

**DETAILS OF CONDITIONS** (including section 94 conditions) See Note 2

**PART 1 - GENERAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.**

**For the purpose of these conditions, the term ‘applicant’ means any person who has the authority to act on the development consent.**

1. Except where otherwise required or permitted by conditions of consent, the development shall be carried out generally in accordance with the information accompanying the development application and the following stamped consent drawings, including any notations or amendments marked by Council in red.
  - “Project Locality”, Drawing No 0422199m\_SOEE\_G001\_R1.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 20 November 2017
  - “Land Zoning and Cadastral Boundaries”, Drawing No 0178462m\_TLI\_G002\_R11.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 15 August 2017
  - “Transmission Line Alignment”, Drawing No 0178462m\_TLI\_G005\_R6.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 14 August 2017
  - “Connection Point Concept Design and Substation Upgrade”, Drawing No 0422199m\_SOEE\_G002\_R4.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 22 November 2017
  - “Proposed Project”, Drawing No 0178462m\_TLI\_G010\_R5.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 15 August 2017
  - “Gullen Range 33/330kV Substation 33kV Switchroom Indicative Plan and Elevations”, Drawing No RO091700-0000-EE-SKT-0004, prepared by Jacobs Engineering Group (drawn by P Campagna), Revision B dated 14 December 2017
  - “Biala Wind Farm 330kV Substation Concept 330/33kV Indicative Substation Layout”, Drawing No RO091700-0000-EE-SKT-0002, prepared by Jacobs Engineering Group (drawn by J Ogoy), Revision C dated 14 December 2017
  - “Gullen Range 33/330kV Substation 33kV Switchroom Switchyard Indicative Elevation”, Drawing No RO091700-0000-EE-SKT-0005, prepared by Jacobs Engineering Group (drawn by P Campagna), Revision B dated 14 December 2017.
2. The consent does not permit the carrying out of any development (including erection of any temporary structure) for the purpose of any temporary construction compound associated with the development, other than identified by an environmental planning instrument as not requiring development consent. That is, any proposed development for the purpose of a temporary construction compound associated with the development will require prior development consent unless otherwise specified by a state environmental planning policy or local environmental plan.
3. Except as may be expressively provided by an Environment Protection Licence for works in the development, the applicant shall comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters.

4. All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date that an application for a relevant construction certificate is made.
5. The development shall be carried out in accordance with the relevant specifications and requirements of the NSW Rural Fire Service document entitled "Planning for Bush Fire Protection" where applicable, including arrangements to ensure the development:
  - (a) Provides for asset protection in accordance with "Planning for Bushfire Protection"
  - (b) Is suitably equipped to respond to any fires on site.

The applicant, in consultation with the NSW Rural Fire Service, shall develop procedures to manage potential fires on site and assist if there is a fire in the vicinity of the site.

6. The consent does not permit the erection or display of any signage other than identified by an environmental planning instrument as not requiring development consent.
7. The consent does not permit any earthworks or removal of vegetation other than:
  - (a) indicated by the stamped approved development drawings,
  - (b) indicated by information accompanying the development application, or
  - (c) identified by an environmental planning instrument as not requiring development consent.
8. The development shall not be permitted to commence operation unless:
  - (a) Landscaping treatments have been implemented to screen the substation and associated switching station(s) on Lot 2 DP1168750
  - (b) Colour treatment has been applied to perimeter fencing for the substation and associated switching station(s) on Lot 2 DP1168750 to minimise glare to the satisfaction of Council.

The landscaping treatments referred to in paragraph (a) shall employ all practicable mitigation measures and utilise mature plantings to screen the substation and switching station(s) from surrounding non-associated properties and public places, including roads. Following the installation of the landscaping treatments, the applicant shall maintain them over the life of the project.

9. All waste generated in the carrying out of the development shall be lawfully disposed of to a suitably authorised waste processing or recycling facility.
10. Throughout the life of the development, the applicant shall record details of all complaints received regarding the development through the means required by the conditions of consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
  - (a) The date and time, where relevant, of the complaint
  - (b) The means by which the complaint was made, e.g. telephone, mail or e-mail
  - (c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect
  - (d) The nature of the complaint
  - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant
  - (f) If no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by Council upon request.

11. The applicant shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
  - (a) All relevant Australian Standards
  - (b) The Environment Protection Authority's Environment Protection Manual Technical Bulletin Bunding and Spill Management.

In the event of an inconsistency between the requirements of paragraphs (a) and (b), the more stringent requirement shall prevail to the extent of the inconsistency.

12. No component of the development shall be permitted to commence operation unless the applicant has:
  - (a) Repaired, or paid the full costs associated with repairing, any public infrastructure that is damaged in the carrying out of works and associated transportation activities in the development
  - (b) Relocated, or paid the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
13. The consent does not permit provision of any additional vehicle access driveway from any public road.
14. No component of the development shall be permitted to commence operation unless, upon completion of works in public road reserves and prior to hand over to Council, road surfaces impacted where the transmission line intersects with any public road have been reinstated to a standard agreed with Council pursuant to a permit granted under section 138 of the Roads Act 1993.
15. Prior to transporting any oversized or over mass load, the applicant shall obtain a permit from the NHVR and NSW Roads and Maritime Services Special Permits Unit in Glen Innes.
16. No component of the development shall be permitted to commence operation unless a lease agreement has been reached between the applicant and Council, and associated charges of leasing the land have been paid.
17. The consent does not permit any:
  - (a) Demolition, moving or alteration of any "Aboriginal object" as defined by Upper Lachlan Local Environmental Plan 2010
  - (b) Disturbance or excavation of any "archaeological site" or any "Aboriginal place of heritage significance" as defined by Upper Lachlan Local Environmental Plan 2010.

## **PART 2 - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of a construction certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.**

18. No construction certificate shall be granted for any building work in the development unless details, specifications and drawings submitted with the application for construction certificate reflect consistency with the development consent, including the stamped consent drawings.

19. No construction certificate shall be granted for any building work in the development unless the principal certifying authority for the development is satisfied by information accompanying the construction certificate application that the building work concerned will comply with the relevant specifications and requirements of the NSW Rural Fire Service document entitled “Planning for Bush Fire Protection”, where applicable.
20. No construction certificate shall be granted for any building work in the development unless information accompanying the construction certificate application demonstrates compliance with the Building Code of Australia.

### **PART 3 - PRIOR TO COMMENCEMENT OF WORK**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site.**

21. No work in the development shall be permitted to commence unless the applicant has paid to Council a levy of 1% of the nominated cost of carrying out the development, as authorised by the Upper Lachlan Section 94A Development Contributions Plan. As the nominated cost of development is \$19.9million, the levy payable at the time of consent is \$199,000.00. The levy payable will be adjusted at the time of payment, in accordance with section 1.10 of Upper Lachlan Section 94A Development Contributions Plan.
22. No work in the development shall be permitted to commence unless:
  - (a) Application has been made for development consent, if required, to use land, carry out works, and/or erect a building or buildings (including any proposed temporary structure) for the purpose of any temporary construction compound associated with the development, and
  - (b) The application has been favourably determined, and
  - (c) The temporary construction compound or compounds has or have been completed in accordance with any relevant development consent.

In this regard, consent shall not be granted for any proposed temporary construction compound unless it includes satisfactory vehicle entry/exit, manoeuvring, parking and loading/unloading facilities.

23. No work in the development shall be permitted to commence unless detailed site plans in PDF format, clearly identifying Transgrid’s easement and high voltage transmission lines and any proposed activity within or immediately adjacent to the easement or lines, have been supplied to and endorsed by Transgrid.
24. No work in the development, including any associated transportation activities, shall be permitted to commence unless the applicant has prepared a construction traffic management plan for the development in consultation with Council and NSW Roads and Maritime Services. The plan shall:
  - (a) Detail measures to be implemented to:
    - Minimise the traffic safety impacts of the development and disruptions to local road users during the construction and decommissioning of the development, including:
      - Temporary traffic controls, including detours and signage
      - Notifying the local community about development-related traffic impacts
      - Avoiding potential conflicts between development-related traffic and livestock movements associated with agricultural activities on land adjoining and adjacent to public roads
      - Avoiding conflict between development-related traffic and school buses in consultation with school bus operators
      - Ensuring development-related traffic does not track dirt onto the public road network

- Ensuring loaded vehicles entering or leaving the site have their loads covered or contained
  - Responding to any emergency repair requirements or maintenance during construction and/or decommissioning
  - A traffic management system for managing over-dimensional vehicles
  - Comply with the traffic conditions in the consent
- (b) Include a drivers code of conduct that addresses:
- Travelling speeds
  - Procedures to ensure drivers adhere to designated heavy and over-dimensional vehicle routes
  - Procedures to ensure drivers implement safe driving practices
- (c) Include a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.

Following approval by Council, the applicant shall implement the Traffic Management Plan.

25. At least one month prior to any work in the development being permitted to commence, and on a monthly basis thereafter until all works in the development have been completed, the applicant shall provide written notification to the owners of all lots adjoining the land of its intended detailed work schedule through to completion of works. Each notification shall clearly indicate the dates, nature and location of works to be carried out. Each notification subsequent to the first notification shall clearly identify any change that may have been made to the work schedule.
26. No work in the development shall be permitted to commence unless all necessary permits have been obtained from Council, under section 138 of the Roads Act 1993, for works associated with transmission line construction/installation where the transmission line's alignment intersects any public road.
27. No work in the development shall be permitted to commence unless detailed engineering design information and/or drawings, indicating appropriate drainage treatment at each intersection of the transmission line with a public road, have been submitted to and approved by the relevant roads authority, e.g. Council or NSW Roads and Maritime Services.
28. No work in the development shall be permitted to commence unless the applicant has made the following available for community complaints for the life of the development (including construction, operation and decommissioning):
- (a) 24-hour telephone number on which complaints about construction, operation and decommissioning activities at the site may be registered
  - (b) A postal address to which written complaints may be sent
  - (c) An email address to which electronic complaints may be transmitted.

The telephone number, postal address and e-mail address shall be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of any work in the development and at six-monthly intervals thereafter. These details shall also be provided on the applicant's internet site.

29. No work in the development, including any associated transportation activities, shall be permitted to commence unless the applicant has:
- (a) Commissioned a qualified person to undertake a Road Dilapidation Report of all roads proposed to be used for construction or decommissioning activities in consultation with relevant road authorities. The Report shall assess the current condition of the relevant roads; and
  - (b) Following completion of the construction or decommissioning of the project, a subsequent Road Dilapidation Report shall be prepared to assess any damage that may have resulted due to traffic and transport related to the construction or decommissioning of the project.

The applicant shall commit to restore the relevant roads to a state described in the original Road Dilapidation report. The cost of any restorative work described in the subsequent Report, or recommended by the relevant road authorities after review of the subsequent Report, shall be funded by the applicant. Such work shall be undertaken at a time as agreed upon between the applicant and the relevant road authorities.

30. No work in the development shall be permitted to commence unless the applicant has notified Council and NSW Roads and Maritime Services in advance of expected heavy vehicle movements to and from the development site and implementation of traffic control measures.
31. No work in the development shall be permitted to commence unless the applicant has upgraded all site access roads as necessary for temporary use by heavy vehicles, to a standard endorsed by Council and to the practicable requirements of Council.
32. No work in the development shall be permitted to commence unless the final proposed transmission line alignment has been confirmed to, and accepted in writing by, Council and the NSW Office of Environment & Heritage.

In this regard, neither Council nor the Office of Environment & Heritage shall accept the proposed final transmission line alignment unless the applicant has prepared, and supplied to Council and the Office of Environment & Heritage, an Aboriginal Cultural Heritage Assessment Report (ACHAR), supported by a full archaeological survey of the project area and archaeological testing of any identified potential archaeological deposit (PAD). The survey shall include all areas of direct impact such as the substation expansion footprint, both transmission line alignment options as indicated by information accompanying the development application, and access roads.

33. No building work in the development shall be permitted to commence unless the following provisions of section 81A of the Environmental Planning and Assessment Act 1979 (the Act) have been complied with:
- (a) A construction certificate for the building work concerned shall be obtained; and
  - (b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
  - (c) Council shall be notified in writing at least two days prior to building or subdivision work commencing.

34. No demolition or building work in the development shall commence unless a sign has been erected, in a prominent position on any site on which such work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

35. No demolition or building work in the development shall commence unless provision has been made for temporary toilet accommodation on the site of the work.
36. No demolition work in the development shall be carried out unless:
- (a) A person having the benefit of the consent has supplied the engaged demolition contractor's licence details to Council; and
  - (b) Appropriate fencing to prevent public access to the site of the demolition work has been erected and will be maintained for the duration of the demolition work being carried out.
37. No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
- Diversion of uncontaminated run-off around cleared or disturbed areas, and
  - Erection of silt fencing to prevent debris escaping into drainage systems and waterways, and
  - Prevention of tracking of sediment by vehicles onto roads, and
  - Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.

The above controls shall remain in place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.

#### **PART 4 - DURING CONSTRUCTION**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.**

38. If during the carrying out of works in the development the applicant becomes aware of any previously unidentified Aboriginal object, all work likely to affect the object shall cease immediately and the NSW Office of Environment & Heritage shall be informed in accordance with the National Parks and Wildlife Act 1974. Works shall not recommence until written authorisation from the Office of Environment & Heritage is received by the applicant.
39. Throughout the carrying out of work in the development, including any associated transportation activities, the applicant shall implement satisfactory dust suppression measures on all unsealed roads giving access to the development site to minimise generation of airborne dust.
40. No work in the development shall be carried out outside the following times:
- Between 7:00am and 6:00pm on Mondays to Fridays
  - Between 8:00am and 1:00pm on Saturdays
  - Any time on Sundays or public holidays.

41. No building material or demolition waste shall be permitted to be deposited on any Council land, including public reserves, roads, gutters or footpaths. Unless pre-existing damage to Council infrastructure is notified to Council in writing prior to commencement of any work in the development, Council will hold the person(s) having the benefit of the consent liable for the cost of any necessary repairs.
42. Alterations to natural surface contours shall not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.
43. Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.

#### **PART 5 – DURING DEMOLITION**

**The following conditions of consent have been imposed to ensure that the demolition relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the demolition work occurring on site.**

44. All demolition work in the development shall be carried out in accordance with Australian Standard AS2601-2001 – The Demolition of Structures and the following requirements:
  - No demolition work shall commence unless security fencing and/or hoarding have been provided to the perimeter of the demolition work site to prevent access by unauthorised persons throughout the demolition period.
  - Demolition work shall not be carried out in high winds.
  - Any identified lead contaminated materials shall be handled and disposed of in accordance with the requirements of the NSW Environment Protection Authority.
  - Dust controls shall be implemented on site prior to and throughout demolition work.
  - Any demolition material identified as containing asbestos shall be removed and disposed of in accordance with the requirements of WorkCover NSW.
  - All trucks/trailers entering or leaving the site shall have their loads adequately covered when not loading. Signage indicating this requirement shall be prominently displayed at the site's entry/exit point(s).
  - Temporary toilet facilities shall be provided on the site throughout demolition work.
  - Demolition work shall be restricted within the following hours:
    - Mondays to Fridays 7:00am-6:00pm
    - Saturdays 8:00am-1:00pm
    - Sundays & public holidays no demolition work permitted.
  - Sound pressure levels emitted from the site, measured as LA10 15 minutes, shall not exceed background noise levels at the nearest affected residence by the following criteria for the time interval specified:
    - 20dB(A) (Demolition) -- period up to four weeks
    - 10dB(A) (Demolition) -- period greater than four weeks and not exceeding 26 weeks
    - 5dB(A) (Demolition) -- period exceeding 26 weeks.

## **PART 6 - PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.**

45. No building (as defined by section 4 of the Environmental Planning and Assessment Act 1979) shall be permitted to be occupied unless an occupation certificate has been obtained for the building concerned.
46. If any damage is caused to any Council asset or infrastructure in the carrying out of the development or any associated transportation, no occupation certificate shall be granted for the development unless satisfactory repairs have been carried out under Council's direction and at no expense to Council.

## **Part 7 - AGENCY Conditions**

47. Water NSW – refer to Schedule 1

The development shall be carried out in accordance with the requirements of Water NSW as detailed in its attached letter of 11 January 2018. Namely:

- (a) The site layout and works shall be as specified in the Statement of Environmental Effects prepared by ERM (dated 21/11/2017). No revised site layout or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

*Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

### **Construction Activities**

- (b) Effective erosion and sediment controls consistent with the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book", and the Department of Environment & Climate Change Managing Urban Stormwater: Soils and Construction Volume 2A Installation of Services (2008), shall be installed prior to any construction activity including the proposed compound and any agreed underground cabling.
- (c) The controls shall be to the satisfaction of Council and consistent with any requirements for Controlled Activities Approval under the Water Management Act, 2000 issued by the Department of Industry (former DPI Water). The controls shall be implemented and shall prevent sediment or polluted water leaving the site or entering any natural drainage system. The controls shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

*Reason for Conditions 2 & 3 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

48. NSW Roads & Maritime Services – refer to Schedule 2

The development shall be carried out in accordance with the requirements of NSW Roads & Maritime Services as detailed in its attached letter of 12 December 2017. Namely:

- (a) Prior to transporting any oversized or over mass loads, the applicant shall obtain a permit for an oversized and over mass load from the RMS Special Permits Unit in Glen Innes. The contact number is 1300 656 371. The issue of a Special Permit may be subject to route and bridge assessment/s if deemed necessary by the RMS Special Permits Unit.

49. NSW Office of Environment & Heritage – refer to Schedule 3

Noting the advice conveyed by the attached NSW Office of Environment & Heritage letter of 19 January 2018:

- (a) An Aboriginal Heritage Impact Permit shall be obtained under the National Parks and Wildlife Act 1974 prior to carrying out any activity or component in the development that will cause any impact to Aboriginal cultural heritage. Such permit shall require consultation with the Aboriginal community in accordance with the standard Office of Environment & Heritage guidelines.
- (b) The transmission line shall be micro-sited in consultation with the Office of Environment & Heritage to avoid impacts to:
  - Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland (Endangered Ecological Community)
  - Hollow bearing trees.
- (c) A full archaeological survey and program of subsurface test excavation shall be undertaken prior to development of detailed design plans.