

Development Consent

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

The Independent Planning Commission of NSW approves consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent and/or minimise any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.

Member of the Commission **Member of the Commission** **Member of the Commission**

Sydney

2020

SCHEDULE 1

Application Number: SSD 9549
Applicant: Jindera Solar Farm Pty Ltd
Consent Authority: Independent Planning Commission
Land: See Appendix 2
Development: Jindera Solar Farm

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	Jindera Solar Farm Pty Ltd, or any person who seeks to carry out the development approved under this consent
BAL	Basic Left Turn
BAR	Basic Right Turn
Battery storage	Large scale energy storage system
BCD	Biodiversity Conservation Division within the Department
Cessation of operations	Operation of the development has permanently ceased for a continuous period of 12 months
CHR(s)	Channelised Right Turn
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels 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 and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Greater Hume Shire Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
DPIE Water	Water Group within the Department
EIS	The environmental impact statement for Jindera Solar Farm dated September 2019, the Response to Submissions dated 24 March 2020, Amendment Reports dated 24 March 2020 and 18 June 2020 and the additional information provided by the Applicant to the Department dated 22 April 2020 and 15 May 2020.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
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	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision,

Commented [AG1]: This change will protect the triggering of decommissioning in the event the operations of the Solar Farm are ceased due to circumstances outside of the operator's control (i.e. Transmission network issues, force majeure etc)

taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements

Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
Secretary	Secretary of the Department, or nominee
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 augmentation and/or replacement of solar panels 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

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 1.
3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. The Applicant must comply with any requirement/s of the 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.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

5. Over time, the Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Secretary incorporating the proposed upgrades.

STRUCTURAL ADEQUACY

6. 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.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

DEMOLITION

7. 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

8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

9. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SUBDIVISION

10. The Applicant may subdivide the site as identified in Appendix 4 and in accordance with the requirements of the EP&A Act and EP&A Regulation.

Notes:

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

COMMUNITY ENHANCEMENT

11. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the [draft](#) terms of the agreement between the Applicant and Greater Hume Shire Council [dated February 2020](#), which are summarised in in Appendix 3.

Commented [AG2]: Terms between GHSC and proponent have been updated, which are outlined below in appendix 3. An update on general terms can be given to DPIE if required.

SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

BATTERIES

Battery Storage Restriction

1. The battery storage facility or system associated with the development must not exceed a total delivery capacity of 30 MW / ~~60 MWh~~.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage facility or system in the future.

Commented [AG3]: Inclusion to reflect the EIS

TRANSPORT

Over-Dimensional and Heavy Vehicle Restrictions

2. The Applicant must ensure that the:
 - (a) development does not generate more than:
 - ~~4030~~ heavy vehicle movements a day during construction, upgrading and decommissioning;
 - ~~105~~ over-dimensional vehicle movements during construction, upgrading and decommissioning; and
 - ~~85~~ heavy vehicle movement a day during operations;
-on the public road network;
 - (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed ~~26~~¹⁹ metres, unless the Secretary agrees otherwise.
3. The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.

Commented [SH4]: See RFI dated 14/05/2020, which sets out vehicle numbers. The RFI was the culmination of several discussions between JSF and DPIE. These figures have been updated to reflect numbers in RFI

Commented [SH5]: As per Section 7.3 of the EIS, vehicle length has been assessed as being a maximum of 26 m, not 19 m. Condition updated to reflect

Access Routes

4. All over-dimensional and heavy vehicles associated with the development must travel to and from the site via the Hume Highway, Thurgoona Drive, Catherine Crescent, Dallinger Road, Union Road, Wagga Road, Urana Road, Urana Street, Urana Road:
 - (a) and the approved site access point off Urana Road; or
 - (b) Walla Walla Jindera Road, and the approved site access points off Walla Walla Jindera Road; as identified in the figures in Appendix 1 and Appendix 5.

All heavy vehicles associated with construction of the transmission line must use Hume Highway, Thurgoona Drive, Catherine Crescent, Dallinger Road, Union Road, Wagga Road, Urana Road, Urana Street, Urana Road, Walla Walla Jindera Road, Lindner Road and Ortlipp Road.

All vehicles associated with the development must avoid the use of Klinberg Road, except for emergency purposes.

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

Site Access

5. All vehicles associated with the development must enter and exit the site via one of the three approved site access points off Urana Road or Walla Walla Jindera Road, as identified in the figure in Appendix 1 and Appendix 5.

In addition, light vehicles may enter and exit the site via the site access points off:

- (a) Ortlipp Road for emergency and maintenance purposes.
- (b) Klinberg Road for emergency purposes.

Road Upgrades

6. Unless the Secretary agrees otherwise, prior to commencing construction, the Applicant must construct:
 - (a) the intersection of the site access point and Urana Road, including a CHR(s)/BAL;
 - (b) the intersections of the two site access points off Walla Walla Jindera Road, including BAR/BAL intersection treatments; and
 - (c) the approved site access points off Urana Road and Walla Walla Jindera Road (shown in Appendix 1) with a Rural Property Access type treatment to cater for the largest vehicle accessing the site,

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.

Operating Conditions

7. The Applicant must ensure:
- the internal roads are constructed as all-weather roads;
 - there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - the capacity of the existing roadside drainage network is not reduced;
 - all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

Traffic Management Plan

8. Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary in writing. This plan must include:
- details of the transport route to be used for all development-related traffic;
 - details of the road upgrade works required by condition 6 of Schedule 3 to this consent;
 - a protocol for undertaking independent dilapidation surveys to assess the:
 - existing condition of Thurgoona Drive, Catherine Crescent, Dallinger Road, Union Road, Wagga Road, Urana Road, Urana Street and Walla Walla Jindera Road prior to construction, upgrading or decommissioning activities; and
 - condition of Thurgoona Drive, Catherine Crescent, Dallinger Road, Union Road, Wagga Road, Urana Road, Urana Street and Walla Walla Jindera Road following construction, upgrading or decommissioning activities;
 - a protocol for the repair of Thurgoona Drive, Catherine Crescent, Dallinger Road, Union Road, Wagga Road, Urana Road, Urana Street and Walla Walla Jindera Road if dilapidation surveys identify these roads to be damaged during construction, upgrading or decommissioning activities;
 - details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning activities, including:
 - temporary traffic controls, including detours and signage;
 - notifying the local community about development-related traffic impacts;
 - procedures for receiving and addressing complaints from the community about development-related traffic;
 - minimising potential for conflict with school buses and other road users as far as practicable (measures also required during operation of the project), including preventing queuing on the public road network;
 - minimising dirt tracked onto the public road network from development-related traffic;
 - scheduling of haulage vehicle movements to minimise convoy length or platoons;
 - responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - responding to any emergency repair or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
 - a driver's code of conduct that addresses:
 - travelling speeds;
 - driver fatigue;
 - procedures to ensure that drivers adhere to the designated transport routes and speed limits;
 - procedures to ensure that drivers implement safe driving practices;
 - 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 Secretary's approval, the Applicant must implement the Traffic Management Plan.

LANDSCAPING

Vegetation Buffer

9. The Applicant must establish and maintain a vegetation buffer (landscape screening) at the locations outlined in the figure in Appendix 1 to the satisfaction of the Secretary. This landscape screening must:
- be planted ~~in appropriate season~~ **in appropriate season prior to ensure best success within 12 months of commencing construction;**
 - be comprised of species that are endemic to the area (including PCTs 9, 266, 277 and 360 where appropriate);
 - minimise views from residences R01, R09, R16, R17, R18, R19 and R20 within 3 years of commencing operations;
 - be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and

Commented [AG6]: In the interest of not holding up potential path to construction (which could potentially begin in Summer 2020-2021), we believe a softening of this condition to allow us to conduct planting within 12 months of commencing construction will:
-ensure development is not significantly delayed by planting seasons, or being forced to plant in non-ideal conditions.
-allow us to choose the most efficient planting season and timing (in consultation with DPIE, BCD, neighbours, council and local experts, and approved through the Landscaping Plan)
-still compel JSF to ensure the quality and maintenance of the screening through condition 9(c) (thus still encouraging JSF to conduct planting ASAP)

- (e) be properly maintained with appropriate weed management, unless the Secretary agrees otherwise.

Landscaping Plan

10. Prior to commencing construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with Council and residences R01, R09, R16, R17, R18, R19 and R20, to the satisfaction of the Secretary. This plan must include:
 - (a) a description of measures that would be implemented to ensure that the vegetated buffers achieve the objectives of condition 9 (a) – (e) above;
 - (b) a program to monitor and report on the effectiveness of these measures; and
 - (c) details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for the completion of actions.

Following the Secretary’s approval, the Applicant must implement the Landscaping Plan.

LAND MANAGEMENT

11. The Applicant must maintain the agricultural land capability of the site, including:
 - (a) establishing the ground cover of the site within 3 months following completion of any construction or upgrading;
 - (b) properly maintaining the ground cover with appropriate perennial species and weed management; and
 - (c) maintaining grazing within the development footprint, where practicable, unless the Secretary agrees otherwise in writing.

BIODIVERSITY

Vegetation Clearance

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

Biodiversity Offsets

13. Within 12 months of~~Prior to~~ commencing construction, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, unless the Secretary agrees otherwise in writing.

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.

Commented [AG7]: JSF is expected to explore all listed options of retiring biodiversity credits, including funding a conservation action through stewardship or acquiring credits. As these processes can take upwards of 12 months to complete, we believe this condition should be amended to "within 12 months of commencing construction" to allow this exploration without significantly delaying development.

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	277 243	216
Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion – Paddock Trees		27
River Red Gum – wallaby grass tall woodland wetland on the outer River Red Gum zone mainly in the Riverina Bioregion	9	33

Commented [SH8]: Corrected PCT ID

Table 2: Species Credit Requirements

Vegetation Community	Credits Required
Squirrel Glider (<i>Petaurus norfolcensis</i>)	72
Eastern Pygmy Possum (<i>Cercartetus nanus</i>)	52
Small Scurf Pea (<i>Cullen parvum</i>)	96
Silky Swainson-pea (<i>Swainsona sericea</i>)	49
Small Purple-pea (<i>Swainsona recta</i>)	49

Biodiversity Management Plan

14. Prior to commencing the development, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must:

- (a) include a description of the measures that would be implemented for:
- protecting vegetation and fauna habitat outside the approved disturbance areas;
 - managing the remnant vegetation and fauna habitat on site;
 - ~~maintaining and improving the condition and extent of PCT 277, and improving connectivity between PCT 9, 277 and 360, including:~~
 - ~~ensuring the vegetation integrity for all retained patches of remnant vegetation are equal to or greater than benchmark for the PCT; and~~
 - ~~report on the effectiveness of these measures annually to BCD;~~
 - ~~demonstrate adaptive management strategies to ensure key milestones to improve remnant vegetation towards benchmark are achieved including:~~
 - ~~Monitoring criteria~~
 - ~~Corrective actions~~
 - ~~Timing and responsibilities~~
 - ~~Reporting on the effectiveness of these measures for the first three years after construction~~
 - ~~prior to commencing construction, collect baseline data to obtain the current vegetation integrity of retained patches of remnant vegetation;~~
 - improving habitat for the Squirrel Glider;
 - minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - ~~minimising the impacts to fauna on site and implementing fauna management protocols;~~
 - ~~including a fauna monitoring and management protocol~~
 - avoiding the removal of hollow-bearing trees during spring, where practicable, to avoid the main breeding period for hollow-dependent fauna;
 - rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area, including PCTs 9, 266, 277 and 360;
 - the use of species that are endemic to the area (including PCTs 9, 266, 277 and 360) where appropriate for to achieve the vegetation buffer objectives as outlined in condition 9 above;
 - 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
 - controlling weeds, feral pests and pathogens;
 - ~~include a fauna monitoring and management protocol, including identification and reporting of fauna mortalities to BCD; and~~
- (b) include details of all actions to be undertaken (including measures and timeframes to undertake the actions) and who would be responsible for monitoring, reviewing and implementing the plan.

Following the 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, Upgrading and Decommissioning Hours

15. Unless the Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities between:

- (a) 7 am to 6 pm Monday to Friday;
- (b) 8 am to 1 pm Saturdays; and
- (c) at no time on Sundays and NSW public holidays.

The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Secretary:

- activities that are inaudible at non-associated receivers;
- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

Commented [AG9]: Conditioning achievement of benchmark PCT for these areas seems too restrictive due to current quality of the PCT. JSF suggests benchmark being an objective of the BMP, focusing on the continued improvement of PCT toward benchmark. We have included the following proposed measures to ensure we achieve this.

Commented [AG10]: JSF agrees that annual reporting will be important in the early stages of development, however annual reporting past this point is excessive and unnecessary. JSF commits to annual reporting for construction and the first three years of operation

Commented [SH11]: Additional measure to assist in the reporting of PCT condition, rather than relying on three-year old (or older) data

Noise

16. The Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

Dust

17. The Applicant must minimise the dust generated by the development.

Visual

18. The Applicant must:
- minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
 - ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
 - not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Lighting

19. The Applicant must:
- minimise the off-site lighting impacts of the development; and
 - ensure that any external lighting associated with the development:
 - is installed as low intensity lighting (except where required for safety or emergency purposes);
 - does not shine above the horizontal; and
 - complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.

HERITAGE

Protection of Heritage Items

20. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 6 or any Aboriginal heritage items located outside the approved development footprint.

Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 6, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in [Appendix 5: Appendix 6](#)

Heritage Management Plan

21. Prior to commencing the development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary in writing. This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary in writing;
 - be prepared in consultation with BCD and Aboriginal Stakeholders;
 - include a description of the measures that would be implemented for:
 - protecting the Aboriginal heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing the development;
 - salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 6;
 - a contingency plan and reporting procedure if:
 - previously unidentified heritage items are found; or
 - Aboriginal skeletal material is discovered;
 - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
 - include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

Commented [SH12]: Confirm Department – Department of Premier and Cabinet?

SOIL AND WATER

NSW Government
Planning, Industry and Environment

Water Supply

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

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

Water Pollution

23. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

24. The Applicant must:
- minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
 - ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site;
 - ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
 - ensure all works are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version, unless DPIE Water agrees otherwise:

HAZARDS

Fire Safety Study

25. Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, in consultation with FRNSW and RFS and to the satisfaction of the Secretary. The study must:
- be consistent with the:
 - Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*;
 - NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*; and
 - describe the final design of the battery storage facility.

Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.

Storage and Handling of Dangerous Goods

26. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- the requirements of all relevant Australian Standards; and
 - 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 listed from (a) to (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

Operating Conditions

27. The Applicant must:
- minimise the fire risks of the development, including managing vegetation fuel loads on-site;
 - ensure that the development:
 - includes at least a 10 metre defensible space around the perimeter of the solar array area and battery storage areas that permits unobstructed vehicle access;
 - manages the defensible space and solar array areas as an Asset Protection Zone;
 - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones* (including provision of water, electricity and gas, ancillary equipment, transmission lines and management of vegetation);
 - is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal access road;
 - assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

Emergency Plan

Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
- (c) list work that should not be carried out during a total fire ban;
- (d) include availability of fire suppression equipment, access and water;
- (e) include procedures for the storage and maintenance of any flammable materials;
- (f) 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;
- (g) include a figure showing site infrastructure, Asset Protection Zone and the fire fighting water supply;
- (h) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- (i) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (j) include bushfire emergency management planning;
- (k) include details of the 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.

Following approval, the Applicant must implement the Emergency Plan.

WASTE

29. The Applicant must:
- (a) minimise the waste generated by the development;
 - (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (c) store and handle all waste on site in accordance with its classification;
 - (d) not receive or dispose of any waste on site; and
 - (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

ACCOMMODATION AND EMPLOYMENT STRATEGY

30. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Greater Hume Shire Council, and to the satisfaction of the Secretary. This strategy must:
- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
 - (b) consider the cumulative impacts associated with other State significant development projects in the area;
 - (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible;
 - (d) 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.

Following the Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.

DECOMMISSIONING AND REHABILITATION

31. Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 3.

Table 3: Rehabilitation Objectives

Feature	Objective
Site	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar farm infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Secretary agrees otherwise
Land use	<ul style="list-style-type: none"> • Restore land capability to pre-existing use
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

.SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. Prior to commencing ~~construction~~ the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the 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) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (e) include:
 - references to any plans approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out in relation to the development.

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

Revision of Strategies, Plans and Programs

2. The Applicant must:
 - (a) update the strategies, plans or programs required under this consent to the satisfaction of the 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 Secretary within 1 month of the:
 - submission of an incident report under condition 7 of Schedule 4;
 - submission of an audit report under condition 9 of Schedule 4; or
 - any modification to the conditions of this consent.

Updating and Staging of Strategies, Plans or Programs

3. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

NOTIFICATIONS

Notification of Department

4. Prior to commencing the road upgrades, 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.

Commented [AG13]: Conditioning the EMS prior to commencing development will hold up minor works, such as heritage salvage, minor geotechnical works, fencing etc. This would cause a major delay to the anticipated project timeline.
As such, JSF suggest this be amended to "prior to commencing construction" to allow those minor works which are not essential to the delivery of the EMS to continue in the early stages of development.
Other works defined as construction, such as road works, will still not be able to commence until delivery of the TMP in any case.

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

5. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, including details on the siting of solar panels and ancillary infrastructure.

Work as Executed Plans

6. Prior to commencing operations, or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to the Department via the Major Projects website.

Incident Notification

7. The Department must be notified via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Non-Compliance Notification

8. The Department must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance with the conditions of this consent. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

9. The Applicant must commission and pay the full cost of Independent Environmental Audits of the development. The audits must:
 - (a) be prepared in accordance with the relevant *Independent Audit Post Approval* requirements (Department 2020);
 - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (c) be prepared, unless otherwise agreed with the Secretary:
 - (i) within 3 months of commencing construction;
 - (ii) within 3 months of commencement of operations; and
 - (iii) as directed by the Secretary;
 - (d) be carried out in consultation with the relevant agencies;
 - (e) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

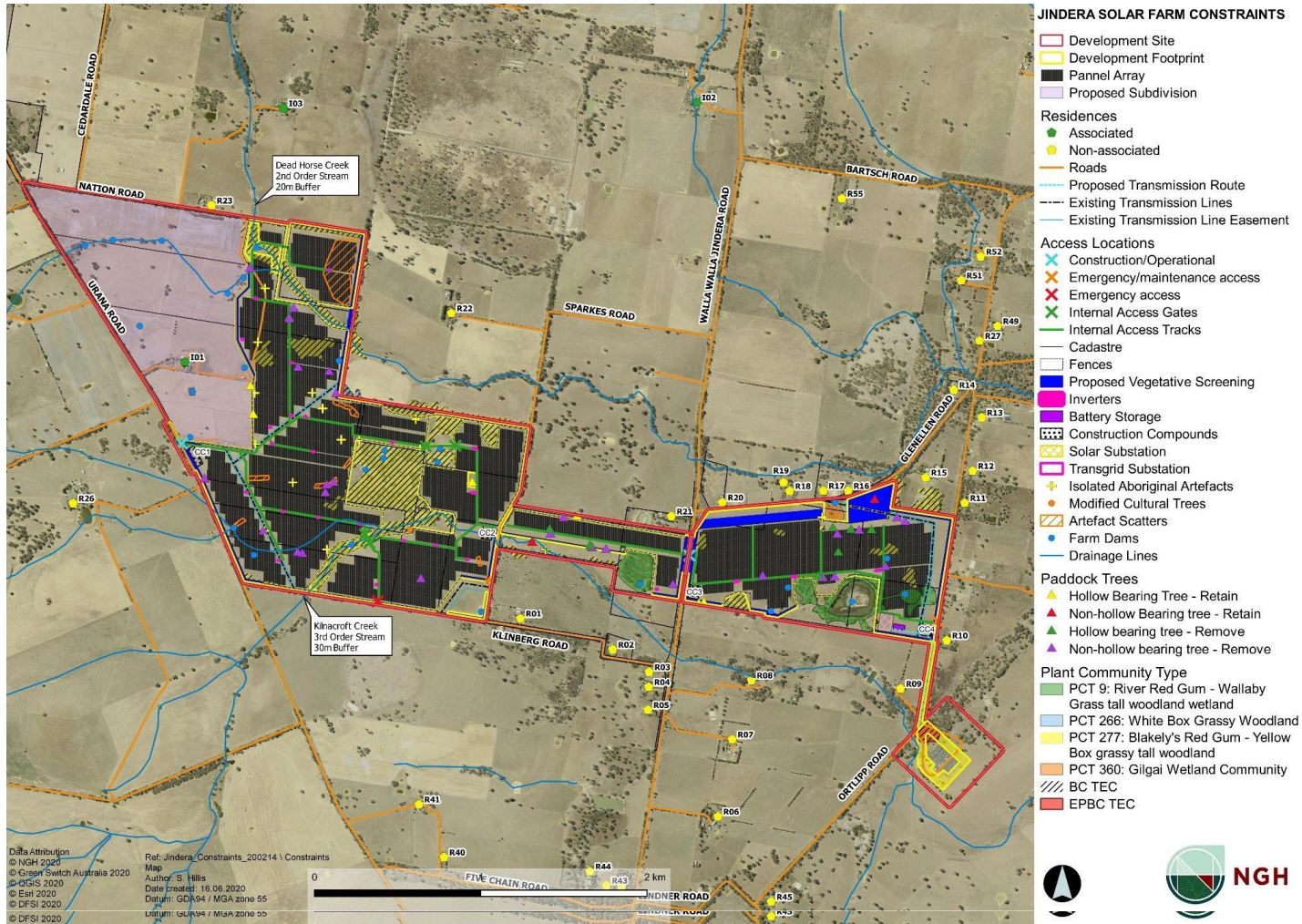
The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

ACCESS TO INFORMATION

10. The Applicant must:
 - (a) make the following information publicly available on its website as relevant to the stage of the development:
 - the EIS;
 - the final layout plans for the development;
 - current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;

- the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - how complaints about the development can be made;
 - a complaints register;
 - compliance reports;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
- (b) keep this information up to date.

APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



**APPENDIX 2:
SCHEDULE OF LANDS**

Lot Number	Deposit Plan (DP)
2	213465
70	753342
90	753342
133	753342
134	753342
135	753342
136	753342
138	753342
139	753342
140	753342
141	753342
147	753342
148	753342
153	753342
154	753342
155	753342
1	1080215
2	1080215
3	1080215
1	588720

Note: The project site will also be taken to include any crown land and road reserves contained within the project site.

Commented [SH14]: Corrected lot number

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

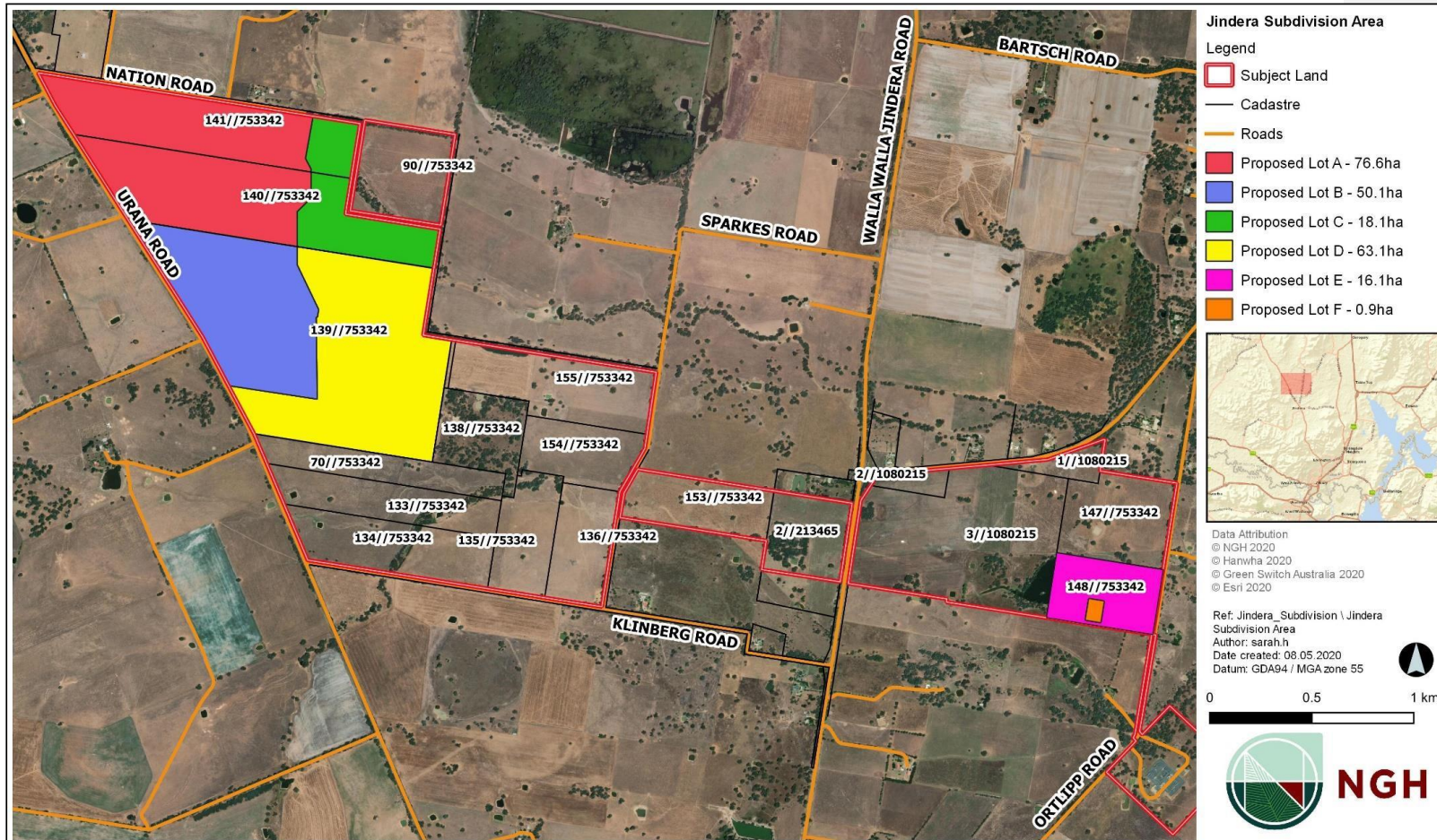
The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community enhancement ~~and road maintenance~~ projects in the area surrounding the project site.

Commented [AG15]: Not specifically prescribed in draft agreement

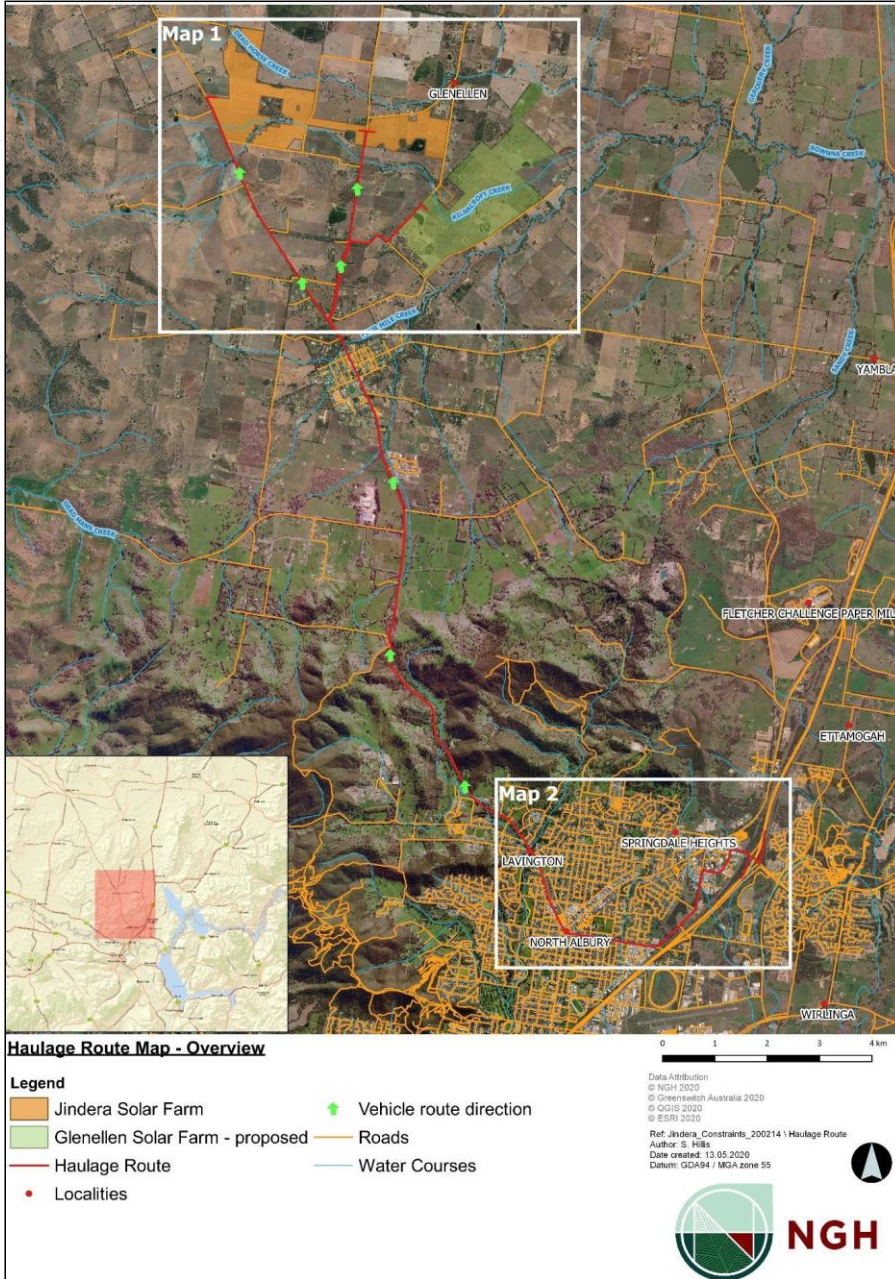
The VPA will be agreed between the Applicant and Council and will contain the monetary provisions set out below as "Contribution Payment Details"

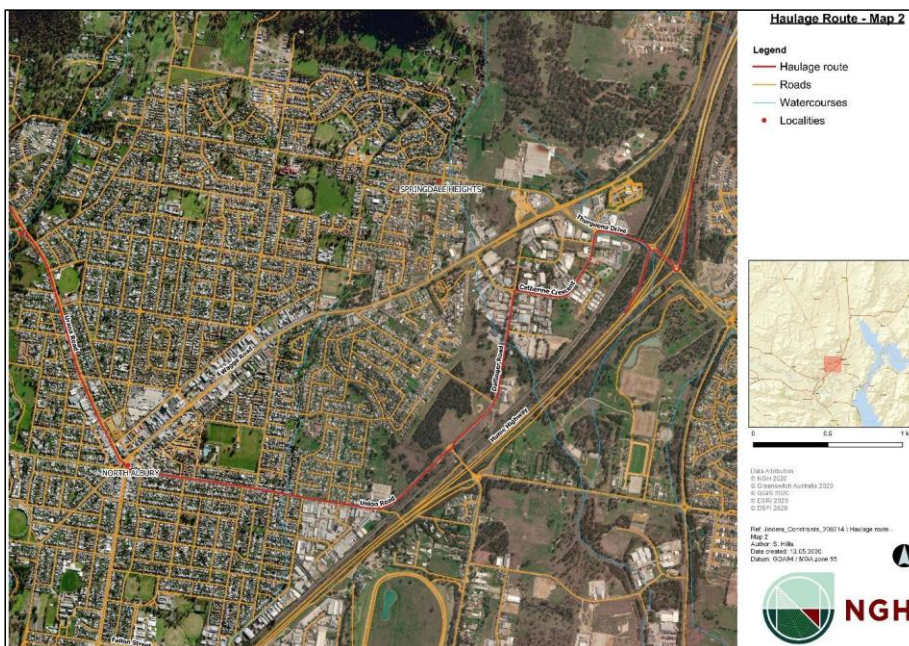
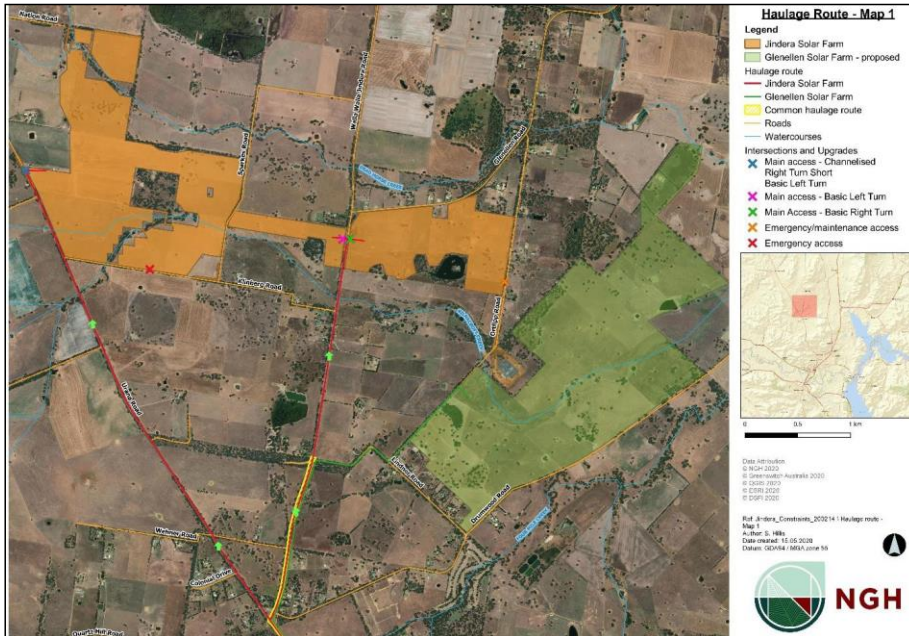
Council	<i>Contribution Payment Details</i>
Great Hume Shire Council	<p>Lump sum of \$700450,000 to Council on completion of construction and a further \$250500,000 in staged payments <u>(adjusted annually to increase in CPI from the date of financial close of the first stage of the development)</u> for the first six years of the project's operation.</p> <p>Additionally, a contribution of \$25,000 per annum to a lasting Community Fund (adjusted annually to increase in CPI from the date of financial close of the first stage of the development) for a period of 30 years commencing from the operation of the project.</p>

**APPENDIX 4:
SUBDIVISION PLAN**



**APPENDIX 5:
OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS**





**APPENDIX 6:
ABORIGINAL HERITAGE ITEMS**

Table 1: Aboriginal heritage items – avoid impacts

Item name	AHIMS #
Jindera Solar IF2	55-6-0150
Jindera 488918	55-6-0115
Jindera 488995	55-6-0116
Jindera SF Cultural Site 1	n/a

* Refer to the Figure in this Appendix to identify items

Table 2: Aboriginal heritage items – salvage

Item name	AHIMS #
Jindera 488942	55-6-0117
Jindera 487530	55-6-0114
Jindera 488212	55-6-0125
Jindera 488172	55-6-0121
Jindera 488179	55-6-0122
Jindera 487973	55-6-0120
Jindera 487666	55-6-0118
Jindera Solar IF 1	55-6-0149
Jindera Solar IF 3	55-6-0151
Jindera Solar IF 4	55-6-0152
Jindera Solar IF 5	55-6-0153
Jindera Solar IF 6	55-6-0154
Jindera Solar IF 7	55-6-0155
Jindera Solar IF 8	55-6-0156
Jindera Solar IF 9	55-6-0157
Jindera Solar IF 10	55-6-0158
Jindera Solar IF 11	55-6-0159
Jindera 487595	55-6-0124
Jindera 487613	55-6-0129
Jindera 487828	55-6-0119
Jindera 488004	55-6-0123

* Only items located within the development footprint are to be salvaged (refer to the Figure in this Appendix to identify items)

