

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission of NSW grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, 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.

Ken Kanofski (Chair)

Member of the Commission

Dr Bronwyn Evans AM

Member of the Commission

Sydney

2 October 2025

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-67478479
Applicant: ACEnergy Pty Ltd
Consent Authority: The Independent Planning Commission
Site: See Appendix 2
Development: Yanco Battery Energy Storage System

CONSOLIDATED CONSENT

Red type represents Modification 1 (SSD 67478479-Mod-1)

Application Number	Determination Date	Decider	Modification Description
SSD 67478479-Mod-1	27/05/2026	Director	Minor changes to the project layout and inclusion of an additional site access.

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development, including Registered Aboriginal Parties
Ancillary infrastructure	All project infrastructure with the exception of battery storage, including but not limited to the substation, switch room, permanent offices, site compounds, electricity transmission lines and internal roads
Applicant	ACEnergy 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
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 and pre-construction minor works)
Council	Leeton Shire 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 titled 'Yanco Battery Energy Storage System', dated 8 November 2024, Submissions Report dated 21 February 2025, and the additional information dated 9 April 2025, 15 April 2025, 23 April 2025, 6 May 2025, 3 July 2025, 25 July 2025, 30 July 2025, 1 August 2025, the Yanco Battery Energy Storage System Modification Report dated 9 February 2026, the revised Biodiversity Memo dated 5 May 2026, and the additional information dated 7 April 2026 and 5 May 2026.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the <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 axels
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the <i>National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group within the 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 <i>Fact Sheet for Transport Management Plan</i> (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
Light vehicle	As defined by the Transport for NSW Vehicle Standards Information Sheet <i>VSI 05 Light vehicle dimension limits Rev 6</i> (TfNSW, 11 March 2015)
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$50,000 (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) <p>Note: This definition excludes "harm" that is either authorised under this consent or any other statutory approval.</p>

	Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
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 Operation	NSW Department of Climate Change, Energy, the Environment and Water The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
PCT	Plant Community Type
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: <ul style="list-style-type: none"> • 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 • construction of minor access roads and minor adjustments to services/utilities, etc.
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	NSW Rural Fire Service
Site	As indicated by the Project Area in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of battery storage and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement
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, commissioning, operation, upgrading, decommissioning or rehabilitation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Planning Secretary;
 - generally in accordance with the EIS; and
 - 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:
- any strategies, plans or correspondence that are submitted in accordance with this consent;
 - any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - 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 total delivery capacity of 250 MW and an energy storage capacity of 1,100 MWh.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage 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 and storage 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 *National Construction Code*.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.*
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

DEMOLITION

- 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. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (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. Unless the Planning Secretary agrees otherwise, prior to commencing construction, 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 offer as at the date of this consent.

PART B ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

- B1. Unless the Planning Secretary agrees otherwise, the Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 87 heavy vehicle movements a day during construction, upgrading, or decommissioning;
 - (ii) 9 movements of heavy vehicles requiring escort during construction, upgrading, and decommissioning; and
 - (iii) 2 movements of high-risk heavy vehicles requiring escort during construction, upgrading, and decommissioning; and
 - (b) length of any vehicles (excluding high-risk heavy vehicles requiring escort and heavy vehicles requiring escort) used for the development does not exceed 19 metres.
- B2. The Applicant must keep accurate records of the number of high-risk heavy vehicles requiring escort, heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Route

- B3. Unless the Planning Secretary agrees otherwise:
- (a) all heavy vehicles must travel to and from the site via Irrigation Way, Houghton Road and Hulme (Hume) Road as identified in the EIS; and
 - (b) heavy vehicles requiring escort and high-risk heavy vehicles requiring escort associated with the development must travel to and from the site via Irrigation Way, Houghton Road and Hulme (Hume) Road as described in the EIS and identified in Appendix 4; and
 - (c) high-risk heavy vehicles requiring escort must travel along the route from Port Kembla to the intersection of Irrigation Way / Houghton Road as identified in Appendix 4

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

Site Access

- B4. **All vehicles associated with the development must enter and exit the site via the:**
- (a) Site Access off Hulme (Hume) Road; and/or**
 - (b) Substation Access off Houghton Road (Transgrid 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 road upgrades as detailed in Appendix 3 to the satisfaction of the relevant roads authority (and TfNSW for upgrades to the State Road network).

Road Maintenance

- B6. The Applicant must:
- (a) undertake an independent dilapidation survey to assess the:
 - (i) condition of Houghton Road and Hulme (Hume) Road prior to construction, upgrading and decommissioning activities; and
 - (ii) condition of Houghton Road and Hulme (Hume) Road, following the completion of construction, upgrading and decommissioning activities;
 - (b) on completion of the dilapidation reports undertaken in conditions B6(a)(i) and B6(a)(ii) provide a copy to the relevant roads' authorities; and
 - (c) repair and/or make good any development-related damage to Houghton Road and Hulme (Hume) Road identified in dilapidation surveys during construction, upgrading or decommissioning works in consultation with the relevant roads authority.

If there is a dispute between the Applicant and the relevant roads authority about repairs required under this condition, then either party may refer the matter to the Planning Secretary for resolution.

Operating Conditions

- B7. The Applicant must ensure:
- (a) any new internal roads are constructed and maintained as all-weather roads;

- (b) any existing internal roads are maintained as all-weather roads;
- (c) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site, unless required for emergency work to avoid the loss of life, property or prevent material harm to the environment;
- (d) the capacity of the existing roadside drainage network is not reduced;
- (e) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (f) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the public road network.

Traffic Management Plan

- B8. Prior to commencing road upgrades under condition B5, construction or pre-construction minor works (whichever comes 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. Unless the Planning Secretary agrees otherwise, this plan must:
- (a) detail vehicle volumes, types and turn movements that would be generated during pre-construction minor works and demonstrate how pre-construction traffic would be managed to ensure a high level of safety for all road users;
 - (b) detail the transport route to be used for all development-related traffic, including details of the chosen high-risk heavy vehicle requiring escort vehicle configuration;
 - (c) detail road upgrade works required by condition B5 of this consent;
 - (d) include a reconciliation table to demonstrate all traffic-related management measures and recommendation measures identified in the EIS have been included in the plan;
 - (e) detail the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - (i) details of dilapidation surveys required by condition B6 of this consent;
 - (ii) temporary traffic controls, including detours and signage;
 - (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 projects in the area and traffic associated with the Yanco Sportsground;
 - (vi) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
 - (vii) minimising dirt tracked onto the public road network from development-related traffic;
 - (viii) details of employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service as described in the EIS;
 - (ix) encouraging car-pooling or ride sharing by employees;
 - (x) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
 - (xi) scheduling vehicles so no two heavy vehicles or high risk heavy vehicles requiring escort pass one another on Hulme (Hume) Road;
 - (xii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - (xiii) responding to any emergency repair or maintenance requirements; and
 - (xiv) a traffic management system for managing high-risk heavy vehicles requiring escort;
 - (f) include 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, including not storing vehicles within the rail corridor; and
 - (g) include 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; and
 - (h) include a flood response plan detailing procedures and options for emergency access to and from site in the event of flooding.

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

LANDSCAPING

Vegetation Buffer

- B9. The Applicant must establish and maintain a vegetation buffer (landscape screening) as described in the EIS and shown in Appendix 1. The landscape screening must:
- be planted prior to commencing operation;
 - be comprised of species that are endemic to the area;
 - be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
 - be properly and actively maintained with appropriate weed management and replacement of failed plantings, unless the Planning Secretary agrees otherwise.

BIODIVERSITY

Vegetation Clearance

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

Biodiversity Offsets

- B11. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class 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:
- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
 - making payments into an offset fund that has been developed by the NSW Government; and/or
 - funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offsets scheme.

Table 1 | Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
<i>White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions</i>	74	8
<i>Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions.</i>	26	1

Table 2 | Species Credit Requirements

Species Credit Species	Credits Required
Koala (<i>Phascolarctos cinerea</i>)	8
Southern Myotis (<i>Myotis macropus</i>)	8

- B12. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

Biodiversity Management Plan

- B13. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must prepare a Biodiversity Management Plan for the project in consultation with CPHR, and to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in accordance with the revised *Biodiversity Development Assessment Report* (dated 9 April 2025) **and the revised *Biodiversity Memo* (dated 5 May 2026)**;
 - (b) 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) managing and enhancing the remnant vegetation and fauna habitat within the development footprint;
 - (iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - (iv) minimising the impacts to fauna on site and implementing fauna management protocols, including the design of temporary fencing;
 - (v) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions within 3 months following the completion of construction or upgrade;
 - (vi) establishing landscaped areas with native species that are appropriate to the site's ecology and conditions;
 - (vii) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and
 - (viii) controlling weeds, feral pests and pathogens.
 - (c) include a program to monitor and report on the effectiveness of mitigation measures and report to CPHR following each annual reporting window;
 - (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
 - (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

The Applicant must implement the most recent version of the Biodiversity Management Plan approved by the Planning Secretary.

AMENITY

Construction Hours

- B14. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, commissioning or decommissioning activities on site 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/or NSW public holidays.

Exceptions to Construction Hours

- B15. The following activities may be carried outside the hours specified in condition B14 above:
- (a) commissioning activities that are inaudible at non-associated residences;
 - (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
 - (c) emergency work to avoid the loss of life, property or prevent material harm to the environment.

Variation of Construction Hours

- B16. The hours of construction activities specified in condition B14 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:
- (a) considered on a case-by-case or activity-specific basis;
 - (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Councils (and other relevant agencies) has been or will be undertaken;
 - (d) accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and

- (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Noise

B17. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) or its latest version; and
- (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3 below, to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residences, 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}
Non-associated residential receivers	40	35	35	52
Non-associated industrial receivers	68	68	68	-

Dust

B18. The Applicant must minimise the dust generated by the development.

Visual

B19. 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

B20. The Applicant must:

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

HERITAGE

Protection of Heritage Items

B21. The Applicant must ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items located outside the approved development footprint and provide a demarcated 10 m no-go zone around the registered location of AHIMS #49-5-0211.

Chance Finds Protocol

B22. Prior to the commencement of construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with Aboriginal Stakeholders, and Heritage NSW. The Applicant must implement the Chance Finds Protocol.

SOIL AND WATER

Water Supply

- B23. 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

- B24. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

- B25. The Applicant must:
- minimise any soil erosion and control sediment generation;
 - ensure the battery storage and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) and *Managing Urban Stormwater: Soils and Construction – Volume 2A* (Landcom, 2008), or its latest version;
 - establish ground cover with appropriate perennial species on land within the disturbance footprint within 3 months of completion of construction or upgrade, and maintain ground cover with weed management;
 - ensure the battery storage and ancillary infrastructure does not cause any increased water being diverted off the site or alter hydrology off site;
 - 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;
 - ensure the battery storage and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
 - provide for interception and removal of contaminants from stormwater basin(s) in the event of fire damage to the battery cells.

CONTAMINATION

- B26. An Unexpected Finds Procedure for contamination must be prepared before the commencement of construction and implemented throughout construction. The procedure must:
- be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered; and
 - include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.

HAZARDS

Fire Safety Study

- B27. At least three months prior to commencing construction of the battery storage facility, and associated footings/foundations except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary.

Unless the Planning Secretary agrees otherwise, construction of the battery storage facility and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies) must not commence until the Fire Safety Study meets the requirements of FRNSW and approval has been given by the Planning Secretary. The study must:

- be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline and FRNSW *Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations*;
- describe the final design of the battery storage facility;
- include reasonable worst-case fire scenario to and from the battery storage and the associated fire management; and
- identify measures to eliminate the expansion of any fire incident including:
 - adequate fire safety systems and appropriate water supply;

- (ii) separation and / or compartmentalisation of battery units; and
- (iii) strategies and incident control measures specific to the battery storage design.

The Applicant must implement the measures described in the Fire Safety Study.

Note: 'to the requirements of FRNSW' above means confirmation in writing from FRNSW that the Study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline

Storage and Handling of Dangerous Goods

- B28. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B29. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*, if the chemicals are liquids.

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

Operating Conditions

- B30. The Applicant must:
- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
 - (b) ensure that the development:
 - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*; and
 - (ii) is suitably equipped to respond to any fires on site, including provision of a minimum 10,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
 - (c) ensure that the battery storage area and infrastructure:
 - (i) includes a minimum 10 metre defendable space around the perimeter that permits unobstructed vehicle access to assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - (ii) is managed as an asset protection zone (including the defendable space);
 - (d) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - (e) notify the relevant Local Emergency Management Committee following construction of the development, and prior to commencing operations.

Emergency Plan

- B31. Prior to commencing commissioning of the battery storage, the Applicant must develop a comprehensive Emergency Plan (including an emergency responders induction package) and detailed emergency procedures for the development, and provide a copy of the plan to local Fire Control Centre and FRNSW. The plan must:
- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B27 of Schedule 2;
 - (b) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
 - (c) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
 - (d) include bushfire emergency management planning, including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone;
 - (ii) a list of works that should not be carried out during a total fire ban;
 - (iii) details of how RFS would be notified, and procedures that would be implemented, in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period; and
 - (e) include an Emergency Services Information Package in accordance with *Emergency services information and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW and RFS.
- B32. The Applicant must:
- (a) implement the most recent version of the Emergency Plan and the Emergency Services Information Package for the duration of the development; and

- (b) following commencement of commissioning of the battery storage, keep a copy of the Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

WASTE

B33. The Applicant must:

- (a) prepare and implement a Waste Management Plan prior to commencing construction which must:
 - be prepared in consultation with Council;
 - (i) be consistent with the EIS;
 - (ii) identify opportunities to maximise recycling;
 - (iii) identify appropriately licensed waste and resource management facilities at which waste disposal and recycling will take place;
 - (iv) identify the location and method of storing of lithium-ion batteries if immediate recycling is not possible; and
 - (v) include a description of the measures that will be implemented to ensure that the objectives of condition B33(b)-(f) below are achieved;
- (b) minimise the waste generated by the development;
- (c) classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);
- (d) store and handle all waste on site in accordance with its classification;
- (e) not receive or dispose of any waste on site; and
- (f) 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

B34. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development. This strategy must:

- (a) be prepared in consultation with Council and informed by consultation with local accommodation and employment service providers;
- (b) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- (c) consider the cumulative impacts associated with other State significant development projects in the area;
- (d) investigate options for prioritising the employment of local workers and use of local businesses during the construction and operation of the development, where feasible; and
- (e) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction, upgrading and decommissioning.

The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencement of construction, and implement the plan throughout construction.

DECOMMISSIONING AND REHABILITATION

B35. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to comply with the objectives in Table 4.

Table 4| Rehabilitation Objectives

Feature	Objective
Site	<ul style="list-style-type: none"> • Safe, stable and non-polluting. • Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use.
Battery Storage and ancillary infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed unless the Planning Secretary agrees otherwise and with the exception of assets held by the Network Service Provider.
Community	<ul style="list-style-type: none"> • 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
 - (e) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the monitoring to be carried out in relation to the development, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

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

Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:
 - (i) submission of an incident report under condition C10 of Schedule 2;
 - (ii) submission of an audit report under condition C13 of Schedule 2; or
 - (iii) any modification to the conditions of this consent.

Staging, Combining and Updating Strategies, Plans or Programs

- C3. With the approval of the Planning Secretary, the Applicant may stage the development and 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.

Layout Plans

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

The Applicant must ensure that the development is constructed in accordance with the 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 and to Council.

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.

- C11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 5.

Non-Compliance Notification

- C12. 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.

INDEPENDENT ENVIRONMENTAL AUDIT

- C13. 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.

ACCESS TO INFORMATION

- C14. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;
 - (ii) the final layout plans for the development;
 - (iii) current statutory approvals for the development;
 - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan);
 - (v) the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;
 - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - (vii) how complaints about the development can be made;

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

APPENDIX 1 GENERAL DEVELOPMENT LAYOUT



Figure 1: General Development Layout

APPENDIX 2 SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
516	751745
521	
7350	1199551
10	844961
1	931848
1	1072592
Houghton Road road reserve	
Hulme (Hume) Road road reserve	
Irrigation Way road reserve	

APPENDIX 3 ROAD UPGRADES AND SITE ACCESS

<i>Location</i>	<i>Upgrade Requirements</i>
Intersection of Irrigation Way / Houghton Road	Basic Left Turn (BAL) and Basic Right Turn (BAR) treatments, as shown in Figure 2 below.
New site access at the intersection of Houghton Road / Hulme (Hume) Road	In accordance with Figure 1 below

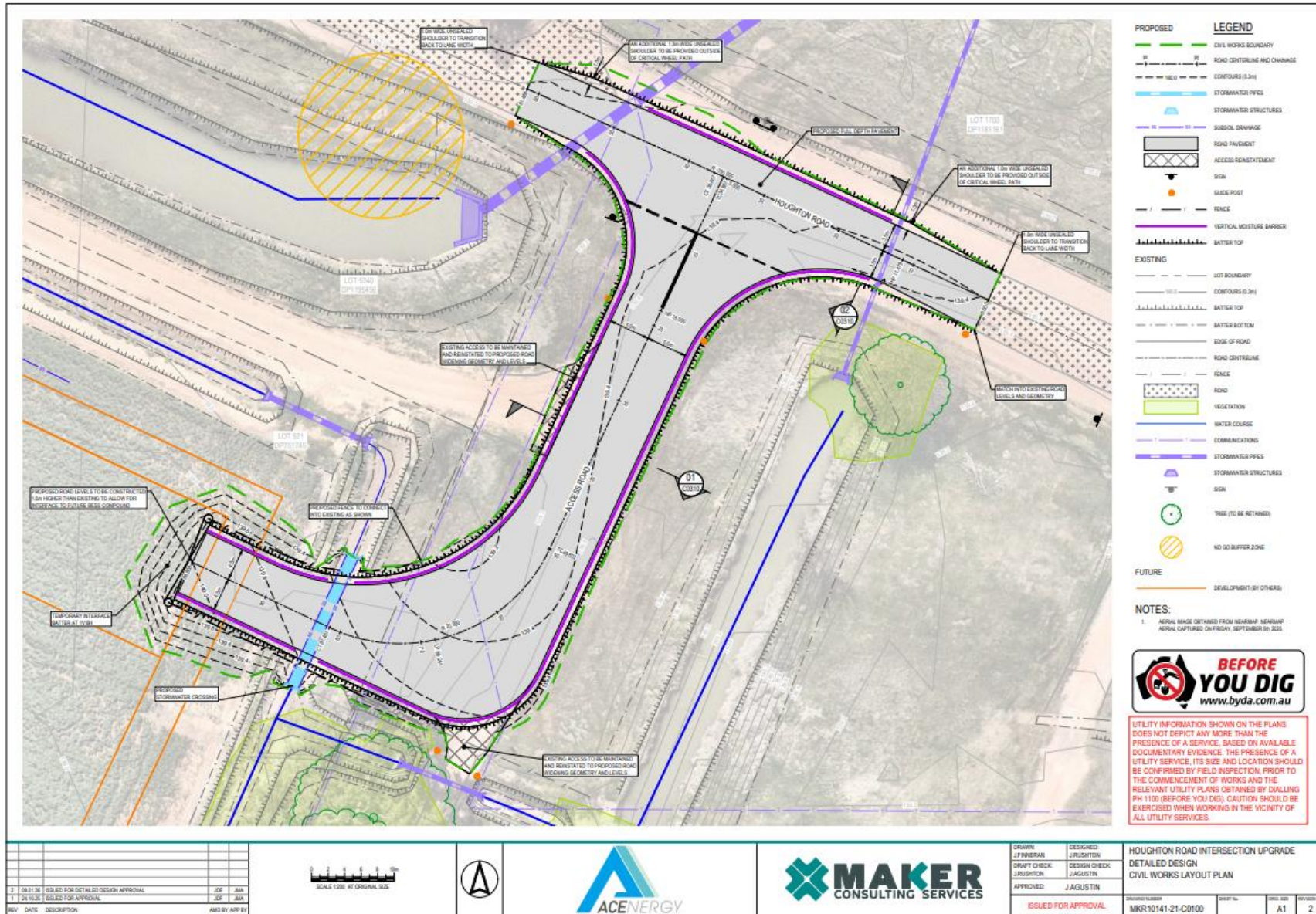


Figure 1 | Proposed site access

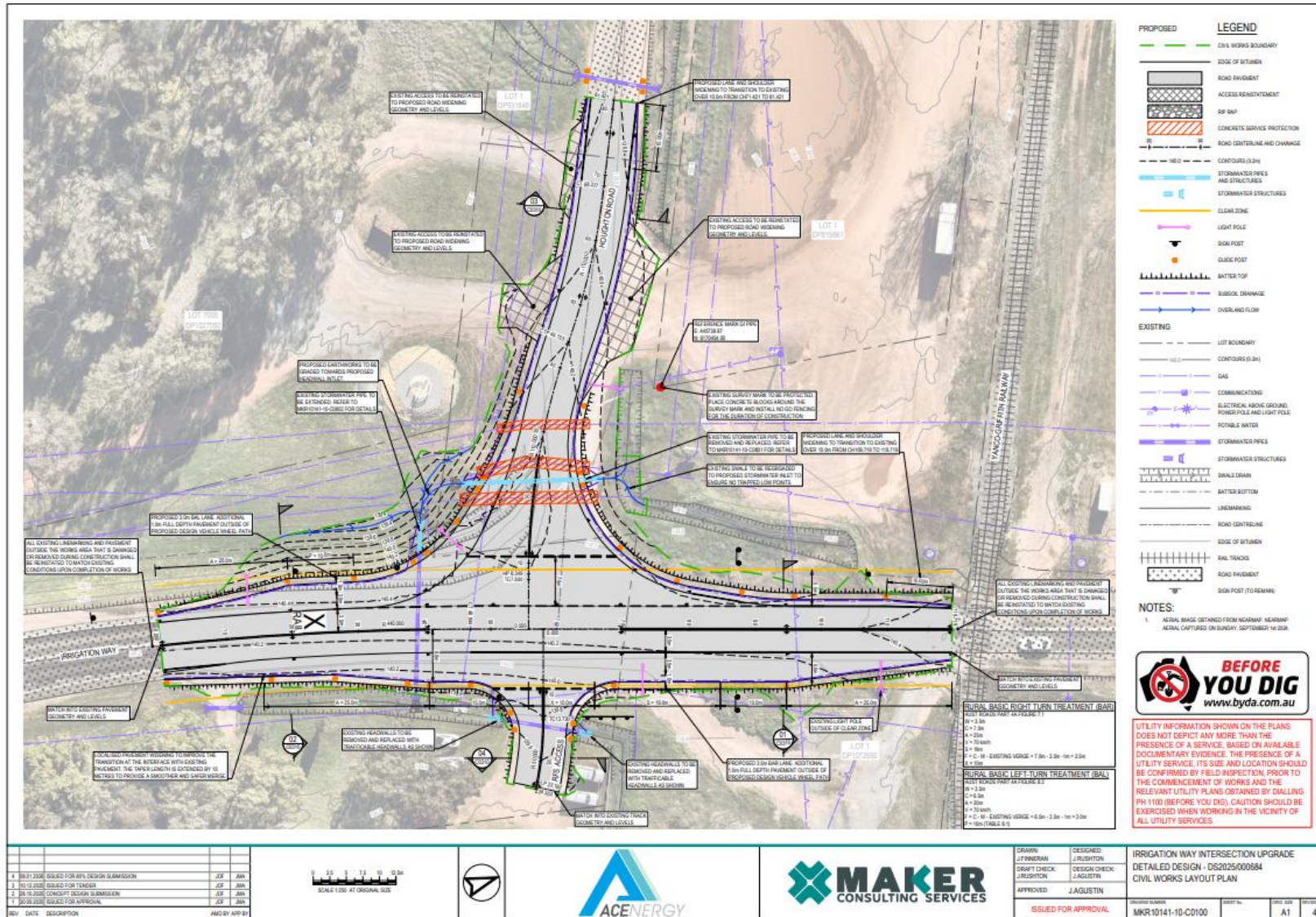
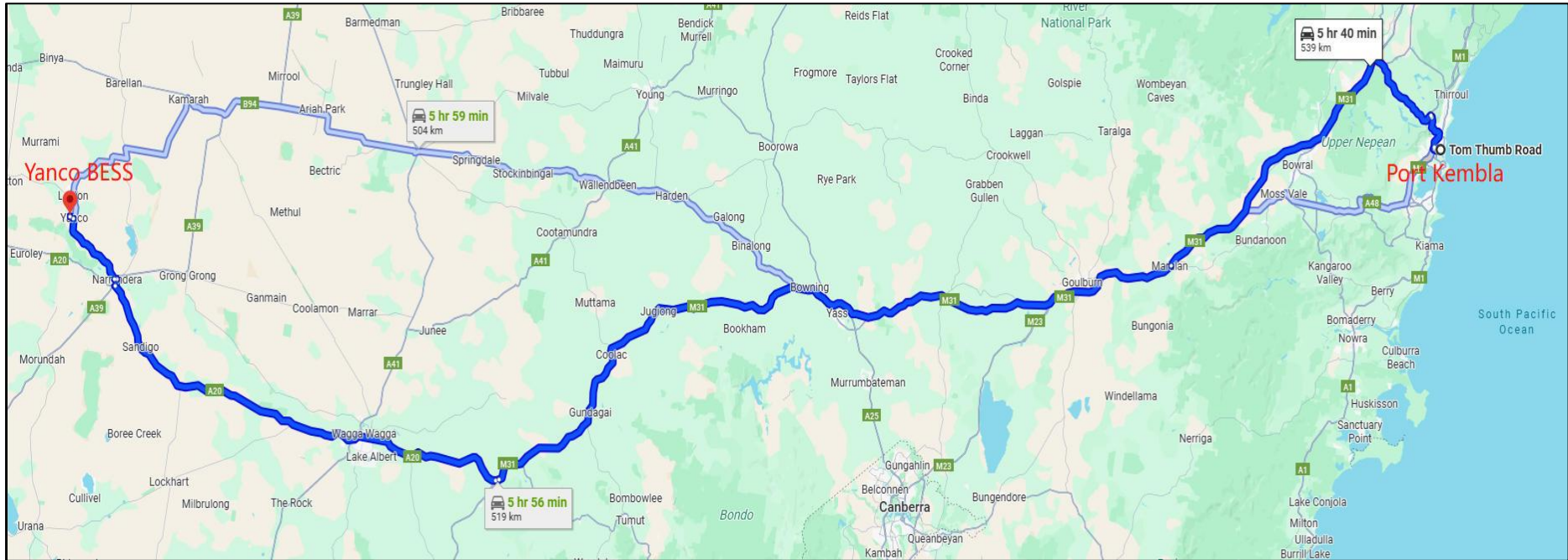


Figure 2 | Irrigation Way / Houghton Road intersection upgrades

**APPENDIX 4 HAULAGE ROUTE:
HIGH-RISK HEAVY VEHICLES REQUIRING ESCORT AND HEAVY VEHICLES REQUIRING ESCORT**



APPENDIX 5 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that:
 - a) identifies how the incident was detected;
 - b) identifies when the Applicant became aware of the incident;
 - c) identifies any actual or potential non-compliance with conditions of consent;
 - d) identifies further action(s) that will be taken in relation to the incident; and
 - e) a summary of the incident;
 - f) outcomes of an incident investigation, including identification of the cause of the incident;
 - g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.