

Development Consent

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

The Independent Planning Commission approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise and/or offset 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.

Mr Richard Pearson (Chair)
Member of the Commission

Dr Bronwyn Evans AM
Member of the Commission

Dr Sheridan Coakes
Member of the Commission

Sydney

11 November 2024

SCHEDULE 1

Application Number:

SSD 10455

Applicant:

Middlebrook Solar Farm Pty Ltd as trustee for the MSF Project Trust

Consent Authority:

NSW Independent Planning Commission

Land:

See Appendix 2

Development:

Middlebrook Solar Farm

Red type represents Modification 1 (SSD 10455-Mod-1)

Application Number	Determination Date	Decider	Modification Description
SSD 10455-Mod-1	9 September 2026	Director	Increase BESS capacity, modify development footprint, relocate a private property access and increase the height of substation infrastructure

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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, site compounds, electricity transmission lines and internal roads
Applicant	Middlebrook Solar Farm Pty Ltd as trustee for the MSF Project Trust or any person who seeks to carry out the development approved under this consent
BAL	Basic Left Turn
Battery Storage	Large scale energy storage system
BSAL	Biophysical Strategic Agricultural Land
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in Schedule 1 and Schedule 2
Consent authority	NSW Independent Planning Commission
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	Tamworth Regional Council
CPHR	Conservation Programs, Heritage and Regulation Group within the NSW DCCEEW
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Housing and Infrastructure
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)
EIS	The Environmental Impact Statement for Middlebrook Solar Farm dated 24 June 2023, Submissions Report dated 28 March 2024, Amendment Report dated 28 March 2024, the additional information dated 24 June 2024, 10 July 2024, 19 July 2024, 26 July 2024 and 13 August 2024 and the information provided to the NSW Independent Planning Commission dated 13 September 2024, 26 September 2024, 4 October 2024 and 10 October 2024 as modified by: Modification Report Middlebrook Solar Farm dated 15 December 2025 and the additional information dated 28 July 2026 and 31 July 2026.
EnergyCo	Energy Corporation of NSW
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPA	NSW Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the <i>Heavy Vehicle National Law</i> (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group within the NSW DCCEEW
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
High-risk heavy vehicle requiring escort	A vehicle under escort identified as "high-risk" as defined in Table 1 of TfNSW's <i>Fact Sheet for Transport Management Plan</i> (as amended)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance
Material harm	Is harm that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission or other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$50,000 (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)
	<i>Note: This definition excludes "harm" that is either authorised under this consent or any other statutory approval.</i>
	<i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
Maximum Energy Discharge Capacity (MW)	The rated output active power as defined by 4.3.5 of IEC 62933-1 Ed. 2.0 b:2024, Electrical energy storage (EES) systems – Part 1
Maximum Energy Storage Capacity (MWh)	The Effective Energy Storage Capacity at the Beginning of Service Life as described by Figure 1 of IEC 62933-1 Ed. 2.0 b:2024, Electrical energy storage (EES) systems – Part 1
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
MW	Megawatt
MWh	Megawatt-hour
Non-associated residence	A dwelling in existence at the date of this consent which is not associated with the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
PCT	Plant Community Type
Planning Secretary	Secretary of the Department, or nominee
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, 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	NSW Rural Fire Service
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of 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
Water Group	Water Group within the NSW DCCEEW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

BATTERY STORAGE RESTRICTION

- A5. Unless the Planning Secretary agrees otherwise, the battery energy storage system associated with the development must not exceed a Maximum Energy Discharge Capacity of 320 MW and a Maximum Energy Storage Capacity of 1,607 MWh.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A6. 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 Planning Secretary incorporating the proposed upgrades.

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

- A8. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2025: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

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

- (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.

Note: This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

OPERATION OF PLANT AND EQUIPMENT

A10. 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

A11. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 3 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW).

Notes:

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

APPLICABILITY OF GUIDELINES

A12. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

COMPLIANCE

A13. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

EVIDENCE OF CONSULTATION

A14. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMMUNITY ENHANCEMENT

A15. Unless the Planning 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 terms of Applicant's VPA letter dated 26 June 2024, which are summarised in Part A of Appendix 4 or other such terms that may be offered by the Applicant and agreed by Council.

A16. Unless the Planning Secretary agrees otherwise, if the Applicant and Council do not enter into a VPA or other agreement prior to the commencement of construction, then within 3 months of the commencement of construction (and annually from the commencement of operation until the cessation of operation of the project), the Applicant must make a Section 7.12 of the EP&A Act contribution to Council for the amount specified in Part B of Appendix 4.

PART B ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 158 heavy vehicle movements a day during construction, upgrading or decommissioning;
 - (ii) for all vehicles turning left from New England Highway onto Middlebrook Road (see Appendix 5, Figure 2):
 - 76 left turns during the AM (6am - 7am) or PM (5pm - 6pm) project peak hours; and
 - 38 left turns during the AM (7.45am - 8.45am) or PM (4pm - 5pm) network peak hours; and
 - (iii) 12 movements of heavy vehicles requiring escort (including high-risk heavy vehicles requiring escort) during construction, upgrading or decommissioning; and
 - (b) length of any vehicles (excluding high-risk heavy vehicles requiring escort and heavy vehicles requiring escort) used for the development does not exceed 26 metres,
- unless the Planning Secretary agrees otherwise.
- B2. The Applicant must keep accurate records of the number of high-risk heavy vehicles requiring escort, heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Route

- B3. Unless the Planning Secretary agrees otherwise, all heavy vehicles, high-risk heavy vehicles requiring escort and heavy vehicles requiring escort associated with the development must travel to and from the site via the New England Highway and Middlebrook Road.

All vehicles associated with the development must avoid the use of Middlebrook Road east of Site Access Point 2 (as identified in Appendix 1) and Marsden Park Road except for emergency purposes, unless the Planning Secretary agrees otherwise.

Site Access

- B4. All light and heavy vehicles associated with the development must enter and exit the site via:

- (a) Site Access Point 1 off Middlebrook Road; or
- (b) Site Access Point 2 off Middlebrook Road,

as identified in Appendix 1.

Access between portions of the site via the public road network must only be undertaken at the two crossing points on Middlebrook Road, identified in Appendix 1.

Note: all site access points identified in Appendix 1 of this consent may be used for emergency purposes.

- B5. All high-risk heavy vehicles requiring escort and heavy vehicles requiring escort associated with the development must enter and exit the site via Site Access Point 2, as identified in Appendix 1.

Road Upgrades

- B6. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must complete the road upgrades detailed in Appendix 5.

Unless the relevant roads authority (and TfNSW for upgrades to the State Road network) agrees otherwise, these upgrades must comply with the current *Austrroads Guidelines to Road Design* (as amended by TfNSW supplements), and be carried out to the satisfaction of the relevant roads authority.

Access Route and Road Upgrades: Heavy Vehicles Requiring Escort and High-Risk Heavy Vehicles Requiring Escort

B7. Prior to the use of heavy vehicles requiring escort and high-risk heavy vehicles requiring escort on the public road network:

- (a) a level 3 condition inspection and level 4 engineering analysis of Goonoo Goonoo Bridge on Middlebrook Road must be undertaken by a suitably qualified and experienced structural engineer to confirm the bridge's structural capacity to accommodate construction, upgrading or decommissioning traffic;
- (b) a further level 3 condition inspection and level 4 engineering analysis must be undertaken if a significant weather event occurs with the potential to cause deterioration of the bridge structure, or as requested by Council; and
- (c) all relevant approvals must be obtained and implemented (specifically for the use of roads, and any road upgrades that may be required, from the point of origin to the New England Highway / Middlebrook Road intersection).

The Applicant must implement all reasonable and feasible recommendations of the level 3 condition inspection and level 4 engineering analysis conducted in accordance with condition B7.

Notes:

- *This Development Consent does not provide consent for the use of the public road network, or any upgrades, for heavy vehicles requiring escort and high-risk heavy vehicles requiring escort on the route identified in the EIS between the Port of Newcastle to the New England Highway / Middlebrook Road intersection.*
- *The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.*

Road Maintenance

B8. The Applicant must, in consultation with the relevant roads authority:

- (a) undertake an independent dilapidation survey and report to assess the existing condition of Middlebrook Road on the Access Route identified in condition B3 and the two crossing points on Middlebrook Road identified in condition B4, following any upgrades in accordance with condition B6, and prior to construction, upgrading or decommissioning activities;
- (b) undertake an independent dilapidation survey one month following completion of construction, upgrading or decommissioning activities, to assess the condition of the roads identified in condition B8(a) and describe the necessary repairs to return the route to a condition that is equivalent to, or better than, the existing condition identified in condition B8(a); and
- (c) repair and/or make good any development-related damage to Middlebrook Road identified in dilapidation surveys carried out in accordance with condition B8(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise.

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

Operating Conditions

B9. The Applicant must ensure:

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

Traffic Management Plan

B10. Prior to commencing the road upgrades identified in condition B6, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, Council and EnergyCo, and to the

satisfaction of the Planning Secretary. This plan must include:

- (a) details of the transport route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition B6 of this consent;
- (c) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS (including the load and speed controls in the Goonoo Goonoo Bridge Assessment and Load Rating dated 10 October 2024, as updated by the level 3 assessment required by condition B7) have been included in the plan;
- (d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - (i) details of the dilapidation surveys required by condition B8 of this consent;
 - (ii) temporary traffic controls, including detours and signage;
 - (iii) notifying the local community about development-related traffic impacts;
 - (iv) procedures for receiving and addressing complaints from the community about development-related traffic;
 - (v) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
 - (vi) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works;
 - (vii) potential for conflict with key tourism, cultural, sporting and entertainment related events in the LGA (e.g. music festivals), as far as practicable;
 - (viii) dirt tracked onto the public road network from development-related traffic;
 - (ix) managing light vehicle peak numbers;
 - (x) details and volume of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this services, and monitoring measures;
 - (xi) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
 - (xii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - (xiii) dust generated by construction traffic;
 - (xiv) responding to any emergency repair or maintenance requirements; and
 - (xv) a traffic management system for managing heavy vehicles requiring escort **and high-risk heavy vehicles requiring escort, including Council notification**;
- (e) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers, including employees, contractors and sub-contractors, adhere to the designated transport routes and speed limits; and
 - (iii) procedures to ensure that drivers implement safe driving practices; and
- (f) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

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

LANDSCAPING

Land Management

B11. The Applicant must maintain the agricultural land capability of the site, including:

- (a) establish vegetative ground cover with appropriate perennial species on any disturbed or bare areas of the site within 3 months following completion of any construction or upgrading;
- (b) manage weeds and properly maintain ground cover within the development footprint; and
- (c) maintain as much grazing capacity within the development footprint as can practicably co-exist with the Development, unless the owner of the land (other than the Applicant) has agreed otherwise,

unless the Planning Secretary agrees otherwise.

B12. The Applicant must undertake additional soil surveys and land and soil capability (LSC) mapping to verify the transition zone between Biophysical Strategic Agricultural Land (BSAL) and/or Class 3 land and Class 4 land

on the Site in accordance with Mitigation Measure S06 of Appendix B of the Applicant's Amendment Report dated 28 March 2024.

BIODIVERSITY

Vegetation Clearance

- B13. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas as described in the EIS.

Biodiversity Offsets

- B14. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1, Table 2 and Table 3 below. The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:
- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
 - making payments into an offset fund that has been developed by the NSW Government; and/or
 - funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 1 | Ecosystem Credit Requirements

Plant Community Type	Ecosystem Credits Required
PCT433 - White Box grassy woodland to open woodland on basalt flats and rises in the Liverpool Plains sub-region, BBS Bioregion	28
PCT599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	48
PCT 84 - River Oak - Rough-barked Apple – red gum - box riparian tall woodland (wetland) of the Brigalow Belt South Bioregion and Nandewar Bioregion	1

Table 2 | Species Credit Requirements

Species	Species Credits Required
<i>Squirrel Glider (Petaurus norfolcensis)</i>	40

Table 3 | Scattered Tree Credit Requirements

Plant Community Type	Number of Trees	Ecosystem Credits Required
PCT599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	118	97
PCT433 - White Box grassy woodland to open woodland on basalt flats and rises in the Liverpool Plains sub-region, BBS Bioregion	71	62

- B15. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

Biodiversity Management Plan

- B16. Prior to carrying out any development that could directly or indirectly impact biodiversity values, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with **CPHR**, and to the satisfaction of the Planning Secretary. This plan must:
- be prepared in accordance with the revised *Biodiversity Development Assessment Report* (dated 5 April 2024);
 - include a description of the measures and timeframes that would be implemented for:
 - protecting vegetation and fauna habitat outside the approved disturbance areas;

- (ii) managing and enhancing the remnant vegetation and fauna habitat on site;
- (iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
- (iv) minimising the impacts to fauna on site and implementing fauna management protocols, including the design of security fencing;
- (v) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
- (vi) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions;
- (vii) 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;
- (viii) controlling weeds, feral pests and pathogens; and
- (c) include a program to monitor and report on the effectiveness of mitigation measures and report to **CPHR** following each annual reporting window;
- (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

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

AMENITY

Construction, Upgrading and Decommissioning Hours

B17. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading, commissioning or decommissioning activities between:

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

Exceptions to Construction Hours

B18. The following activities may be carried outside the hours specified in condition B15 above:

- (a) commissioning activities that are inaudible at non-associated residences;
- (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
- (c) emergency work to avoid the loss of life, property or prevent material harm to the environment.

Variation of Construction Hours

B19. The hours of construction activities specified in condition B15 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:

- (a) considered on a case-by-case or activity-specific basis;
- (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
- (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Councils (and other relevant agencies) has been and will be undertaken;
- (d) accompanied by evidence that all feasible and reasonable noise mitigation and traffic management measures have been put in place; and
- (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Noise

B20. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline*

- (DECC, 2009) or its latest version;
- (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 4 below to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at all non-associated residences, unless the Planning Secretary agrees otherwise.

Table 4 | Operational Noise Limit Requirements

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Afmax}
Non-associated residences	40	35	35	52

Dust

- B21. The Applicant must minimise the dust generated by the development through measures including but not limited to ensuring:
- (a) activities are carried out in a manner that minimises dust including emission of windblow or traffic generated dust within the site;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network; and
 - (d) the use of water tankers to spray the surface of unsealed roads when practicable.

Visual

- B22. The Applicant must:
- (a) unless the Planning Secretary agrees otherwise, limit the angle of solar panel backtracking in accordance with the additional information provided by the Applicant to the Department dated 24 June 2024;
 - (b) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
 - (c) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
 - (d) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.
- B23. The Applicant must establish and maintain a vegetation buffer (landscape screening) on Site where practicable, that screens the BESS and substation areas from Middlebrook Road. The landscape screening must:
- (a) be planted within 9 months of commencement of construction;
 - (b) be comprised of species that are endemic to the area;
 - (c) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
 - (d) be properly maintained for the life of the development, including appropriate weed management and replacement of mortalities upon identification.
- This condition does not apply to the extent such landscape screening would directly or indirectly (for example, through required asset protection zones) reduce the area in which approved panels can be constructed and operated.
- B24. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 3 km of the development footprint identified in the Final Layout Plan may ask the Applicant to implement measures on their land to minimise the visual impacts of the development on their residences (including its curtilage).

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

The mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at reducing the visibility of the solar panels and ancillary infrastructure from the residence and its curtilage;
- (c) be commensurate with the level of visual impact on the residence in accordance with the *Large-Scale Solar Energy Guideline* (NSW Government, 2022) and its accompanying *Technical Supplement – Landscape and Visual Impact Assessment*;
- (d) consider bushfire risk (including the provisions of Planning for Bushfire Protection 2019); and
- (e) be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

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

Notes:

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

Lighting

B25. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
 - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
 - (ii) does not shine above the horizontal; and
 - (iii) complies with *Australian Standard/New Zealand Standard AS/NZS 4282:2023 – Control of Obtrusive Effects of Outdoor Lighting*, or the latest version.

HERITAGE

Protection of Heritage Items

B26. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 in Appendix 6, or any Aboriginal heritage items located outside the approved development footprint.

Heritage Management Plan

B27. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in condition B22, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary in writing;
- (b) be prepared in consultation with Aboriginal Stakeholders and reviewed by Heritage NSW;
- (c) be prepared in accordance with the *Code of Practice of Archaeological Investigation of Aboriginal Objects in NSW* (DECC 2010), or its latest version;
- (d) include a description of the measures that would be implemented for:
 - (i) protecting the heritage items identified in Table 1 in Appendix 6 or items located outside of the approved development footprint;
 - (ii) fencing / demarcation (as appropriate) of the identified heritage items prior to carrying out any development that could directly or indirectly impact the identified heritage items;
 - (iii) salvaging and relocating the heritage items located within the approved development footprint, as identified in Table 2 in Appendix 6;

- (iv) a contingency plan and reporting procedure if:
 - heritage items outside the development footprint are damaged;
 - previously unidentified heritage items are found; or
 - Aboriginal skeletal material is discovered;
- (v) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
- (vi) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- (e) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

SOIL AND WATER

Water Supply

- B28. 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

- B29. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

- B30. The Applicant must:

- (a) minimise any soil erosion and control sediment generation;
- (b) ensure any solar panels and ancillary infrastructure, and any other land disturbance associated with the construction, upgrading or decommissioning of the development, have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) and the *Managing Urban Stormwater: Soils and construction - Volume 2A manual* (Landcom, 2008), or their latest versions;
- (c) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site;
- (d) ensure the solar panels and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;
- (e) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
- (f) ensure all works are undertaken in accordance with the following:
 - *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version;
 - *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), or its latest version; and
 - DPI Fisheries Policy and *Guidelines for Fish Friendly Water Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004).

Soil and Water Management Plan

- B31. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with the Water Group. This plan must:
- (a) be prepared by suitably qualified and experienced persons;
 - (b) include a description of the measures that would be implemented to ensure that the objectives of condition B30(a) – (f) above are achieved;
 - (c) include a program to monitor and report on the effectiveness of these measures;
 - (d) include details of the pre and post fire event measures to be implemented to ensure the adequate

- management of water runoff (including potential contamination) from fire extinguishing activities; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

The Applicant must implement the Soil and Water Management Plan.

HAZARDS

Fire Safety Study

- B32. A fire safety study must be prepared for the development. The study must:
- (a) be prepared and submitted to the satisfaction of the Planning Secretary prior to commencing construction of the battery storage facility (including associated foundations and cabling);
 - (b) be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline and FRNSW's *Technical Information Sheet – Large scale external lithium-ion battery energy storage systems*;
 - (c) describe the final design of the battery storage facility;
 - (d) include the most credible worst-case fire scenario to and from the battery storage facility and associated fire management procedures; and
 - (e) identify measures to eliminate the expansion of any fire incident including:
 - (i) adequate fire safety systems and appropriate water supply;
 - (ii) separation and / or compartmentalisation of battery units; and
 - (iii) strategies and incident control measures specific to the battery storage facility design.

Unless otherwise agreed by the Planning Secretary, construction of the battery storage facility must not commence until the Planning Secretary has received evidence that FRNSW has confirmed in writing that the fire safety study meets the requirements of condition B32, and the study has been approved by the Planning Secretary. The fire safety study must be implemented, as approved by the Planning Secretary.

Storage and Handling of Dangerous Goods

- B33. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B34. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquid.

In the event of an inconsistency between the requirements (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

Operating Conditions

- B35. The Applicant must:
- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
 - (b) ensure that the development:
 - (i) complies with the relevant asset protection requirements in Appendix 4 of RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*;
 - (ii) is suitably equipped to respond to any fires on site, including provision of 20,000 litre water supply tank(s) (as described in the EIS), fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
 - (iii) includes at least a 10 metre defendable space around the perimeter of the solar array and battery storage that permits unobstructed vehicle access, and assists the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site;
 - (iv) is managed as an asset protection zone (including the defendable space);
 - (c) assist the RFS, FRNSW and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - (d) notify the relevant local emergency management committee following construction of the development,

and prior to commencing operations.

Emergency Plan

- B36. Prior to commencing construction of the solar farm and commissioning of the battery storage, the Applicant must develop and implement a comprehensive Emergency Plan (including an emergency responders induction package) and detailed emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre and FRNSW. The plan must:
- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B32;
 - (b) 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);
 - (c) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
 - (d) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;
 - (e) include availability of fire suppression equipment, access and water;
 - (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 fire and bushfire emergency management planning, including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone;
 - (ii) a list of works that must not be carried out during a total fire ban;
 - (iii) details of how RFS would be notified, and procedures that would be implemented, in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period;
 - (h) detail specific response measures in the case of flood or fire to ensure human site safety;
 - (i) describe the specific emergency exit routes to be used in the case of flood and include evidence of access agreements with relevant landowners (e.g. right of carriageway); and
 - (j) include an Emergency Services Information Package in accordance with *Emergency services information and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW and RFS.
- B37. The Applicant must:
- (a) implement the Emergency Plan and Emergency Services Information Package for the duration of the development; and
 - (b) following commencement of commissioning of the battery storage, keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

WASTE

- B38. The Applicant must:
- (a) prepare and implement a Waste Management Plan prior to commencing construction which must:
 - (i) Be prepared in consultation with Council and EnergyCo;
 - (ii) Include the details included in Mitigation Measure R2 of Appendix B of the Applicant's Amendment Report dated 28 March 2024; and
 - (iii) Include a description of the measures that would be implemented to ensure that the objectives of condition B38 (b) to (f) below are achieved;
 - (b) minimise the waste generated by the development;
 - (c) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (d) store and handle all waste on site in accordance with its classification;
 - (e) not receive or dispose of any waste on site; and
 - (f) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal (in consultation with Council for use of Council facilities).

ACCOMMODATION AND EMPLOYMENT STRATEGY

- B39. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development. This strategy must:
- be prepared in consultation with Council and EnergyCo and informed by consultation with local accommodation (including social and crisis accommodation) and employment service providers;
 - propose measures to ensure there is sufficient accommodation for the workforce associated with the development (including but not limited to consideration of potential conflicts with key tourism, cultural, sporting and entertainment-related events in the LGA, as far as practicable);
 - consider the cumulative impacts associated with other State significant development projects in the area, including through consultation with applicants for these projects where practical;
 - investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
 - include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

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

DECOMMISSIONING AND REHABILITATION

- B40. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan. The Plan shall be updated by the Applicant at a minimum 15 years into the operation of the project, and within 2 years prior to decommissioning. The Plan must:
- include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 5 Below; and
 - describe the measures that would be implemented to:
 - decommission the development and rehabilitate the Site in accordance with the objectives in Table 5;
 - minimise and manage the waste generated by the decommissioning of the development;
 - include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and
 - ensure that best practice is employed in respect of utilising available recycling technologies.
- B41. Within 18 months of the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 5.

Table 5 | Rehabilitation Objectives

Feature	Objective
Site	- 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 and ancillary infrastructure	All infrastructure, including above and below ground, to be decommissioned and removed to a depth of 500mm, unless the Planning Secretary agrees otherwise.
Land use	Restore land capability to pre-existing productive capacity.
Community	Ensure public safety at all times.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

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

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

Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:
 - (i) submission of an incident report under condition C10;
 - (ii) submission of an audit report under condition C14; or
 - (iii) any modification to the conditions of this consent.

Updating and Staging of Strategies, Plans or Programs

- C3. With the approval of the Planning Secretary, the development may staged and the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C5. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan

or program.

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

NOTIFICATIONS

Notification of Department

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

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

Final Layout Plans

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department, showing comparison to the approved layout and including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.

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

Work as Executed Plans

- C9. Prior to commencing operations or following the upgrades of any 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

- C10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an incident;
- (c) a description of what immediate steps were taken in relation to the incident; and
- (d) identifying a contact person for further communication regarding the incident.

- C11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).

Non-Compliance Notification

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

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

INDEPENDENT ENVIRONMENTAL AUDIT

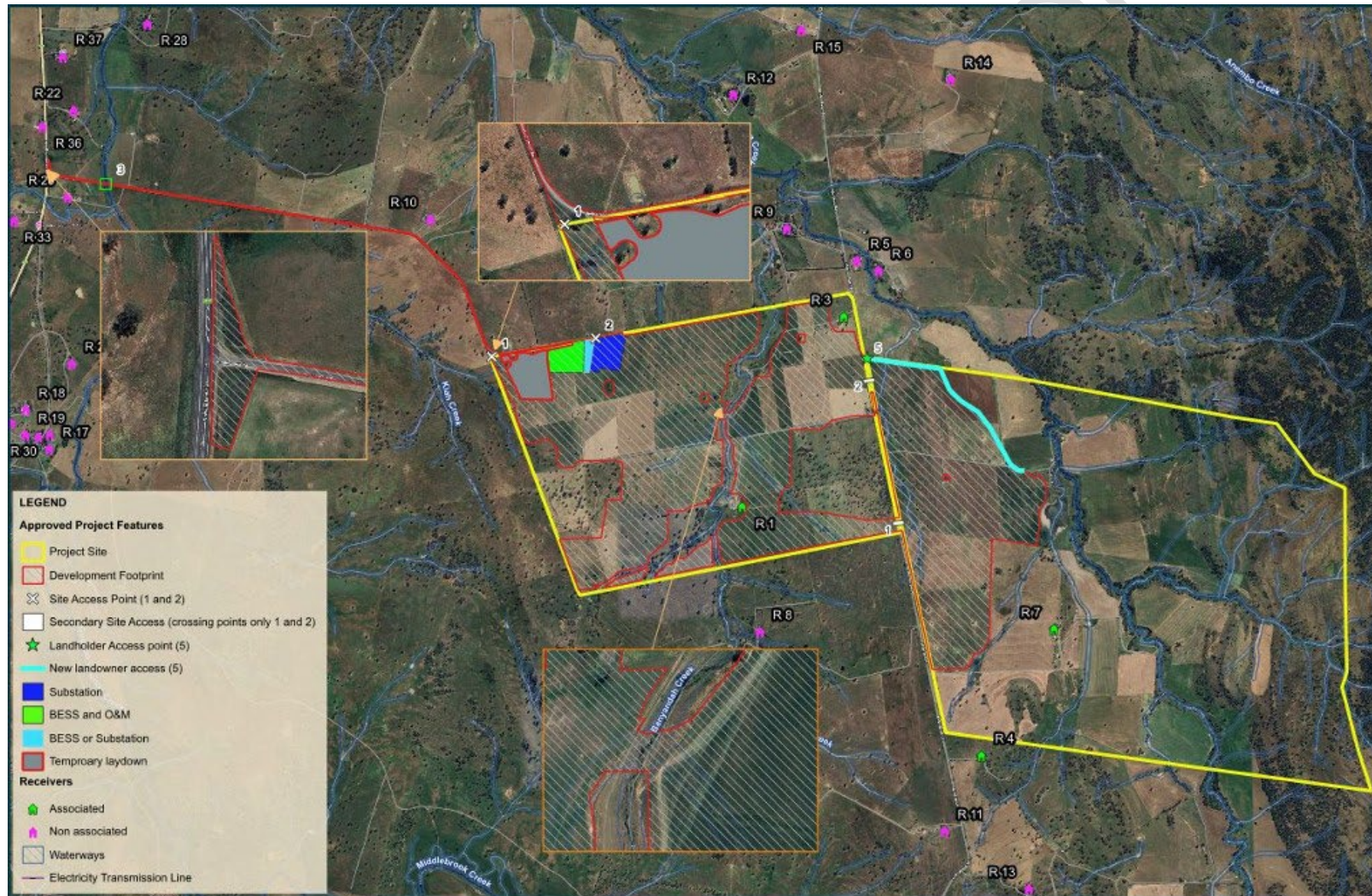
- C13. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020) or as updated from time to time and published on the Department's website.

ACCESS TO INFORMATION

C14. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;
 - (ii) the final layout plans for the development;
 - (iii) current statutory approvals for the development;
 - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan);
 - (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - (vii) how complaints about the development can be made;
 - (viii) a complaints register (including a summary of all complaints received by issue and impact);
 - (ix) compliance reports;
 - (x) any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - (xi) construction progress updates at appropriate milestones, including identification of any substantial delays; and
 - (xii) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

APPENDIX 1: DEVELOPMENT LAYOUT



APPENDIX 2: SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
60	755343
61	
14	37547
15	
Intersection of New England Highway / Middlebrook Road	

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

APPENDIX 3: INDICATIVE SUBDIVISION PLAN



APPENDIX 4: GENERAL TERMS OF THE APPLICANT'S VPA OFFER

PART A: GENERAL TERMS OF THE APPLICANT'S VPA OFFER

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community enhancement in the area.

<i>Council</i>	<i>Payment Details</i>
Tamworth Regional Council	• An annual payment of \$82,070 (CPI adjusted) from commencement of operations for the operational life of the project to be paid to Council; • An annual payment of \$32,000 from commencement of operations for the operational life of the project to be paid into the community benefit fund; and • Sealing the surface of Middlebrook Road, as identified in Figure 1 of Appendix, to the approximate value of \$321,550.

PART B: GENERAL TERMS FOR CONDITION A16

<i>Council</i>	<i>Payment Details</i>
Tamworth Regional Council	• An annual payment to the amount equivalent to \$300 per MW per annum (CPI adjusted) from the commencement of operation until the cessation of operations of the project.

APPENDIX 5: ROAD UPGRADES AND SITE ACCESS

Road / Intersection	Location	Upgrade Requirements
Intersection of New England Highway / Middlebrook Road	At the location identified in Figure 1 and Figure 2 below.	Upgrade intersection to be a Basic Auxiliary Left Turn (BAL) treatment, including amending existing line marking and localised widening, as identified in Figure 2 below. The BAL turn treatment must be accompanied by the continuation of an existing guard rail including an ET-SS TL2 end terminal, edge lines, chevron markings and a give way sign (R1-A), as identified in Figure 2 below.
Middlebrook Road	Single lane bridge 400m east of New England Highway on Middlebrook Road as described in the EIS and identified in Figure 1.	If required, review and replace signage and line marking, as described in the EIS.
Middlebrook Road	Middlebrook Road between the New England Highway and site access point two, as identified in Figure 1.	Upgrade and seal to 7 m, to comply with the Australian Road Research Boards Best Practice Guide
Middlebrook Road	At the location identified as site access point 1 in Figure 1 and identified in Figure 3 below.	Construction of a new site access as a rural property access as identified in Figure 3 below.
Middlebrook Road	At the location identified as site access point 2 in Figure 1 and identified in Figure 4 below.	Construction of a new site access as a rural property access as identified in Figure 4 below.
Middlebrook Road	At the location identified as crossing point1 in Figure 1 and identified in Figure 5 below	Construction of a new site access as a rural property access.
Middlebrook Road	At the location identified as crossing point2 in Figure 1 and identified in Figure 5 below	Construction of a new site access as a rural property access.
Middlebrook Road	Access to Lot 14 DP 37547 as identified in Figure 6 below	Construction of a new site access as a rural property access for R2

Notes:

- Refer to Figure 1, 2, 3 and 4 in this Appendix for the location and further details of the road upgrades.
- Upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements).
- Under Part 4.4.2 of the EP&A Act, the Applicant is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades

16810000

Section 1

GOONOO GOONOO

BARTONS LANE

Bridge

Section 2

Section 3

MIDDLEBROOK ROAD

MARSDEN PARK ROAD

SITE ACCESS #1

SITE ACCESS #2

Access Track 1

Access Track 2

PROJECT SITE

NEW ENGLAND HIGHWAY

Label	Current	Proposed
Bridge	Fit for purpose	Upgraded to be fit for purpose if required

Label	Description	Current	Proposed
Section 1	New England highway to bridge	6m wide- sealed	Widened - sealed
Section 2	Bridge to 440m past site access 1	6m wide- unsealed	Widened - sealed
Section 3	440m past site access 1 to site access 2	6m wide- unsealed	Widened
Access Track 1	Solar farm access track	6m wide- unsealed	Crossings created while maintaining road safety and road quality
Access Track 2	Solar farm access track	6m wide- unsealed	Crossings created while maintaining road safety and road quality

1,000 0 1,000 2,000 m

16800000

16810000

DATE 05/07/2024
 MAP / VERSION MSF-003-V05
 DRAWN / CHECKED RM /
 PROJECTION EPSG:3857
 SCALE @ A3 1:40000

TotalEnergies

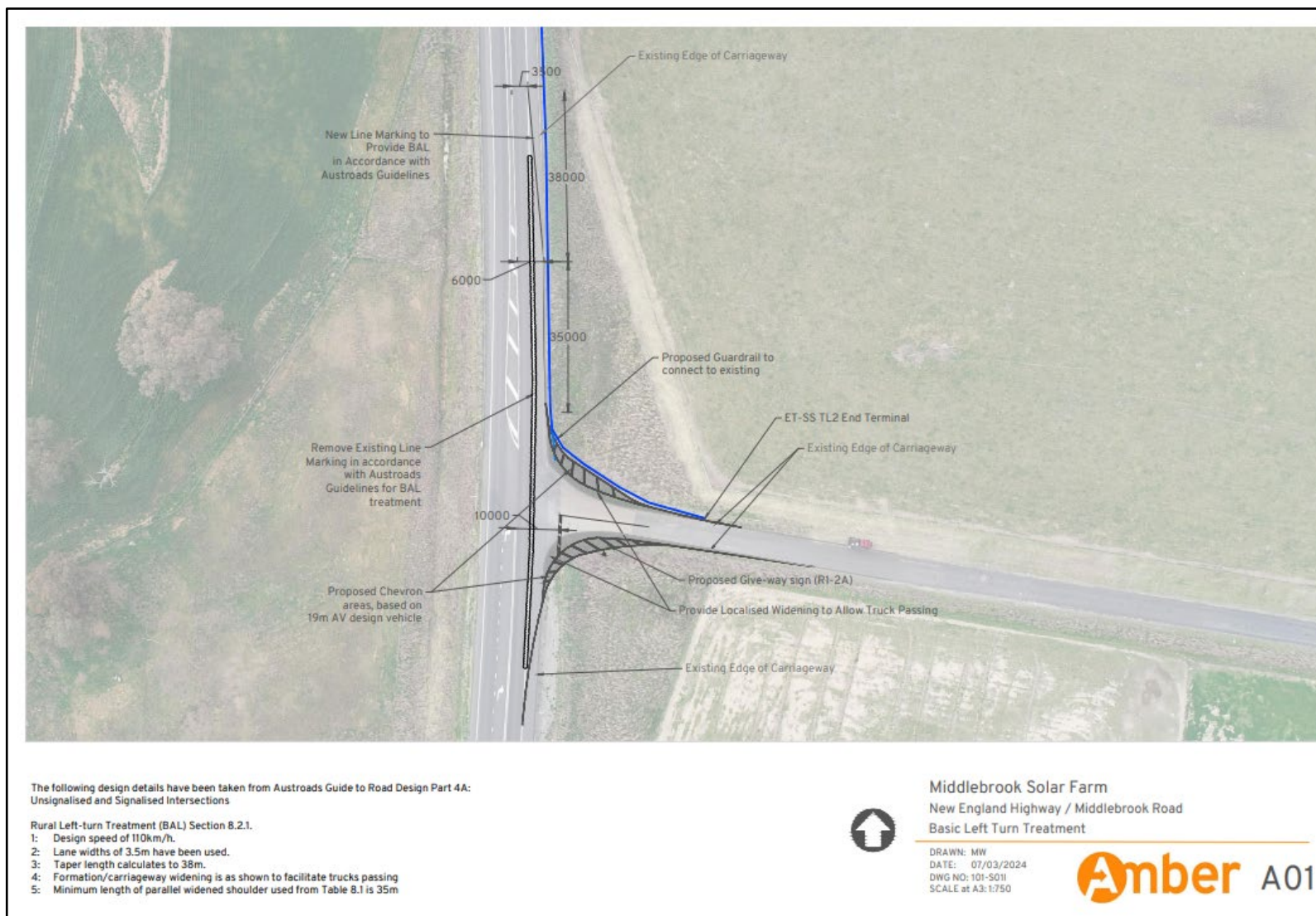


Figure 2 | Proposed upgrades at the intersection of the New England Highway and Middlebrook Road



Figure 3 | Proposed site access point 1 off Middlebrook Road



Figure 4 | Proposed site access point 2 off Middlebrook Road



Figure 5 | Proposed access design for crossing points between east and western portions of the site



Figure 6 | Proposed site access to rural property Lot 14 DP 37547

APPENDIX 6: ABORIGINAL HERITAGE ITEMS

Table 4 | Heritage Items – avoid impacts

Item	Item
Middlebrook SF AFT 6 (Isolated Find)	Middlebrook SF AFT 24 (Isolated Find)
Middlebrook SF AFT 12 (Isolated Find)	Middlebrook SF AFT 25 (Isolated Find)
Middlebrook SF AFT 13 (Artefact scatter)	Middlebrook SF AFT 26 (Isolated Find)
Middlebrook SF AFT 14 (Artefact scatter)	Middlebrook SF AFT 27 (Artefact scatter)
Middlebrook SF AFT 15 (Isolated Find)	Middlebrook SF AFT 28 (Artefact scatter)
Middlebrook SF AFT 16 (Isolated Find)	Middlebrook SF AFT 29 (Isolated Find)
Middlebrook SF AFT 17 (Artefact scatter)	Middlebrook SF AFT 30 (Isolated Find)
Middlebrook SF AFT 18 (Isolated Find)	Middlebrook SF ST 1 (Modified tree)
Middlebrook SF AFT 19 (Artefact scatter)	Middlebrook SF ST 2 (Modified tree)
Middlebrook SF AFT 21 (Artefact scatter)	Area of archaeological sensitivity-Spring Creek
Middlebrook SF AFT 23 (Isolated Find)	

Table 5 | Aboriginal Heritage Items - salvage

Item	Item
Middlebrook SF AFT 1 (Isolated Find)	Middlebrook SF AFT 8 (Artefact scatter)
Middlebrook SF AFT 2 (Isolated Find)	Middlebrook SF AFT 9 (Isolated Find)
Middlebrook SF AFT 3 (Artefact scatter)	Middlebrook SF AFT 10 (Isolated Find)
Middlebrook SF AFT 4 (Artefact scatter)	Middlebrook SF AFT 11 (Isolated Find)
Middlebrook SF AFT 5 (Isolated Find)	Middlebrook SF AFT 20 (Artefact scatter)
Middlebrook SF AFT 7 (Isolated Find)	Middlebrook SF AFT 22 (Isolated Find)
Kiah Creek ISO 1/ 22-9-0263 (Isolated Find)	

APPENDIX 7:
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS
WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that:
 - (a) identify how the incident was detected;
 - (b) identify when the applicant became aware of the incident;
 - (c) identify any actual or potential non-compliance with conditions of consent;
 - (d) describe what immediate steps were taken in relation to the incident;
 - (e) identify further action(s) that will be taken in relation to the incident;
 - (f) a summary of the incident;
 - (g) outcomes of an incident investigation, including identification of the cause of the incident;
 - (h) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (i) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.