

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2 to 4.

These conditions are required to:

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

Mike Young
A/Executive Director
Energy and Resource Assessments

Sydney

4 December 2019

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.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD 8777
Applicant:	Maryvale Solar Farm Pty Ltd
Consent Authority:	Minister for Planning
Land:	See Appendix 2
Development:	Maryvale Solar Farm

Blue type represents Modification 1 (**SSD-8777-Mod-1**)

Red type represents Modification 2 (**SSD-8777-Mod-2**)

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-8777-Mod-1	15 JULY 2022	Director	Addition of Battery Energy Storage System
SSD-8777-Mod-2	1 DECEMBER 2023	Director	Increase in capacity of the solar farm and BESS

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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, battery storage , 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
BCS	Biodiversity, Conservation and Science Directorate within the Department
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in 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 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)
DPE Water	Water Group within the Department
EIS	The environmental impact statement for Maryvale Solar Farm dated November 2018 as amended by: <ul style="list-style-type: none"> • Maryvale Solar Farm Submissions Report dated February 2019; • additional information provided by the Applicant to the Department dated February, March, July, September and October 2019; • Maryvale Solar Farm Modification Report dated January 2022; • Maryvale Solar Farm Modification Submissions Report dated March 2022; • Maryvale Solar Farm Modification Report dated November 2022; and • Maryvale Solar Farm Modification 2 Submissions Report dated June 2023.
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>
Heritage NSW	Heritage Division within the Department of Planning and Environment
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	Minister for Planning and Public Spaces, or delegate

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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
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of solar panels and ancillary infrastructure on site (excluding maintenance)
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement

CONSOLIDATED CONSENT

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 if prevention is not reasonable and feasible,** minimise any material harm to the environment that may result from the construction, **commissioning,** operation, upgrading, **rehabilitation** or decommissioning of the development.

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS;
 - (b) in accordance with the conditions of this consent;
 - (c) **in accordance with all written directions of the Planning Secretary; and**
 - (d) **generally in accordance with the Development Layout in Appendix 1 and Appendix 1A.**

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 **and directions of the Planning Secretary** must prevail to the extent of any inconsistency, **ambiguity or conflict.**
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.

FINAL LAYOUT PLANS

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

UPGRADING OF SOLAR PANELS, **BATTERY STORAGE** AND ANCILLARY INFRASTRUCTURE

6. **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

7. Prior to commencing operations, or following the upgrades of any solar panels, **battery storage** or ancillary infrastructure, the Applicant must submit work as executed plans of the development, **showing comparison to the approved final layout plans,** to the Department **via the Major Projects website.**

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 **via the Major Projects website** 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*.

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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.

COMMUNITY ENHANCEMENT

14. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:
 - (a) Division 7.1 of Part 7 of the EP&A Act, and
 - (b) the terms of the correspondence dated 6 June 2023, which are summarised in Appendix 8.

SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

BATTERIES

Battery Storage Restriction

1. The battery storage associated with the development must not exceed a total delivery capacity of 230 MW.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify the consent to increase the capacity of the battery storage facility or system 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 [Planning 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/[Saxa 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 Austroads Guide to Road Design (as amended by TfNSW 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/[Saxa Road](#), Maryvale Road and Seatonville Road on the transport route, prior to construction, upgrading or decommissioning activities; and
 - condition of Cobbora Road/[Saxa Road](#), Maryvale Road and Seatonville Road on the transport route, following construction, upgrading or decommissioning activities;
 - (b) repair Cobbora Road/[Saxa Road](#), Maryvale Road and Seatonville Road on the transport route, if dilapidation surveys identify that that the road/s have been damaged [by development related traffic](#) during construction, upgrading or decommissioning works.in consultation with the relevant roads authority, to the satisfaction of the [Planning 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 [Planning Secretary](#) for resolution. The [Planning 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 TfNSW and Council, and to the satisfaction of the [Planning 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/[Saxa 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 [Planning 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 [Planning 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 [Planning 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 [Planning 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 [Planning 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 [Planning 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

Vegetation Community	PCT ID	Credits Required
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 [Planning 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 [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.

AMENITY

Construction, Upgrading and Decommissioning Hours

15. Unless the [Planning Secretary](#) agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:
- 7 am to 6 pm Monday to Friday;
 - 8 am to 1 pm Saturdays; and
 - 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](#):

- 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; and
 - [ensure that the noise generated by the operation of the development does not exceed 35 dB\(A\) LAeq,15min to be determined in accordance with the procedures in the NSW Noise Policy for Industry \(EPA, 2017\) at any non-associated residence.](#)

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 [Planning Secretary](#). This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the

- Planning Secretary;**
- (b) be prepared in consultation with BCD and Aboriginal Stakeholders;
 - (c) 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; **and**
 - ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
 - (d) consideration of potential impacts to the Sandy Hollow to Maryvale railway corridor, which has local heritage value under the Wellington LEP (Item I47); and
 - (e) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

SOIL & 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:
- (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) ensure all works are undertaken in accordance with the following, unless DPE 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:**
- (a) store and handle all chemicals, fuels and oils used on-site in accordance with:
 - (i) the requirements of all Australian Standards; and
 - (ii) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*;
 - (b) ensure the substation is suitably bunded; and
 - (c) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

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

Operating Conditions

27. **The Applicant must:**
- (a) minimise the fire risks of the development; including managing vegetation fuel loads on-site;

- (b) ensure that the development:
 - complies with the relevant asset protection requirements in the RFS's *Planning for Bush Fire Protection 2019* (or equivalent);
 - is suitably equipped to respond to any fires on site, including provision of a water supply tank fitted with a 65mm Storz fitting and a Fire & Rescue NSW compatible suction connection;
 - includes a defensible space that permits unobstructed vehicle access for at least 15 metres around the perimeter of the solar array, 10 metres around battery storage area/s and 20 metres in the locations identified in Appendix 1; and
 - is managed as an Asset Protection Zone (including the defensible space);
- (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (a) notify the relevant Local Emergency Management Committee following construction of the battery storage, and prior to commencing operations of the battery storage.

Note: Solar farm infrastructure can be located within the BESS APZ, provided it does not comprise a general fire safety risk.

Emergency Plan

28. Prior to commencing operations, the Applicant must prepare an Emergency Plan and provide a copy to the local Fire Control Centre and Fire & Rescue NSW. The plan must:
- (a) be consistent with RFS's *Planning for Bushfire Protection 2019* (or equivalent);
 - (b) include bushfire emergency management planning, including:
 - details of the location, management and maintenance of the Asset Protection Zone;
 - a list of works that must not be carried out during a total fire ban;
 - details of how RFS would be notified, and procedures that would be implemented in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period;
 - (c) include details about emergency management planning for the battery storage, which must:
 - provide details on how the battery storage and sub-systems can be safely isolated in an emergency;
 - be in accordance with the findings of the Fire Safety Study required under Condition 28A of Schedule 3;
 - be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*; and
 - (d) include an Emergency Services Information Package, prepared in accordance with *Emergency services information package and tactical fire plan* (Fire & Rescue NSW, 2019) and to the satisfaction of Fire & Rescue NSW and RFS

The Applicant must:

- implement the Emergency Plan for the duration of the development; and
- keep a copy of the Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

Fire Safety Study

- 28A. Prior to commencing construction of the battery storage, the Applicant must prepare a Fire Safety Study for the battery storage, to the satisfaction of the Planning Secretary, in consultation with Fire and Rescue NSW. The study must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline;
 - (b) describe the final design of the battery storage;
 - (c) include reasonable worst-case bush fire scenario to and from the battery storage and the associated bush fire management;
 - (d) identify measures to eliminate the expansion of any fire incident including:
 - adequate fire safety systems and water supply;
 - separation and / or compartmentalisation of battery units; and
 - strategies and incident control measures specific to the battery storage facility design.

Following approval by the Planning Secretary, the Applicant must implement the measures described in the Fire Safety Study.

Note: to satisfy 'in consultation with Fire & Rescue NSW' above, the Applicant should provide confirmation in writing from Fire & Rescue NSW that the Study meets the requirements of Fire & Rescue NSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline.

WASTE

29. The Applicant must:
- (a) minimise the waste generated by the development;
 - (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (c) store and handle all waste on site in accordance with its classification;
 - (d) not receive or dispose of any waste on site; and
 - (e) remove all waste from the site as soon as practicable, and ensure it is 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 [Planning 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 [Planning 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 [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 2.

Table 2: Rehabilitation Objectives

Feature	Objective
Site	<ul style="list-style-type: none"> Safe, stable and non-polluting Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar farm and ancillary infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Planning Secretary agrees otherwise
Land use	<ul style="list-style-type: none"> Restore land capability to pre-existing use (at least Class 3 Land Capability)
Community	<ul style="list-style-type: none"> Ensure public safety

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 [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 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 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 [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 7.

CONSOLIDATED CONSENT

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.
- 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

- 5C. The Applicant must provide regular compliance reporting to the Department on the development, excluding the battery storage, in accordance with the relevant *Compliance Reporting* requirements (DPE 2018).

INDEPENDENT ENVIRONMENTAL AUDIT

- 6. Independent Audits of the development must be conducted and carried out at the frequency and 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.
- 6A. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- 6B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 6 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
- 6C. 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 6 of Schedule 4 of this consent, or condition 6B 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.
- 6D. 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.
- 6E. 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

- 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 [Planning Secretary](#); and
 - (b) keep this information up to date.

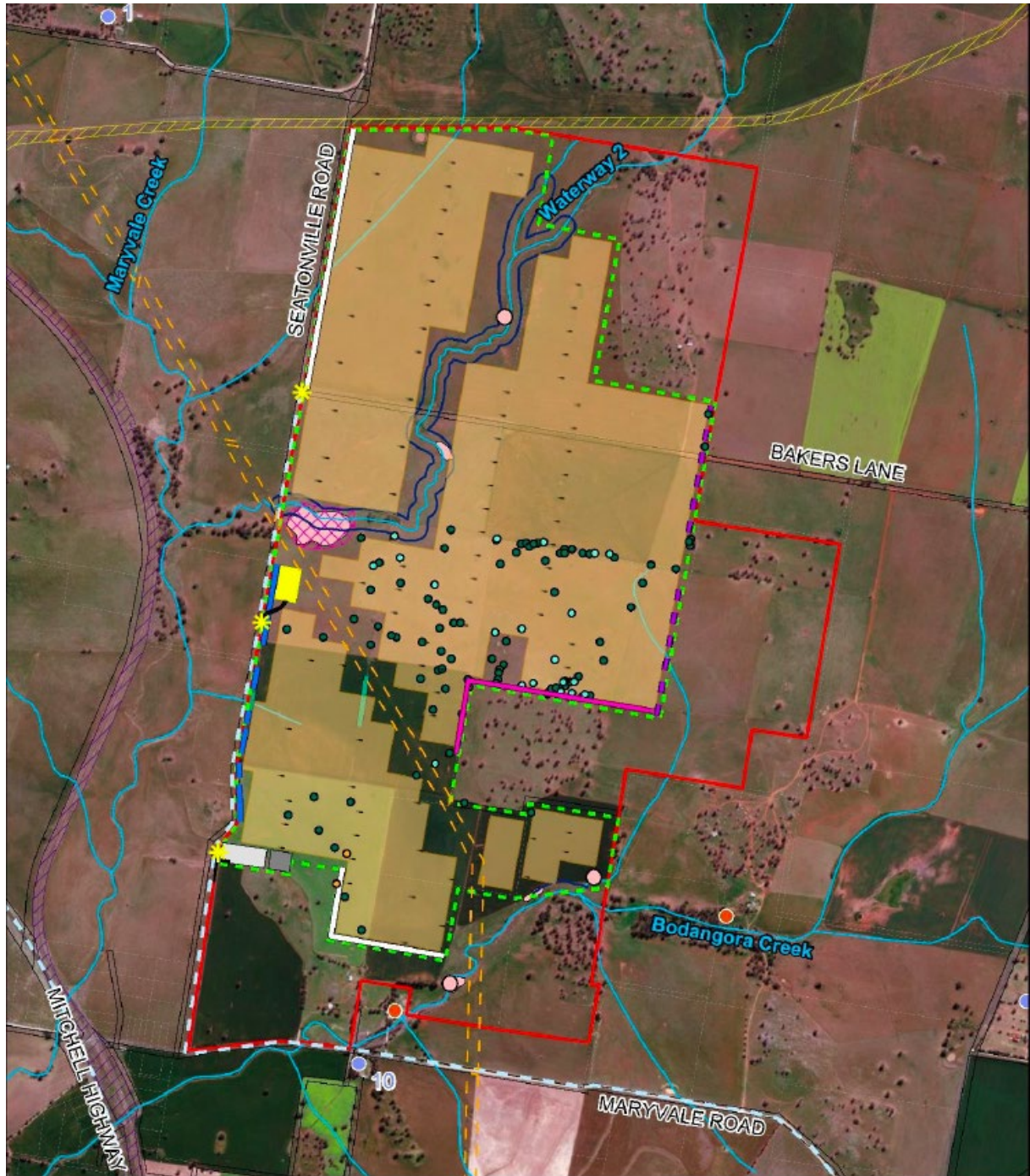
APPENDIX 1 GENERALISED LAYOUT OF THE DEVELOPMENT – CENTRALISED BESS OPTION



Legend

- | | | |
|---|---|---|
| Site Boundary (630ha) | Development Footprint (375ha) [inside 15m APZ buffer] | ● Paddock trees - no hollows |
| Construction laydown area (1.6ha) | Proposed 132kV Substation [inside 20m APZ buffer] | ● Paddock trees - with hollows |
| Construction parking and storage facilities (0.4ha) | Photovoltaic solar arrays | ● Stag- with hollows |
| ★ Access point | — Transmission line & easement (45m width) | — Existing plantings |
| — Haulage route | — Access Road | Archaeological Site |
| 20m APZ | Continuous Vegetation Screening | Waterway Buffer (40 m) |
| Supplementary Vegetation Screening | Intermittent vegetation screening | Sandy Hollow to Maryvale Railway line |
| Centralised BESS [inside 10m APZ buffer] | | Retained vegetation |
| | | Archaeological Area |
| | | ● Associated receivers |
| | | ● Non-associated receivers |
| | | — Waterways |
| | | Railway Corridor |

APPENDIX 1A GENERAL LAYOUT OF THE DEVELOPMENT – DISTRIBUTED BESS OPTION



Legend

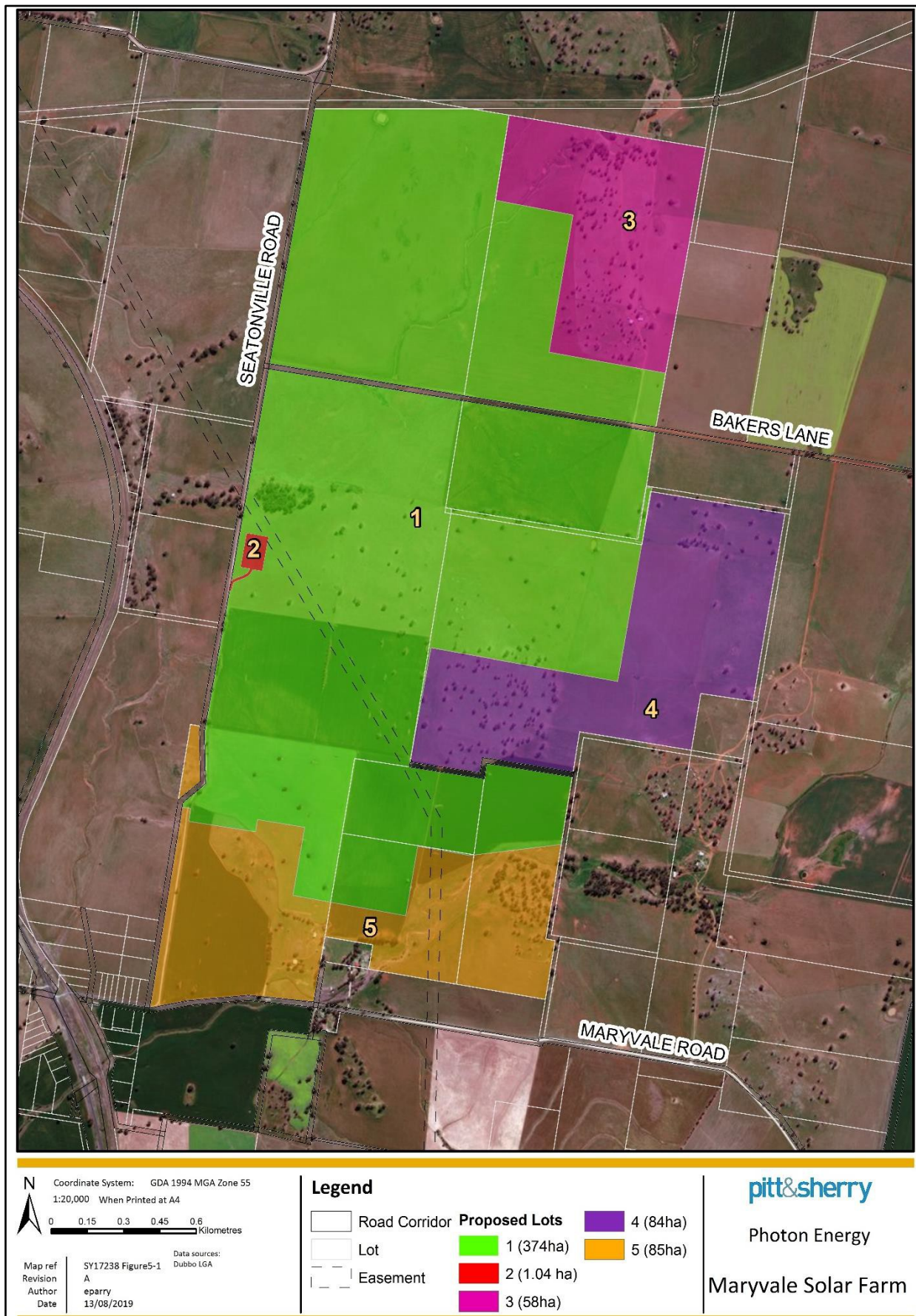
- | | |
|---|--|
| Site Boundary (630ha) | ● Paddock trees - no hollows |
| Development Footprint (375ha) [inside 15m APZ buffer] | ● Paddock trees - with hollows |
| Construction laydown area (1.6ha) | ● Stag- with hollows |
| Construction parking and storage facilities (0.4ha) | — Existing plantings |
| Proposed 132kV Substation [inside 20m APZ buffer] | Archaeological Site |
| Photovoltaic solar arrays | — Waterway Buffer (40 m) |
| ★ Access point | Sandy Hollow to Maryvale Railway line |
| — Transmission line & easement (45m width) | Retained vegetation |
| — Haulage route | Archaeological Area |
| Access Road | ● Associated receivers |
| 20m APZ | ● Non-associated receivers |
| Continuous Vegetation Screening | — Waterways |
| Supplementary Vegetation Screening | Railway Corridor |
| Intermittent vegetation screening | — Distributed BESS/solar panels [inside 10m APZ buffer] |

**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.*

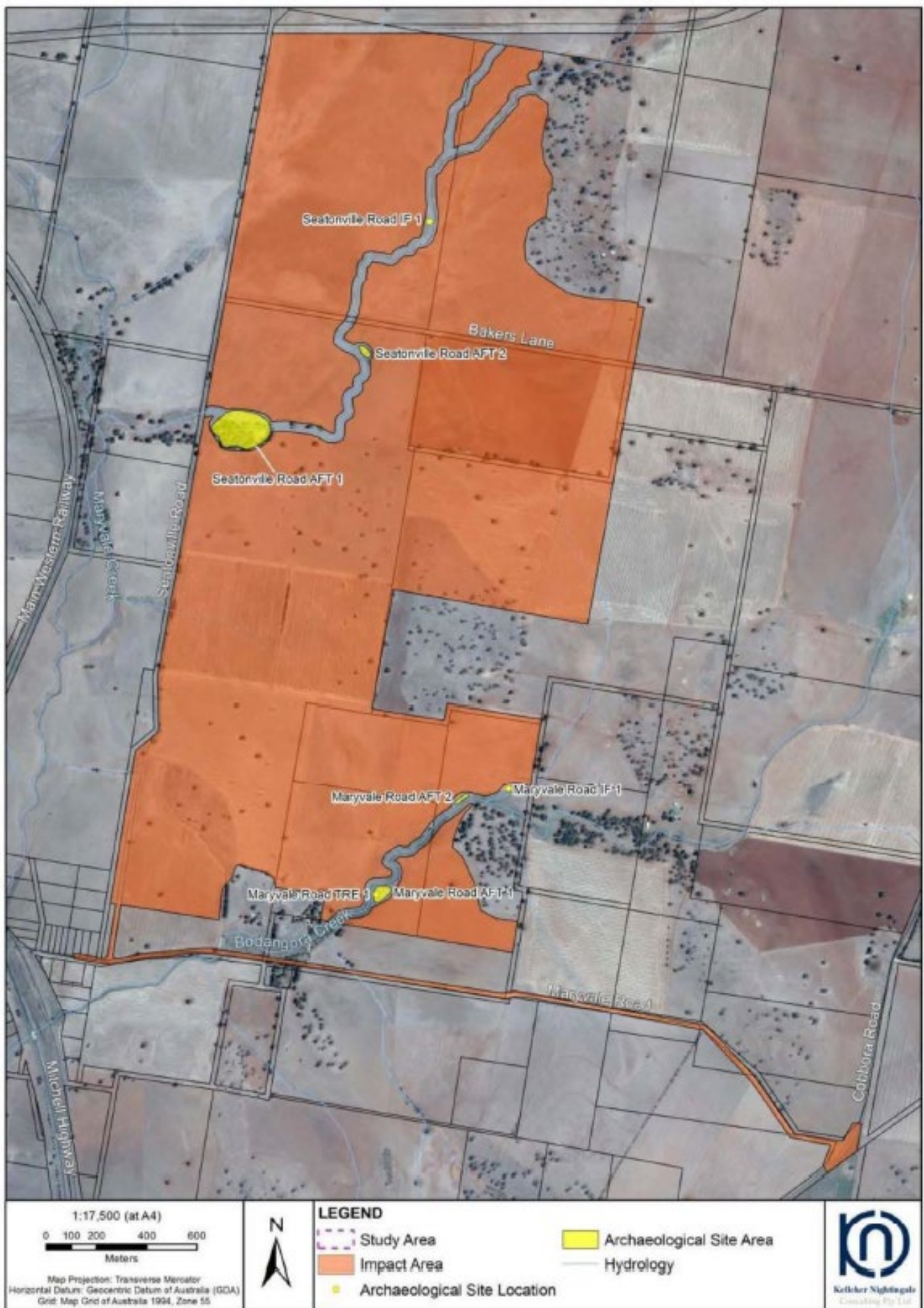
APPENDIX 3: SUBDIVISION PLAN



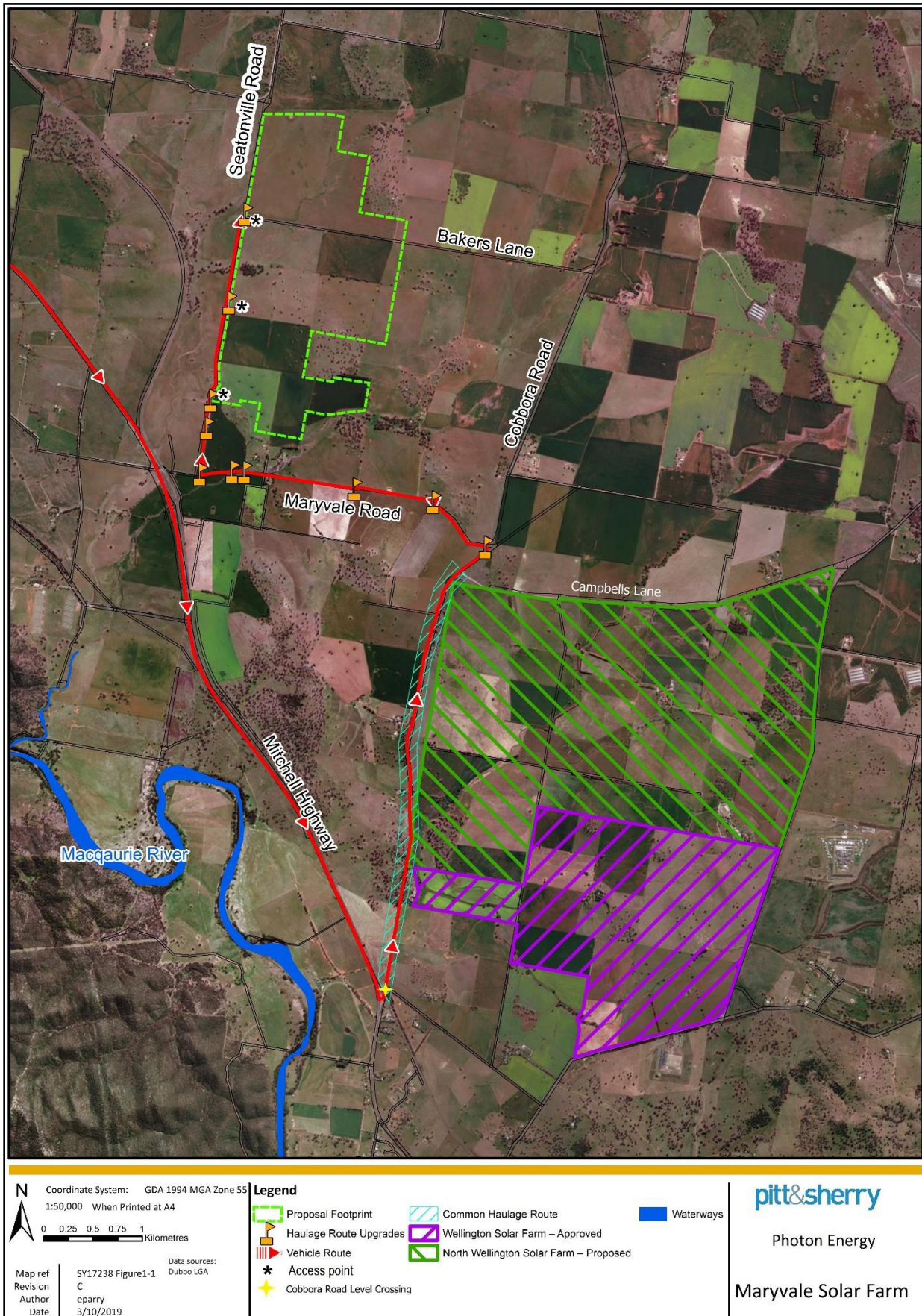
APPENDIX 4: ABORIGINAL HERITAGE ITEMS

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



APPENDIX 5: SITE ACCESS ROUTE

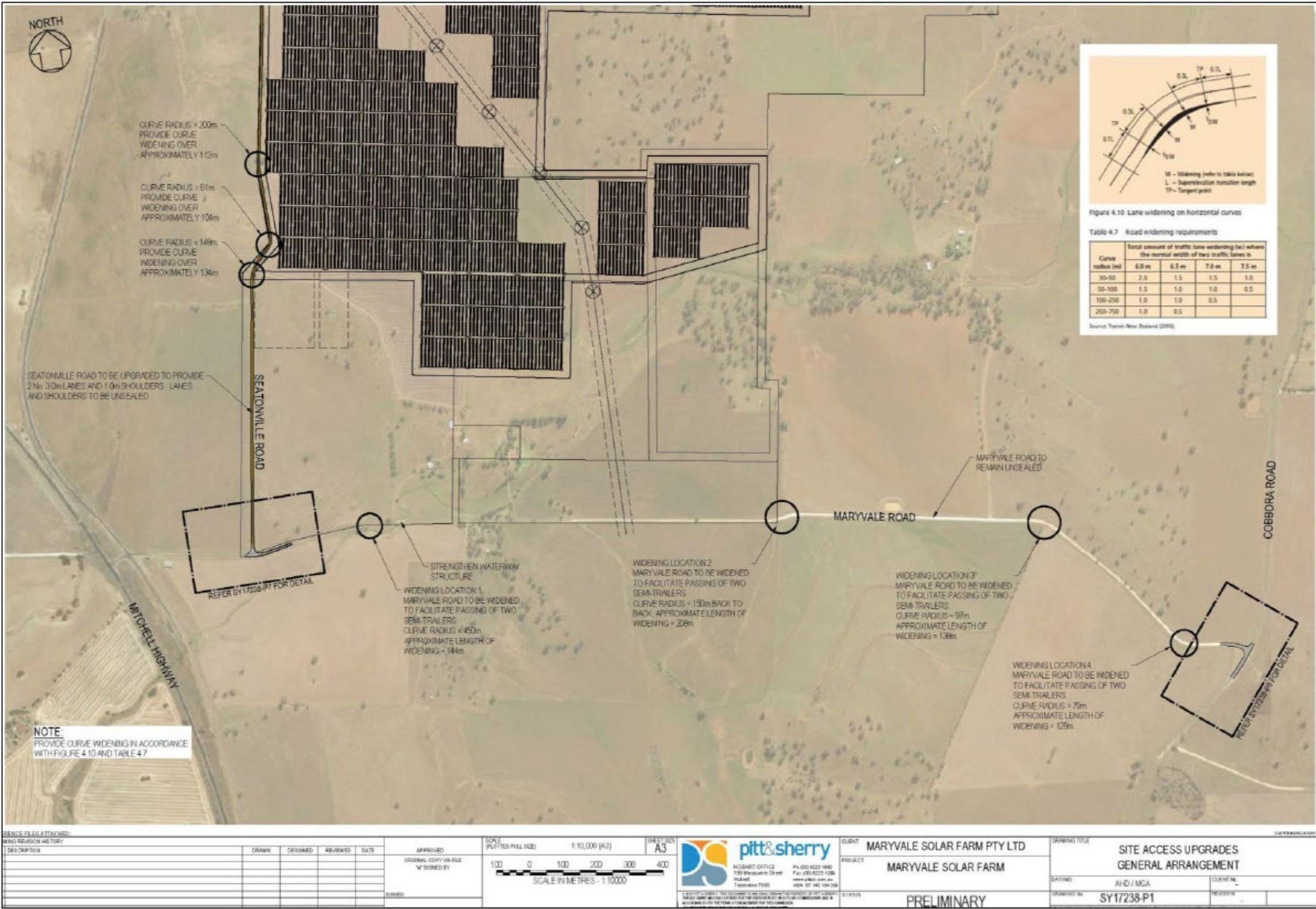


CONSOLIDATED CONSENT

APPENDIX 6: ROAD UPGRADES AND SITE ACCESS

Road/Intersection	Upgrade Works
Cobbora Road/ Saxa Road - Maryvale Road Intersection	<ul style="list-style-type: none"> Upgrade and widen the intersection, including short auxiliary left turn [AUL(s)] treatment on Cobbora Road/Saxa Road.
Maryvale Road / Seatonville Road Intersection	<ul style="list-style-type: none"> Upgrade intersection, including widening of approaches on Maryvale Road to 7 metres as identified in the below figure; and Sealing Seatonville Road for 30 m from the intersection with Maryvale Road.
Maryvale Road	<ul style="list-style-type: none"> Widen four identified sections in accordance with the curve radius requirements noted in the below figure; and Strengthening the waterway structure as noted in the below figure.
Seatonville Road	<ul style="list-style-type: none"> Widen and gravel resheet to 6 m (at a minimum depth of 0.1 m) to allow for two way all-weather heavy vehicle movements, and 1 m shoulders, between the intersection with Maryvale Road and the former Bakers Lane; and Widen three identified sections in accordance with the curve radius requirements noted in the below figure.
Site Access	<ul style="list-style-type: none"> 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.

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.





Note: COBBORA ROAD IS NOW FORMALLY KNOWN AS SAXA ROAD

APPENDIX 7: 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 5 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. 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 8

GENERAL TERMS OF THE APPLICANT'S VPA OFFER

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

Council	Payment details
Dubbo Regional Council	<ul style="list-style-type: none">• Community benefits contribution paid upfront/once off and prior to construction, based on any increase in the final approved MW nameplate export capacity above 125MW. Contributions to the value of \$300 per MW per year (for 25 years).• Contribution for the upgrade work to a 4.9 km section of Cobbora Road/Saxa Road prior to the commencement of construction. *• Contribution for the upgrade work to a 2 km unsealed section of Maryvale Road, prior to the end of year 1 of commercial operations of the development at full capacity. *

*These upgrades do not form part of this development consent and separate approvals would be required for these works.