

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces, 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.



**Mike Young**  
A/Executive Director  
Energy and Resource Assessments

Sydney 4 DECEMBER 2019

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### SCHEDULE 1

<b>Application Number:</b>	SSD 8777
<b>Applicant:</b>	Maryvale Solar Farm Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Maryvale Solar Farm

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary Infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, site compounds, electricity transmission lines and internal roads
Applicant	Maryvale Solar Farm Pty Ltd, or any person who seeks to carry out the development approved under this consent
AUL(s)	Auxiliary Left Turn - Short
Battery storage	Large scale energy storage system
BCD	Biodiversity Conservation Division within a Department
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 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	Dubbo Regional Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
DPIE Water	Water Group within the Department
EIS	The environmental impact statement for Maryvale Solar dated November 2018, the response to submissions dated February 2019 and the additional information provided by the Applicant dated February, March, July, September and October 2019.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> <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>
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, 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, material stockpiles laydown areas and parking spaces
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.

### **FINAL LAYOUT PLANS**

5. Prior to commencing 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.

### **UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE**

6. 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**

7. 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.

### **NOTIFICATION OF DEPARTMENT**

8. Prior to commencing the construction, operation, 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**

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

*Notes:*

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

## **DEMOLITION**

10. 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**

11. 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**

12. 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**

13. The Applicant may subdivide the site to create five new allotments, as identified in Appendix 3 and in accordance with the requirements of the EP&A Act and EP&A Regulation.

*Notes:*

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.*
- *Division 4 of Part 8 of the EP&A Regulation sets out the application requirements for subdivision certificates*

## **SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL**

### **BATTERIES**

#### **Battery Storage Restriction**

1. Battery storage is not permitted on the project site.

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

### **TRANSPORT**

#### **Over-Dimensional and Heavy Vehicle Restrictions**

2. The Applicant must ensure that the:
  - (a) development does not generate more than:
    - 20 heavy vehicle movements a day during construction, upgrading or decommissioning;
    - 2 over-dimensional vehicle movements during construction, upgrading and decommissioning; and
    - 5 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 19 metres, unless the Secretary agrees otherwise.
3. The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.

#### **Access Route**

4. All vehicles associated with the development must travel to and from the site via the Mitchell Highway, Cobbora Road, Maryvale Road, Seatonville Road and the approved site access points on Seatonville Road, as identified in the figure in Appendix 1 and Appendix 5.

All vehicles associated with the development must avoid the intersection of Mitchell Highway and Maryvale Road.

*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.*

#### **Road Upgrades and Site Access**

5. Prior to commencing construction, the Applicant must undertake the road upgrades as identified in Appendix 6. These upgrades must comply with the *Austrroads Guide to Road Design* (as amended by RMS supplements), and be carried out to the satisfaction of the relevant roads authority.

#### **Road Maintenance**

6. The Applicant must:
  - (a) undertake an independent dilapidation survey to assess the:
    - existing condition of Cobbora Road, Maryvale Road and Seatonville Road on the transport route, prior to construction, upgrading or decommissioning activities; and
    - condition of Cobbora Road, Maryvale Road and Seatonville Road on the transport route, following construction, upgrading or decommissioning activities;
  - (b) repair Cobbora Road, Maryvale Road and Seatonville Road on the transport route, if dilapidation surveys identify that the road/s have been damaged during construction, upgrading or decommissioning works; in consultation with the relevant roads authority, to the satisfaction of the Secretary.

If there is a dispute between the Applicant and the applicant of the Wellington North Solar Project (SSD 8895) regarding the repairs required under condition 6 (b), then either party may refer the matter to the Secretary for resolution. The Secretary's decision on the matter must be final and binding on both parties.

#### **Operating Conditions**

7. 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.

### **Traffic Management Plan**

8. Prior to commencing the development, 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 to be used for development-related traffic,
  - (b) details of the road upgrade works required by condition 5 of Schedule 3 of this consent;
  - (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
    - details of the dilapidation surveys required by condition 6 of Schedule 3 of this consent;
    - 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, other motorists, rail services and the construction traffic of other solar farms as far as practicable;
    - complying with existing travel restrictions for heavy vehicles on Cobbora Road during school days;
    - implement measures to minimise dirt tracked onto the public road network from development-related traffic;
    - details of the employee shuttle bus service and measures to encourage employee use of this service;
    - scheduling of haulage vehicle movements to minimise convoy length or platoons;
    - responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
    - responding to any emergency repair or maintenance requirements; and
    - a traffic management system for managing over-dimensional vehicles;
  - (d) a driver's code of conduct that addresses:
    - travelling speeds;
    - driver fatigue;
    - procedures to ensure that drivers adhere to the designated transport routes; and
    - procedures to ensure that drivers implement safe driving practices; and
  - (e) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan;

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

### **LANDSCAPING**

#### **Vegetation Buffer**

9. The Applicant must establish and maintain a mature vegetation buffer (landscape screening) as outlined in the figure in Appendix 1 to the satisfaction of the Secretary. The landscape screening must:
- (a) be planted prior to commencing operations;
  - (b) be comprised of species that are endemic to the area;
  - (c) be effective at screening views from residence R1 within 3 years of commencing construction; and
  - (d) be properly maintained with appropriate weed management.

#### **Landscaping Plan**

10. Prior to commencing the development, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with Council, to the satisfaction of the Secretary. This plan must include:
- (a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition 8 (a) – (d) above;
  - (b) a program to monitor and report on the effectiveness of these measures; and
  - (c) details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

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

### **LAND MANAGEMENT**

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

## BIODIVERSITY

### Vegetation Clearance

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

### Biodiversity Offsets

13. Prior to commencing the development under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 to the satisfaction of BCD, unless the Secretary agrees otherwise.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offset 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 1: Ecosystem Credit Requirements**

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits Required</b>
White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion	266	124

### Biodiversity Management Plan

14. Prior to commencing the development, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must:
- (a) include a description of the measures that would be implemented for:
    - protecting vegetation and fauna habitat outside the approved disturbance areas;
    - managing the remnant vegetation and fauna habitat on site;
    - minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
    - minimising the impacts to fauna on site and implementing fauna management protocols;
    - avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
    - rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;
    - 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; and
  - (b) 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

15. 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:

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

### Noise

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

## Dust

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

## Visual

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

## Lighting

19. The Applicant must:
- minimise the off-site lighting impacts of the development; and
  - ensure that any external lighting associated with the development:
    - is installed as low intensity lighting (except where required for safety or emergency purposes);
    - does not shine above the horizontal; and
    - complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting and the Dark Sky Planning Guideline (DPE 2018), or their latest versions.

## HERITAGE

20. Prior to the commencing the development, the Applicant must undertake further consultation with Aboriginal stakeholders, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010), or its latest version.

### Protection of Heritage Items

21. 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 4 or located outside the approved development footprint.

*Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 4.*

### Heritage Management Plan

22. Prior to commencing construction, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
  - be prepared in consultation with BCD and Aboriginal Stakeholders;
  - include a description of the measures that would be implemented for:
    - protecting the Aboriginal heritage items identified in Table 1 in Appendix 4 or outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
    - a contingency plan and reporting procedure if:
      - previously unidentified heritage items are found; or
      - Aboriginal skeletal material is discovered;
    - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
    - ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
  - consideration of potential impacts to the Sandy Hollow to Maryvale railway corridor, which has local heritage value under the Wellington LEP (Item I47); and
  - include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

## SOIL & WATER

### Water Supply

23. 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

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

## Operating Conditions

25. The Applicant must:
- minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
  - ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
  - ensure all works are undertaken in accordance with the following, unless DPIE Water agrees otherwise:
    - Guidelines for *Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version; and
    - Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004), or its latest version.

## HAZARDS

### Storage and Handling of Dangerous Materials

26. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- store and handle all dangerous or hazardous materials on site in accordance with *Australian Standard AS1940-2004: The storage and handling of flammable and combustible liquids*, or its latest version;
  - ensure the substation is suitably bunded; and
  - minimise any spills of dangerous goods and hazardous materials and clean up any spills as soon as possible after they occur.

### Operating Conditions

27. The Applicant must:
- minimise the fire risks of the development;
  - ensure that:
    - there is a defensible space of at least a 10 metre around the perimeter of the solar array areas that permits unobstructed vehicle access;
    - the defensible space and solar array areas is managed as an Asset Protection Zone;
    - the development complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006* (or equivalent) and *Standards for Asset Protection Zones*;
    - the Asset Protection Zone for the development is wholly contained within the development footprint;
    - the development is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank, fitted with a 65mm Storz fitting and a FRNSW compatible suction connection, located adjacent to the internal access road;
  - assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
  - notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

### Emergency Plan

28. Prior to commissioning operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of the Fire & Rescue NSW 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:
- be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
  - identify the fire risks and controls of the development;
  - include procedures that would be implemented if there is a fire on-site or in the vicinity of the site; and
  - notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

Following approval, the Applicant must implement the Emergency Plan.

## WASTE

29. The Applicant must:
- minimise the waste generated by the development;
  - 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**

30. Prior to commencing 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:
- (a) propose a strategy to ensure there is sufficient accommodation for the workforce associated with the development;
  - (b) consider the cumulative impacts associated with other State significant developments in the area;
  - (c) investigate options for prioritising the employment of local workers for the construction and operation of the development where feasible; and
  - (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

Following the Secretary’s approval, the Applicant must implement the Accommodation and Employment strategy.

**DECOMMISSIONING AND REHABILITATION**

31. Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 2.

*Table 2: Rehabilitation Objectives*

<b>Feature</b>	<b>Objective</b>
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 Secretary agrees otherwise</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore land capability to pre-existing use (at least Class 3 Land Capability)</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 commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
  - (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (e) include:
    - references to any plans approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out in relation to the development.

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

#### **Revision of Strategies, Plans and Programs**

2. The Applicant must:
  - (a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:
    - submission of an incident report under condition 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 the parties referred to under the relevant condition of this consent.

*Notes:*

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

### **COMPLIANCE**

#### **Incident Notification**

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

## INDEPENDENT ENVIRONMENTAL AUDIT

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

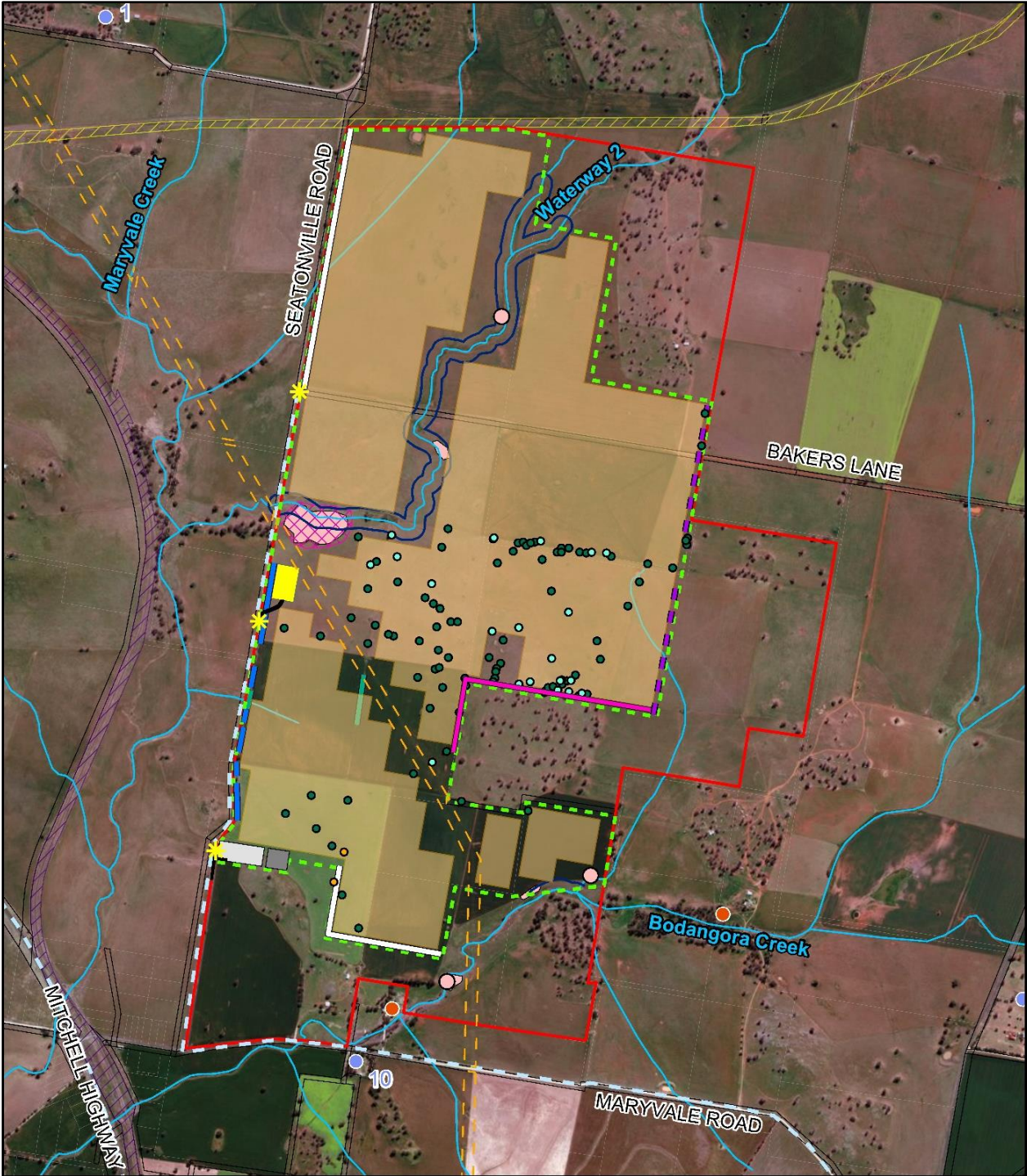
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a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

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

## ACCESS TO INFORMATION

7. 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



**pitt&sherry**  
Photon Energy  
Maryvale Solar Farm  
**Site Plan**

Coordinate System: GDA 1994 MGA Zone 55  
1:22,000 When Printed at A4

0 0.15 0.3 0.45 0.6 Kilometres

Map ref: SY17238 Site Plan  
Revision: A  
Author: eparry  
Date: 18/10/2019

Data sources:  
Dubbo LGA

**Legend**

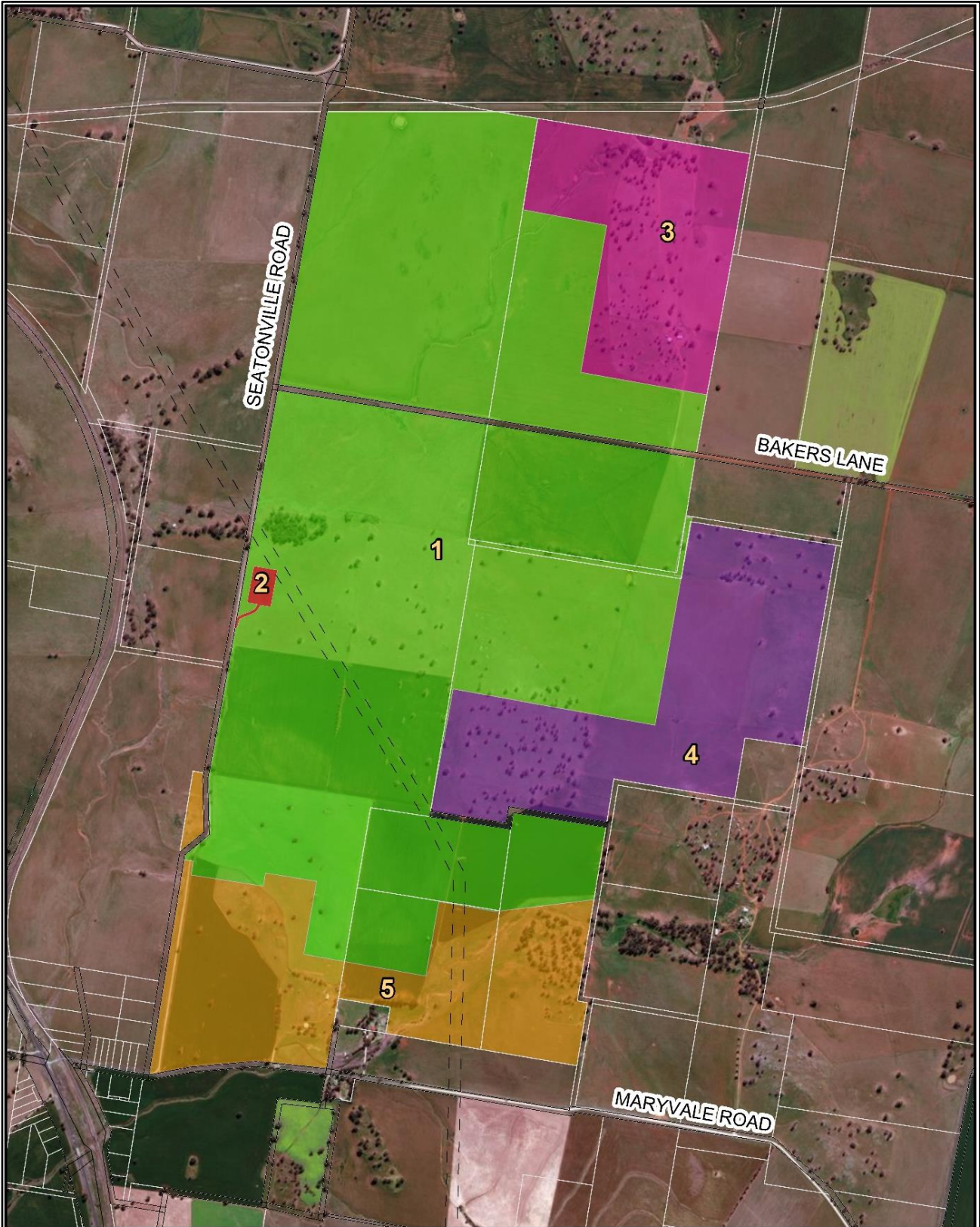
- Site Boundary (630ha)
- Development Footprint (375ha) [inside 15m APZ buffer]
- Construction laydown area (1.6ha)
- Construction parking and storage facilities (0.4ha)
- Proposed 132kV Substation [inside 20m APZ buffer]
- Photovoltaic solar arrays
- \* Access point
- Transmission line & easement (45m width)
- Haulage route
- Access Road
- 20m APZ
- Continuous Vegetation Screening
- Supplementary Vegetation Screening
- Intermittent vegetation screening
- Paddock trees - no hollows
- Paddock trees - with hollows
- Stag- with hollows
- Existing plantings
- Archaeological Site
- Waterway Buffer (40 m)
- Sandy Hollow to Maryvale Railway line
- Retained vegetation
- Archaeological Area
- Associated receivers
- Non-associated receivers
- Waterways
- Railway Corridor

**APPENDIX 2:  
SCHEDULE OF LAND**

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
1	252522
2	
2	573426
122	754318
130	
182	
1	1006557
1	1031281
1	1095725
2	

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

# APPENDIX 3: SUBDIVISION PLAN



N  
 Coordinate System: GDA 1994 MGA Zone 55  
 1:20,000 When Printed at A4  
 0 0.15 0.3 0.45 0.6  
 Kilometres

Map ref: SY17238 Figure5-1  
 Revision: A  
 Author: eparry  
 Date: 13/08/2019  
 Data sources: Dubbo LGA

### Legend

- |  |               |                      |             |          |          |
|--|---------------|----------------------|-------------|----------|----------|
|  | Road Corridor | <b>Proposed Lots</b> |             | 4 (84ha) |          |
|  | Lot           |                      | 1 (374ha)   |          | 5 (85ha) |
|  | Easement      |                      | 2 (1.04 ha) |          | 3 (58ha) |

**pitt&sherry**

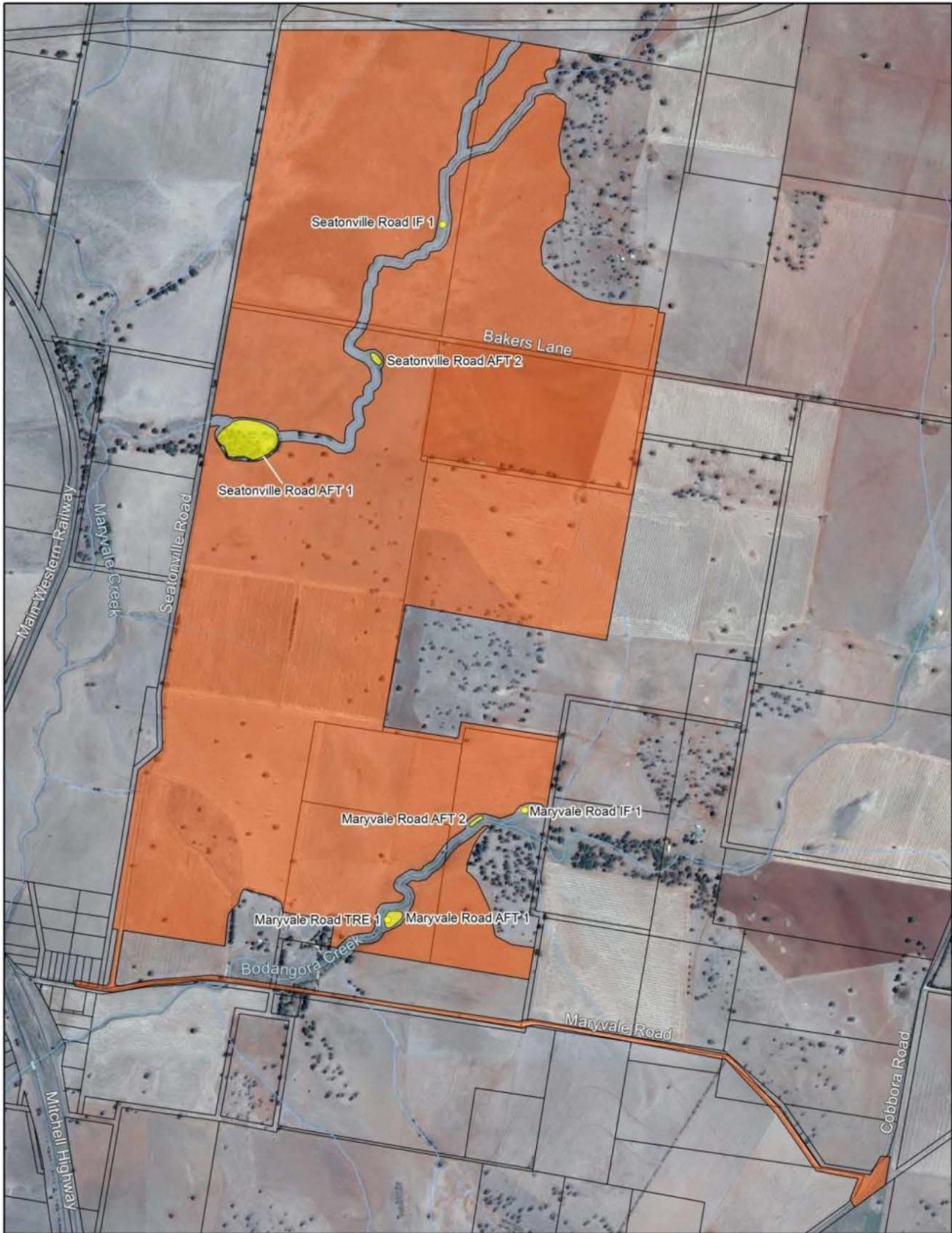
Photon Energy

Maryvale Solar Farm

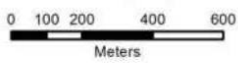
**APPENDIX 4:  
ABORIGINAL HERITAGE ITEMS**

*Table 1: Aboriginal heritage items – avoid impacts*

<i>Item</i>
Maryvale Road AFT 1
Maryvale Road AFT 2
Maryvale Road IF 1
Maryvale Road TRE 1
Seatonville Road AFT 1
Seatonville Road AFT 1
Seatonville Road AFT 2
Seatonville Road IF 1



1:17,500 (at A4)



Map Projection: Transverse Mercator  
 Horizontal Datum: Geocentric Datum of Australia (GDA)  
 Grid: Map Grid of Australia 1994, Zone 55



**LEGEND**

Study Area

Impact Area

Archaeological Site Location

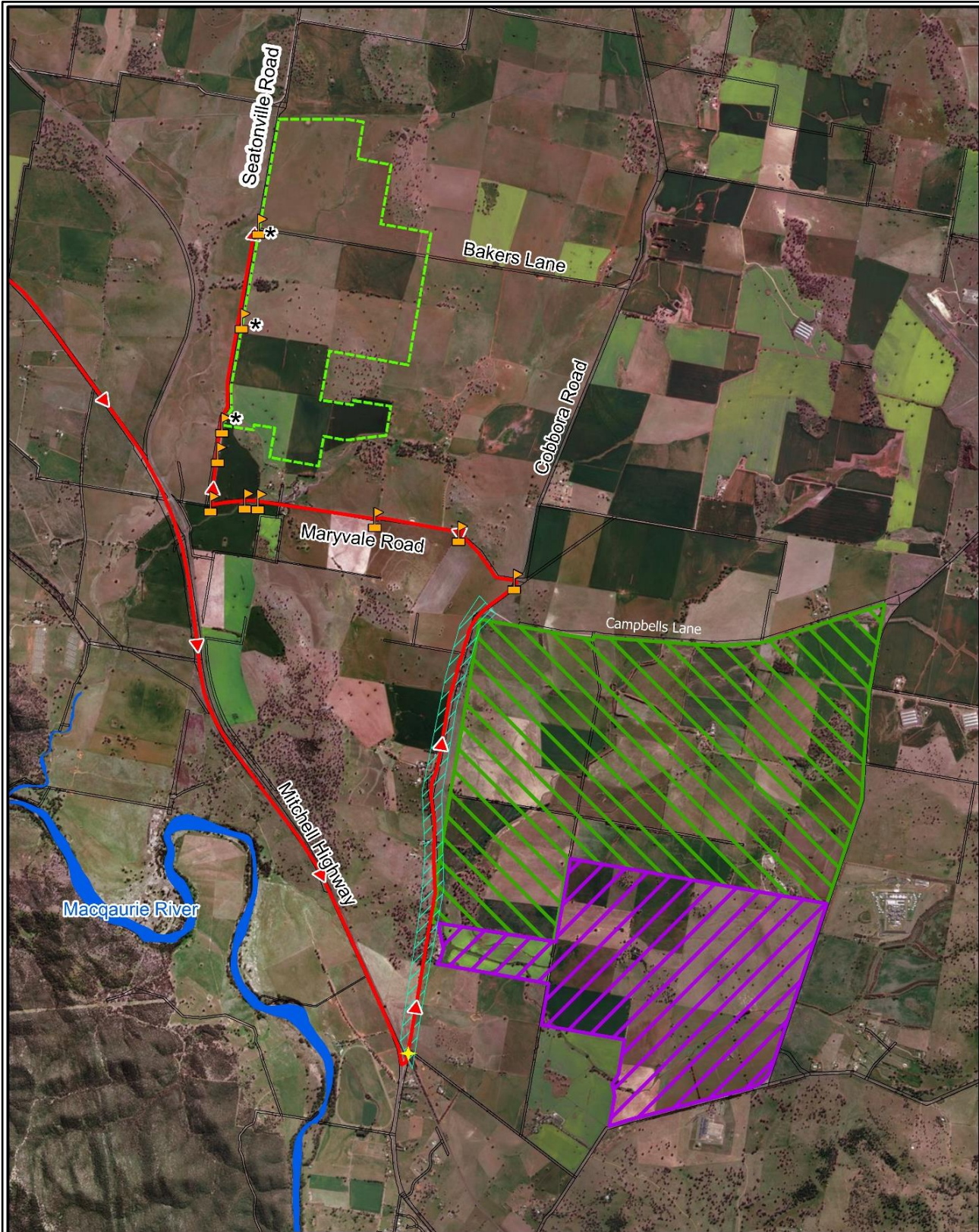
Archaeological Site Area

Hydrology



Kelleher Nightingale  
 Consulting Pty Ltd

# APPENDIX 5: SITE ACCESS ROUTE



**N**  
 Coordinate System: GDA 1994 MGA Zone 55  
 1:50,000 When Printed at A4  
 0 0.25 0.5 0.75 1 Kilometres  
 Map ref: SY17238 Figure1-1  
 Revision: C  
 Author: eparry  
 Date: 3/10/2019  
 Data sources: Dubbo LGA

Legend	
	Proposal Footprint
	Common Haulage Route
	Haulage Route Upgrades
	Wellington Solar Farm – Approved
	Vehicle Route
	North Wellington Solar Farm – Proposed
	Access point
	Cobbora Road Level Crossing
	Waterways

Photon Energy  
 Maryvale Solar Farm

**APPENDIX 6:  
ROAD UPGRADES AND SITE ACCESS**

Road/Intersection	Upgrade Works
Cobbora Road / Maryvale Road Intersection	<ul style="list-style-type: none"> <li>• Upgrade and widen the intersection, including short auxiliary left turn [AUL(s)] treatment on Cobbora Road.</li> </ul>
Maryvale Road / Seatonville Road Intersection	<ul style="list-style-type: none"> <li>• Upgrade intersection, including widening of approaches on Maryvale Road to 7 metres as identified in the below figure; and</li> <li>• Sealing Seatonville Road for 30 m from the intersection with Maryvale Road.</li> </ul>
Maryvale Road	<ul style="list-style-type: none"> <li>• Widen four identified sections in accordance with the curve radius requirements noted in the below figure; and</li> <li>• Strengthening the waterway structure as noted in the below figure.</li> </ul>
Seatonville Road	<ul style="list-style-type: none"> <li>• Widen to 6 m to allow for two way heavy vehicle movements, and 1 m shoulders, between the intersection with Maryvale Road and the former Bakers Lane; and</li> <li>• Widen three identified sections in accordance with the curve radius requirements noted in the below figure.</li> </ul>
Site Access	<ul style="list-style-type: none"> <li>• Construct two new site access points off Seatonville Road, and upgrade the intersection of Seatonville Road and the Bakers Lane, with Rural Property Access type treatments to cater for the largest vehicle accessing the site.</li> </ul>

*Note: Under Part 4.42 of the EP&A Act, the Proponent is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.*

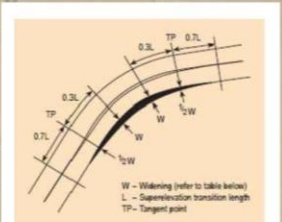


Figure 4.10 Lane widening on horizontal curves

Table 4.7 Road widening requirements

Curve radius (m)	Total amount of traffic lane widening (w) where the normal width of two traffic lanes is			
	6.0 m	6.5 m	7.0 m	7.5 m
30-50	2.0	1.5	1.5	1.0
50-100	1.5	1.0	1.0	0.5
100-250	1.0	1.0	0.5	
250-750	1.0	0.5		

Source: Transit New Zealand (2006)

SEATONVILLE ROAD TO BE UPGRADED TO PROVIDE 2 No. 3.0m LANES AND 1.0m SHOULDERS. LANES AND SHOULDERS TO BE UNSEALED

CURVE RADIUS = 200m  
PROVIDE CURVE WIDENING OVER APPROXIMATELY 112m

CURVE RADIUS = 61m  
PROVIDE CURVE WIDENING OVER APPROXIMATELY 104m

CURVE RADIUS = 148m  
PROVIDE CURVE WIDENING OVER APPROXIMATELY 134m

SEATONVILLE ROAD



REFER SY17238-P7 FOR DETAIL

STRENGTHEN WATERWAY STRUCTURE

WIDENING LOCATION 1  
MARYVALE ROAD TO BE WIDENED TO FACILITATE PASSING OF TWO SEMI-TRAILERS.  
CURVE RADIUS = 450m  
APPROXIMATE LENGTH OF WIDENING = 144m

WIDENING LOCATION 2  
MARYVALE ROAD TO BE WIDENED TO FACILITATE PASSING OF TWO SEMI-TRAILERS.  
CURVE RADIUS = 150m BACK TO BACK. APPROXIMATE LENGTH OF WIDENING = 200m

MARYVALE ROAD

MARYVALE ROAD TO REMAIN UNSEALED

WIDENING LOCATION 3  
MARYVALE ROAD TO BE WIDENED TO FACILITATE PASSING OF TWO SEMI-TRAILERS.  
CURVE RADIUS = 97m  
APPROXIMATE LENGTH OF WIDENING = 136m

WIDENING LOCATION 4  
MARYVALE ROAD TO BE WIDENED TO FACILITATE PASSING OF TWO SEMI-TRAILERS.  
CURVE RADIUS = 79m  
APPROXIMATE LENGTH OF WIDENING = 129m



REFER SY17238-P8 FOR DETAIL

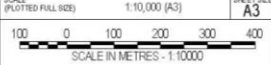
COBBORA ROAD

NOTE:  
PROVIDE CURVE WIDENING IN ACCORDANCE WITH FIGURE 4.10 AND TABLE 4.7

REFERENCE FILES ATTACHED:

DESCRIPTION	DRAWN	DESIGNED	REVIEWED	DATE

APPROVED



**pitt & sherry**

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ABN: 57 140 194 308

CLIENT MARYVALE SOLAR FARM PTY LTD

PROJECT MARYVALE SOLAR FARM

STATUS PRELIMINARY

DRAWING TITLE		CLIENT No.	
SITE ACCESS UPGRADES GENERAL ARRANGEMENT			
DATE:	AHD / MGA	DRAWING No:	SY17238-P1
REVISION:		REVISION:	

