

DA 122/2017: DRAFT CONDITIONS OF CONSENT.

DETAILS OF CONDITIONS (including section 7.12 conditions)

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. The development shall be carried out substantially in accordance with the approved stamped plans and documentation except where otherwise required or permitted by conditions of consent, including any notations or amendments marked by Council in red.
 - a) "Detailed Design Alignment", Drawing No 0422199s_SOEE_G004_R1.mxd, prepared by Environmental Resources Management Australia (drawn by VN), dated 6 April 2018
 - b) "Proposed Project", Drawing No 0178462m_TLI_G018_R0.mxd, prepared by Environmental Resources Management Australia (Drawn by GR/GC), dated 25 September 2018
 - c) "Vegetation Clearing Areas", Drawing Nos 0422199s_SOEE_G005, G006, G007, G008 – R1.mxd, prepared by Environmental Resources Management Australia (drawn by VN), dated 6 April 2018 and 24 September 2018
 - d) "Temporary Construction Compounds", Drawing No 0422199s_SOEE_G010_R0.mxd, prepared by Environmental Resources Management Australia (drawn by VN), dated 6 April 2018
 - e) "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
 - f) "Proposed Project", Drawing No 0178462m_TLI_G010_R5.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 15 August 2017
 - g) "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
 - h) "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
 - i) "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.

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

2. 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.
3. 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.

4. Within 3 months of operational commencement the applicant shall submit evidence of lodgment of the registration of easements under Section 88B of the Conveyancing Act 1919.
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 development shall not be permitted to commence operation unless:
 - (a) Landscaping treatments have been implemented to screen the substation.
 - (b) Colour treatment has been applied to perimeter fencing for the substation.

The landscaping treatments referred to in paragraph (a) shall employ all practicable mitigation measures and utilise mature plantings to screen the substation 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.

8. All waste generated in the carrying out of the development shall be lawfully disposed of to a suitably authorised waste processing or recycling facility.
9. 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.

10. 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.
11. The consent does not permit provision of any additional vehicle access driveway from any public road. For avoidance of doubt, this condition does not prevent the applicant from accessing the proposed corridor from a public road for the purpose of carrying out the development in accordance with this consent.

12. 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.
13. 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.

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.

14. To ensure the integrity of the disturbance area, prior to the issue of a construction certificate the applicant is to provide Council with the GPS co-ordinates of the centreline of the 20 m disturbance area for future reference and to also require that the 20 m disturbance area is marked prior to the commencement of works. The 20m disturbance area must be located within the 100m corridor presented in the SoEE and "Proposed Project" mapping.
15. 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.
16. 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.
17. 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.

18. No work in the development shall be permitted to commence unless all necessary Controlled Activities Approval(s) have been obtained from DPI - Water, under section 91(2) of the Water Management Act 2000, for works associated with transmission line construction/installation.
19. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas

for which biodiversity impacts were assessed in the SoEE, Submission response to JRPP deferral submissions and deferral Biodiversity Development Assessment Report.

20. The following mitigation measures shall also be considered at the site:

- Limit clearing through delineation of designated construction areas. This will help protect native vegetation and adjacent areas of retained EEC during the construction phase;
- Manage clearance of areas of weed infestation, to allow for separate stockpiling and disposal of weed material. Vehicle hygiene protocols should be included and will assist to control the movement of both pathogens and weeds;
- The impact area is to be backfilled at completion of the works and revegetated using a native grass mix;
- All workers must be made aware of the potential presence of threatened species and the manner in which they should be treated;
- Develop a pre-clearance survey protocol for fauna habitat where hollow bearing trees will be removed and for clearance of noxious weeds; and
- Develop a fauna clearance protocol that includes procedures to be followed should any injured fauna be encountered.

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 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.

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. No work in the development shall be permitted to commence unless the applicant has upgraded all internal site access roads as necessary for temporary use by heavy vehicles, to a standard endorsed by Council and to the practicable requirements of Council.
29. No work in the development shall be permitted to commence unless the final Aboriginal Cultural Heritage Assessment Report (ACHAR) is confirmed to, and accepted in writing by, Council and the NSW Office of Environment & Heritage.
30. No building work in the development shall be permitted to commence unless the following provisions of section 4.19 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 work commencing.

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.

31. 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.
32. 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.
33. No work in the development shall be carried out outside the following times:
 - a) Between 7:00am and 6:00pm on Mondays to Fridays
 - b) Between 8:00am and 1:00pm on Saturdays
 - c) Any time on Sundays or public holidays.
34. 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.
35. 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.
36. 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 - 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.

37. Prior to the issue of operational commencement the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

TABLE 1

Impacted plant community	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1191 – Snow Gum – Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands Bioregion	5	Crookwell, Bungonia, Inland Slopes, Kanangra, Monaro, Murrumbateman, Oberon and Orange. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions (including PCT's 285, 302, 303, 304, 350, 677, 679, 680, 732, 797, 802, 803, 804, 1100, 1101, 1102, 1103, 1110, 1191, 1197, 1199, 1228, 1229, 1295, 1501)

38. The requirement to retire credits in condition 37 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
39. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition 37 must be provided to the consent authority prior to the issue of operational commencement.
40. No building (as defined by Part 6 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.
41. 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 6 - AGENCY CONDITIONS

42. **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 21 May 2018. Namely:

- (a) The site layout and works shall be as specified in the Statement of Environmental Effects prepared by ERM (dated 21 November 2017) and Submission to Upper Lachlan Shire Council in response to JRPP Deferral Notice (dated 6 April 2018) both prepared by ERM. 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 erosion and sediment 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 - 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.

43. **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 8 May 2018. 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.

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

Noting the advice conveyed by the attached NSW Office of Environment & Heritage letter of 15 May 2018:

- (a) The ACHAR must consider all areas of related infrastructure or ground disturbance such as access roads, construction compounds, laydown and stockpiling areas as well as the transmission line route.
- (b) The planned program of subsurface test excavation must be undertaken prior to any development consent. The results of the subsurface test excavation investigation must be documented in an ACHAR in accordance with OEH guidelines.
- (c) An aboriginal Heritage Impact Permit (AHIP) is required if impacts to Aboriginal objects cannot be avoided.

45. **Essential Energy** – refer Schedule 4

- (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the titles of the effected properties should be complied with.
- (c) Essential Energy has key existing infrastructure traversing where the proposed electricity network route is to be located. This existing electrical infrastructure is crucial to ensure the reliability and security of the network in the area. In some places, the proposed electricity network route will cross or run parallel to Essential Energy's existing electrical infrastructure. This may affect Essential Energy's operation of its network. All proposed crossings and proposed infrastructure / powerlines that will be adjacent to Essential Energy's existing electrical network and/or easements will require certification by Essential Energy to ensure that the associated risks are identified and addressed. Careful consideration as to access and safety aspects of the existing electrical infrastructure must also occur. The applicant will need to provide more information for consideration and review, once the proposed electricity network route is finalise, enabling each situation to be assessed by Essential Energy. Refer Essential Energy's Asset Management Team for further requirements.
- (d) As noted, Essential Energy's records indicate there is electricity infrastructure located within some of the properties affected by the proposed electricity network route and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guidelines currently known as *ISSC 20 Guidelines for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (e) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
- (f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.