

## **Annexure A**

# **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** SSD-47065463

**Development:** Silver City Energy Storage System

**Site:** See Appendix 2

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 25 March 2026

**Date from which consent takes effect:** Date of Determination

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders, registered for cultural heritage consultation for the development, including Registered Aboriginal Parties
All-weather roads	Roads designed and sealed to provide access during all weather conditions, such as hard compacted gravel, asphalt or concrete
Ancillary infrastructure	All project infrastructure with the exception of the SCES Facility (including the underground cavern), including but not limited to switching rooms, permanent offices, site compounds, electricity transmission lines and internal roads
Applicant	A-CAES NSW Pty Ltd, or any person who seeks to carry out the development approved under this consent
BCS	Biodiversity Conservation and Science Directorate within NSW DCCEEW
Blasting	The use of explosives to fracture rock or other material during the development
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in Schedule 1 and Schedule 2 inclusive
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site, blasting, and the construction of the SCES facility and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Broken Hill City Council
DA	Development approval
DCCEEW (Water Group)	NSW Department of Climate Change, Energy, the Environment and Water (Water Group)
Decommissioning	The removal of all above ground components, sealing of underground shafts and rehabilitation of the site
Department	Department of Planning, Housing and Infrastructure (formerly the Department of Planning and Environment)
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the development will be constructed (shown in Appendix 1)
DPIRD Fisheries	Department of Primary Industries and Regional Development Fisheries
EIS	The Environmental Impact Statement for the Silver City Energy Storage System, dated August 2023, the Submissions Report dated 21 August 2024, the Amendment Report dated 22 August 2024 and the additional information dated 10 April 2024, 5 September 2024, 10 October 2024, 31 October 2024, 7 November 2024, 5 December 2024, 9 December 2024, 10 December 2024, 19 December 2024, 17 February 2025 and the Revised Lighting Design dated 19 August 2025 (revision RO1), the draft Environmental Management Strategy dated 22 December 2025 (document number AUSC-0001-0000-ENV-REP-0001) and the Memorandum on Water Supply titled 'Silver City A-CAES Facility Water Storage and Usage Basis' dated 20 March 2026 included pursuant to the order dated 23 March 2026.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the <i>Heavy Vehicle National Law (NSW)</i> , but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
High-risk heavy vehicles requiring escort	A heavy vehicle requiring escort requiring an access permit from the National Heavy Vehicle Regulator and Transport Management Plan that is classified as "High Risk" due to the dimensions of the vehicle configuration and load exceeding the dimensions and weights or travelling on a highrisk route that is identified in Table 1 of the TfNSW Fact Sheet for Transport Management Plans (as amended).
Heritage NSW	Heritage NSW division within NSW DCCEEW
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause

Material harm	<p>a non-compliance Is harm that:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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)</li> </ul> <p><i>Note: This definition excludes "harm" that is either authorised under this consent or any other statutory approval</i></p> <p><i>Note: 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
MW	Megawatt
MWh	Megawatt hour
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
PCT	Plant Community Type
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Potosi Mine site	Surface and underground mining areas associated with the Potosi Mine site as defined by Development Consent (DA) 448/2004
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 and drainage channels
RBL	Rating background level
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Receiver R2	The receiver located at 18817 Barrier Highway, Broken Hill, described as Lot 2603 in DP 764631 and Lot 4972 in DP 45035
Residence	<p>A building or place used predominantly as a place of residence. A residence does not include:</p> <ul style="list-style-type: none"> <li>• moveable dwellings as defined in the Standard Instrument including tents, caravans, or other portable devices used for human habitation</li> <li>• any dwelling that has been built illegally (as confirmed by Council at the time of this Development Consent (SSD 47065463))</li> <li>• a derelict dwelling (that is officially declared by Council)</li> </ul>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	NSW Rural Fire Service
Planning Secretary	Secretary of the Department, or nominee
SCES Facility	As defined in the EIS
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of equipment and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement
Water Group	Water Group within NSW DCCEEW

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

#### POTOSI AND FLYING DOCTOR DEVELOPMENT APPROVALS

- A5. Unless the Planning Secretary agrees otherwise, prior to the commencement of excavation of the cavern and transport of excavated material to the Potosi Mine site, the Applicant must:
- (a) ensure that the Potosi Mine development approval (DA: 448/2004) and the relevant management plans are modified to the approval of Council; or
  - (b) confirm with the relevant consent authority that a modification is not required,
- to permit the transfer to and placement of material from the development at the Potosi Mine site, and provide written evidence to the Planning Secretary.
- A5A. Unless the Planning Secretary agrees otherwise, prior to the commencement of construction, the Applicant must:
- (a) obtain written confirmation from the relevant consent authority that the Flying Doctor development approval (DA: 336/2008) has lapsed; or
  - (b) procure that the Flying Doctor development approval (DA: 336/2008) is surrendered pursuant to section 4.63 of the EP&A Act.

#### UPGRADING OF THE SCES FACILITY AND ANCILLARY INFRASTRUCTURE

- A6. The Applicant may upgrade the SCES Facility and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site and any upgrades meet the conditions of this consent. 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. The Applicant must notify adjoining landowners and Receiver R2 if proposed upgrades are likely to be audible at neighbouring residences.

#### STRUCTURAL ADEQUACY

- A7. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the *Building Code of Australia*.

Notes:

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

## **DEMOLITION**

- A8. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- 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**

- A10. 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.

## **APPLICABILITY OF GUIDELINES**

- A11. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **COMPLIANCE**

- A12. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **EVIDENCE OF CONSULTATION**

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document via the NSW planning portal (Major Projects); and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **COMMUNITY ENHANCEMENT**

- A14. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:
- Division 7.1 of Part 7 of the EP&A Act; and
  - the general terms of the agreement between the Applicant and Council's VPA signed and executed on the 19 December 2024 which are summarised in Appendix 3.

## PART B ENVIRONMENTAL CONDITIONS – GENERAL

### TRANSPORT

#### Vehicle Restrictions

- B1. Unless the Planning Secretary agrees otherwise, the Applicant must ensure that the:
- (a) development does not generate more than:
    - (i) 46 heavy vehicle movements a day (a maximum of 6 heavy vehicle movements per hour) during construction, upgrading or decommissioning; and
    - (ii) 86 movements of heavy vehicles requiring escort during construction, upgrading or decommissioning; and
    - (iii) 32 shuttle bus vehicle movements a day during construction, upgrading or decommissioning; and
  - (b) length of any vehicles (excluding heavy vehicles requiring escort) used for the development does not exceed 26 metres;
- on the public road network.
- B2. The Applicant must keep accurate records of the number of heavy vehicles entering or leaving the site each day for the duration of the development.

#### Access Route

- B3. Unless the Planning Secretary agrees otherwise, all heavy vehicles and heavy vehicles requiring escort associated with the development must travel to and from the site via the Access Routes identified in Appendix 4.

All vehicles associated with the development must not turn right from the Barrier Highway onto the Potosi Haul Road (as identified in Appendix 4) except for emergency purposes, unless the Planning Secretary agrees otherwise.

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

#### Site Access

- B4. All vehicles associated with the development must enter and exit via the SCES Facility access point off Silver Peak Road, as identified in Appendix 4.
- B5. All vehicles associated with the transmission line for the development must access the transmission line corridor via the access points identified in Appendix 4.

#### Road Upgrades

- B6. Unless the Planning Secretary agrees otherwise, prior to commencing construction of the transmission line, the Applicant must complete the road upgrades as detailed in Appendix 5.
- Unless the relevant roads authority agrees otherwise, these upgrades must comply with the *Austrroads Guide to Road Design* (as amended by TfNSW supplements) and be carried out to the satisfaction of the relevant roads authority, and TfNSW for upgrades on State roads.

#### Approvals and Upgrades for Heavy Vehicles Requiring Escort

- B7. Prior to the use of heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (including for any road upgrades that may be required from the point of origin to the SCES facility access point as identified in Appendix 1).

#### Approvals and Upgrades of Existing Transmission Line Access Tracks

- B8. Prior to the use of existing access tracks for construction of the transmission line, all relevant approvals must be obtained and implemented (including for works on public roads required by Council to seal the mouth of the transmission line access points (as identified in Appendix 1)).

#### Road Maintenance

- B9. The Applicant must, in consultation with the relevant roads authority:
- (a) undertake an independent dilapidation survey to assess the:
    - (i) existing condition of Kanandah Road, Pinnacles Road, Ryan Street, Rakow Street, Creedon Street, Gaffney Street, Bonanza Street, Knox Street, Picton Street, Wentworth Road, South Road, Crystal Street, Menindee Road, Argent Street, Potosi Mine Haul Road and Silver Peak Road on the Access Routes, prior to construction, upgrading or decommissioning works; and

- (ii) condition of the roads listed in condition B9(a)(i) on the Access Route, following construction, upgrading or decommissioning works; and
- (b) repair the roads identified in condition B9(a) if dilapidation surveys identify that the road has been damaged due to development-related traffic during construction, upgrading or decommissioning works.

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

### Operating Conditions

B10. The Applicant must ensure:

- (a) the internal roads are constructed as all-weather roads;
- (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- (c) the capacity of the existing roadside drainage network is not reduced;
- (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction;
- (e) any existing internal roads are maintained as all-weather roads;
- (f) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network; and
- (g) the overhead crossing of ARTC railway line by the transmission line is designed, constructed and maintained in accordance with ARTC's standards, policies and procedures and ARTC's EPL.

### Traffic Management Plan

B11. Prior to commencing:

- construction; and
- the road upgrades described in condition B6,

the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. Unless the Planning Secretary agrees otherwise, this plan must include:

- (a) details of the transport route to be used for all development-related traffic;
- (b) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
  - (i) temporary traffic controls, including detours and signage;
  - (ii) notifying the local community about development-related traffic impacts;
  - (iii) procedures for receiving and addressing complaints from the community about development-related traffic;
  - (iv) minimising potential cumulative traffic impacts with other projects in the area (including on-going consultation with the operators of North Mine, the Flying Doctor Deposit and the Potosi Mine regarding scheduling of vehicle movements)
  - (v) monitoring the bi-directional traffic volumes on the Barrier Highway at the Silver Peak Road intersection
  - (vi) limiting construction traffic associated with the development to ensure vehicle movements through the Barrier Highway / Silver Peak Road intersection remain consistent with the 'combined future traffic volumes' in the *Transport Impact Assessment* (July 2023);
  - (vii) minimising dirt tracked onto the public road network from development-related traffic;
  - (viii) details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure employee use of this service;
  - (ix) encouraging car-pooling or ride sharing by employees;
  - (x) scheduling of heavy vehicle movements to minimise convoy length or platoons;
  - (xi) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
  - (xii) responding to any emergency repair or maintenance requirements;
  - (xiii) a traffic management system for managing heavy vehicles requiring escort;
  - (xiv) a traffic management protocol to restrict vehicle movements to left in only at the Silver City Highway/ transmission line access intersection; and
  - (xv) a traffic management protocol for heavy vehicle movements 19 m in length turning at the Silver City Highway/ transmission line access intersection to avoid concurrent movements.
- (c) a driver's code of conduct that addresses:

- (i) driver fatigue;
- (ii) procedures to ensure that drivers adhere to the designated transport routes, speed limits and road safety signage; and
- (iii) procedures to ensure that drivers implement safe driving practices; and
- (d) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

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

## BIODIVERSITY

### Vegetation Clearance

- B12. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

### Biodiversity Offsets

- B13. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits as specified in Table 1 below.

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

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

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required	
		SCES Facility	Transmission Line Corridor
River Red Gum open woodland wetland of intermittent watercourses mainly of the arid climate zone	PCT 41	-	12
Mulga - Dead Finish on stony hills mainly of the Channel Country Bioregion and Broken Hill Complex Bioregion	PCT 123	132	95
Prickly Wattle open shrubland of drainage lines on stony rises and plains of the arid climate zone	PCT 136	68	4
Bottlewasher - Copperburr grassland of the arid zone	PCT 150	-	13
Bluebush shrubland on stony rises and downs in the arid and semi-arid zones	PCT 155	371	328
Old Man Saltbush - mixed chenopod shrubland of the semi-arid hot (persistently dry) and arid climate zones (north-western NSW)	PCT 158	-	15

- B14. 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

- B15. Prior to carrying out any development that could directly or indirectly impact biodiversity values, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in accordance with the *Biodiversity Development Assessment Report* (dated October 2024);
  - (b) include a description of the measures and timeframes that would be implemented for:
    - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;

- (ii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
- (iii) minimising the impacts to fauna on site and implementing fauna management protocols;
- (iv) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions;
- (v) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and
- (vi) controlling weeds, feral pests and pathogens;
- (c) include a program to monitor and report on the effectiveness of mitigation measures;
- (d) include an incidental finds protocol for native vegetation and threatened species to identify the avoid and/or minimise and/or offset options to be implemented if additional native vegetation or threatened species are discovered on site and the access tracks used for construction of the transmission line; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

*Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement*

## AMENITY

### Construction Hours

B16. All construction work for:

- (a) the SCES Facility (including associated ancillary infrastructure and excluding the transmission line) must be conducted between 7 am and 6 pm Monday to Saturday and at no time on Sundays and public holidays; and
- (b) the transmission line (including associated ancillary infrastructure) must be conducted between 7 am and 6 pm Monday to Friday and between 8 am and 1 pm Saturday and at no time on Sundays and public holidays.

### Exceptions to Construction Hours

B17. The following activities may be carried out outside the construction hours in condition B16:

- (a) construction that causes  $LA_{eq(15\text{minute})}$  noise levels that are:
  - (i) no more than 5 dB above Rating Background Level (RBL) at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
  - (ii) no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
- (b) for the delivery of materials required by the police or other authorities for safety reasons;
- (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- (d) as approved through the process outlined in condition B18 of this approval.

### Variation of Construction Hours

B18. The hours of construction activities specified in condition B16 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 receivers and notification of Councils (and other relevant agencies) has been or will be undertaken;
- (d) accompanied by evidence that all reasonable and feasible noise mitigation measures have been put in place; and
- (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

### Construction Noise

B19. All reasonable and feasible noise mitigation measures must be implemented to achieve the noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009).

## Operational noise

- B20. All reasonable and feasible measures to minimise operational noise must be implemented to ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 2, to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017), at any residence.

Table 2: Operational Noise Limit Requirements and Noise Assessment Locations

Noise Assessment Location <sup>1</sup>	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L <sub>Aeq</sub> (15min)	L <sub>Aeq</sub> (15min)	L <sub>Aeq</sub> (15min)	L <sub>AFmax</sub>
R2 and R9 <sup>2</sup>	40	35	35	52
R2 and R9 <sup>3</sup>	45	40	40	57

1 Locations are shown in Appendix 1

2 Under Daytime/evening: stability categories A–D with light winds (up to 2 m/s at 10 m above ground level (AGL)).  
Night-time: stability categories A–D with light winds (up to 2 m/s at 10 m AGL) and/or stability category F with winds up to 0.5 m/s at 10 m AGL

3 Under all other meteorological conditions including Very Noise Enhancing Conditions as described in the *NSW Noise Policy for Industry* (EPA, 2017).

- B21. The noise criteria in condition B20 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Planning Secretary in writing of the terms of this agreement.

## Corona Noise

- B22. Unless the Secretary agrees otherwise, prior to commencing construction, the Applicant must:
- describe best practice measures to mitigate corona noise to acceptable levels;
  - identify residences predicted to experience corona discharge noise levels above RBL, and predict how often corona noise is expected to be above this level per year;
  - undertake a study, including monitoring of existing transmission lines under meteorological conditions likely to exacerbate corona noise, determine sound power levels of conductor bundles and validate the predictions identified in condition B22(b); and
  - identify all feasible and reasonable measures to reduce corona noise below RBLs.
- B23. The Applicant must take all feasible and reasonable measures to minimise corona discharge noise during operation of the development, including measures identified in condition B22.

## Noise Monitoring

- B24. Unless the Planning Secretary agrees otherwise, within 12 months of commencing operation, and within 36 months of commencing operations, and within 12 months of upgrading the 'turbine/generator/compressor trains', the Applicant must prepare and submit a Noise Monitoring Report for the development to the satisfaction of the Planning Secretary. The Noise Monitoring Report must:
- be prepared by a suitably qualified, experienced and independent acoustic consultant not previously employed by the Applicant prior to issuing the development consent;
  - demonstrate that noise monitoring:
    - has been carried out at the Noise Assessment Locations listed in Table 2, in accordance with the procedures in the *Noise Policy for Industry* (EPA, 2017); and
    - includes monitoring during the day, evening and night periods (in consultation with Receiver R2) during operational and during seasonal and meteorological conditions that would represent typical worst-case scenarios over two periods approximately 6 months apart, where reasonable and feasible;
  - demonstrate whether conditions B20 – B23 have been complied with; and
  - include a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B20 at all times.

Each Noise Monitoring Report must be to the satisfaction of the Planning Secretary.

- B25. Should any valid noise complaints be received, noise generated by the development must be investigated and noise monitoring undertaken and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017) or the *Interim Construction Noise Guideline* (DECC, 2009) as appropriate.

B25A Prior to commencing construction the Applicant must prepare a construction noise and vibration management plan, in consultation with Receiver R2. The plan must include:

- (a) measures to ensure the requirements in conditions B16 to B19 are complied with;
- (b) a description of the reasonable and feasible measures that would be implemented to minimise noise and vibration impacts of the development;
- (c) a detailed description of the noise and vibration management system for the development;
- (d) a protocol for the identification, notification and management of works that exceed the noise management levels;
- (e) a monitoring program that evaluates and reports on the effectiveness of the noise and vibration management system, including monitoring noise at Receiver R2; and
- (f) a process for providing to Receiver R2, noise monitoring data in relation to noise monitoring at Receiver R2 every 3 months during construction.

The Construction Noise and Vibration Management Plan must be implemented for the duration of construction of the development.

### Blasting and Vibration

B26. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in *Table 3*.

*Table 3: Blasting criteria*

<b>Location</b>	<b>Peak particle velocity (mm/s)</b>	<b>Airblast overpressure level (dB(Lin Peak))</b>	<b>Allowable exceedance</b>
Any residence on privately owned land	5	115	5% of the total number of blasts over a period of 12 months
	10	120	0%

B27. The blasting criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

### Air Quality

B28. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that air emissions generated by the development do not cause exceedances of the criteria listed in Table 4 at any residence or privately owned land.

*Table 4: Air quality criteria*

<b>Pollutant</b>	<b>Averaging period</b>	<b>Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
	Annual	<sup>a,c</sup> 25 µg/m <sup>3</sup>
Particulate matter <2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
	Annual	<sup>a,c</sup> 8 µg/m <sup>3</sup>

<sup>a.</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b.</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

<sup>c.</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

### Air Quality Management Plan

B29. Prior to commencement of construction, the Applicant must prepare and implement an Air Quality Management Plan for the development in consultation with the EPA. This plan must:

- (a) be prepared in consultation with the EPA by a suitably qualified and experienced person/s;
- (b) describe the measures to be implemented to manage dust and lead dust from both construction and operation of the development to ensure:
  - (i) compliance with the air quality criteria in this consent;
  - (ii) best practice management is being employed; and

- (iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
- (c) propose locations and methods for dust and lead dust monitoring, this must include but not be limited to dust deposition gauges and a Tapered Element Oscillating Microbalance; and
- (d) include a staff awareness program which identifies lead dust as an issue during construction and operation, and that outlines the measures that are to be put in place to prevent impacts to workers and the environment.

### Greenhouse gas emissions management

B30. Unless the Planning Secretary agrees otherwise, the Applicant must prepare a Climate Change Mitigation Plan prior to commencing construction, in consultation with the EPA. The plan must be prepared utilising the *NSW EPA Greenhouse Gas Assessment Guide for Large Emitters* (EPA, 2025), or its most recent version and implemented for the duration of the development.

### Visual

B31. The Applicant must:

- (a) minimise the off-site visual impacts of the development;
- (b) implement all reasonable and feasible measures to minimise the visual impact of ancillary infrastructure, including the selection of paint colours and finishes to blend with the surrounding landscape; and
- (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

### Lighting

B32. The Applicant must:

- (a) minimise the off-site lighting impacts of the development;
- (b) design lighting for the operational phase of the development in accordance with the commitments and recommendations set out in the *Revised Lighting Design* dated 19 August 2025 (Revision R01);
- (c) ensure that any external lighting associated with the SCES Facility during construction and operation:
  - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
  - (ii) is orientated downwards with a zero-degree tilt, such that the light does not shine above the horizontal;
  - (iii) must comply with the following minimum technical criteria (except where required for safety or emergency purposes):
    - A. be Light Emitting Diode;
    - B. have a warm white colour temperature of 3000 kelvin or lower;
    - C. be Digital Addressable Lighting Interface-2 dimmable (where practicable)
    - D. have colour consistency of 3 Standard Deviation of Colour Matching or less;
    - E. have a Colour Rendering Index of 85 or higher;
    - F. fixed and downward facing;
    - G. asymmetric optics with minimal back spill;
    - H. physical baffles or shields integrated within the luminaires to obscure the light source;
    - I. all luminaires to be connected to digital, programmable lighting control system;
    - J. luminaires to be limited to the perimeter or site boundary unless specifically required; and
    - K. DarkSky International approved luminaires and/or luminaires with low backlight, uplight and glare ratings; and
  - (iv) is designed, operated and installed in compliance with *Australian/New Zealand Standard AS/NZS 4282:2023 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.
- (d) during construction of the SCES Facility, ensure that:
  - (i) all lighting in respect of the drilling of the shafts is permanent and fixed and operated via a permanent power supply;
  - (ii) all other lighting is permanent and fixed and operated via a permanent power supply where reasonable and feasible;
  - (iii) if any mobile, portable or temporary construction lighting is required that lighting must be:
    - A. positioned, oriented downwards and shielded to minimise off-site light spill and avoid direct illumination on sensitive receivers; and

- B. managed in accordance with the AS/NZS 4282:2023 – *Control of Obtrusive Effects of Outdoor Lighting (or its latest version)*
- (iv) lighting pole heights must be minimised where reasonable and feasible
- (v) lighting is dimmable and aimed downwards where reasonable and feasible; and
- (vi) cranes used at both drilling sites must not feature illuminated advertising or other non-functional, auxiliary illumination to the latticed boom. Lighting on cranes is permitted only to the extent required for crane operation, workplace health and safety, or regulatory compliance
- (e) during the operation of the SCES Facility ensure that:
  - (i) all lighting is fixed and operated via a permanent power supply (except where required for safety, emergency or maintenance purposes);
  - (i) if any mobile, portable or temporary lighting is required that lighting must be:
    - A. positioned, oriented downwards and shielded to minimise off-site light spill and avoid direct illumination on sensitive receivers; and
    - B. managed in accordance with the AS/NZS 4282:2023 – *Control of Obtrusive Effects of Outdoor Lighting (or its latest version)*; and
  - (ii) lighting pole heights must be minimised where practically viable and subject to operational and safety requirements.

The final lighting design must be included in the Final Layout Plans required in condition C9.

B32A Prior to commencing construction the Applicant must prepare a Construction Light Management Plan in consultation with Receiver R2. The plan must include:

- (a) measures to ensure the requirements in conditions B32 are complied with;
- (b) a process for providing Receiver R2 with notice of scheduled nighttime construction works that require the use of mobile, portable or temporary lighting;
- (c) a monitoring program in respect of the construction light impacts at Receiver R2 which ensures light monitoring data is recorded and provided to Receiver R2 in respect of a period prior to commencement of construction and periodically during construction;
- (d) the scope of a light monitoring assessment report at Receiver R2, to be provided to Receiver R2 within 12 months of commencing operations, which addresses light monitoring data over a period following commencement of operations; and
- (e) arrangement to ensure that any lighting that is required by the Civil Aviation Safety Authority for the transmission line is designed to minimise lighting impacts on ground receivers.

The Construction Light Management Plan must be implemented for the duration of construction of the development.

## HERITAGE

### Protection of Heritage Items

B33. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 2 of Appendix 6 or any heritage items located outside the approved development footprint.

### Addendum Aboriginal Cultural Heritage Assessment Report

B34. Prior to carrying out any construction within areas identified in the *Aboriginal Cultural Heritage Assessment Report* (June 2024) as requiring surface salvage and testing and any areas identified as potential archaeological deposits or highly archaeologically sensitive landforms, the Applicant must provide an Addendum Aboriginal Cultural Heritage Assessment Report (Addendum ACHAR), prepared in consultation with the Aboriginal stakeholders and Heritage NSW, to the satisfaction of the Planning Secretary.

The Addendum ACHAR must include details of consultation with the Aboriginal stakeholders and:

- (a) describe any potential additional impacts to heritage items;
- (b) identify further mitigation measures, including avoidance or salvage;
- (c) include detailed justification where the final transmission line alignment is not able to avoid impacts to heritage items;
- (d) provide information on the proposed testing methodology that will be implemented across the site, including but not limited to:

- (i) indicative location of test pits in the disturbance footprint ensuring they are sufficiently spaced to characterise Potential Archaeological Deposits;
  - (ii) the number of proposed test units in areas of high sensitivity;
  - (iii) protocols for redesign and/or micro-siting to avoid sites if higher than expected artefact densities and/or cultural significance are identified; and
  - (iv) identification of what site types will be avoided by the development if they are identified during additional testing;
- (e) provide an updated and consolidated list of sites that would be protected and remain in-situ throughout construction and sites that would be salvaged and relocated to suitable alternative locations;
  - (f) include an archaeological assessment on the access tracks to the transmission line (as identified in Appendix 1) that were not subject to assessment in the EIS; and
  - (g) identify whether reburial location(s) may be within the disturbance footprint.

### **Heritage Management Plan**

B35. Prior to commencing construction, the Applicant must prepare a Heritage Management Plan for the development in consultation with Heritage NSW, to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary in writing;
- (b) be prepared in consultation with registered Aboriginal stakeholders;
- (c) be prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECC, 2010), or its latest version;
- (d) include a description of the measures that would be implemented for:
  - (i) protecting the Aboriginal heritage items outside of the approved development footprint, including clearly delineating the approved development footprint adjacent to Aboriginal heritage items and sensitive landforms prior to carrying out any development that could directly or indirectly impact the heritage items or sensitive landforms;
  - (ii) salvaging and relocating the sites and items of Aboriginal heritage located within the approved development footprint, as identified in Table 1 of Appendix 6;
  - (iii) a contingency plan and reporting procedure if:
    - heritage items outside the approved development footprint are damaged;
    - previously unidentified heritage items are found; or
    - Aboriginal 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;
- (e) include a Chance Finds Protocol for the development;
- (f) short and long-term management of any Aboriginal objects or materials salvaged during the project;
- (g) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- (h) 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.

### **SOIL AND WATER**

#### **Unexpected contamination finds**

B36. An Unexpected Finds Procedure for contamination must be prepared prior to the commencement of construction and decommissioning. The procedure must:

- (a) be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered;
- (b) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.

The Applicant must implement the plan throughout construction and decommissioning.

#### **Water Supply**

B37. 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 watersupply, in consultation with NSW DCCEEW (Water Group).

The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review to NSW DCCEE (Water Group), including water taken under each water licence.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.*

### **Water Pollution**

- B38. The Applicant must ensure that all surface water discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

### **Riparian Land**

- B39. The Applicant must ensure all activities on waterfront land are designed and constructed in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (NSW Department of Planning and Environment, 2012), *Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (NSW Fisheries 2003) and the *Policy and Guidelines for Fish Habitat and Conservation and Management* (NSW Fisheries, 2013), and creek diversions are designed to be geomorphologically stable, unless the Planning Secretary agrees otherwise.

### **Operating Conditions**

- B40. The Applicant must:
- (a) minimise any soil erosion and control sediment generation;
  - (b) ensure any above ground components, underground shafts, ancillary infrastructure, creek diversion and any other land disturbance associated with the construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* manual (Landcom, 2004) and the *Managing Urban Stormwater: Soils and construction – Volume 2A* manual (Landcom, 2008), or their latest versions;
  - (c) ensure the development (including security fencing and the creek diversion) does not materially alter the flood storage capacity, flows or characteristics off-site;
  - (d) ensure the above ground components do not cause any increased water being diverted off the site or alter hydrology off site; and
  - (e) ensure the above ground components, underground shafts, creek diversion, spillways and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site.

### **Water Management Plan**

- B41. Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Water Management Plan for the development in consultation with NSW DCCEE (Water Group) and EPA. This plan must include a:
- (a) Site Water Balance that includes details of:
    - (i) predicted annual inflows to and outflows from the site;
    - (ii) sources and security of water supply;
    - (iii) water and wastewater storage capacity;
    - (iv) water use and management on site, including wastewater transfer; and
    - (v) reporting procedure, including the annual preparation of a site water balance;
  - (b) Soil and Water Management Plan that includes:
    - (i) a description of the measures that would be implemented to ensure that the objectives of conditions B38, B39 and B40(a) - B40(e) above are achieved, including provision of contaminated water and stormwater collection systems, and any associated dam construction;
    - (ii) a description of the contaminated water and stormwater collection systems, creek diversion and any associated dam construction;
    - (iii) a program to monitor and report on the effectiveness of these measures;
    - (iv) a surface water monitoring program; and
    - (v) details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions;
  - (c) Groundwater Management Plan that includes:
    - (i) detailed baseline data of hydrogeology and groundwater levels in the region;
    - (ii) development of a groundwater conceptual model and estimated groundwater take;
    - (iii) water licencing requirements for the development;
    - (iv) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development;

- (v) a detailed description of the groundwater management and monitoring system, including measures to reduce potential for contamination and excess take of groundwater;
- (vi) a program to monitor and evaluate groundwater flows, groundwater quality and the effectiveness of groundwater management systems, including reporting procedures for the results of the monitoring program; and
- (vii) a plan to respond to any probable or actual exceedances of the groundwater impact assessment criteria and repair, mitigate and/or offset any adverse groundwater impacts of the development.

The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary. Following the Planning Secretary's approval, the Applicant must implement the Water Management Plan for the duration of the development.

## HAZARDS

### Storage and Handling of Dangerous Goods

B42. 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 of condition B42(a) and B42(b) above, the most stringent requirement must prevail to the extent of the inconsistency.

*Note: The Applicant is required to manage explosives and explosive precursors in accordance with the requirements of the Resources Regulator.*

### Geotechnical stability

B43. Prior to commencing construction, a suitably qualified and experienced geotechnical engineer, independent of the design team, must review and verify that the cavern has been assessed and designed to be stable in the long term. The verification must be provided with the Final Layout Plans required in condition C9.

### Bushfire Emergency Management

B44. 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 access requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent);
  - (ii) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*;
  - (iii) 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 with the water level of the tank(s) maintained at an appropriate level, at all times; and
  - (iv) complies with Transgrid's *Transmission Line Design Standard* (November 2021) (or equivalent) and Transgrid's *Bushfire Risk Management Plan* and for design and operation of the transmission line;
- (c) ensure that:
  - (i) the development includes a minimum 10 metre defendable space around the perimeter that permits unobstructed vehicle access to assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site;
  - (ii) the development is managed as an asset protection zone (including the defendable space); and
  - (iii) the design of the transmission line limits the possibility of ignition of surrounding bush land or the fabric of buildings;
- (d) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (e) notify the relevant NSW RFS Fire Control Centre following construction of the development, and prior to commencing operations.

### Bushfire Emergency Management and Evacuation Plan

B45. Prior to commencing construction, the Applicant must develop and implement a comprehensive Bushfire Emergency Management and Evacuation Plan and detailed emergency procedures for the development, and provide a copy of the plan to the relevant NSW RFS Fire Control Centre. The plan must:

- (a) be consistent with the RFS's *Planning for Bushfire Protection 2019* (or equivalent);

- (b) include details on how the equipment can be safely isolated in an emergency;
- (c) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;
- (d) include availability of, and access to, fire suppression equipment and fire fighting water;
- (e) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (f) include bushfire emergency management planning, including:
  - (i) details of the location, management and maintenance of the Asset Protection Zone;
  - (ii) a list of works that should not be carried out during a total fire ban;
  - (iii) details of how RFS would be notified, and procedures that would be implemented, in the event that:
    - there is a fire on-site or in the vicinity of the site;
    - there are any activities on site that would have the potential to ignite surrounding vegetation; or
    - there are any proposed activities to be carried out during a bushfire danger period; and
- (g) include an Emergency Services Information Package in accordance with *Emergency services information and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW.

B46. The Applicant must:

- (a) implement the Bush Fire Emergency Management and Evacuation Plan and the Emergency Services Information Package for the duration of the development; and
- (b) following commencement of commissioning of the development, keep two copies of the Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

## WASTE

B47. Prior to commencing construction, the Applicant must prepare and implement a Waste Management Plan for the development, to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared in consultation with the EPA; and
- (b) include, but not limited to, the following matters:
  - (i) measures to ensure that prior to disposal all waste is classified in accordance with the NSW *Waste Classification Guidelines* (EPA 2014); and
  - (ii) comprehensive details about handling, storage and disposal of waste rock, including details on appropriate testing of waste rock for lead.

## ACCOMMODATION AND EMPLOYMENT STRATEGY

B48. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council. This strategy must:

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

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

## DECOMMISSIONING AND REHABILITATION

B49. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to comply with the objectives in Table 5.

Table 5: Rehabilitation Objectives

Feature	Objective
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Site	<ul style="list-style-type: none"> <li>• Safe, hydraulically and geotechnically stable and non-polluting.</li> </ul>
SCES Facility and ancillary infrastructure	<ul style="list-style-type: none"> <li>• All above ground infrastructure to be decommissioned and removed, unless the Planning Secretary agrees otherwise.</li> <li>• All below ground infrastructure to be decommissioned and sealed, unless the Planning Secretary agrees otherwise.</li> </ul>
Transmission line	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• All infrastructure including above and below ground to be decommissioned and removed to a depth of 500 mm, unless the Planning Secretary agrees otherwise.</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore land to pre-existing use.</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety at all times.</li> </ul>

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

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

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

#### Management Plan Requirements

- C2. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
- (a) a summary of relevant background or baseline data, including consideration of any cumulative impacts with other projects;
  - (b) a description of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures/criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a reconciliation table to demonstrate all relevant management measures and recommendations identified in the EIS have been included in the plan;
  - (d) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of any management measures (see condition C2(c));
  - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (h) a protocol for managing and reporting any:
    - (i) incidents;
    - (ii) complaints;
    - (iii) non-compliances with statutory requirements; and
    - (iv) exceedances of the impact assessment criteria and/or performance criteria;
  - (i) a protocol for periodic review of the plan; and
  - (j) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of the person/s who prepared and reviewed the management plan, a description of any revisions made and the date of the Planning Secretary's approval.

*Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

### **Revision of Strategies, Plans and Programs**

- C3. 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 C11 of Schedule 2;
    - (ii) submission of an audit report under condition C13 of Schedule 2; or
    - (iii) any modification to the conditions of this consent.

### **Updating and Staging Strategies, Plans or Programs**

- C4. With the approval of the Planning Secretary, the development may be staged and 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).
- C5. 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.
- C6. 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.
- C7. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

## **NOTIFICATIONS**

### **Notification of Department**

- C8. Prior to commencing 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**

- C9. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the NSW planning portal (Major Projects) website and to Council, including details on the siting of SCES Facility, transmission line and ancillary infrastructure.

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

### **Work as Executed Plans**

- C10. Prior to commencing operations or following the upgrades of the proposed infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the Final Layout Plans to the Department via the NSW planning portal (Major Projects) website and also to Council.

### **Incident Notification**

- C11. The Department must be notified in writing via the NSW planning portal (Major Projects) website 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 7.

### **Non-Compliance Notification**

- C12. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

### **INDEPENDENT ENVIRONMENTAL AUDIT**

- C13. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)* or as updated from time to time and published on the Department's website.

### **ACCESS TO INFORMATION**

- C14. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
  - (i) the EIS;
  - (ii) the Final Layout Plans for the development;
  - (iii) current statutory approvals for the development;
  - (iv) strategies, plans or programs required under the conditions of this consent (other than the Bushfire Emergency Management and Evacuation 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, excluding the data provided to Receiver R2 under conditions B25A(f) and B32A(c) and (d);
  - (vii) the annual Statement of Compliance with the EPL, including the Perilya Potosi EPL used during construction;
  - (viii) how complaints about the development can be made;
  - (ix) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - (x) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

APPENDIX 1 GENERAL DEVELOPMENT LAYOUT

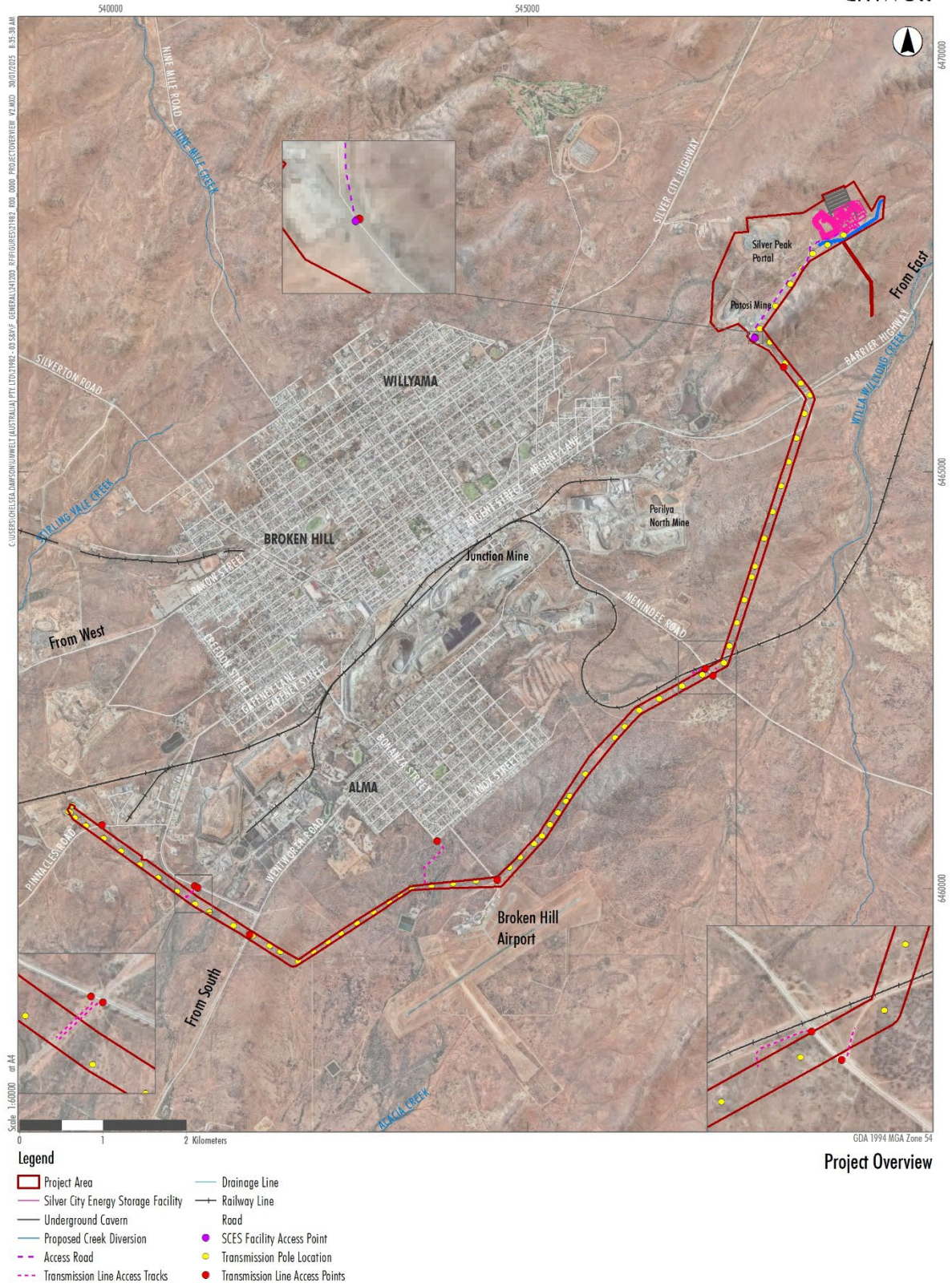
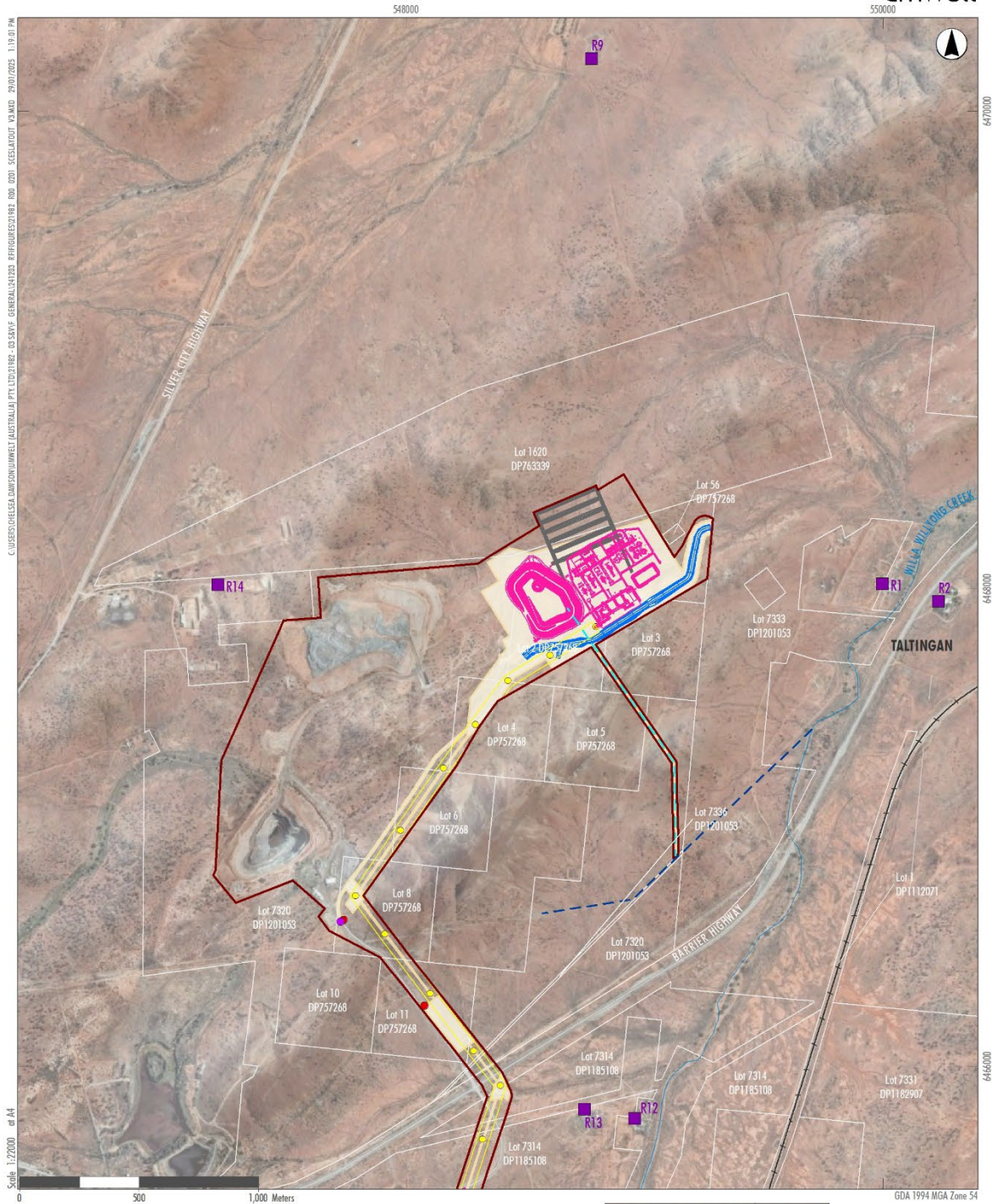


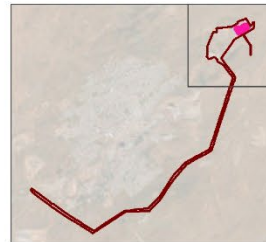
Image Source: ESRI Basemap (2022); Neormap (2022) Data source: DFSI (2023)

Figure 1 - Development Layout Overview



**Legend**

- Project Area
- Silver City Energy Storage Facility
- Underground Cavern
- Transmission Line Easement
- Transmission Pole Location
- Disturbance Area
- Proposed Creek Diversion
- Existing Stephens Creek Reservoir Water Pipeline (above ground section)
- Proposed Above Ground Water Pipeline
- SCES Facility Access Point
- Transmission Line Access Points
- Property Boundaries
- Drainage Line
- +— Railway Line
- Road
- Project Receivers



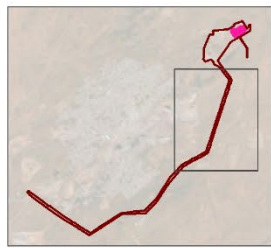
**Project Layout  
SCES Facility**

Image Source: ESRI Basemap (2022); Nearmap (2022) Data source: DFES (2023)

Figure 2 - SCES facility



- Legend**
- Project Area
  - Transmission Line Easement
  - Transmission Pole Location
  - Disturbance Area
  - Property Boundaries
  - Drainage Line
  - Railway Line
  - Road
  - Transmission Line Access Tracks
  - Transmission Line Access Points
  - Project Receivers



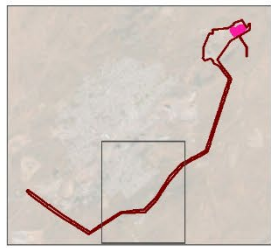
**Project Layout  
Transmission Line**

Image Source: ESRI BaseMap (2022), Nearmap (2022) Data source: DFSI (2023)

Figure 3 - Transmission line (1 of 3)



- Legend**
- Project Area
  - Disturbance Area
  - Property Boundaries
  - Railway Line
  - Road
  - Transmission Line Access Tracks
  - Transmission Line Access Points
  - Transmission Pole Location
  - Transmission Line Easement
  - Project Receivers



**Project Layout  
Transmission Line**

Image Source: ESRI BaseMap (2022); Nearmap (2022) Data source: DFSI (2023)

Figure 4 - Transmission line (2 of 3)



Figure 5 - Transmission line (3 of 3)

**APPENDIX 2 SCHEDULE OF LANDS**

<b>Lot Number</b>	<b>Deposit Plan (DP)</b>
1	DP1112071
1	DP914762
1	DP1249242
2	DP757304
2	DP757268
2	DP1102040
3	DP757268
3	DP1083729
4	DP757268
4	DP1220372
5	DP757268
6	DP757268
6	DP725395
8	DP757268
10	DP757268
11	DP757268
162	DP725335
567	DP760829
1620	DP763339
7302	DP1181129
7314	DP1185108
7320	DP1201053
7331	DP1182907
7336	DP1201053
7481	DP1200701
7484	DP1200701
7485	DP1200701
7486	DP1200701
7489	DP1200701
7490	DP1200701
Unincorporated Far West Region	
Part of Crown Road adjoining Lot 7302 DP 1181129	
Part of Crown Road (Pro Hart Way) adjoining Lot 4 DP 1220372 and Lot 1 DP 1249242	
Part of Road Corridor (Silver City Highway) adjoining Lot 7302 DP 1181129 and Lot 4 DP 1220372	
Part of Road Corridor Menindee Road and Barrier Highway	

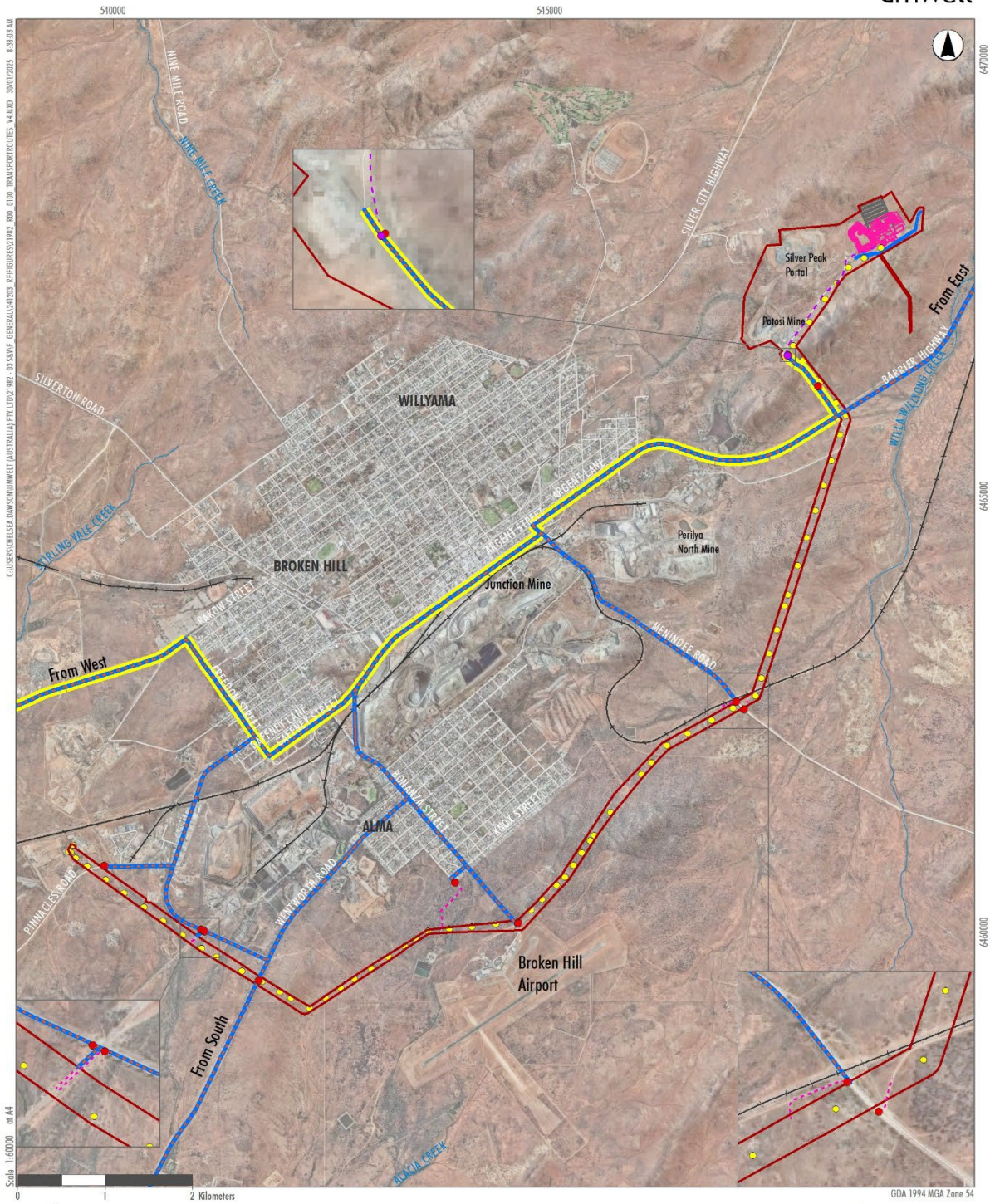
*Note: The site will also be taken to include any Crown land and road reserves contained within the site*

**APPENDIX 3 GENERAL TERMS OF THE APPLICANT'S VPA OFFER**

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement.

<b>Council</b>	<b>Payment Details</b>
Broken Hill City Council	<p>\$1,600,000 to be paid to Council on or before the date 24 months from the commencement of operations.</p> <p>\$1,500,000 to be paid on or before the date 5 years from the commencement of operations.</p> <p>Council is to spend the Contributions on the Community Energy Project, the Heritage Restoration Project, and/or the Telecommunications Project.</p> <p>Council may allocate to one or all of the three projects at Council's discretion.</p>

APPENDIX 4 SITE ACCESS ROUTE



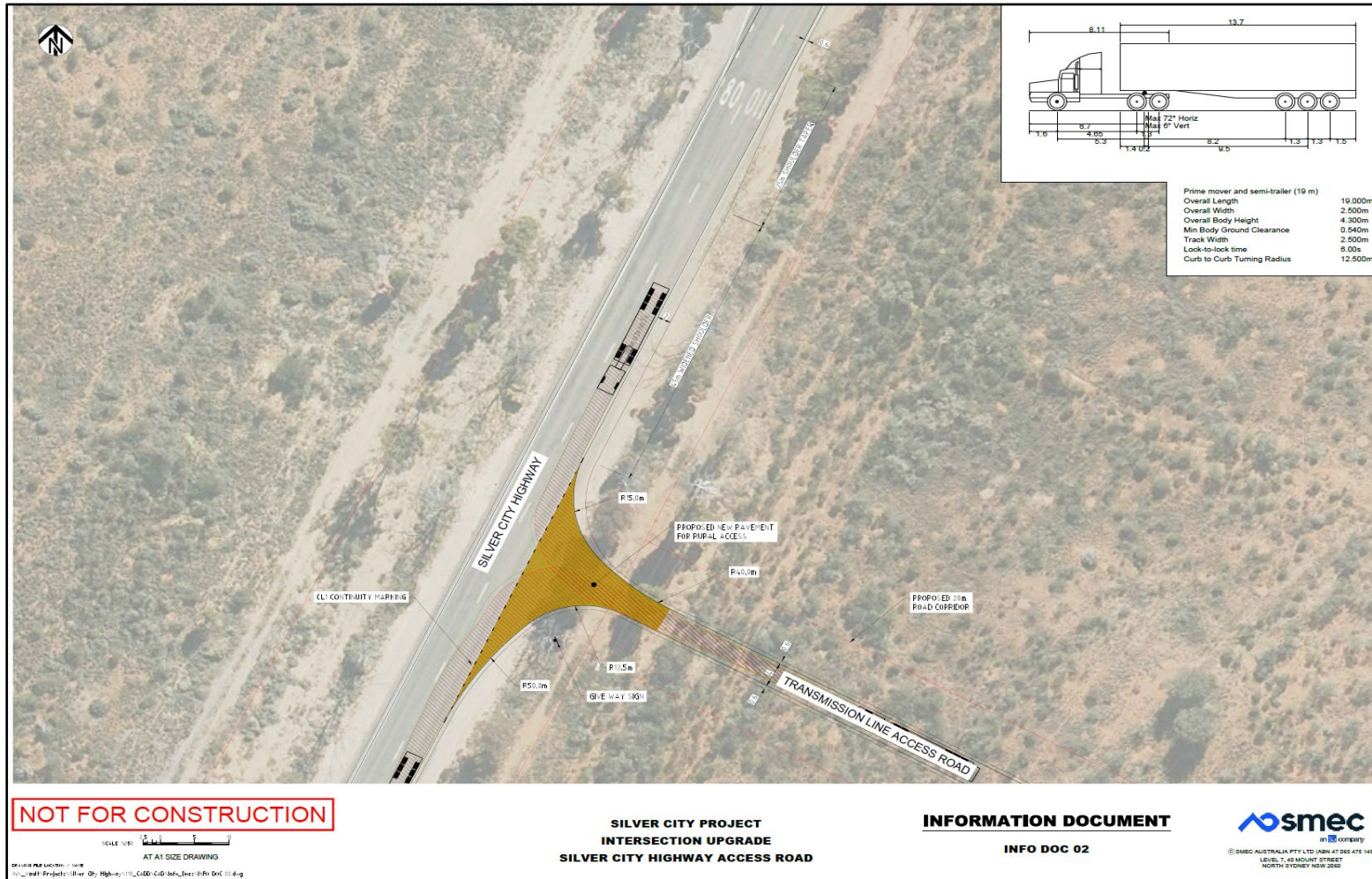
- Scale: 1:60000 at A4
- GDA 1994 MGA Zone 54
- Legend**
- |                                     |                                 |                           |
|-------------------------------------|---------------------------------|---------------------------|
| Project Area                        | Drainage Line                   | <b>Vehicle Routes</b>     |
| Silver City Energy Storage Facility | Railway Line                    | Heavy Vehicles            |
| Underground Cavern                  | Road                            | Light Vehicles            |
| Proposed Creek Diversion            | SCEES Facility Access Point     | Vehicles Requiring Escort |
| Access Road                         | Transmission Pole Location      |                           |
| Transmission Line Access Tracks     | Transmission Line Access Points |                           |

Project Overview

Image Source: ESRI Basemap (2022); Nearmap (2022) Data source: DFSA (2023)

**APPENDIX 5 ROAD UPGRADES AND ACCESS**

Road	Location	Upgrade Requirements
Silver City Highway / property access	Approximately 200m south of Kanandah Road on Silver City Highway	A rural property access constructed in accordance with Austroads design standard for rural type access



**APPENDIX 6 HERITAGE ITEMS FOR SALVAGE WITHIN THE APPROVED DEVELOPMENT FOOTPRINT**

*Table 1 - Aboriginal heritage items - salvage*

	<b>Item Name (AHIMS)</b>	<b>Site Name</b>	<b>Degree of Impact</b>
1	23-4-0178	Reburial BH AFT 14	Whole
2	23-4-0701	Reburial BH AFT 28	Whole
3	23-5-0063	BH1-48	Whole
4	23-5-0112	FD-GO01	Whole
5	23-5-0121	PM-Q4	Whole
6	23-5-0122	PM-Q5	Whole
7	23-5-0123	PM-Q6	Whole
8	23-5-0125	PM-GO2	Whole
9	23-5-0126	PM-GO3	Whole
10	23-5-0139	FD-IF02	Whole
11	23-5-0152	FD-IF18	Whole
12	23-5-0153	FD-IF7	Whole
13	23-5-0154	FD-IF16	Whole
14	23-5-0156	FD-IF14	Whole
15	23-5-0169	Reburial BH AFT 18	Whole
16	23-5-0170	Broken Hill (ACAES) AFT 1	Whole
17	23-5-0171	Broken Hill (ACAES) AFT 3	Whole
18	23-5-0172	Broken Hill (ACAES) AFT 4	Whole
19	23-5-0183	Broken Hill (ACAES) AFT 44	Whole
20	23-5-0185	Broken Hill (ACAES) AFT 53	Whole
21	23-5-0186	Broken Hill (ACAES) HTH 52)	Whole
22	31-1-0725	Broken Hill (ACAES) AFT 41	Whole
23	23-4-0640 / 23-4-0641 (duplicate)	Kanandah 1 / Kanandah 2 (duplicate)	Partial
24	23-4-0682	South airports regency area isolated artefacts	Partial
25	23-4-0697	Broken Hill (ACAES) AFT 20	Partial
26	23-4-0698	Broken Hill (ACAES) AFT 22	Partial
27	23-4-0699	Broken Hill (ACAES) AFT 23	Partial
28	23-4-0700	Broken Hill (ACAES) AFT 25	Partial
29	23-4-0701	Broken Hill (ACAES) AFT 28	Partial
30	23-4-0702	Broken Hill (ACAES) AFT 29	Partial
31	23-5-0131 / 23-5-0132 (duplicate)	PM-IF-6 / PM-GO4 (duplicate)	Partial
32	23-5-0168	Broken Hill (ACAES) AFT 19	Partial
33	23-5-0169	Broken Hill (ACAES) AFT 18	Partial
34	23-5-0174	Broken Hill (ACAES) AFT/HTH 10	Partial
35	23-5-0175	Broken Hill (ACAES) AFT 11	Partial
36	23-5-0177	Broken Hill (ACAES) AFT 13	Partial
37	23-5-0178	Broken Hill (ACAES) AFT 14	Partial
38	23-5-0179	Broken Hill (ACAES) AFT 15	Partial
39	23-5-0180	Broken Hill (ACAES) AFT/HTH 16	Partial
40	31-1-0723	Broken Hill (ACAES) AFT/HTH 26	Partial
41	31-1-0724	Broken Hill (ACAES) AFT/HTH 27	Partial

Table 2 - Aboriginal heritage items – avoid impacts

	Item name	Site Name
1	31-1-0726	Broken Hill (ACAES) AFT 40
2	23-5-0187	Broken Hill (ACAES) AFT 51
3	23-5-0188	Broken Hill (ACAES) AFT 50
4	23-5-0189	Broken Hill (ACAES) AFT 49
5	23-5-0190	Broken Hill (ACAES) AFT 48
6	23-5-0191	Broken Hill (ACAES) AFT 47
7	23-5-0192	Broken Hill (ACAES) AFT 46
8	23-5-0184	Broken Hill (ACAES) AFT 54
9	23-5-0181	Broken Hill (ACAES) AFT 17
10	23-5-0182	Broken Hill (ACAES) AFT 45
11	23-5-0176	Broken Hill (ACAES) AFT12
12	23-5-0173	Broken Hill (ACAES) AFT 8
13	23-5-0140	FD-IF01
14	23-5-0141	FD08
15	23-5-0146	FD-IF19
16	23-5-0138	FD-IF03
17	23-5-0120	PM-Q3
18	23-4-0705	Broken Hill (ACAES) AFT 43
19	23-4-0706	Broken Hill (ACAES) AFT 42
20	23-4-0707	Broken Hill (ACAES) AFT 38
21	23-4-0708	Broken Hill (ACAES) AFT /HTH 37
22	23-4-0709	Broken Hill (ACAES) AFT 36
23	23-4-0710	Broken Hill (ACAES) AFT 35
24	23-4-0711	Broken Hill (ACAES) AFT 34
25	23-5-0127	PM-Q7
26	23-4-0703	Broken Hill (ACAES) AFT 30
27	23-4-0704	Broken Hill (ACAES) AFT 31
28	23-4-0697	Reburial BH AFT 20
29	31-1-0727	Broken Hill (ACAES) HTH 39

## APPENDIX 7 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C11), the Applicant is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Applicant became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the incident; and
  - (e) a summary of the incident;
  - (f) outcomes of an incident investigation, including identification of the cause of the incident;
  - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.