

Development Consent

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

As delegate of the Minister for Planning, I approve 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.



David Kitto
Executive Director
Resource Assessments and Business Systems

Sydney **7 DECEMBER** 2018

SCHEDULE 1

Application Number:	SSD 8392
Applicant:	Edify Energy Pty Ltd
Consent Authority:	Minister for Planning
Land:	See Appendix 2
Development:	Darlington Point Solar

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Applicant	Edify Energy Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
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 any upgrades to the public road network required under this consent, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Murrumbidgee Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning and Environment
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
Dol L&W	Department of Industry - Lands & Water Division
EIS	The environmental impact statement for Darlington Point Solar dated April 2018, the associated response to submissions dated August 2018 and additional information provided by the Applicant dated November 2018.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
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, 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
OEH	Office of Environment and Heritage
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, 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
RMS	Roads and Maritime Services
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, or material stockpiles
Upgrading	The augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance)
Vehicle movement	One vehicle entering and leaving the site

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.

STAGING OF THE DEVELOPMENT

5. The Applicant may construct, operate and decommission the development in stages.

Where staging of the development is proposed, the conditions of this consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

FINAL LAYOUT PLANS

6. Prior to the commencement of construction, the Applicant must submit detailed plans of the final layout of the development to the Secretary, including details on the siting of solar panels and ancillary infrastructure.

Note: If the construction of the development is to be staged, then the provision of these plans may be staged.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

7. 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.

WORK AS EXECUTED PLANS

8. Prior to the commencement of 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.

NOTIFICATION OF DEPARTMENT

9. Prior to the commencement of the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing 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 the commencement of the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

STRUCTURAL ADEQUACY

10. 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 proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

DEMOLITION

11. 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

12. 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

13. 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.

SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Over-Dimensional and Heavy Vehicle Restrictions

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

Designated Over-Dimensional and Heavy Vehicle Access Route

3. All over-dimensional and heavy vehicles associated with the development must travel to and from the site via the Sturt Highway, Donald Ross Drive and the approved site access point (shown in Appendix 1).

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

4. Prior to the commencement of construction, the Applicant must upgrade the site access point off Donald Ross Drive (shown in Appendix 1) with a Rural Property Access type treatment to cater for the largest vehicle accessing the site, including sealing the on-site access road a minimum of 30 m from its intersection with Donald Ross Drive, in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements), to the satisfaction of Council.

Operating Conditions

5. 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 sealed public road network.

Unformed Crown Roads

6. The Applicant must ensure any unformed Crown road reserves affected by the development are maintained for future use, unless otherwise agreed with DoI – L&W.

Traffic Management Plan

7. Prior to the commencement of any road upgrades required under this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with RMS and Council, and to the satisfaction of the Secretary. This plan must include:
 - (a) details of the transport route/s to be used for all development-related traffic, including the location of access points;
 - (b) a protocol for undertaking independent dilapidation surveys to assess the:
 - existing condition of local roads on the transport route/s prior to construction, upgrading or decommissioning activities; and
 - condition of local roads on the transport route/s following construction, upgrading or decommissioning activities;
 - (c) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during construction, upgrading or decommissioning works;

- (d) details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction, upgrading or decommissioning works, including:
- performance criteria, measures and indicators for shuttle bus utilisation and car-pooling in accordance with the commitments in the EIS;
 - temporary traffic controls, including detours and signage;
 - notifying the local community about project-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 motorists as far as practicable;
 - 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 and wet weather;
 - responding to any emergency repair or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
- (e) a driver's code of conduct that addresses:
- travelling speeds;
 - driver fatigue;
 - procedures to ensure that drivers adhere to the designated transport route/s; and
 - procedures to ensure that drivers implement safe driving practices; and
- (f) a flood response plan detailing procedures and options for safe access to the site in the event of flooding.

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

LAND MANAGEMENT

8. Following any construction or upgrading on the site, the Applicant must:
- (a) restore the ground cover of the site as soon as practicable;
 - (b) maintain the ground cover with appropriate perennial species; and
 - (c) manage weeds within this ground cover.

BIODIVERSITY

Biodiversity Offsets

9. Within two years of commencing construction under this consent, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in Column (a) in Table 1 below, to the satisfaction of OEH.

Table 1: Biodiversity Credit Requirements

Vegetation Community	PCT ID	Column (a): Minimum Credits Required	Column (b): Maximum Credits Required
Black Box grassy open woodland wetland of rarely flooded depressions in south western NSW (mainly Riverina Bioregion and Murray Darling Depression Bioregion)	PCT 16	294	294
Plains Grass grassland on alluvial mainly clay soils in the Riverina Bioregion and NSW South Western Slopes Bioregion	PCT 45	3,435	6,973
Yellow Box - White Cypress Pine grassy woodland on deep sandy-loam alluvial soils of the eastern Riverina Bioregion and western NSW South Western Slopes Bioregion	PCT 75	7	7
Species	Species ID	Credits Required	Credits Required
Superb Parrot (<i>Polytelis swainsonii</i>)	10645	60	60

Note: Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, credits created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

10. The retirement of credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* 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) providing supplementary measures.

11. In the period between 2 years and 3 years from the commencement of operations, unless the Secretary agrees otherwise, the Applicant must commission an independent review of the impacts of the development on PCT45 and submit a subsequent report to the Secretary. This review and report must be undertaken by a suitably qualified, experienced and independent grasslands expert endorsed by the Secretary.

The expert must:

- (a) consult with OEH and the Applicant;
- (b) compare the actual impacts on PCT45 against that predicted in the EIS;
- (c) if the review concludes that the impacts on PCT45 are greater than that predicted in the EIS, calculate any additional biodiversity offset credit liabilities for the development over and above that specified in Column (a) of Table 1 above, in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*,
- (d) document the findings in its report.

If the Secretary determines, after reviewing the expert's report, that the Applicant must retire additional biodiversity credits for PCT45, the Applicant must retire the additional credits within 12 months of the Secretary's determination, up to an aggregate maximum of that specified in Column (b) of Table 1 above.

Biodiversity Management Plan

12. Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with OEH, and to the satisfaction of the Secretary. This plan must:
- (a) include a description of the measures that would be implemented for:
 - minimising the amount of native vegetation clearing within the approved development footprint;
 - minimising the loss of key fauna habitat;
 - managing potential indirect impacts on threatened and migratory species, including:
 - flora species, including Weeping Myall Woodland and Sandhill Pine Woodland; and
 - fauna species, including Grey-crowned Babbler and Superb Parrot;
 - rehabilitating and revegetating temporary disturbance areas;
 - protecting native vegetation and key fauna habitat outside the approved disturbance areas;
 - 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 and feral pests;
 - protecting and promoting the growth of native plant species (including PCT45) and controlling the growth of exotic ground cover;
 - (b) include a seasonally-based program to monitor and report on the effectiveness of these measures against the detailed performance and completion criteria; and
 - (c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

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

13. Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site 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:

- 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.

Noise

14. 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

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

Visual

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

Lighting

17. The Applicant must:
 - (a) minimise the off-site lighting impacts of the development; and
 - (b) 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

18. Prior to the commencement of construction, the Applicant must salvage Aboriginal heritage item number AFT01 and transfer to the Griffith Local Aboriginal Land Council, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010), or its latest version.

Note: The location of the Aboriginal heritage item referred to in this condition is shown in the figure in Appendix 1.

Discovery of Human Remains

19. If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must notify the NSW Police and OEH as soon as possible following the discovery, and work must not recommence in the area until this is authorised by OEH.

Chance Finds Protocol

20. Prior to the commencement of construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with the Aboriginal stakeholders, and to the satisfaction of OEH.

Following OEH's approval, the Applicant must implement the Chance Finds Protocol.

SOIL & WATER

Water Pollution

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

Operating Conditions

22. The Applicant must:
 - (a) 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;
 - (b) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and

- (c) implement appropriate flood management practices to ensure post-development flows from the site are limited to pre-development flows for all storms up to and including the 90-year Average Recurrence Interval event.

HAZARDS

Operating Conditions

23. The Applicant must:
- (a) minimise the fire risks of the development;
 - (b) ensure that the development:
 - includes at least a 10 metre defendable space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - manages the defendable space and solar array area as an Asset Protection Zone;
 - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006 (or equivalent)* and *Standards for Asset Protection Zones*;
 - 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 located adjacent to the internal access road;
 - (c) assist the RFS 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 the commencement of operations.

Fire Safety Study

24. At least one month prior to the construction of the battery storage facility (excluding pre-construction minor works), unless otherwise agreed by the Secretary, the Applicant must prepare a Fire Safety Study of the development, to the satisfaction of the Secretary. The study must be consistent with the:
- (a) Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'* guideline; and
 - (b) New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*.

Construction of the battery storage facility, other than pre-construction minor works, must not commence until the Secretary has approved the Fire Safety Study.

Storage and Handling of Dangerous Materials

25. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

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

Emergency Plan

26. Prior to the commissioning of development, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. 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 of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
 - (b) be prepared in consultation with Fire and Rescue NSW and NSW Rural Fire Service to their satisfaction;
 - (c) identify the fire risks and controls of the development; and
 - (d) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site.

WASTE

27. 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 sent to an appropriately licensed waste facility for disposal.

ACCOMMODATION AND EMPLOYMENT STRATEGY

28. Prior to the commencement of construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Secretary. This strategy must:
- propose a strategy to facilitate the accommodation of the workforce associated with the development;
 - 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.

Following the Secretary's approval, the Applicant must implement the strategy.

DECOMMISSIONING AND REHABILITATION

29. 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 2.

Table 2: Rehabilitation Objectives

Feature	Objective
Project site	<ul style="list-style-type: none">Safe, stable and non-pollutingMinimise 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

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. Prior to the commencement of construction, 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 4 of Schedule 4;
 - submission of an audit report under condition 6 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 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.*

COMPLIANCE

Incident Notification

4. The Department must be notified in writing to compliance@planning.nsw.gov.au 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

5. The Department must be notified in writing to compliance@planning.nsw.gov.au 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.

Compliance Reporting

6. The Applicant must provide regular compliance reporting to the Department on the development in accordance with the relevant *Compliance Reporting* requirements (DPE 2018).

INDEPENDENT ENVIRONMENTAL AUDIT

7. Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
 - (a) be prepared in accordance with the relevant *Independent Audit Post Approval* requirements (DPE 2018);
 - (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 carried out in consultation with the relevant agencies;
 - (d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

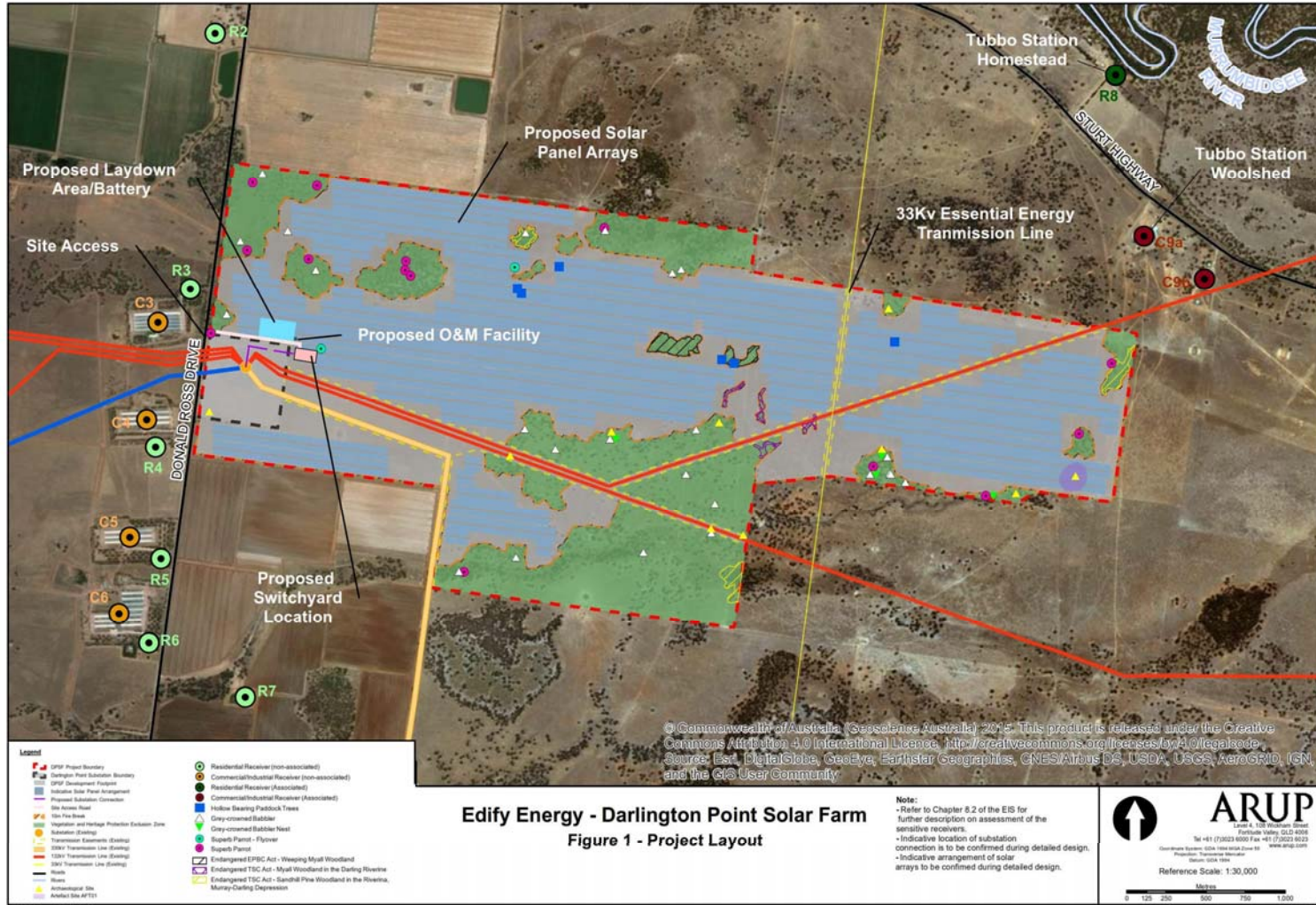
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a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

8. 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 LAND**

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
160	821551
41	750903
42	750903
64	750903
2	542215
18	750903
35	750903
36	750903
2	628785
3	1148975