

# 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

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

**SCHEDULE 1**

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

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8392-Mod-1	22 October 2021	Director	Increase the BESS capacity
SSD-8392-Mod-2	31 October 2022	Director	BESS connection, laydown area and subdivision

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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
<b>BCS</b>	<b>Biodiversity, Conservation and Science Directorate within the Department</b>
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)
<b>DPE Crown Lands</b>	<b>The Department's Crown Lands Division</b>
<b>DPE Water</b>	<b>The Department's Water Division</b>
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, <b>as amended by:</b> <ul style="list-style-type: none"> <li>• <i>Darlington Point Solar Farm Modification Report, dated June 2021 and additional information provided on 29 June 2021.</i></li> <li>• <i>Darlington Point Solar Farm Modification Report dated July 2022 and Darlington Point Submissions Report dated 26 September 2022.</i></li> </ul>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPA</b>	<b>Environment Protection Authority</b>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
<b>FRNSW</b>	<b>Fire and Rescue NSW</b>
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>
<b>Heritage NSW</b>	<b>Heritage NSW within the Department of Premier and Cabinet</b>
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"> <li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>• 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)</li> </ul>
<b>MW</b>	<b>Megawatt</b>
<b>MWh</b>	<b>Megawatt hour</b>
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
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
<b>Planning Secretary</b>	<b>Secretary of the Department, or nominee</b>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

## CONSOLIDATED CONSENT

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, or material stockpiles
TfNSW	Transport for NSW
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 [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.

**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 [Planning 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 [Planning 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.

### BATTERIES

#### Battery Storage Restriction

14. **The capacity of the battery storage facility must not exceed a total:**

- (a) delivery capacity of 200 MW; or
- (b) storage capacity of 400 MWh.

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

### SUBDIVISION

15. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as identified in Appendix 4 and in accordance with the requirements of the EP&A Act and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

*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 set out the application requirements for subdivision certificates



**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 [Planning 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 TfNSW 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 [DPE Crown Lands](#).

**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 [TfNSW](#) and Council, and to the satisfaction of the [Planning 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 [Planning 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 [Planning 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 **BCS**.

*Table 1: Biodiversity Credit Requirements*

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Column (a): Minimum Credits Required</b>	<b>Column (b): Maximum Credits Required</b>
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
<b>Species</b>	<b>Species ID</b>	<b>Credits Required</b>	<b>Credits Required</b>
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.
- 10A. [Prior to carrying out works associated with Modification 2 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 2 and Table 3 below, unless the Planning Secretary agrees otherwise.](#)

The retirement of credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 2: Ecosystem Credit Requirements for Modification 2

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits Required</b>
Plains Grass grassland on alluvial mainly clay soils in the Riverina Bioregion and NSW South-Western Slopes Bioregion.	PCT 45	28
Weeping Myall open woodland of the Riverina Bioregion and NSW South-Western Slopes Bioregion	PCT 26	1

Table 3: Species Credit Requirements for Modification 2

<b>Species</b>	<b>Credits Required</b>
A spear-grass ( <i>Austrostipa wakoolica</i> )	1
Claypan Daisy ( <i>Brachyscome muelleroides</i> )	49
Mossgiel Daisy ( <i>Brachyscome papillosa</i> )	33
Bindweed ( <i>Convolvulus tedmoorei</i> )	21
Winged Peppergrass ( <i>Lepidium monopolocoides</i> )	34
Lanky Buttons ( <i>Leptorhynchos orientalis</i> )	33
Major Mitchell's Cockatoo (breeding) ( <i>Lophochroa leadbeateri</i> )	20
Koala (breeding) ( <i>Phascolarctos cinereus</i> )	2
Austral Pilwort ( <i>Pilularia novae-hollandiae</i> )	50
Slender Darling Pea ( <i>Swainsona murrayana</i> )	34
Silky Swainson Pea ( <i>Swainsona sericea</i> )	34

11. In the period between 2 years and 3 years from the commencement of operations, unless the **Planning 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 **Planning Secretary**. This review and report must be undertaken by a suitably qualified, experienced and independent grasslands expert endorsed by the **Planning Secretary**.

The expert must:

- (a) consult with **BCS** 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 **Planning 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 **Planning 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 **BCS**, and to the satisfaction of the **Planning 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 [Planning 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.*

- 12A. Prior to carrying out works associated with Modification 2 that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must update the Biodiversity Management Plan referred to in condition 12 for works associated with Modification 2, in accordance with the *Biodiversity Development Assessment Report* (Revision 3.1, dated 20 September 2022).

### AMENITY

#### Construction, Upgrading and Decommissioning Hours

13. Unless the [Planning 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 [Planning 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.
- 14A. The Applicant must ensure that the noise generated by the operation of the development during the evening and night does not exceed 35 dB(A)  $L_{Aeq15 min}$  to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residence.

#### 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 **Heritage NSW** as soon as possible following the discovery, and work must not recommence in the area until this is authorised by **Heritage NSW**.

**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 **Heritage NSW**.

Following **Heritage NSW**'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 defensible space **as outlined in the EIS**, that permits unobstructed vehicle access **to the site**;
    - manages the defensible space as an Asset Protection Zone;
    - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019 (or equivalent)* and *Standards for Asset Protection Zones*;
    - 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 **Planning Secretary**, the Applicant must prepare a Fire Safety Study of the development, **in consultation with RFS, and** to the satisfaction of **FRNSW and the Planning Secretary**. The study must:

- (a) **be consistent with the:**
  - Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'* guideline; and
  - New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*; **and**
- (b) **describe the final design of the battery storage facility.**

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

Following the **Planning Secretary's** approval, the Applicant must implement the measures described in 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, **in consultation with FRNSW and the RFS**. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:
- (a) be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019 (or equivalent)*;
  - (b) identify the risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
  - (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;
  - (d) list works that should not be carried out during a total fire ban;
  - (e) include availability of fire suppression equipment, access and water;
  - (f) include procedures for the storage and maintenance of any flammable materials;
  - (g) 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;
  - (h) include a figure showing site infrastructure, Asset Protection Zone and the fire fighting water supply;
  - (i) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
  - (j) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
  - (k) include bushfire emergency management planning;
  - (l) include 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 proposed activities to be carried out during a bushfire danger period; and
  - (m) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.

The Applicant must implement the Emergency Plan for the duration of the development.

**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 **Planning Secretary**. This strategy must:
- (a) propose a strategy to facilitate the accommodation of the workforce associated with the development;
  - (b) investigate options for prioritising the employment of local workers for the construction and operation of the development where feasible; and
  - (c) include a program to monitor and review the effectiveness of the strategy over the life of the development.

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

**DECOMMISSIONING AND REHABILITATION**

29. 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 4](#).

[Table 4: Rehabilitation Objectives](#)

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

## 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 [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:
    - 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 [Planning 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 [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:
    - submission of an incident report under condition 4 of Schedule 4;
    - submission of an audit report under condition 6 or 7 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 [Planning 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 [Planning Secretary](#) for approval.

With the agreement of the [Planning 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 [Planning Secretary](#) must be notified in writing via the Major Projects website 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. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.**

#### Non-compliance Notification

5. **The [Planning Secretary](#) must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.**



## CONSOLIDATED CONSENT

- 5A. A non-compliance 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, or will be, undertaken to address the non-compliance.
- 5B. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

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

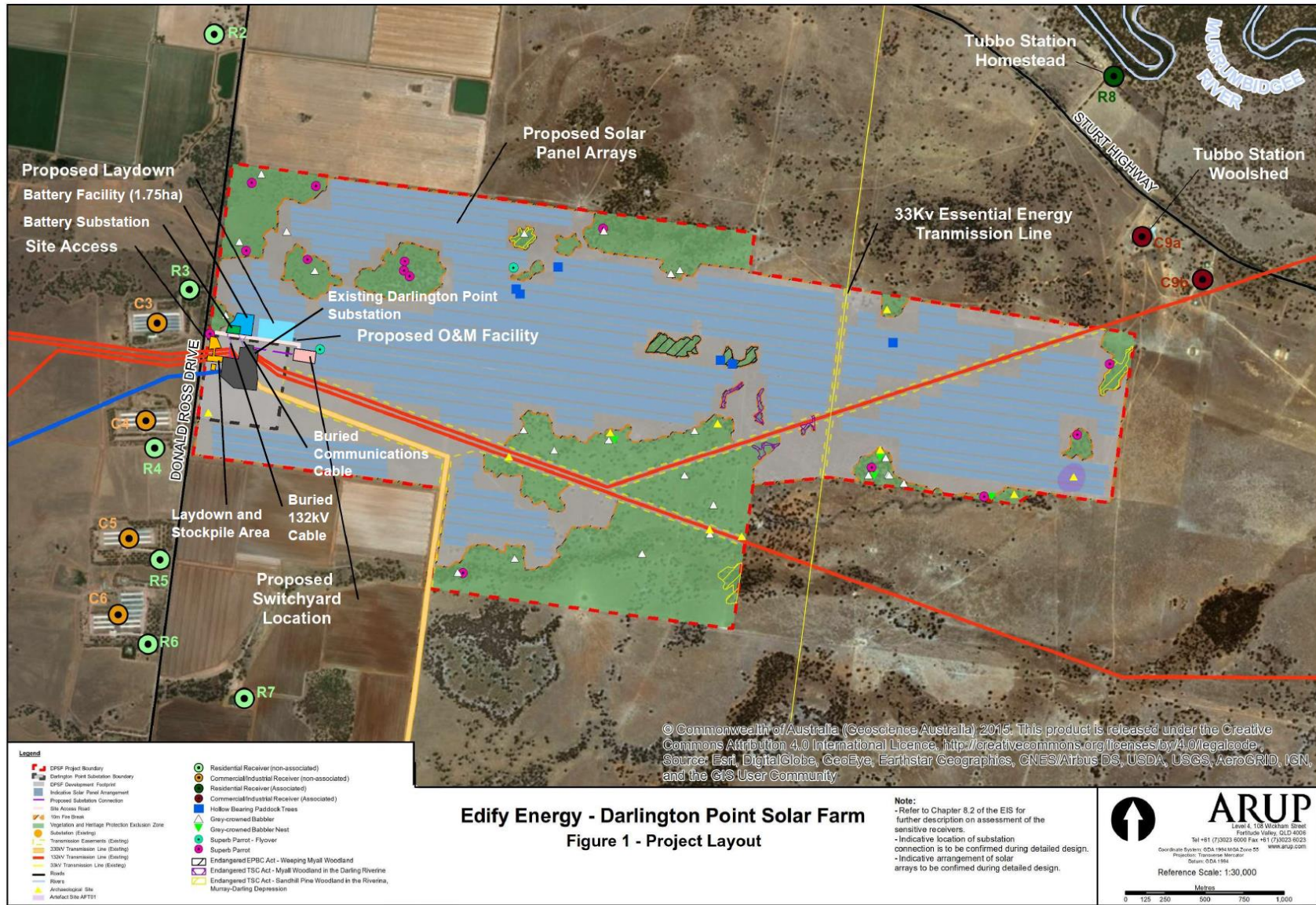
### INDEPENDENT ENVIRONMENTAL AUDIT

7. Independent Audits of the development of the battery storage facility must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)* to the following frequency:
- (a) within 3 months of commencing construction; and
  - (b) within 3 months of commencement of operations.
- 7A. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- 7B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 7 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
- 7C. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition 7 of Schedule 4 of this consent, or condition 7B of Schedule 4 where notice is given by the Planning Secretary
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- 7D. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Planning Secretary.
- 7E. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

### 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 [Planning 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>
1	1249830
2	1249830
3	1249830
4	1249830
5	1249830
85	750903
2	628785



**APPENDIX 3:  
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

**WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**


1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 4 of Schedule 4 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.

## APPENDIX 4: SUBDIVISION PLAN



	CLIENT: EDIFY ENERGY	Credits: Google Satellite
	FIGURE 1: SUBDIVISION PLAN	
DOCUMENT: E:\Terra Solutions\PROJECTS -	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>0</span> <span>75</span> <span>150</span> <span>225</span> <span>300</span> <span>375 m</span> </div> 	
DATE: 12/10/2022	AUTHOR: A Fitzgerald	Coordinate system: GDA2020 / MGA zone 55 EPSG:7855



	CLIENT: EDIFY ENERGY	Credits: Google Satellite
	FIGURE 2: SUBDIVISION PLAN	
DOCUMENT: E:\Terra Solutions\PROJECTS -	0                      25                      50                      75 m	Coordinate system: GDA2020 / MGA zone 55 EPSG:7855
DATE: 12/10/2022      AUTHOR: A Fitzerald	1:400	