

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission of NSW (the Commission), as the declared consent authority under clause 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

[Name of Commissioner]

[Name of Commissioner]

[Name of Commissioner]

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

SCHEDULE 1

Application Number: SSD- 56284960
Applicant: Verdant Earth Technologies Limited
Consent Authority: Minister for Planning and Public Spaces
Site: The land defined in Appendix 2
Development: Restart of Redbank Power Station

TABLE OF CONTENTS

SCHEDULE 1	1
DEFINITIONS	3
SUMMARY OF REQUIREMENTS	6
SCHEDULE 2	8
PART A ADMINISTRATIVE CONDITIONS	8
PART B ENVIRONMENTAL MANAGEMENT CONDITIONS	12
PART C REPORTING AND COMPLIANCE CONDITIONS	19
APPENDIX 1 DEVELOPMENT LAYOUT PLANS	21
APPENDIX 2 SCHEDULE OF LANDS	23
APPENDIX 3 PLANNING AGREEMENT TERMS	24
APPENDIX 4 SENSITIVE RECEIVERS	25

DEFINITIONS

Aboriginal object	Has the same meaning as the definition in the <i>National Parks and Wildlife Act 1974</i>
AEMO	Australian Electricity Market Operator
Applicant	Identified as such in Schedule 1, and any other person carrying out any part of the development approved under this consent
AUL	Auxiliary left turn
Conditions of this consent	Conditions contained in Schedule 2
Construction	Physical works required to enable the development to be carried out, including demolition and removal of buildings, the removal, storage or emplacement of soil and/or native vegetation and erection of buildings or other infrastructure permitted by this consent Does not include preliminary works
Council	Singleton Council
Dangerous goods	As defined by the Australian Dangerous Goods Code
Date of commencement	The date notified to the Department by the Applicant under condition A12
Day	Day means the period from 7am to 6pm Monday to Saturday and the period from 7am to 6pm Sunday and public holidays
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2(c)
Development layout	The indicative development layout depicted in plan in Appendix 1 of this consent
Disturbance	A physical displacement of existing features that impacts those features
EIS	The Environmental Impact Statement titled ' <i>Restart of Redbank Power Station and Use of Biomass (Excluding Native Forestry Residues from Logging) as a Fuel – SSD-56284960 - Verdant Earth Technologies Limited - Environmental Impact Statement</i> ' dated February 2024, as modified by the Submissions Report titled ' <i>Restart of Redbank Power Station and Use of Biomass (Excluding Native Forestry Residues from Logging) as a Fuel – SSD-56284960 - Verdant Earth Technologies Limited – Response to Submissions Report</i> ' dated July 2024, and additional information including ' <i>Response to Submissions Report #2</i> ' dated August 2024, ' <i>Response to Independent Merit Review</i> ' dated February 2025, ' <i>Intersection Upgrade and Offsite Infrastructure Response</i> ' dated May 2025, ' <i>Consultation with CASA</i> ' dated May 2025, ' <i>Terms of Planning Agreement Response</i> ' dated May 2025, and ' <i>Final Response to Independent Merit Review</i> ' dated May 2025
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental management document	Any strategy, study, system, plan, program, review, audit, notification, report required by the conditions of this consent

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment protection licence under the POEO Act
Evening	Evening means the period from 6pm to 10pm
Feasible	What is possible and practical in the circumstances
FRNSW	Fire and Rescue NSW
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and which may or may not be or cause a non-compliance
Material harm	<p>Is harm that:</p> <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 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) <p>Notes:</p> <p><i>This definition excludes “harm” that is either authorised under this consent or any other statutory approval</i></p> <p><i>For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements</i></p>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 7am Sunday and public holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
EPA	NSW Environment Protection Authority
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Preliminary works	Development activities required for site establishment and temporary services that do not directly impact native vegetation, including environmental mitigation measures, laydown areas, emergency muster points, mobilisation of plant and personnel, removal of hazardous materials and dilapidation surveys of adjacent plant and structures to be retained

Privately-owned land	Land that is not owned by a public agency or company
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	Means the treatment or management of disturbed land or water for the purpose of establishing a safe and stable environment
Residence	Existing or approved dwelling at the date of the grant of this consent
Resource Recovery Exemption	Resource Recovery Exemption made under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i>
Resource Recovery Order	Resource Recovery Order made under the POEO Act
SMART	Specific, measurable, achievable, relevant and time-bound
TARP	Trigger Action Response Plan
Temporary facilities	Temporary facilities including temporary offices and compounds, material storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for NSW
WAD	Works Authorisation Deed
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

SUMMARY OF REQUIREMENTS

Reports and notifications that are required to be provided to the Planning Secretary under the conditions of this consent are listed in the table below. The table is for information purposes only and does not form part of the conditions of this consent.

Condition Number	Report	Notification/Timing	Purpose
Part A – Administrative Conditions			
A8	Notification of any and all limit exceedances of diesel use for the purpose of generating electrical power per calendar year, or events requiring AEMO direction	At limit exceedance for condition A5, and/or upon occurrence for condition A7	Information
A12	Notification of commencement of development; construction; demolition; cessation of operations; and stage 3	Prior to commencing relevant stage	Information
A14	Surrender of development consents	Within 12 months of commencing development under this consent	Approval
A18	Evidence of consultation completed for any environmental management document	Prior to submitting any environmental management document	Information
Part B – Environmental Management Conditions			
B1	Environmental Management Strategy	Prior to the commencement of construction	Approval
B9	Quality Control and Quality Assurance Plan	Prior to the commencement of construction	Information
B13	Post-Commissioning Monitoring and Verification Report	Within three months of commencing operations	Information
B19	Noise Compliance Assessment Report	Within 30 days (or unless otherwise agreed by the Planning Secretary) of the completion of monitoring	Information
B21	Out-of-Hours Work Protocol	Prior to the commencement of any out-of-hours construction work	Approval
B22	Fire Safety Study, Hazard and Operability Study, and an Implementation Report	At least one month prior to the commencement of construction (or unless otherwise agreed by the Planning Secretary)	Approval
B23	Emergency Plan and Safety Management System	Prior to the commencement of construction (or unless otherwise agreed by the Planning Secretary)	Approval
Part C – Reporting and Compliance Conditions			

Condition Number	Report	Notification/Timing	Purpose
C1	Independent Environmental Audit	Within two months of undertaking an independent audit site inspection	Information
C2	Compliance report	By the end of March each year	Information
C4	Notification of non-compliance	Within 7 days of becoming aware	Information
C5	Notification of an incident	Within 24 hours of becoming aware	Information

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to minimise harm to the environment

- A1. In addition to meeting the specific performance measures and criteria established under 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 preliminary works, construction or any other part of the development including, any rehabilitation required under this consent.

Terms of consent

- A2. The Applicant may only carry out the development:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 1.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report, or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- 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/s listed in condition A2(c). In the event of any inconsistency, ambiguity, or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

Limits on operations

- A5. Fuel burning equipment must not be fired on diesel for the purpose of generating electrical power at the premises for more than 40 cumulative hours per calendar year.
- A6. Diesel fuel used in the power station must comply with the *Australian Government's Fuel Quality Standards (Automotive Diesel) Determination 2019* made under the *Fuel Quality Standards Act 2000*.
- A7. The maximum hours specified in A5 may be exceeded in the event that operation, or continued operation, is required if:
- (a) the AEMO, or a person authorised by AEMO, directs the Applicant, under the National Electricity Law and the National Electricity Rules, to take relevant actions to maintain or restore the security or reliability of the electricity network;
 - (b) the relevant AEMO direction referred to above remains in force; and
 - (c) the Applicant takes all practical measures to prevent or minimise air pollution.

- A8. The Planning Secretary and the EPA must be notified of any and all limit exceedances of condition A5 or activation of condition A7.

Development hours

- A9. The development may only be undertaken during the hours set out in Table 1.

Table 1 – Development hours

Activity	Permissible hours
Operations	<ul style="list-style-type: none">• 24 hours per day, seven days a week
Construction	<ul style="list-style-type: none">• 7 am to 6pm Monday to Friday• 8 am to 6pm Saturday• At no time on Sundays or public holidays
Maintenance, security, office work, cleaning, etc	May be conducted at any time, provided that these activities are not audible at any residence on privately-owned land
Delivery or dispatch of materials as requested by Police or other public authorities Emergency work to avoid the loss of lives, property or to prevent environmental harm	At any time, subject to notification to the Department within 24 hours after commencement of activity
Delivery of oversized plant or structures	At any time, only after notifying the Department

Planning agreement

- A10. Prior to the commencement of construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Planning Agreement with Council:
- (a) in accordance with Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the Applicant's offer to Council in Appendix 3.
- A11. If there is any dispute between the Applicant and Council in regard to condition A10, then either party may refer the matter to the Planning Secretary for resolution.

Notification of commencement

- A12. The Department must be notified, in writing, of the date of commencement of each of the following phases of the development:
- (a) commencement of development under the consent;
 - (b) commencement of construction under the consent;
 - (c) commencement of demolition under the consent; and
 - (d) cessation of operations.
- The notification must be provided at least two weeks before the commencement of each stage and no more than three months before the commencement of each stage.
- A13. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Surrender of existing consents and approvals

- A14. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, Council development consent DA183/93 must be surrendered in accordance with the EP&A Regulation:

Note: Condition A14 does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

- A15. Upon the commencement of development under this consent, and before the surrender of existing development consent or project approvals required under condition A14, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Application of existing environmental management documents

- A16. Prior to the approval of environmental management documents under this consent, any equivalent or similar environmental management documents required under the development consents listed in condition A14 continue to apply to the satisfaction of the Planning Secretary.

Payment of reasonable costs

- A17. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any environmental management document required under this consent.

Evidence of consultation

- A18. Prior to submitting any environmental management document required by this consent to the Planning Secretary, any consultation with an identified party must be completed. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the Major Projects Website, including:

- (a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;
- (b) the outcome of that consultation, including how the issues have been addressed in the subject document; and
- (c) details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the matters not resolved.

Applicability of guidelines

- A19. 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.
- A20. 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.

Staging, combining and updating environmental management documents

- A21. With the approval of the Planning Secretary, any environmental management document required by this consent may be staged, combined or updated.
- A22. Staging requests made to the Planning Secretary must include a clear description of the trigger for staging, the specific stage and scope of the development to be staged and any future stages planned.
- A23. If the Planning Secretary agrees, an environmental management document may be staged or updated without:
- (a) consultation being undertaken with all parties required to be consulted in the relevant condition in this consent; and/or
 - (b) addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.
- A24. Any request to combine environmental management documents must demonstrate a clear relationship between the nominated documents.

Protection of public infrastructure

- A25. 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 carrying out the development (excluding damage to roads caused as a result of general road usage); and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure present at the time of the determination of this application that needs to be relocated as a result of the development.

Operation of plant and equipment

- A26. All plant and equipment used by the development, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PART B ENVIRONMENTAL MANAGEMENT CONDITIONS

Environmental management strategy

B1. An **environmental management strategy** must be prepared for the development. The strategy must:

- (a) be submitted for approval to the Planning Secretary prior to the commencement of construction;
 - (b) describe the environmental management context and outline the scope of the strategy, including:
 - (i) the relationship of the strategy to other environmental management documents;
 - (ii) relevant statutory criteria, performance measures or operational requirements including conditions of consent and other legislative or regulatory licences, guidelines, policies or standards;
 - (iii) sensitive receivers;
 - (iv) consideration of the consultation outcomes from the documents listed in condition A2(c) or other environmental management documents required by this consent; and
 - (v) detailed plans of the site location and development, sensitive receivers and environmental monitoring locations;
 - (c) list the role and responsibility of all key personnel and contractors involved in the environmental management of the development;
 - (d) describe the greenhouse gas emission offsetting approach as described in the documents listed in condition A2(c);
 - (e) include an environmental risk assessment of the development activities and specific risk management controls and mitigations to:
 - (i) comply with statutory requirements, limits or performance measures and criteria;
 - (ii) manage the predicted impacts identified in the documents listed in condition A2(c); and
 - (iii) manage any other environmental risk or impact that has been subsequently identified after the documents in condition A2(c) were submitted;
- Note: Environmental risk assessment cannot be used to identify and assess physical changes to the development or an increase in impacts that are not described and assessed in the approved EIS. These may require a new planning approval and may need to be referred to the Department.*
- (f) include an implementation action plan that:
 - (i) considers the environmental management context;
 - (ii) ensures compliance with the conditions of this consent and the commitments made in the documents listed in condition A2(c);
 - (iii) manages the risks identified by the environmental risk assessment;
 - (iv) uses SMART objectives and identifies the specific mitigation measures that will be implemented to achieve them; and
 - (v) identifies the accountable role(s) and responsibilities for implementation;

- (g) include processes to review the environmental risk assessment annually and determine whether the measures implemented to manage the risks are effective;
 - (h) include an adaptive management process to be implemented if the review of the risk assessment indicates that any measure that has been implemented is not effective in managing the identified risk(s) and a process to update the measure;
 - (i) include a clear plan depicting all the monitoring to be carried out under the conditions of this consent;
 - (j) monitor and evaluate environmental performance that:
 - (i) identify what needs to be monitored and the methods for monitoring;
 - (ii) apply performance indicators to SMART objectives;
 - (iii) assess the effectiveness of the mitigation measures; and
 - (iv) determine compliance with the conditions of this consent and the commitments identified in the documents listed in condition A2(c);
 - (k) include processes to report and review environmental performance that:
 - (i) provides for an annual review of the environmental risk assessment with consideration of the evaluation findings;
 - (ii) respond to any non-compliance and/or incident;
 - (iii) address the findings of any audit undertaken for the development;
 - (iv) provide for adaptive management mechanisms that enable continuous improvement; and
 - (v) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (l) include procedures to:
 - (i) receive record, handle and respond to complaints;
 - (ii) resolve any disputes that may arise during the course of the development; and
 - (iii) respond to emergencies.
- B2. Construction must not commence until the environmental management strategy is approved by the Planning Secretary.
- B3. The environmental management strategy, as approved by the Planning Secretary, must be implemented for the development.

Biomass fuel management

- B4. Only Eligible Waste Fuels as defined in the *NSW EPA Eligible Waste Fuel Guidelines* (EPA, 2022) or latest version, or Standard Fuels as described in the *Protection of the Environment Operations (Clean Air) Regulation 2022* are permitted to be used in the development.
- B5. All Eligible Waste Fuels used in the development must have a Resource Recovery Exemption in place prior to use.
- B6. All Eligible Waste Fuels must have a Specific Resource Recovery Order in place prior to receipt of the fuels on the site.
- B7. At least 25% of the energy generated from the thermal treatment of biomass fuel must be captured as electricity (or an equivalent level of recovery for facilities generating heat alone).
- B8. Any heat generated by the thermal processing of biomass fuel must be recovered as far as practicable.
- B9. A Quality Control and Quality Assurance Plan must be prepared for the development. The plan must:
 - (a) be prepared prior to the commencement of operations;
 - (b) demonstrate how feedstock will be managed consistent with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014*, *NSW EPA Eligible Waste Fuel Guidelines* (EPA, 2022) or latest version and other relevant guidelines and regulatory requirements;
 - (c) have regard to other relevant Australian and international standards, including *EN 14778-1:2011 – Sampling of Solid Biofuels*
 - (d) describe quality control procedures for each type of feedstock;
 - (e) describe quality controls that would be implemented during processing, transport, delivery and storage prior to combustion;
 - (f) include testing methods to inform ash management including to understand ash fusion behaviour and slagging potential; and
 - (g) identify contingency measures if feedstock does not meet regulatory requirements.
- B10. The Quality Control and Quality Assurance Plan must be implemented for the development.

Air quality and greenhouse gas

General operating conditions

- B11. All reasonable and feasible avoidance and mitigation measures must be implemented to prevent the generation of dust from the development.
- B12. All reasonable and feasible avoidance and mitigation measures must be implemented to minimise greenhouse gas emissions from the development.

Emissions limits and monitoring

- B13. Within three months of commencing operations, an air emission monitoring and a post commissioning monitoring and verification report must be prepared in consultation with the EPA and provided to the Planning Secretary.

Noise

Noise limits

B14. Noise generated by the development must not exceed the noise limits at the times and locations in Table 2 below.

Table 2 - Noise limits

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
R1, R2	40	36	36	52
Any other residential receiver	40	35	35	52

Note: The locations of the residences referred to in Table 2 are shown in the figure in Appendix 4.

B15. The noise limit set out in condition B14 apply under the meteorological conditions defined in Table 3.

Table 3 – Meteorological conditions

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

B16. For those meteorological conditions not referred to in condition B15, the noise limits that apply are the noise limits in condition B14 plus 5dB.

B17. For the purposes of condition B15, the meteorological conditions are to be determined from meteorological data obtained from a meteorological weather station at a location approved by the Planning Secretary and the stability category must be determined using the method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017), or latest version.

Noise monitoring

B18. Within three months of commencing construction, quarterly attended noise monitoring for the day, evening and night period, must be undertaken at the nearest and most affected residential receiver location, or representative locations if landowner access is not provided. The attended noise monitoring can be discontinued or frequency modified with the approval of the Planning Secretary following consultation with the EPA.

- B19. A noise compliance assessment report must be submitted to the EPA and the Planning Secretary within 30 days (or an alternative timeframe agreed by the Planning Secretary) of the completion of monitoring required under condition B18. The assessment must be prepared by a qualified person and include:
- (a) an assessment of compliance with noise limits presented in conditions B14 and B16; and
 - (b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in conditions B14 and B16.
- B20. Construction work may only occur outside of the hours listed in Table 1 if:
- (a) noise levels are no more than 5 dB $L_{Aeq(15min)}$ above the rating background level at any residence and no more than the noise management levels in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) for sensitive receivers other than residences; or
 - (b) works are implemented in accordance with an out-of-hours work protocol detailed in condition B21 and as approved by the Planning Secretary.
- B21. An out-of-hours work protocol must be submitted to the satisfaction of the Planning Secretary prior to the commencement of any out-of-hours construction work (other than the exceptions listed in conditions B20(a)). The protocol must:
- (a) include noise modelling of proposed activities including consideration of noise enhancing meteorological conditions, annoying noise characteristics and implementation of reasonable and feasible noise mitigation measures;
 - (b) identify a process for the consideration and management of construction which is outside the hours defined in Table 1;
 - (c) be consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest or final version);
 - (d) justify why the construction needs to be undertaken as out-of-hours construction, including consideration of consultation undertaken as part of the documents listed in condition A2(c);
 - (e) identify low, medium and high-risk out-of-hours work, proposed mitigation and management measures; and
 - (f) include written notification arrangements for affected residences for approved out of-hours work.

Hazard and risk

Pre-construction

- B22. At least one month prior to the commencement of construction of the development or unless otherwise agreed by the Planning Secretary, the Applicant must prepare and submit to the satisfaction of the Planning Secretary:
- (a) a Fire Safety Study for the development, in consultation with Fire and Rescue NSW. This study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2*, requirements of contaminated water retention and treatment system requirement from relevant standards and 'Fire Safety Study Guidelines' and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994) where applicable.

- (b) a Hazard and Operability Study for the development, chaired by a qualified person, independent of the development, approved by the Planning Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.
- (c) A Report on the implementation outcomes on the recommendations raised in the Preliminary Hazard Analysis in the EIS.

Pre-commissioning

- B23. Prior to the commencement of operations, unless otherwise agreed to by the Planning Secretary, the Applicant must prepare and submit to the satisfaction of the Planning Secretary:
- (a) a comprehensive Emergency Plan and detailed emergency procedures for the development. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
 - (b) a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Hazardous materials storage

- B24. All chemicals, fuels and oils used on-site must be stored in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.

In the event of an inconsistency between the requirements of conditions B24 (a) and (b), the most stringent requirement must prevail to the extent of the inconsistency.

Aboriginal heritage

Protection of heritage items

- B25. The development must not directly or indirectly cause impacts on heritage items located outside the approved development footprint.
- B26. If Aboriginal archaeological heritage items are unexpectedly discovered during construction of the development, all works must cease, and a suitably qualified and experienced archaeologist be brought in to assess the find. Depending on the nature of the discovery, additional assessment, recording and management measures may be required prior to the recommencement of works in the affected area. Heritage NSW and/or members of the relevant Local Aboriginal Land Council must be notified of this discovery in writing.

Traffic and transport

B27. Prior to the commencement of operations, the intersection of Golden Highway and Long Point Road must be upgraded to include an Auxiliary Left Turn (AUL) treatment, in accordance with the relevant Austroads guidelines.

Note: As road works are required on Golden Highway, TfNSW will require the developer to enter into a Works Authorisation Deed (WAD).

B28. Roads and utility-related infrastructure on site must be maintained in a safe and serviceable condition.

B29. Heavy vehicles entering and leaving the site must have loads covered or contained.

B30. Reasonable and feasible measures must be implemented to:

- (a) minimise dust and/or sediment being tracked onto the public road network; and
- (b) keep the public informed of any road or infrastructure upgrades, disruptions to traffic, the closure of roads or other infrastructure, oversize overmass vehicle use, peak construction periods, and any emergencies.

Soil and water

B31. All surface discharges from the site must comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

Visual and lighting

B32. All reasonable and feasible measures must be implemented to minimise the off-site visual and lighting impacts of the development, including the potential for any glare or reflection.

B33. No commercial advertising signs or logos on site must be displayed, except where this is required for identification or safety purposes.

B34. Any external lighting associated with the development must:

- (a) be installed as low intensity lighting (except where required for safety or emergency purposes);
- (b) not shine above the horizontal; and
- (c) comply with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.

Decommissioning and rehabilitation

B35. The site must be rehabilitated to the satisfaction of the Planning Secretary. The rehabilitation must comply with the objectives in Table 4.

Table 4 – Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none">• Safe, stable and non-polluting• All infrastructure to be decommissioned and removed, unless the Planning Secretary agrees otherwise
Community	<ul style="list-style-type: none">• Ensure public safety at all times

PART C REPORTING AND COMPLIANCE CONDITIONS

Auditing

- C1. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020), or its latest version published on the Department's website.

Compliance reporting

- C2. By the end of March each year, after the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a Compliance Report must be submitted to the Planning Secretary reviewing the environmental performance of the development.
- C3. Compliance Reports must be prepared in accordance with the *Compliance Reporting Post Approval Requirements* (Department of Planning, Industry and Environment, 2020) or its latest version published on the Department's website and must also:
- (a) identify any trends in the monitoring data over the life of the development;
 - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Compliance

Non-compliance notification

- C4. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must:
- (a) be in writing;
 - (b) submitted via the NSW planning portal (Major Projects);
 - (c) identify the development (including the development application number and name);
 - (d) set out the condition of this consent that the development is non-compliant with;
 - (e) why it does not comply;
 - (f) the reasons for the non-compliance (if known); and
 - (g) 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.

Incident notification

- C5. 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.

- C6. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 6 (Incident Notification and Reporting Requirements).

Revision of environmental management documents

- C7. Within three months of the following events:

- (a) the submission of an incident report under conditions C5 or C6;
- (b) the submission of a compliance report under condition C3;
- (c) the submission of an Independent Environmental Audit under condition C1;
- (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or
- (e) notification of a change in the development phase under condition A10;

The suitability of the existing environmental management documents required under this consent must be reviewed. If the review concludes an update to an environmental management document is required, or to comply with a directive, the relevant environmental management document must be revised and submitted to the Planning Secretary for approval within three months of the review.

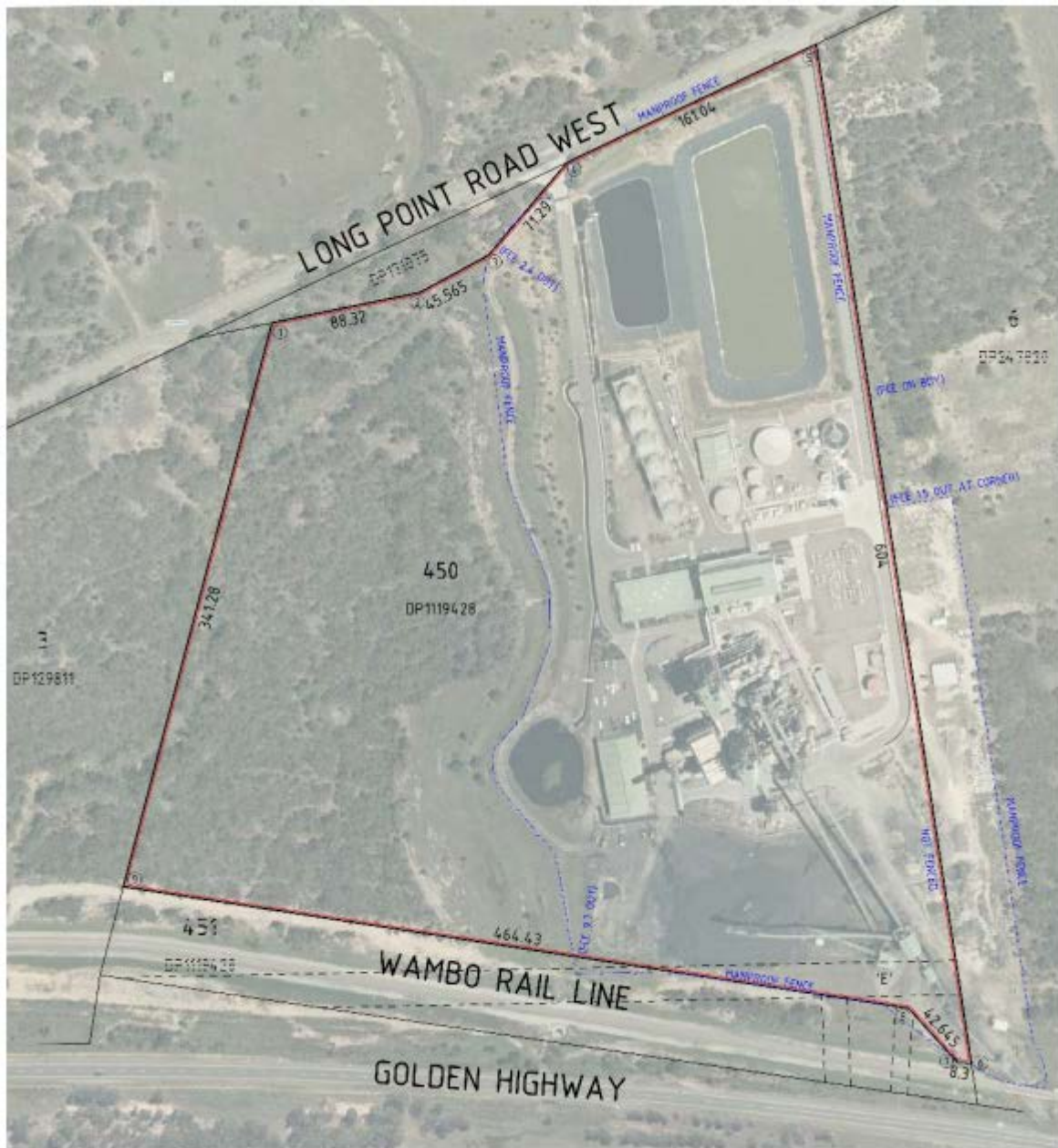
Access to information

- C8. Within 12 months of the commencement of development under this consent until the completion of all rehabilitation required under this consent, the following information and documents must be publicly available on the development website as they are obtained, approved or as otherwise stipulated within the conditions of this consent:

- (a) the documents listed in condition A2(c) of this consent;
- (b) all current statutory approvals for the development;
- (c) all approved environmental management documents required under the conditions of this consent;
- (d) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
- (e) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any environmental management documents approved under the conditions of this consent;
- (f) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved environmental management documents;
- (g) a summary of the current phase and progress of the development;
- (h) contact details to enquire about the development or to make a complaint;
- (i) complaints register, updated monthly;
- (j) the Compliance Reporting of the development in accordance with the Compliance Reporting Post Approval Requirements (May 2020);
- (k) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
- (l) any other matter required by the Planning Secretary; and
- (m) kept such information up to date.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Figure 1 – Site boundary



[illegible]

APPENDIX 2 SCHEDULE OF LANDS

Lot	Deposited Plan
Lot 450	DP 1119428

RECOMMENDED

APPENDIX 3 PLANNING AGREEMENT TERMS

Public Purpose of funds	Payment details
<p>Directed towards meeting actions identified in the Community Strategic Plan (CSP) under the 'Our Environment' pillar.</p>	<p>The Applicant will provide Council with \$1,060,000 (subject to adjustments in the Consumer Price Index), as follows:</p> <p>Payment 1: \$106,000 (subject to CPI), upon execution of the agreement.</p> <p>Payment 2: \$106,000 (subject to CPI), within 12 months from the commencement of operations.</p> <p>Payment 3: \$212,000 (subject to CPI), within 24 months from the commencement of operations.</p> <p>Payment 4: \$212,000 (subject to CPI), within 36 months from the commencement of operations.</p> <p>Payment 5: \$212,000 (subject to CPI), within 48 months from the commencement of operations.</p> <p>Payment 6: \$212,000 (subject to CPI), within 60 months from the commencement of operations.</p>

APPENDIX 4 SENSITIVE RECEIVERS

