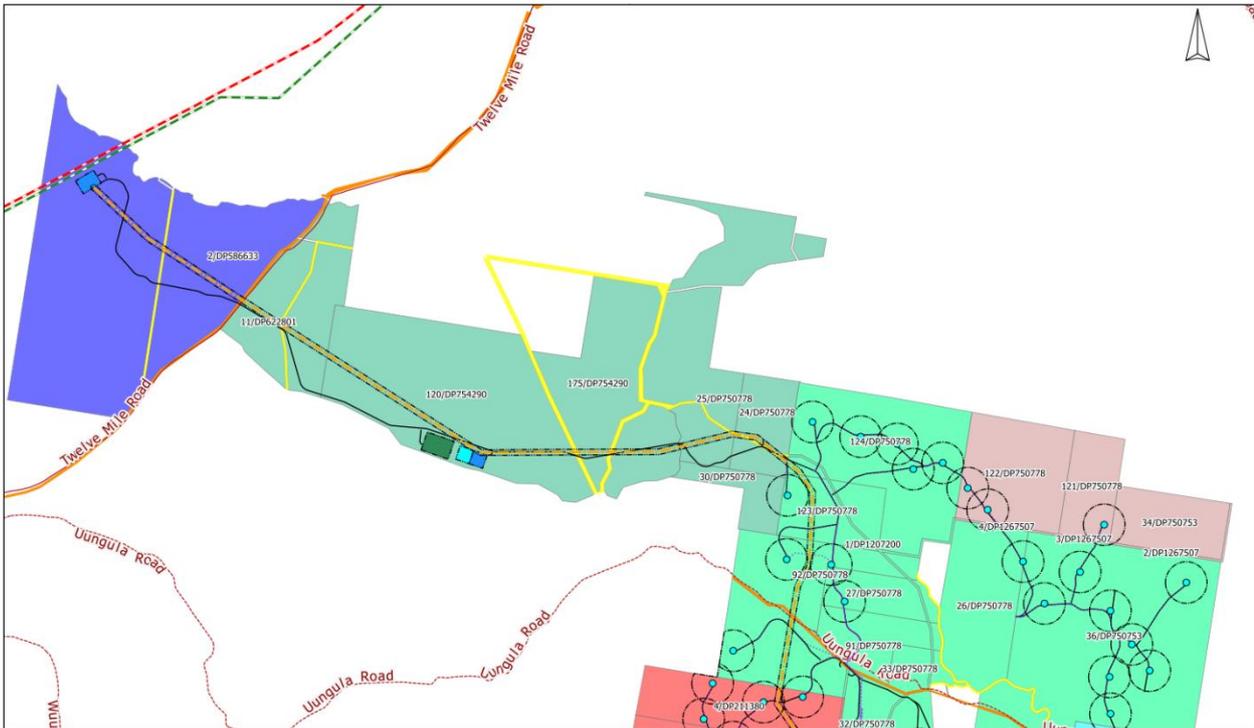


<b>LEGEND</b> 		COMPANY <b>UUNGULA WIND FARM PTY LTD</b>			
<b>Potential TransGrid Subdivision Option 2</b>					
DATE	17/04/20	SCALE	1:15000	DWG NO	UWF-068
DRAWN BY	J PETERSEN	CHECKED BY	M FLOWER	SHEET	2 OF 3
		REV	A	VER	1
		JOB NO	110247	SIZE	A3
SCALE BAR 0 ————— >100 m					



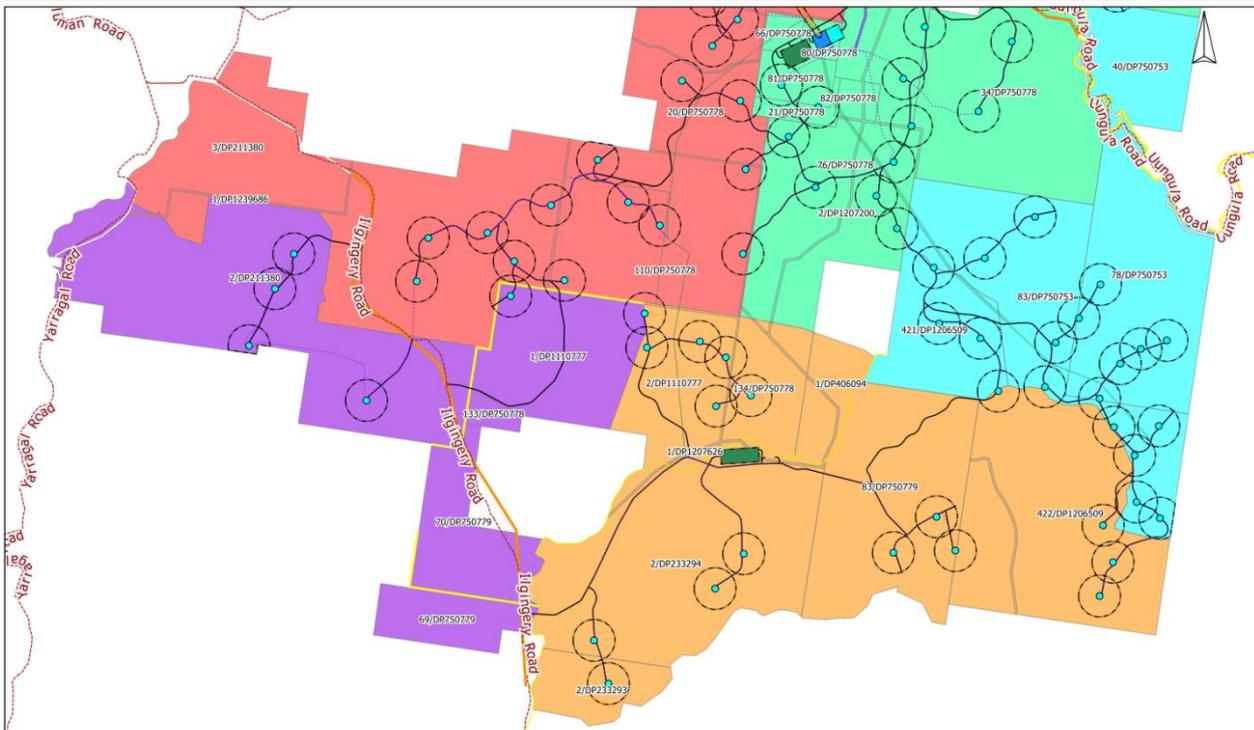
<b>LEGEND</b>  Proposed Lot A  Proposed Lot B (Substation)	<b>COMPANY</b> UUNGULA WIND FARM PTY LTD				
	<b>TITLE</b> Potential TransGrid Subdivision Option 3				
<b>SCALE BAR</b> 0 100 m	<b>DATE</b> 17/04/20	<b>SCALE</b> 1:3900	<b>DWG NO.</b> UWF-068	<b>REV</b> A	<b>VER</b> 1
	<b>DRAWN BY</b> J PETERSEN	<b>CHECKED BY</b> M FLOWER	<b>SHEET</b> 3 OF 3	<b>JOB NO</b> 110247	<b>SIZE</b> A3

## APPENDIX 5 SUBDIVISION PLANS (LEASE AREAS)



LEGEND	
	<b>Land:</b>
	Lot/DP labels
	Freehold Land (Various colours)
	Crown road/waterway
	Council road corridor
	Existing Unsealed Road
	Existing Sealed Road
	<b>Proposed Infrastructure:</b>
	Wind farm access tracks
	Site Compound
	Substation
	Energy Storage Facility
	<b>Existing Powerlines:</b>
	132kV
	330kV
	<b>Proposed Powerlines:</b>
	Underground (medium to low voltage)
	Overhead (medium to low voltage)
	Overhead (high voltage)

COMPANY		<b>UUNGULA WIND FARM PTY LTD</b>			
TITLE					
Indicative site layout with areas to be leased					
DATE	SCALE	DWG NO	REV	C	VER
15/08/2022	1:40000	UWF-065	C		1
DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE	
B KRONENBERG	M FLOWER	1 OF 2	110247	A3	



LEGEND	
	<b>Land:</b>
	Lot/DP labels
	Freehold Land (Various colours)
	Crown road/waterway
	Council road corridor
	Existing Unsealed Road
	Existing Sealed Road
	<b>Proposed Infrastructure:</b>
	Wind farm access tracks
	Site Compound
	Substation
	Energy Storage Facility
	<b>Existing Powerlines:</b>
	132kV
	330kV
	<b>Proposed Powerlines:</b>
	Underground (medium to low voltage)
	Overhead (medium to low voltage)
	Overhead (high voltage)

COMPANY		<b>UUNGULA WIND FARM PTY LTD</b>			
TITLE					
Indicative site layout with areas to be leased					
DATE	SCALE	DWG NO	REV	C	VER
15/08/2022	1:40000	UWF-065	C		1
DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE	
B KRONENBERG	M FLOWER	2 OF 2	110247	A3	

## APPENDIX 6 HERITAGE ITEMS

Table 1: Aboriginal Heritage items – avoid impacts

<i>Item Name</i>
AHIMS ID 36-5-0184/ UWF SU49/L1
AHIMS ID 36-5-0174/ UWF SU32/L1
UWFSU96/L6

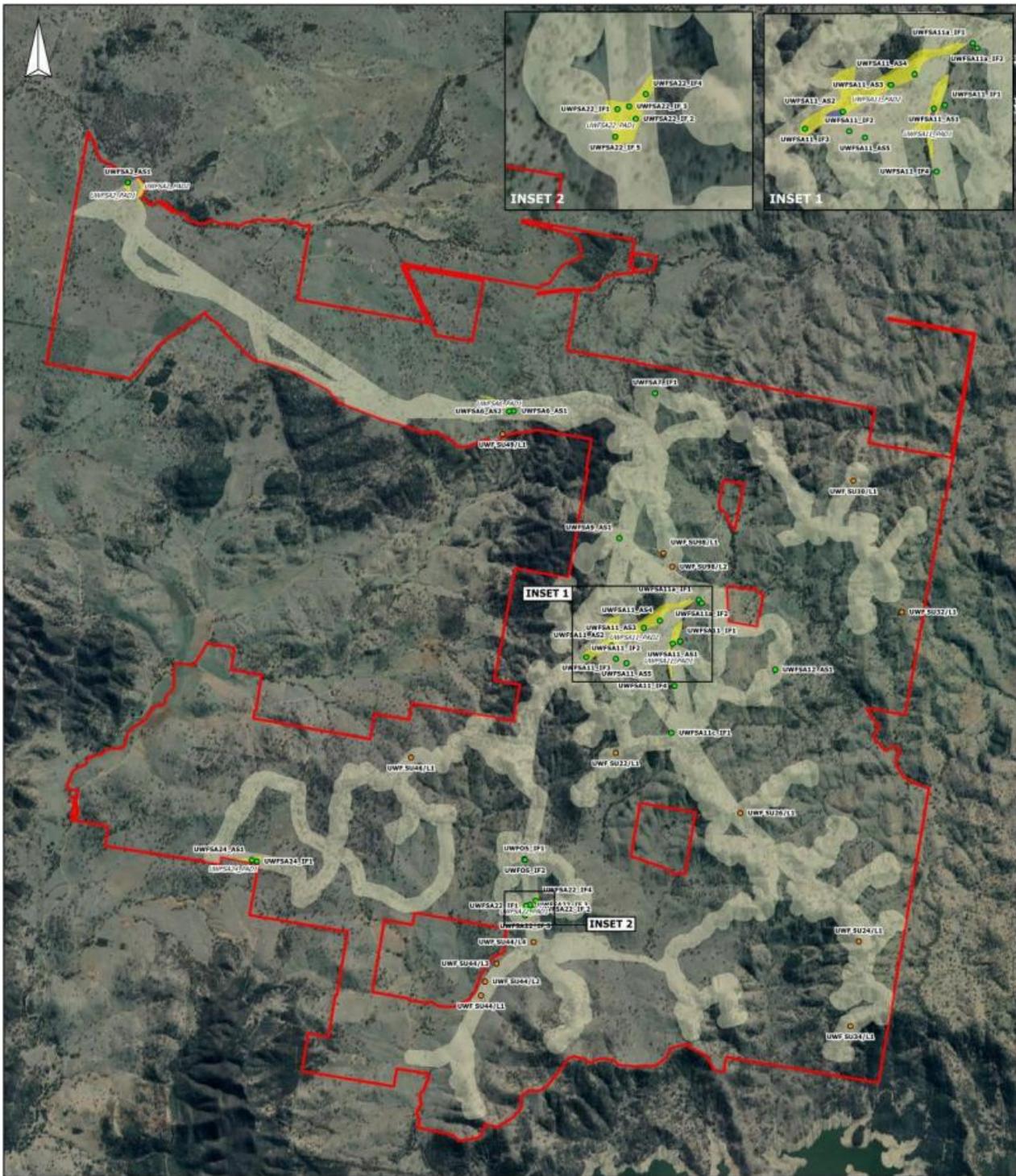
Table 2: Aboriginal Heritage items – salvage

<i>Item name</i>	<i>Item name</i>	<i>Item name</i>
AHIMS ID 36-5-0170/ UWF SU22/L1	UWFSA6_AS1	UWFSA11_IF4
AHIMS ID 36-5-0171/ UWF SU24/L1	UWFSA6_AS2	UWFSA11a_IF1
AHIMS ID 36-5-0172/ UWF SU26/L1	UWFSA7_IF1	UWFSA11a_IF2
AHIMS ID 36-5-0173/ UWF SU30/L1	UWFSA9_AS1	UWFSA12_AS1
AHIMS ID 36-5-0175/ UWF SU34/L1	UWFSA11_AS1	UWFSA22_IF1
AHIMS ID 36-5-0179/ UWF SU44/L1	UWFSA11_AS2	UWFSA22_IF2
AHIMS ID 36-5-0180/ UWF SU44/L2	UWFSU98/L2	UWFSA22_IF3
AHIMS ID 36-5-0181/ UWF SU44/L3	UWFSA11_AS3	UWFSA22_IF4
AHIMS ID 36-5-0182/ UWF SU44/L4	UWFSA11_AS4	UWFSA22_IF5
AHIMS ID 36-5-0183/ UWF SU46/L1	UWFSA11_AS5	UWFSA24_AS1
UWF12M_AS1	UWFSA11_IF1	UWFSA24_IF1
UWF12M_IF1	UWFSA11_IF2	UWFAS1
UWFSA2_AS2	UWFSA11_IF3	UWFSU98/L1

\* Only items located within the development footprint are to be salvaged (refer to the Figure in this Appendix to identify items)

Table 3: Areas of Potential Archaeological Deposit (PAD)

<i>Item Name</i>	<i>Item Name</i>	<i>Item Name</i>
UWFSA2_PAD1	UWFSA11_PAD2	UWFSA24_PAD1
UWFSA2_PAD2	UWFSA11_PAD1	
UWFSA6_PAD1	UWFSA22_PAD1	

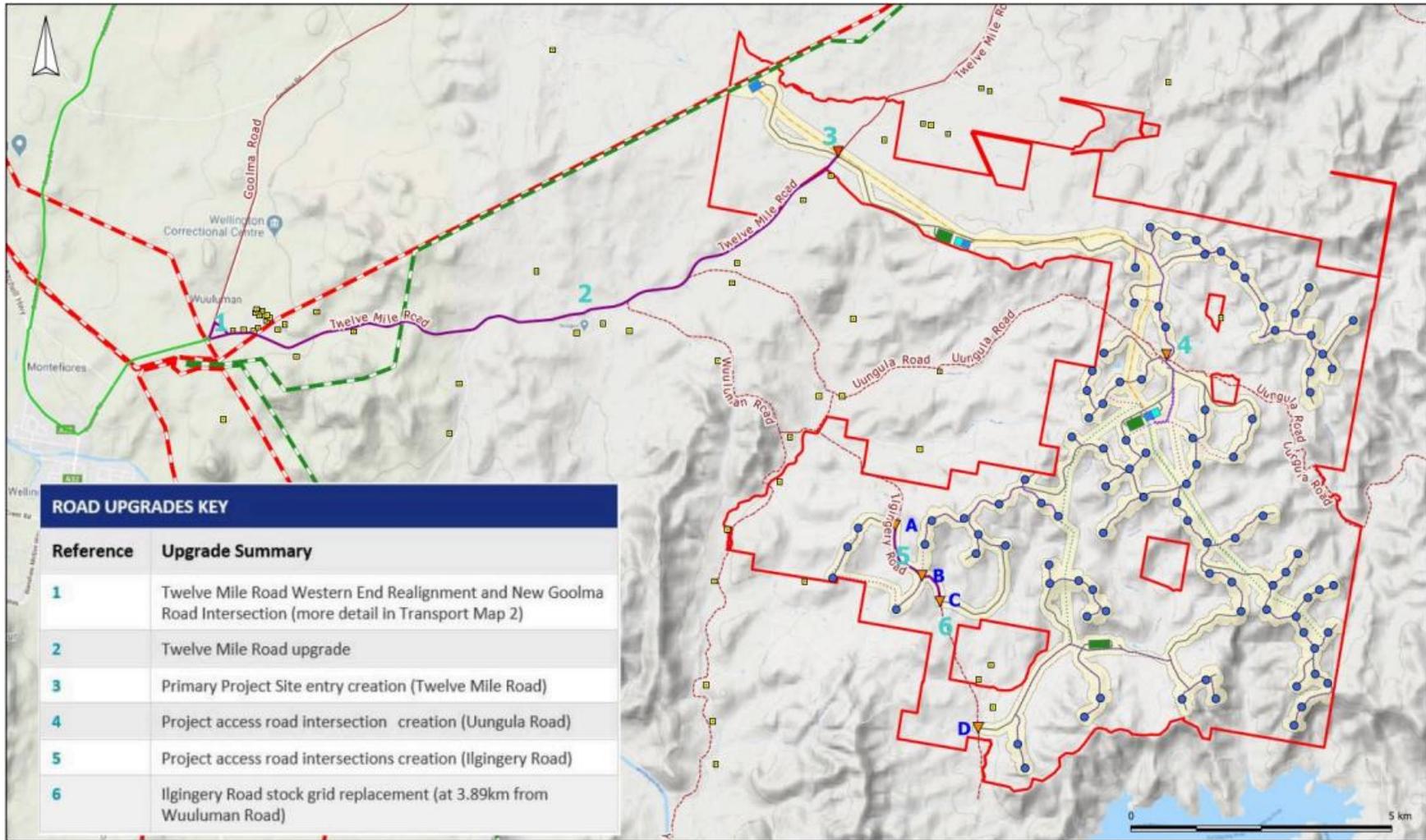


<b>LEGEND</b> <ul style="list-style-type: none"> <li><span style="color: brown;">●</span> ACH Artefact (NSW Archaeology)</li> <li><span style="color: green;">●</span> ACH Artefact (Austral Archaeology)</li> <li><span style="color: blue;">■</span> ACH Artefact Scatter (Austral Archaeology)</li> <li><span style="color: yellow;">■</span> Potential Archaeological Deposit (PAD) (Austral Archaeology)</li> <li><span style="border: 2px solid red; display: inline-block; width: 15px; height: 10px;"></span> Project Site</li> </ul>	<b>COMPANY</b> UUNGULA WIND FARM PTY LTD				
	<b>TITLE</b> ABORIGINAL CULTURAL HERITAGE ITEMS				
<b>SCALE BAR</b> 	<b>DATE</b> 20/04/2022	<b>SCALE</b> 1:52000	<b>DWG NO</b> UWF-134	<b>REV</b> B	<b>VER</b> 2
	<b>DRAWN BY</b> B KRONENBERG	<b>CHECKED BY</b> M FLOWER	<b>SHEET</b> 1 OF 1	<b>JOB NO</b> 110247	<b>SIZE</b> A3

## APPENDIX 7 SCHEDULE OF ROAD UPGRADES

<b>Road/ Intersection</b>	<b>Start Point</b>	<b>Chainage</b>	<b>Upgrade</b>	<b>Timing</b>
<b>Intersections</b>				
Twelve Mile Road	Goolma Road	00 km	<ul style="list-style-type: none"> <li>Permanently remove and close the existing intersection; and</li> <li>Design and construct a new intersection with a channelised right (CHR) turn lane and an Auxiliary Left (AUL) turn lane treatment, generally in accordance with Figures 2 and 3 in this Appendix</li> </ul>	Prior to commencing construction
<b>Roads Authority: Dubbo Regional Council</b>				
Twelve Mile Road	Goolma Road	00 km to 13.76 km	Reconstruct the pavement full length to the horizontal and vertical alignment, generally in accordance with Appendix N of the EIS, in compliance with TfNSW's <i>Roadworks specifications – design and construct</i> (TfNSW, 2020) or its latest version	Prior to commencing construction
Twelve Mile Road	Goolma Road	13.59 km (approx.)	Construct the primary project site access, generally in accordance with Appendix N of the EIS	Prior to commencing construction
Uungula Road	Twelve Mile Road	As noted in the Figure 1 in this Appendix	<b>Construct secondary intersection</b> for safe exit and entry movements, and to provide adequate wind farm component access	Prior to any use by traffic associated with the construction of the development
Ilgingery Road	Wuuluman Road	As noted in the Figure 1 in this Appendix	Construct secondary intersections for safe exit and entry movements, and to provide adequate wind farm component access	Prior to any use by traffic associated with the construction of the development
Ilgingery Road	Wuuluman Road	3.89 km	Extend stock grid approach seal to 20 m x 4.5 m each side of grid with a two coat flush seal	Prior to any use by traffic associated with the construction of the development

Note: To identify the approximate location of the primary site access point and secondary intersections, see the figure in Appendix 2.



<b>Existing Roads:</b> - - - Existing Unsealed Road — Existing Sealed Road <b>Proposed Transport Route:</b> — Indicative OSOM Route — Project Access Route — Wind Farm Access tracks — Pre-construction Minor Works		▼ Primary Project Site entry ▽ Secondary intersections □ Residence □ Project Site ● Wind Turbine Generator ■ Site Compound ■ Substation ■ Energy Storage Facility	<b>Existing powerlines:</b> — 132kV — 330kV <b>Proposed powerlines:</b> — Overhead (high voltage) - - - - - Underground (medium to low voltage) - - - - - Overhead (medium to low voltage)	COMPANY <b>UUNGULA WIND FARM PTY LTD</b>	
TITLE Transport Map 1					
DATE 20/04/2022	SCALE 1:70000	DWG NO UWF-129	REV D	VER 2	
DRAWN BY B KRONENBERG	CHECKED BY M FLOWER	SHEET 1 OF 1	JOB NO 110247	SIZE A3	

Figure 1 | Road Upgrades Summary

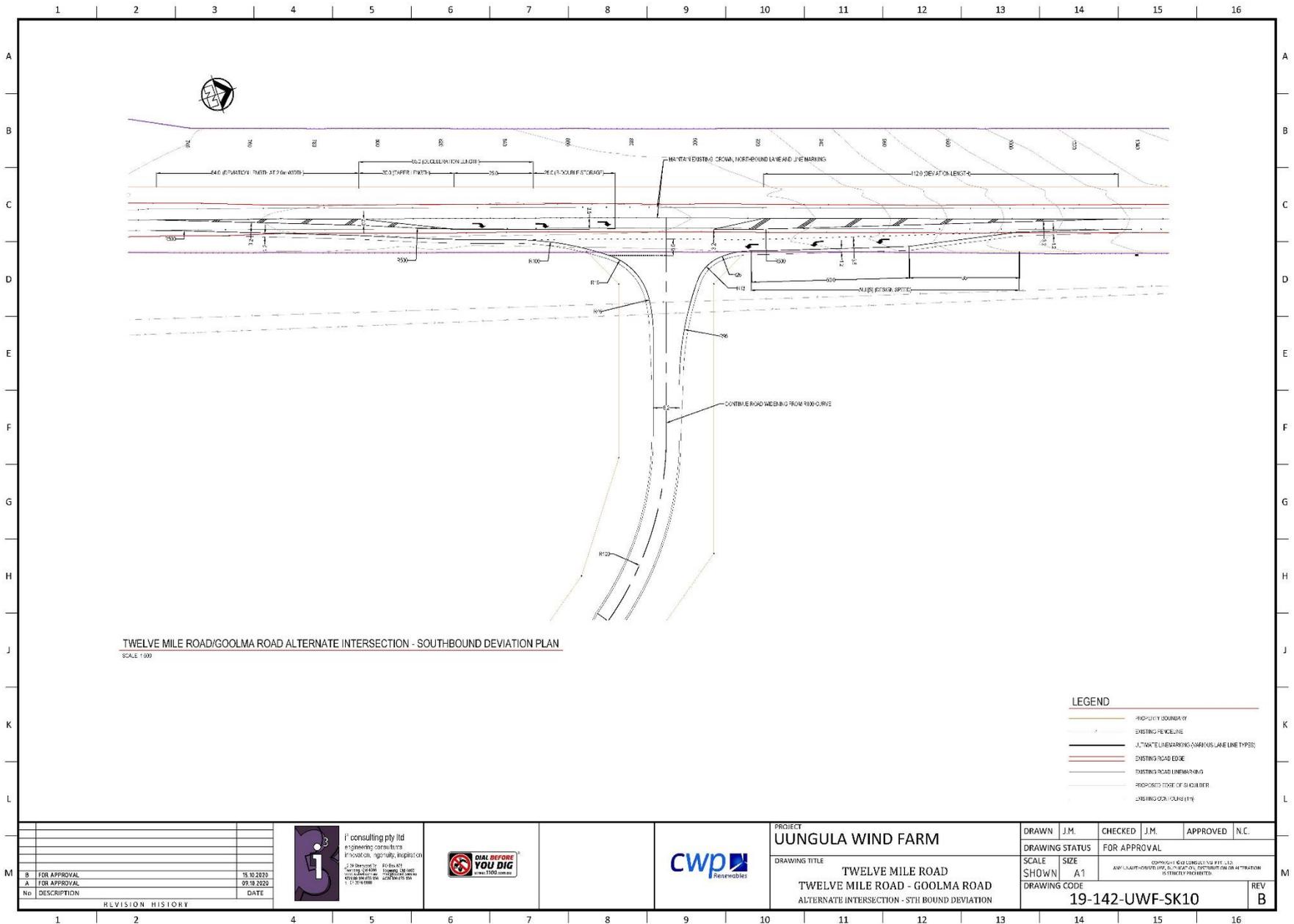


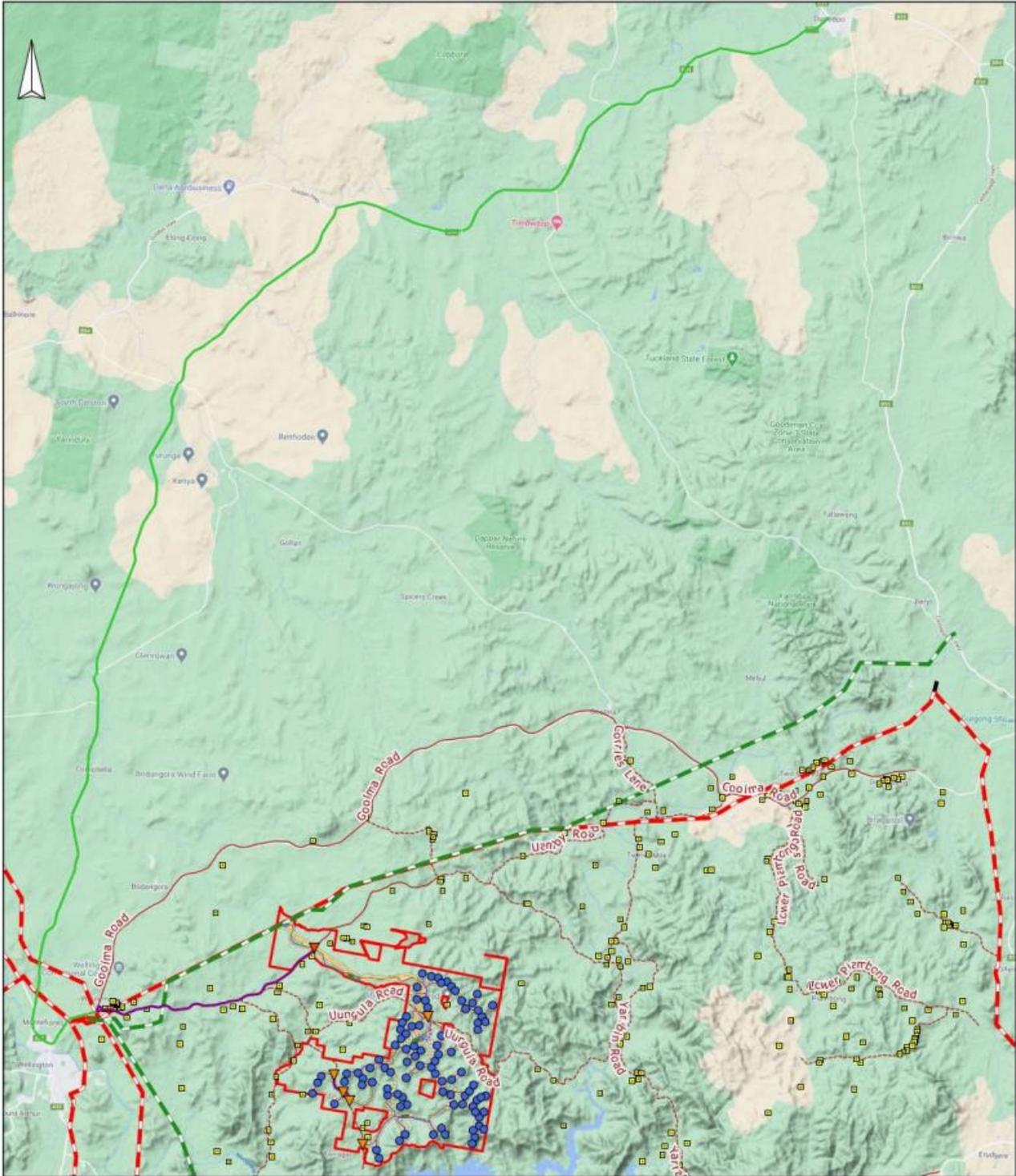
Figure 2 | Twelve Mile Road / Goolma Road Intersection Design



LEGEND		COMPANY			
	Gazetted Road Reserve (currently unformed)	UUNGULA WIND FARM PTY LTD		TITLE	
	Cadastral Boundary	Transport Map 2: Twelve Mile Road Western End Realignment and New Goolma Road Intersection			
	Twelve Mile Rd & Goolma Rd Intersection Upgrade (proposed)	DATE	SCALE	DWG NO	REV
	Existing Twelve Mile Rd Realignment & Goolma Rd Intersection to be Closed	29 OCT 2020	Not to Scale	UWF-130	A
	Public Road	DRAWN BY	CHECKED BY	SHEET	VER
		B KRONENBERG	M FLOWER	1 OF 1	1
				JOB NO	SIZE
				110247	A3

Figure 3 | Twelve Mile Road / Goolma Road Realignment and Intersection

## APPENDIX 8 OVER-DIMENSIONAL ACCESS ROUTE RESTRICTIONS



LEGEND		COMPANY		
<p><b>Existing Roads:</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">---</span> Existing Unsealed Road</li> <li><span style="color: brown;">---</span> Existing Sealed Road</li> </ul> <p><b>Proposed Transport Route:</b></p> <ul style="list-style-type: none"> <li><span style="color: green;">---</span> Indicative OSOM Route</li> <li><span style="color: purple;">---</span> Project Access Route</li> <li><span style="color: grey;">---</span> Wind Farm Access tracks</li> </ul>	<ul style="list-style-type: none"> <li><span style="color: red;">▼</span> Primary Project Site entry</li> <li><span style="color: brown;">▼</span> Secondary intersections</li> <li><span style="color: yellow;">■</span> Residences</li> <li><span style="color: red;">□</span> Project Site</li> <li><span style="color: blue;">●</span> Wind Turbine Generator</li> <li><span style="color: green;">■</span> Site Compound</li> <li><span style="color: blue;">■</span> Substation</li> <li><span style="color: cyan;">■</span> Energy Storage Facility</li> </ul>	<p><b>Existing powerlines:</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">---</span> 132KV</li> <li><span style="color: green;">---</span> 330KV</li> </ul> <p><b>Proposed powerlines:</b></p> <ul style="list-style-type: none"> <li><span style="color: yellow;">---</span> Overhead (high voltage)</li> <li><span style="color: grey;">---</span> U/G (med to low voltage)</li> <li><span style="color: grey;">---</span> O/H (med to low voltage)</li> </ul>	<p>UUNGULA WIND FARM PTY LTD</p> <p style="text-align: right;"></p>	
<p>SCALE BAR</p> <div style="display: flex; align-items: center; gap: 10px;"> <span>0</span> <span>10 km</span> </div>		<p>TITLE</p> <h3 style="margin: 0;">Transport Map 3</h3>		
DATE	SCALE	DWG NO	REV	VER
20/04/2022	1:200000	UWF-132	C	1
DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE
B KRONENBERG	M FLOWER	1 OF 1	110247	A3

## APPENDIX 9 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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