

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 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.

<u>Neal Menzies</u>	<u>Bronwyn Evans</u>	<u>Suellen Fitzgerald</u>
Member of the Commission	Member of the Commission	Member of the Commission

Sydney

XX XX 2024

SCHEDULE 1

Application Number:	SSD 10807896
Applicant:	Neoen Australia Pty Limited
Consent Authority:	Independent Planning Commission of NSW
The Land:	The land defined in Appendix 2
Development:	Thunderbolt Wind Farm

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
AG DCCEEW	The Australian Government Department of Climate Change, Energy, the Environment and Water
Ancillary infrastructure	All project infrastructure with the exception of wind turbines, including but not limited to collector substations, switching stations, permanent offices, electricity transmission lines, site compounds, communication cables (including control cables and earthing), wind monitoring masts and internal roads.
Applicant	Neoen Australia Pty Limited, or any person who seeks to carry out the development approved under this consent
NCCBCA	National Construction Code <u>Building Code of Australia</u>
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity Conservation and Science Directorate within the Department
CASA	Civil Aviation Safety Authority
CCC	Community Consultative Committee
CEEC	Critically endangered ecological community, as defined under the BC Act or EPBC Act
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 schedules 1 to 2 inclusive
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking, geotechnical drilling and/or surveying and establishing a temporary site office (in locations meeting the criteria identified in the conditions of this consent))
Council	Tamworth Regional Council and Uralla Shire Council
CPI	Consumer Price Index
Curtilage	The land immediately surrounding any form of residential accommodation, including any courtyard, garden, yard and adjacent buildings or structures that are incidental to the accommodation
Decommissioning	The deconstruction and removal of wind turbines and above ground ancillary infrastructure
Department	Department of Planning, Housing and Infrastructure
Development	The development as described in the EIS, as modified by the conditions of this consent
Development corridor	The corridor shown in the figures in Appendix 1
DNG	Derived native grassland vegetation condition
DoD	Australian Government Department of Defence
DPI Fisheries	NSW Department of Primary Industries Fisheries
DPE Water	Water Group within the Department
EIS	The Environmental Impact Statement for Thunderbolt Wind Farm dated 3 March 2022, the Submissions Report dated 22 August 2023, the Amendment Report dated 17 August 2023, and the additional information provided by the Applicant to the Department dated 6 February 2024 and 19 February 2024.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence issued under the POEO Act
Feasible	Means what is possible and practical to build or implement
Final Layout Plans	The plans submitted in accordance with condition C8
FRNSW	Fire and Rescue NSW
GPS	Global Positioning System
Heavy vehicle	As defined under the <i>Heavy Vehicle National Law (NSW)</i> , including the heavy vehicles that are exempt from escort requirements but require a National Heavy Vehicle Regulator permit and excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide
Heritage Act	<i>Heritage Act 1977</i>
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: the National Parks and Wildlife Act 1974, the State Heritage Register under the Heritage Act 1977, a state agency heritage and conservation register under section 170 of the Heritage Act 1977, a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List

Commented [I1]: Note to Department: Updated term

Heritage NSW Incident	<p>or Commonwealth Heritage List under the EPBC Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent</p> <p>Heritage NSW division within the Environment and Heritage Group of the Department</p> <p>An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance</p> <p><i>Note: "material harm" is defined in this consent</i></p>
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedule 2 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Landowner	Has the same meaning as "owner" in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Material harm	<p>Is harm that:</p> <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
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
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Non-associated residence	<p>Means:</p> <ul style="list-style-type: none"> • a residence on privately-owned land in respect of which the owner has not reached an agreement with the Applicant in relation to the development (as provided by this consent); or • a residence on privately-owned land in respect of which the owner has reached an agreement with the Applicant in relation to the development (as provided by this consent), but the agreement does not cover the relevant impact or the performance measure for such impact under that agreement has been exceeded.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
OLS	Obstacle Limitation Surface
Operation	The operation of the development, but does not include commissioning, trials of equipment or 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>
Privately-owned land	Land that is not owned by a public agency or publicly-owned commercial entity (or its subsidiary)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels, etc.
RAAF	Royal Australian Air Force – Aeronautical Information Services
Radiocommunications	Radio emission, or the reception of radio emission, for the purposes of communicating information as defined under the <i>Radiocommunications Act 1992</i>
Reasonable	Reasonable related 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
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Shadow flicker	The flickering effect caused by the intermittent shading of the sun by the rotating blades of the wind turbines
Site	As indicated by the red line on the figure in Appendix 1 and as 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, rock crushing facilities, concrete or asphalt batching plants, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces.

TfNSW	Transport for New South Wales
Upgrades and Upgrading	The replacement of wind turbines and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
VPA	Voluntary Planning Agreement
Wind turbine	Turbines used for the generation of electricity by wind, including the tower, blades and associated components

RECOMMENDED

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, rehabilitation or decommissioning of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 1.
- A3. The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:
- (a) any strategies, plans or correspondence that are submitted in accordance with this consent;
 - (b) 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
 - (c) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

Wind Turbines

- A5. A maximum of 32 wind turbines may be constructed and operated on the site.

Wind Turbine Height

- A6. The maximum permitted height of any wind turbine (measured from the above ground level to the blade tip height) is 260 metres.

Micro-siting restrictions

- A7. Wind turbines and ancillary infrastructure may be micro-sited without further approval providing:
- (a) the surface disturbance remains within the development corridor (with the exception of wind monitoring masts) shown on the figure in Appendix 1;
 - ~~(b)~~ no wind turbine is moved more than 100 metres from the relevant GPS coordinates shown in Appendix 12;
 - ~~(b)(c)~~ the revised location of the blade tip of a wind turbine is at least 150 metres away from any public road; or where the proposed location of the blade tip of a wind turbine is already within 150 metres of a public road, the revised location is not any closer to the public road;
 - ~~(c)(d)~~ the revised location of the blade tip of a wind turbine is at least 50 metres away from the canopy of native vegetation; or where the proposed location of the blade tip of a wind turbine is already within 50 metres of the canopy of native vegetation, the revised location is not any closer to the native vegetation;
 - ~~(e)~~ the revised location of a wind turbine will not increase the turbine's biodiversity risk rating, as assigned in the finalised Biodiversity Development Assessment Report (BDAR) dated 1 November 2023;
 - ~~(d)(f)~~ the revised location of a wind turbine will not increase the turbine's Visual Impact Zone classification, as defined by the Wind Energy: Visual Assessment Bulletin (DPE, 2016);
 - ~~(e)(g)~~ the revised location of the wind turbine and/or ancillary infrastructure would not result in any non-compliance with the conditions of this consent; and
 - ~~(f)(h)~~ the wind monitoring masts are located within the development corridor where possible and their development would not result in any non-compliance with the conditions of this consent.

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UPGRADING OF WIND TURBINES AND ANCILLARY INFRASTRUCTURE

- A8. The Applicant may replace or upgrade the wind turbines and ancillary infrastructure on site provided these upgrades remain within the approved development disturbance area.

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

- A9. The Applicant must ensure that:
- the wind turbines are constructed in accordance with the relevant standards, including the structural design requirements of *IEC 61400-1 Wind Turbines – Part 1: Design Requirements* (or equivalent); and
 - 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 [NCCBCA](#).

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- EP&A Development Certification and Fire Safety Regulation 2021 sets out the requirements for the certification of the development.

DEMOLITION

- A10. The Applicant must ensure that all demolition work on site is carried out in accordance with *AS 2601-2001: The Demolition of Structures* (Standards Australia, 2011), or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - 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

- A12. All plant and equipment used on site, or in connection with the development, must be:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

SUBDIVISION

- A13. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 4 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW).

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.
- Division 6.4 of Part 6 of the EP&A Act sets out the application requirements for subdivision certificates.

APPLICABILITY OF GUIDELINES

- A14. 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.
- A15. 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

- A16. 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

- A17. 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 CONSULTATIVE COMMITTEE

- A18. The Applicant must operate a Community Consultative Committee (CCC) for the development in accordance with the Department's *Community Consultative Committee Guideline: State Significant Projects (2023)*, or its latest version.

COMMUNITY ENHANCEMENT

A19. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Uralla Shire Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act;
- (b) the terms of the Applicant's offer to Uralla Shire Council dated 6 March 2024 summarised in Appendix 3

A20. Within 6 months of the date of commencement of this development, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Community Benefit Fund or Voluntary Planning Agreement (VPA) with Tamworth Regional Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms of the Applicant's offer in Appendix 3.

A21. If the Applicant and Tamworth Regional Council do not enter into a VPA or other agreement within the timeframe specified under condition A20, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Tamworth Regional Council for a total of \$2,242,200. The amount is to be adjusted at the time of actual payment in accordance with the provisions of the Tamworth Regional Council Section 94 (Indirect) Development Contributions Plan 2013 and directed to infrastructure, services and community projects in towns, villages and rural areas within the Tamworth LGA.

Within 6 months of the date of commencement of this development, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Community Benefit Fund or Voluntary Planning Agreement (VPA) with Tamworth Regional Council and Uralla Shire Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) The terms of the Applicant's offer in Appendix 3:

If the Applicant and Tamworth Regional Council do not enter into a VPA or other agreement within the timeframe specified under condition A19, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Tamworth Regional Council for a total of \$2,242,200. The amount is to be adjusted at the time of actual payment in accordance with the provisions of the *Tamworth Regional Council Section 94 (Indirect) Development Contributions Plan 2013* and directed to infrastructure, services and community projects in towns, villages and rural areas within the Tamworth LGA.

If the Applicant and Uralla Shire Council do not enter into a VPA or other agreement within the timeframe specified under condition A19, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Uralla Shire Council for a total of \$1,494,800. The amount is to be adjusted at the time of actual payment in accordance with the provisions of the *Uralla Shire Council Section 7.12 Development Contribution Plan 2021 - Fixed Levy* and directed to infrastructure, services and community projects in towns, villages and rural areas within the Uralla LGA.

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PART B SPECIFIC ENVIRONMENTAL CONDITIONS

VISUAL

Visual Impact Mitigation

- B1. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 5.1 km of any wind turbine identified in the Final Layout Plan may ask the Applicant to implement visual impact mitigation measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

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

These mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at reducing the visibility of the wind turbines from the residence and its curtilage, and commensurate with the level of visual impact on the residence;
- (c) consider bushfire risk (including the provisions of *Planning for Bushfire Protection 2019*); and
- (d) be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

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

Notes:

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

Visual Appearance

- B2. The Applicant must:

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

Lighting

- B3. The Applicant must:

- (a) consult with CASA regarding night time obstacle lighting requirements and, if required, ensure obstacle lights are energised during hours of darkness in accordance with CASA's recommendations;
- (b) minimise the off-site lighting impacts of the development;
- (c) ensure that any aviation hazard lighting complies with CASA's recommendations;
- (d) minimise the visual impacts of any aviation lights by implementing measures including as appropriate in the circumstances:
 - (i) partial shielding of lights;
 - (ii) operating the lights only at night or during times of reduced visibility; and
 - (iii) turning the lights on and off simultaneously; and
- (e) ensure that all external lighting associated with the development (apart from any aviation hazard lighting):
 - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
 - (ii) does not shine above the horizontal;
 - (iii) uses best management practices for bat deterrence; and
 - (iv) complies with Australian/New Zealand Standard AS/NZS 4282:2019 – *Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

If there is a dispute about the need for aviation hazard lighting under condition B3(c), including which wind turbines are to be lit, then either party may refer the matter to the Planning Secretary for resolution.

Shadow Flicker

- B4. The Applicant must ensure that shadow flicker associated with wind turbines does not exceed 30 hours per annum at any non-associated residence.

NOISE AND VIBRATION

Construction Hours

- B5. Road upgrades, construction, demolition, upgrading or decommissioning activities (excluding blasting) may only be undertaken between:
- (a) 7 am to 6 pm Monday to Friday;
 - (b) 8 am to 1 pm Saturdays; and
 - (c) at no time on Sundays and NSW public holidays;
- unless the Planning Secretary agrees otherwise.

Exceptions to Construction Hours

- B6. The following activities may be carried outside the hours specified in condition B5 above:
- (a) activities that are inaudible at non-associated residences;
 - (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
 - (c) emergency work to avoid the loss of life, property or prevent material harm to the environment.

Variation of Construction Hours

- B7. The hours of construction activities specified in condition B5 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 its latest version.

Construction and Decommissioning

- B8. The Applicant must take all reasonable steps to minimise the construction or decommissioning noise of the development, including any associated traffic noise.
- B9. The Applicant must ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version).
- B10. The Applicant must comply with the following vibration limits:
- (a) vibration criteria established using *the Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
 - (b) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions"; and
 - (c) vibration limits set out in the German Standard DIN 4150-3: [Vibrations in buildings – Part 3: Effects on Structures](#) ~~Structural Vibration – effects of vibration on structures (for structural damage)~~.

Blasting

- B11. Blasting may only be carried out on site between 9 am and 5 pm Monday to Friday and between 9 am to 1 pm on Saturday. No blasting is allowed on Sundays or NSW public holidays.

- B12. The Applicant must ensure that any blasting carried out on site does not exceed the criteria in Table 1.

Table 1: Blasting Criteria

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

Operational Noise Criteria – Wind Turbines

- B13. The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level (LA_{90} (10-minute)) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated wind turbine generator power, at any non-associated residence.

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

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

Operational Noise Criteria – Ancillary Infrastructure

- B14. The noise generated by the operation of ancillary infrastructure must not exceed 35 dB(A) $L_{Aeq}(15 \text{ minute})$ at any non-associated residence.

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

Operational Noise Monitoring

- B15. Within 6 months of the commencement of operations (or the commencement of operation of a stage, if the development is to be staged), the Applicant must:

- undertake noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- submit a copy of the monitoring results to the Department and the EPA.

- B16. The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

AIR

- B17. The Applicant must take all reasonable steps to:

- minimise the off-site dust, fume and blast emissions of the development; and
- minimise the surface disturbance of the site.

SOIL AND WATER

Water Supply

- B18. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licenses before commencing any works which intercept or extract groundwater or surface water (unless an exemption applies).

Water Pollution

- B19. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.

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

Operating Conditions

- B20. The Applicant must:

- minimise erosion and control sediment generation;

- (b) ensure the wind turbine pads, ancillary infrastructure, access roads and any other land disturbances have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Best Practice Erosion and Sediment Control* (IECA, 2008) and *Managing Urban Stormwater – Soils and Construction Volume 2C Unsealed Roads* (DECC, 2008), or their latest versions;
- (c) ensure all waterway crossings are constructed in accordance with the *Water Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022), unless DPE Water agrees otherwise;
- (d) ensure the concrete batching plants and substation are suitably bunded; ~~and~~
- (e) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur; and
- (e)(f) undertake water quality monitoring of Carlisle's Gully Catchment and Roumalla Creek within and downstream from the Project for the life of the development.

Commented [I3]: Note to Department: the intention of this condition is to provide a monitoring framework to ensure the Project does not create a negative impact on downstream water quality and turbidity.

BIODIVERSITY

Vegetation Clearance

B21. The Applicant must not clear any native vegetation or fauna habitat located outside the development corridor.

Restrictions on Clearing and Habitat

B22. Unless the Planning Secretary agrees otherwise, the Applicant must:

- (a) ensure that the vegetation and habitat clearing limits specified in Tables 1 and 2 of Appendix 5 are not exceeded; and
- (b) minimise:
 - (i) the clearing of native vegetation and key habitat;
 - (ii) the impacts of the development on hollow-bearing trees; and
 - (iii) the impacts of the development on threatened bird and bat populations.

Biodiversity Offsets

B23. 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 2 of Appendix 5, unless the Planning Secretary is satisfied that impacts have been further minimised so as to require fewer offsets to be retired/agrees otherwise.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

B24. 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

B25. Prior to carrying out any development that could impact biodiversity values, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced biodiversity expert/s in consultation with BCS and AG DCCEEW;
- (b) be prepared in accordance with the *Biodiversity Development Assessment Report* (dated 1 November 2023);
- (c) include a description of the measures that would be implemented to:
 - (i) ensure the development does not adversely affect the native vegetation and habitat outside the disturbance footprint and ensure the restrictions on clearing in condition B22 are met;
 - (ii) minimise the clearing of native vegetation and habitat within the disturbance footprint;
 - (iii) minimise the impacts of the development on threatened flora and fauna species within the disturbance area and its surrounds, including the:
 - Austral Toadflax
 - Bell's Turtle
 - Koala

- Spotted-tailed Quoll
- White-throated Needletail
- (iv) rehabilitating and revegetating temporary disturbance areas;
- (v) protecting native vegetation and key fauna habitat outside the approved disturbance area;
- (vi) maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (such as fauna habitat enhancement) during the rehabilitation and revegetation of the site;
- (vii) collecting and propagating seed (where relevant);
- (viii) controlling weeds and feral pests with consideration to actions identified in relevant Threat Abatement Plans;
- (ix) controlling erosion; and
- (x) bushfire management;

(d) consider opportunities for local community conservation groups to participate in biodiversity conservation management actions;

~~(d)~~(e) include a detailed program to monitor and report on the effectiveness of these measures;

~~(e)~~(f) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

Bird and Bat Adaptive Management Plan

B26. Prior to the commissioning of any wind turbines, the Applicant must prepare a Bird and Bat Adaptive Management Plan for the development in consultation with BCS and AG DCCEEW and to the satisfaction of the Planning Secretary. This plan must be prepared in accordance with the Biodiversity Development Assessment Report (dated November 2023) and include:

- (a) at least 12 months' worth of baseline data on threatened and 'at risk' bird and bat species and populations in the locality that could be affected by the development;
- (b) a detailed description of measures that would be implemented on site for minimising bird and bat strike during operation of the development, including:
 - (i) a wind turbine curtailment strategy (if required);
 - (ii) minimising the availability of raptor perches on wind turbines;
 - (iii) prompt carcass removal;
 - (iv) controlling pests; and
 - (v) using best practice methods for bat deterrence, including managing potential lighting impacts;
- (c) specific thresholds for unacceptable adverse impacts to 'at risk' bird and bat species for turbines T23, T24 and T25;
- (d) an adaptive management program that would be implemented if the development is having an adverse impact on a particular threatened or 'at risk' bird and/or bat species or populations, including:
 - (i) trigger action response plan to minimise potential impacts of the project;
 - (ii) the implementation of measures to:
 - reduce the mortality of those species or populations; or
 - enhance and propagate those species or populations in the locality, where feasible; and
- (e) a detailed program to monitor and report on:
 - (i) the effectiveness of these measures; and
 - (ii) any bird and bat strikes on site; and
- (f) provision for a copy of all raw data collected as part of the monitoring program to be submitted to BCS and the Planning Secretary.

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

Research program

B27. The Applicant must prepare and implement a Research Program and allocate \$100,000 to this program, prepared in consultation with BCS, and be submitted to the Planning Secretary for approval prior to commencement of operation, which must provide further scientific understanding of the indirect impacts of wind energy projects to avifauna species.

Commented [SF4]: results to be published

HERITAGE

Protection of Heritage Items

B28. The Applicant must:

- (a) ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items identified in Table 1 of Appendix 6, and any items located outside the disturbance area;
- (b) implement all reasonable and feasible measures to avoid and minimise harm to Aboriginal heritage items identified in Table 2 of Appendix 6; and
- (c) salvage and relocate items that would be impacted to a suitable alternative location, in accordance with the Heritage Management Plan described in condition B30.

Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 6.

Heritage Management Plan

B29. Prior to carrying out any works associated with the development that could directly or indirectly impact the heritage items identified in condition B28, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Aboriginal stakeholders and reviewed by Heritage NSW;
- (c) provide an updated list of Aboriginal heritage items identified in condition B29 that would be protected and remain in-situ throughout construction and items that would be salvaged and relocated to suitable alternative locations;
- (d) include a justification where impacts to Aboriginal heritage items identified in condition B28(b) cannot be avoided;
- (e) include a description of the measures that would be implemented for:
 - (i) protecting heritage items in accordance with condition B29;
 - (ii) minimising and managing the impacts of the development on Aboriginal heritage items identified in condition B28(b) which cannot be avoided, including:
 - salvaging and relocating items to suitable alternative locations; and
 - a strategy for the long-term management of any Aboriginal and historic heritage items or material collected during the test excavation and salvage works;
 - (iii) a contingency plan and reporting procedure if:
 - heritage items outside the approved disturbance area are damaged;
 - previously unidentified heritage items are found; or
 - skeletal material is discovered;
 - (iv) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - (v) ongoing consultation with Aboriginal stakeholders and Heritage NSW during the implementation of the plan; and
- (f) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

TRANSPORT

Heavy Vehicles Requiring Escort and Heavy Vehicles Routes

B30. The Applicant must ensure that all vehicles associated with the development access to and from the site is via Selwyn Street, George Street, Industrial Drive, Maitland Road, New England Highway, John Renshaw Drive, Hunter Expressway, New England Highway, Golden Highway, Thomas Mitchell Drive, Denman Road and:

- (a) for vehicles transporting turbine blades and loads up to 5.2 m in height: New England Highway, Scott Road, Murray Street, Marius Street, New England Highway;
- (b) for vehicles with loads exceeding 5.2 m in height: Bengalla Road, Wybong Road, Kayuga Road, Ivermeir Street, Stair Street, Dartbrook Mine Access Road, New England Highway, Scott Road, Murray Street, Marius Street, New England Highway;

as identified in Appendix 7 unless otherwise agreed by the Planning Secretary and in consultation with the local roads authority/agrees otherwise.

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

Road Upgrades

B31. Unless the Planning Secretary agrees otherwise, the road upgrades identified in:

- (a) Table 7-1 of Appendix 7 must be implemented in accordance with the relevant timing requirements.
- (b) Table 7-2 of Appendix 7 must be implemented ~~by the Applicant~~ in accordance with the relevant timing requirements, to the satisfaction of the relevant roads authority and TfNSW.

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

If any vegetation required for visual impact mitigation is to be removed for road upgrade works, such screening should be appropriately replaced.

This consent does not approve the Applicant to undertake upgrades identified in B31(a).

Road Maintenance

B32. The Applicant must, in consultation with the relevant Council:

- (a) undertake an independent dilapidation survey to assess the existing condition of Selwyn Street, George Street, Thomas Mitchell Drive, Bengalla Road, Wybong Road, Kayuga Road, Ivermein Street, Stair Street, Dartbrook Mine Access Road as described in condition B30, prior to construction, upgrading or decommissioning works; and
- (b) undertake an independent dilapidation survey one month following completion of construction, upgrading or decommissioning works, to assess the condition of Selwyn Street, George Street, Thomas Mitchell Drive, Bengalla Road, Wybong Road, Kayuga Road, Ivermein Street, Stair Street, Dartbrook Mine Access Road, and describe the necessary repairs to return the route to a condition that is equivalent to, or better than, the existing condition identified in B32(a); and
- (c) repair and/or make good any development-related damage identified during:
 - (i) the carrying out of the relevant construction and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified but within 7 days at the latest; and
 - (ii) any dilapidation survey carried in accordance with condition B32(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise;
- (d) in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.

If there is a dispute between the Applicant and the relevant Council about the repair of the above listed roads, then either party may refer the matter to the Planning Secretary for resolution.

If any roads other than those listed above are intended to be used by the Applicant during construction and/or decommissioning, the actions of B31 (a)-(c) are required to be carried out following approval from the Planning Secretary in consultation with the local roads authority.

Operating Conditions

B33. The Applicant must ensure:

- (a) any new internal roads are constructed 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;
- (d) the capacity of the existing roadside drainage network is not reduced;
- (e) any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with DPE Crown Lands
- (f) any road upgrades that may affect watercourse crossings comply with the *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), unless otherwise agreed with DPI Fisheries;
- (g) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (h) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

Note: Clause B33(a) and (b) do not apply to the construction of access tracks or routes associated with temporary water pipelines.

Traffic Management Plan

B34. Prior to commencing road upgrades identified in condition B31, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Councils, and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the transport route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition B31 of Schedule 2 of this consent;
- (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - (i) details of the dilapidation surveys required by condition B32;
 - (ii) meeting the operating conditions required by condition B33;
 - (iii) temporary traffic controls, including detours and signage;
 - (iv) notifying the local community about development-related traffic impacts;
 - (v) procedures for receiving and addressing complaints from the community about development-related traffic;
 - (vi) minimising potential cumulative traffic impacts with other State significant development projects in the area;
 - (vii) minimising potential conflict with rail services, stock movements and school buses, in consultation with local schools, including preventing queuing on the public road network;
 - (viii) implementing measures to minimise development-related traffic on the public road network outside of standard construction hours;
 - (ix) minimising dirt/debris tracked onto the public road network from development-related traffic;
 - (x) details of the 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;
 - (xi) measures for managing car-pooling or ride sharing by employees;
 - (xii) scheduling of haulage vehicle movements to minimise convoy lengths or platoons, and to minimise conflict with light vehicles;
 - (xiii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather, snow, ice and flooding;
 - (xiv) ensuring loaded vehicles entering or leaving the site have their loads covered or contained;
 - (xv) responding to any emergency repair or maintenance requirements;
 - (xvi) a traffic management system for managing heavy vehicles requiring escort; and
- (d) a drivers code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers to and from the development adhere to the designated vehicle routes and speed limits;
 - (iii) procedures to ensure that drivers implement safe driving practices; and
- (e) a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

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

AVIATION

Mitigation of Aviation-Related Impacts

B35. The Applicant must carry out the development in accordance with the *National Airports Safeguarding Framework Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers*; or its latest version, unless the Planning Secretary agrees otherwise.

Notification of Aviation Authorities

B36. Prior to the construction of a wind turbine or wind monitoring mast, the Applicant must provide the following information to CASA, Airservices Australia, and the RAAF (together the authorities):

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

B37. Within 30 days of the practical completion of any wind turbine or mast, the Applicant must:

- (a) provide confirmation to the authorities that the information that was previously provided remains accurate; or
- (b) update the information previously provided.

RADIOCOMMUNICATIONS

B38. If the development results in the disruption to any radio communications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these services as soon as possible following the disruption, but no later than 1 month following the disruption of the service unless the relevant service provider or user or Planning Secretary agrees otherwise.

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

HAZARDS

Storage and Handling of Dangerous Goods

B39. 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.

Electric and Magnetic Fields

B40. The Applicant must ensure that the design, construction and operation of the development is managed to comply with the applicable electric and magnetic fields (EMF) limits in the *International Commission on Nonionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz – 100kHz)* (ICNIRP, 2010).

Operating Conditions

B41. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
 - (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;
 - (ii) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road;
- (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

Emergency Plan

B42. Prior to commencing construction, the Applicant must develop a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with RFS and provide a copy of the plan to the local Fire Control Centre. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry point at all times. The plan must:

- (a) be consistent with RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (b) include procedures for the storage and maintenance of any flammable materials;
- (c) include bushfire emergency management planning, including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone and on-site water supply tanks;
 - (ii) a list of works that should not be carried out during a total fire ban;
 - (iii) details of the access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
 - (iv) 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
- (v) 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; and
- (vi) operational procedures in the event of bushfires, such as shutting down turbines and the positioning of turbine blades to minimise interference with aerial firefighting operations.

WASTE

B43. The Applicant must:

- minimise the waste generated by the development;
- classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- store and handle all waste generated on site in accordance with its classification;
- not receive or dispose of any waste on site; and
- 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, in consultation with the relevant council.

ACCOMMODATION AND EMPLOYMENT STRATEGY

B44. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Tamworth Regional Council and Uralla Shire Council and to the satisfaction of the Planning Secretary. This strategy must:

- be informed by consultation with local accommodation and employment service providers;
- ~~(a)(b)~~ propose measures to ensure there is sufficient accommodation for the workforce associated with the development (including but not limited to consideration of potential conflicts with key tourism, cultural and entertainment-related events in the LGA, as far as practicable;
- ~~(b)(c)~~ consider the cumulative impacts associated with other State significant development projects in the area;
- ~~(c)(d)~~ investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
- ~~(d)(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.
- ~~(e)(f)~~ Following the Planning Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.

DECOMMISSIONING AND REHABILITATION

Rehabilitation Objectives – Decommissioning

B45. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 2.

Table 2: Rehabilitation Objectives

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

Progressive Rehabilitation

B46. The Applicant must:

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

Dismantling of Wind Turbines

B47. Any individual wind turbines which cease operating for more than 12 consecutive months must be dismantled within 18 months after that 12 month period, unless the Planning Secretary agrees otherwise.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. Prior to carrying out any development, 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 C14 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:
- (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 the Department

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

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

Final Layout Plans

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website portal including:
- (a) details on siting of wind turbines, including micro-siting of any wind turbines and/or ancillary infrastructure (including wind monitoring masts);
 - (b) the GPS coordinates of the wind turbines; and
 - (c) showing comparison to the approved layout.

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

Work as Executed Plans

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

Incident Notification

- C10. The Department must be notified in writing via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 8.

Non-Compliance Notification

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

INDEPENDENT ENVIRONMENTAL AUDIT

- C14. Independent Audits of the development must be conducted and carried out at the frequency and in accordance with the *Independent Audit Post Approval Requirements (2020)* to the following frequency:
- (a) within 3 months of commencing construction; and
 - (b) within 3 months of commencement of operations.
- C15. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C16. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition C14 of Schedule 2 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
- C17. In accordance with the requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under the conditions of this consent;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

- C18. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (2020) unless otherwise agreed by the Planning Secretary.
- C19. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

- C20. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;
 - (ii) the final layout plans of 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 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;
 - (x) 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, including annual BBAMP reports; and
 - (b) keep this information up to date.

Commented [15]: Question for the Department: The Commission considers that regular auditing is valuable, regardless of whether a Project demonstrates operational compliance at any one time. Could you provide some additional context as to why this condition is included?

APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT

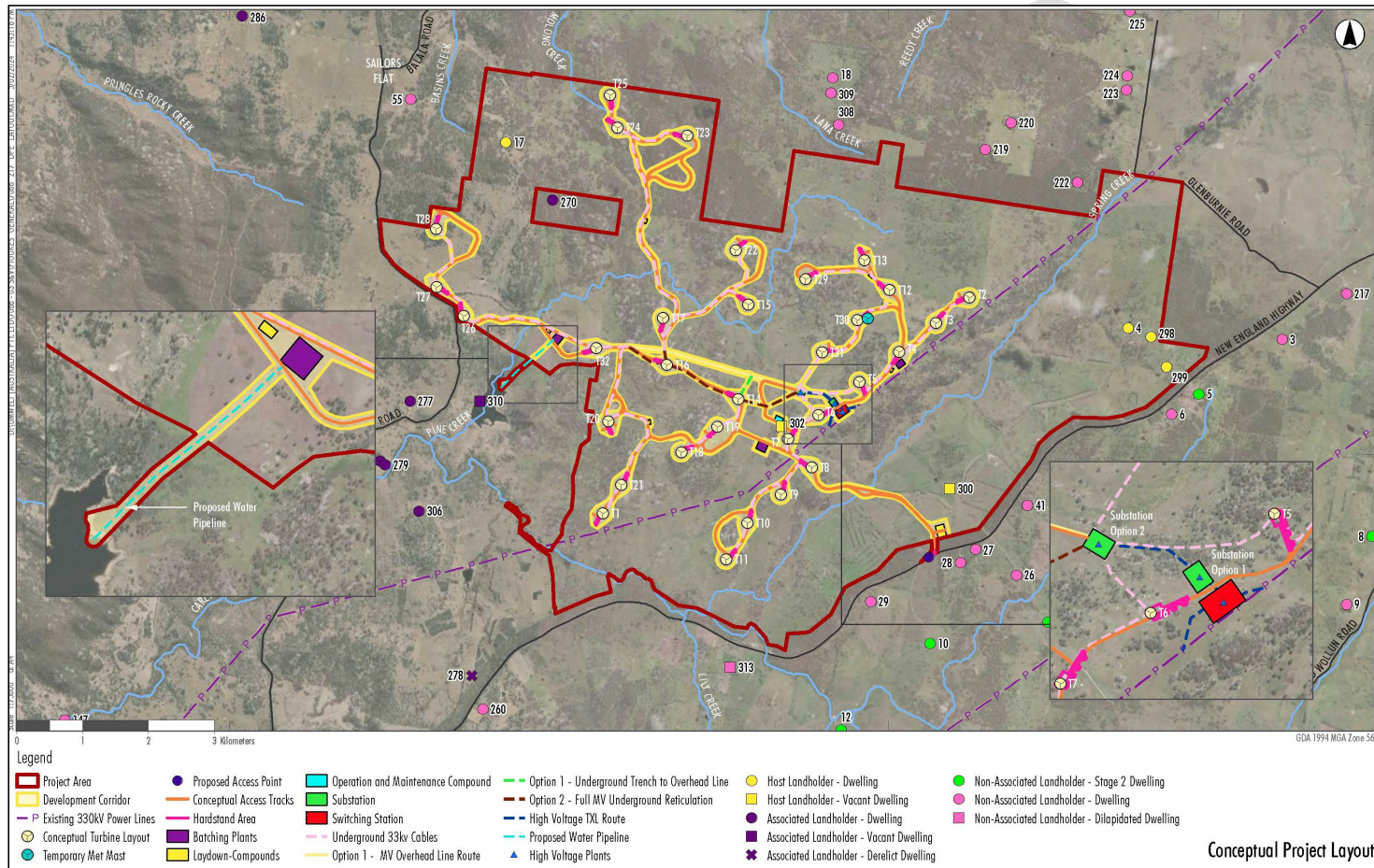


Table 1: Wind turbine locations

<i>Wind Turbine No.</i>	<i>Easting</i>	<i>Northing</i>
1	335660	6594107
2	341225	6597378
3	340719	6596988
4	340162	6596552
5	339556	6596100
6	338931	6595599
7	338473	6595240
8	338834	6594805
9	338364	6594397
10	337854	6593964
11	337532	6593412
12	340014	6597494
13	339635	6597942
14	337718	6595842
15	337867	6597269
16	336629	6596361
17	336574	6597065
18	336850	6595039
19	337401	6595420
20	335739	6595504
21	335940	6594542
22	337676	6598098
23	336942	6599833
24	335882	6599958
25	335768	6600449
26	333549	6597099
27	333137	6597539
28	333131	6598418
29	338740	6597656
30	339527	6597038
31	338989	6596546
32	335555	6596610

APPENDIX 2 SCHEDULE OF LANDS

<i>Lot</i>	<i>DP</i>
1	112763
117	753840
7	627548
12	883704
1	263410
5	263410
1	1236239
2	1236239
7303	1162815
11	883704

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

APPENDIX 3 GENERAL TERMS OF APPLICANT'S OFFER

The VPA shall include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on community projects in the area surrounding the site.

Council	Payment Details
Tamworth Regional Council	<p><u>The total contribution of \$3,363,300 payable by the Applicant over the operational life of the project (adjusted annually to increases in CPI) paid either:</u></p> <ul style="list-style-type: none"> <u>• in annual payments with the first payment of \$112,111.00 to be made on or immediately following the start of commercial operation of the project and subsequent payments to be made annually (for a total of 30 years) on the anniversary of the commercial operations date; or</u> <u>• upfront and annually:</u> <ul style="list-style-type: none"> <u>o with \$1,167,632 (50% or \$1,681,650 x 0.69*) to be paid as a lump sum within 5 years of the project's commercial operations date if Tamworth Regional Council identifies and agrees with Neoen either a capital works project or an initiative that will benefit the local community or wider region, and whose purpose is to:</u> <ul style="list-style-type: none"> <u>- Provide a long-term legacy benefit, and</u> <u>- Aligns with the principles of providing clean energy, environmental enhancement, social cohesion and/or climate mitigation.</u> <u>o subsequent payments of \$38,921.07 (\$56,055 x 0.69*) to be made annually (for a total of</u> <u>o 30 years) on the anniversary of the commercial operations date.</u> <p><u>* Note: the overall value of the contribution to Tamworth Regional Council has been discounted by 69.43% for both the upfront and annual payments to ensure that the Net Present Value (NPV) of both options are equal. The discount rate used to determine NPV is 8.5%.</u></p> <p><u>Administered through either:</u></p> <ul style="list-style-type: none"> <u>• a community benefit fund (administered by the Community Enterprise Foundation, a philanthropic arm of Bendigo and Adelaide Bank, which specialises in community benefit fund administration), and/or</u> <u>• a Planning Agreement, with a suitable governance framework and transparency regarding how the monies are to be allocated and spent.</u> <p><u>33% of its portion of the Contribution must be spent in and to the benefit of the immediate community. The Contribution must be spent with a view to providing long-term / legacy benefits in alignment with the above.</u></p> <p><u>Neoen considers the 'local community' as being the communities within the Tamworth Regional Council LGA and up to Bendemeer, i.e. the area around the Thunderbolt Wind Farm project within a 20-minute drive. It is not required for Tamworth Regional Council to provide payments to the local community within the Urala Shire Council LGA.</u></p> <p><u>The total contribution of \$3,363,300 payable by the Applicant over the operational life of the project (adjusted annually to increases in CPI) paid either:</u></p> <ul style="list-style-type: none"> <u>• in annual payments; or</u> <u>• upfront and annually, with \$694,521.45 to be paid as a lump sum within 5 years of the project's commercial operations date and subsequent payments of \$30,304.95 to be made annually for a total of 30 years.</u> <p><u>Administered through either</u></p> <ul style="list-style-type: none"> <u>• a community benefit fund (administered by the Community Enterprise Foundation, a philanthropic arm of Bendigo and Adelaide Bank, which specialises in community benefit fund administration), and/or</u> <u>• a Planning Agreement, with a suitable governance framework and transparency regarding how the monies are to be allocated and spent.</u>

	<p>33% of its portion of the Contribution must be spent in and to the benefit of the immediate community. The Contribution must be spent with a view to providing long-term / legacy benefits in alignment with the above.</p>
Uralla Shire Council	<p><u>The total contribution of \$2,242,200 payable by the Applicant over the operational life of the project (adjusted annually to increases in CPI) paid annually with the first payment of \$74,740.00 to be made on or immediately following the start of commercial operation of the project and subsequent payments to be made annually (for a total of 30 years) on the anniversary of the commercial operations date.</u></p> <p><u>Administered through a Planning Agreement, with a suitable governance framework and transparency regarding how the monies are to be allocated and spent.</u></p> <p>33% of its portion of the Contribution must be spent in and to the benefit of the immediate community. The Contribution must be spent with a view to providing long-term / legacy benefits in alignment with the above. The total contribution of \$2,242,200 payable by the Applicant over the operational life of the project (adjusted annually to increases in CPI) paid either:</p> <ul style="list-style-type: none"> • in annual payments; or • upfront and annually, with \$463,014.30 to be paid as a lump sum within 5 years of the project's commercial operations date and subsequent payments of \$20,203.30 to be made annually for a total of 30 years. <p><u>Administered through either</u></p> <ul style="list-style-type: none"> • a community benefit fund (administered by the Community Enterprise Foundation, a philanthropic arm of Bendigo and Adelaide Bank, which specialises in community benefit fund administration), and/or • a Planning Agreement, with a suitable governance framework and transparency regarding how the monies are to be allocated and spent. <p>33% of its portion of the Contribution must be spent in and to the benefit of the immediate community. The Contribution must be spent with a view to providing long-term / legacy benefits in alignment with the above.</p>

APPENDIX 4 SUBDIVISION PLAN

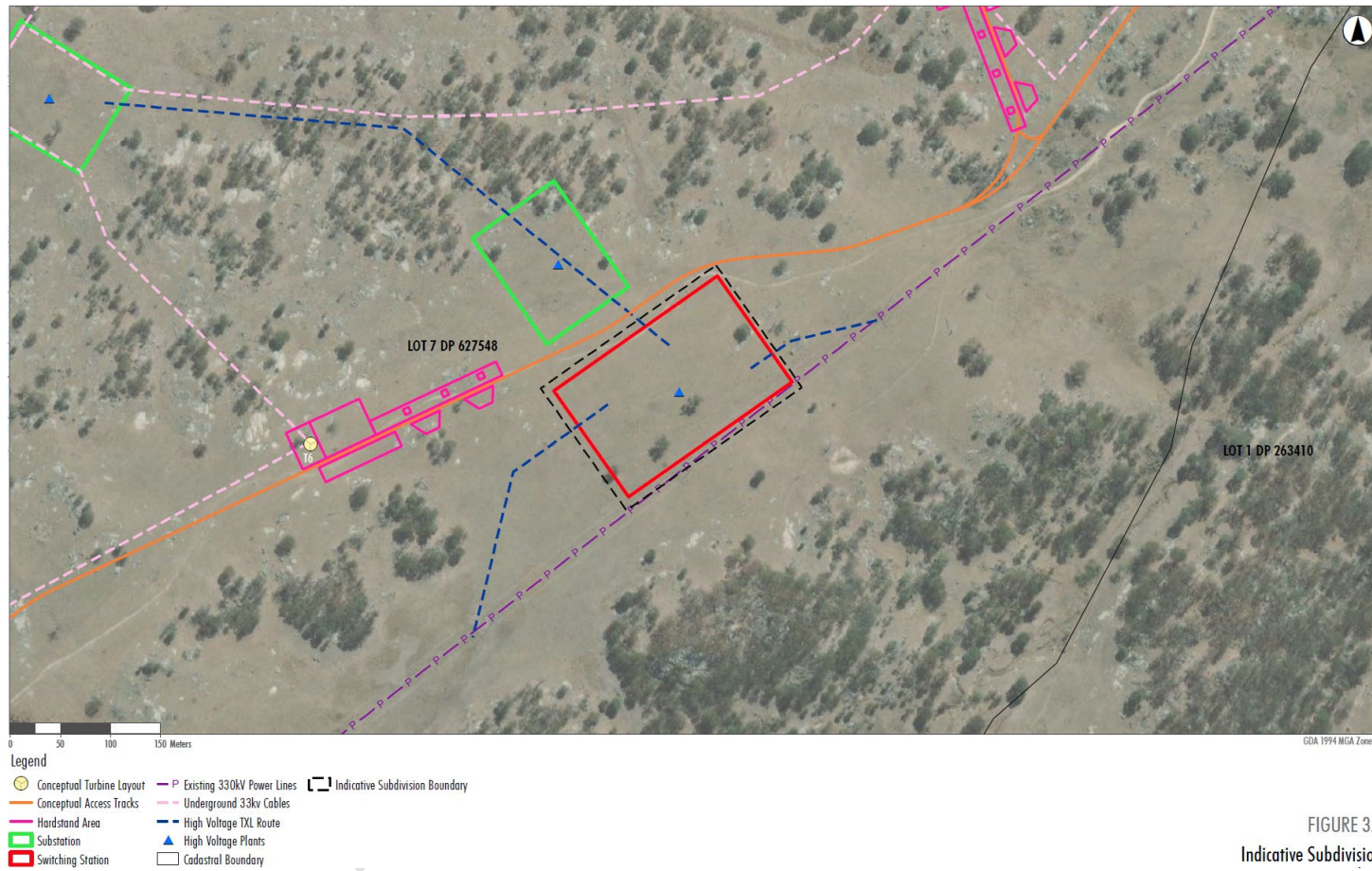


FIGURE 3.5
Indicative Subdivision

APPENDIX 5 BIODIVERSITY

Table 1: Clearing limits and offset liability for native vegetation

PCT	Condition	BC Act	EPBC Act	Impact (hectares)	Ecosystem Credit Liability
501 Bendemeer White Gum - Silvertop Stringybark - Roughbarked Apple +/- Moonbi Apple Box grassy open forest of the southern New England Tableland Bioregion	Moderate good	-	-	48.76	2,070
	DNG	-	-	76.14	872
	Exotic	-	-	47.58	0
510 Blakelys Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion	Moderate good	CEEC	CEEC	5.68	285
	DNG - Low		-	2.56	40
	DNG - Moderate		CEEC	1.58	37
	Open woodland - low		-	1.86	31
	Exotic with logs		-	2.22	36
	Planted vegetation		-	0.56	17
542 Stringybark - Rough-barked Apple - cypress pine shrubby open forest of the eastern Nandewar Bioregion and western New England Tableland Bioregion	Moderate good	-	-	4.12	145
559 Youmans Stringybark - Mountain Gum open forest of the western New England Tableland Bioregion	Moderate good	-	-	18.15	727
582 Sedgeland fens wetland of impeded drainage of the Nandewar Bioregion and New England Tableland Bioregion	Moderate	EEC	-	3.05	113

Table 2: Clearing limits and offset liability for threatened flora and fauna

Species	Common Name	BC Act	EPBC Act	Impact (hectares)	Species Credit Liability
Thesium australe	Austral toadflax	Vulnerable	Vulnerable	0.8	25
Phascogale cinerea	Koala	Endangered	Endangered	80.5	3,228

APPENDIX 6 HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impacts

<i>Item name</i>	<i>AHIMS site ID</i>
TWF AS1	#20-6-0089
TWF AS2	#20-6-0088
TWF AS3	#20-6-0087
Possible Scarred Tree 1	-
Possible Scarred Tree 2	-
Possible Scarred Tree 3	-
Possible Scarred Tree 4	-
Potential Stone Arrangement 1	-
Potential Stone Arrangement 5	-

Table 2: Aboriginal heritage items – avoid, minimise and/or salvage

<i>Item name</i>	<i>AHIMS site ID</i>
TWF IA1	#20-6-0090
TWF IA2	#20-6-0091
TWF IA3	#20-6-0092
TWF IA4	#20-6-0093
Potential Stone Arrangement 2	-
Potential Stone Arrangement 3	-
Potential Stone Arrangement 4	-
Spring Creek 1	#20-6-0083
Pine Creek 1	#20-6-0086
Pine Creek 2	#20-6-0085
Pine Creek 3	#20-6-0084

APPENDIX 7 HAULAGE ROUTE AND ROAD UPGRADES

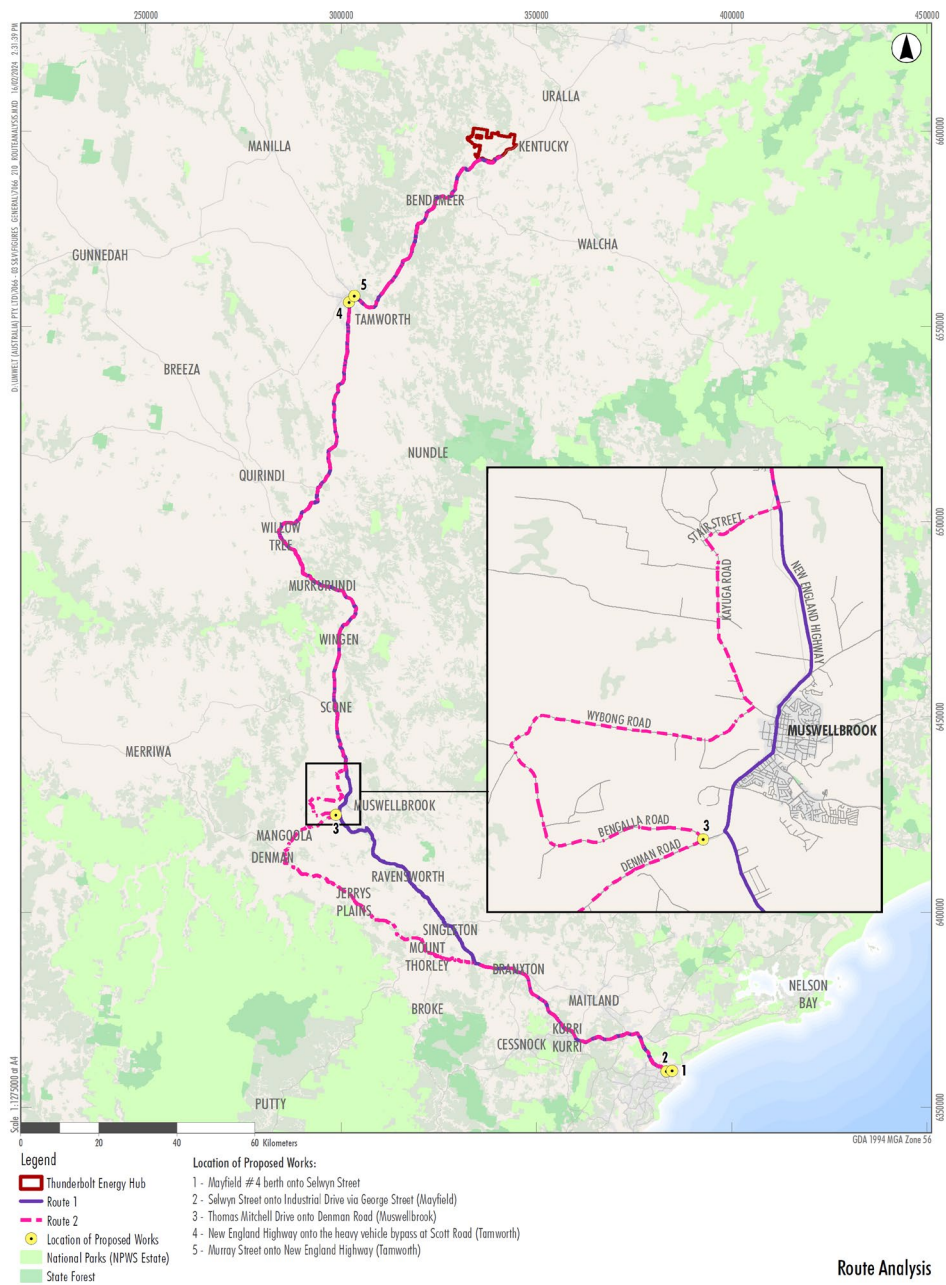
Table 7-1: Haulage route and road upgrades

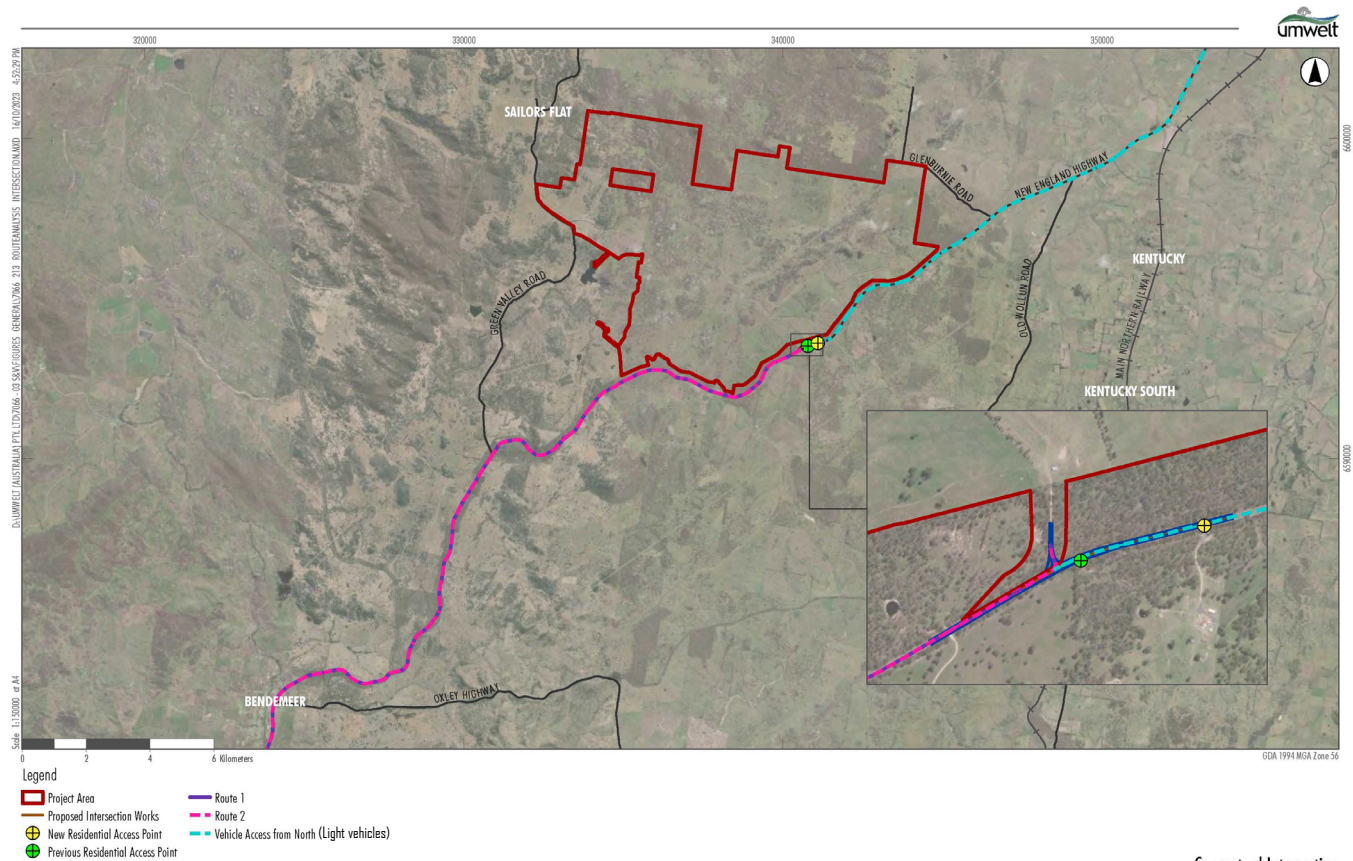
Road/Intersection	Chainage	Treatment	Timing
Mayfield #4 Berth onto Selwyn Street	0	Upgrade as necessary within road reserve to allow access for OSOM vehicles	Prior to use by OSOM vehicles
George Street onto Industrial Drive (Mayfield)	1.3	Upgrade as necessary within road reserve to allow access for OSOM	Prior to use by OSOM vehicles
Thomas Mitchell Drive onto Denman Road (Muswellbrook)	126	Upgrade as necessary within road reserve to allow access for OSOM	Prior to use by OSOM vehicles
Golden Highway intersection with Denman Road	141.9	Upgrade as necessary within road reserve to allow access for OSOM	Prior to use by OSOM vehicles
Denman Road intersection with Bengalla Road	149.0	Upgrade as necessary within road reserve to allow access for OSOM	Prior to use by OSOM vehicles

Table 7-2: Haulage route and road upgrade to be implemented by the Applicant

Road/Intersection	Chainage	Treatment	Timing
Bengalla Road intersection with Wybong Road	168.1	Construct a hardstand area at the intersection to allow access for OSOM vehicles	Prior to use by OSOM vehicles
Invermein Street onto Dartbrook Access Road (Stair Street)	174.0	Construct a hardstand area at the intersection to allow access for OSOM vehicles. Upgrade/Replace as necessary culvert and drain	Prior to use by OSOM vehicles
Stair Street onto Unnamed road	174.8	Construct a hardstand area at the intersection to allow access for OSOM vehicles.	Prior to use by OSOM vehicles
Unnamed road off Stair Street intersection with New England Highway	177.0	Construct a hardstand area at the intersection to allow access for OSOM vehicles	Prior to use by OSOM vehicles
New England Highway onto the heavy vehicle bypass at Scott Road (Tamworth)	284	1 tree (<i>planted street tree (exotic Cedrus sp.) located under electricity lines and subject to trimming</i>) removed from street verge and various signs will need to be made removable.	Prior to use by OSOM vehicles
Murray Street onto New England Highway (Tamworth)	286	Signs to be made removable and no parking areas to be put in place.	Prior to use by OSOM vehicles
Project Access Point off New England Highway	350	Construction of an intersection with basic left (BAL) and short channelised right (CHRs) treatments	Prior to commencement of construction

Figure 1: Haulage route





Conceptual Intersection
Design

Image Sources: ESRI Basemap Data sources: NSW DFSI (2021), Access Traffic Consulting (2021)

**APPENDIX 8
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C7 of Schedule or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements, and such report as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.