

# Development Consent

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

As delegate of the Minister for Planning, I approve the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

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

**Mike Young**  
**A/Executive Director**  
**Resource Assessments and Business Systems**

Sydney

2019

### SCHEDULE 1

<b>Application Number:</b>	SSD 8835
<b>Applicant:</b>	Renew Estate Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Bomen Solar

**Red type represents Modification 1 (August 2019)**

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## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Applicant	Renew Estate Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes road 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	Wagga Wagga City 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)
Dol L&W	Department of Industry - Lands & Water Division
EIS	<p><i>Bomen Solar Farm Environmental Impact Statement (GHD, April 2018) as amended by:</i></p> <ul style="list-style-type: none"> <li>• <i>Bomen Solar Farm Response to Submissions (Renew Estate, June 2018);</i></li> <li>• <i>Bomen Solar Farm PHA Supplementary Assessment (GHD, August 2018);</i></li> <li>• <i>Bomen Solar Farm Aboriginal Archaeological and Cultural Heritage Impact Assessment (AECOM, August 2018);</i></li> <li>• <i>Bomen Solar Farm Biodiversity Development Assessment Report (GHD, August 2018);</i></li> <li>• <i>Bomen Solar Farm Modification Application (Renew Estate, July 2019)</i></li> </ul>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	<p>Is harm that:</p> <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, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development

Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
OEH	Office of Environment and Heritage
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, or material stockpiles
Upgrading	The augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance)
Vehicle movement	One vehicle entering and leaving the site

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

### **TERMS OF CONSENT**

2. The Applicant must carry out the development:
  - (a) generally in accordance with the EIS; and
  - (b) in accordance with the conditions of this consent.

*Note: The general layout of the development is shown in Appendix 1.*

3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. The Applicant must comply with any requirement/s of the Secretary arising from the Department's assessment of:
  - (a) any strategies, plans or correspondence that are submitted in accordance with this consent;
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
  - (c) the implementation of any actions or measures contained in these documents.

### **FINAL LAYOUT PLANS**

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

### **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 the commencement of operations, or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to the Department.

### **NOTIFICATION OF DEPARTMENT**

8. Prior to the commencement of the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing of the date of commencement, or cessation, of the relevant phase.

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

## **SURRENDER OF EXISTING DEVELOPMENT CONSENTS**

9. The Applicant shall surrender all existing development consents for the site in accordance with section 4.63 of the EP&A Act within 12 months of the date of this consent, unless otherwise agreed by the Secretary.

Prior to the surrender or lapsing of any existing development consents, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of these consents.

*Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent should not be understood as implying that works legally constructed under a valid consent can no longer be legally maintained or used.*

## **STRUCTURAL ADEQUACY**

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

*Notes:*

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

## **DEMOLITION**

11. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

12. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

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

## **OPERATION OF PLANT AND EQUIPMENT**

13. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **SCHEDULE 3 ENVIRONMENTAL CONDITIONS - GENERAL**

### **TRANSPORT**

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

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

#### **Access Route**

3. All over-dimensional and heavy vehicles associated with the development must travel to and from the site via **the approved site entry points (shown in Appendix 1) and:**
  - **the Sturt Highway, Eunony Bridge Road, Byrnes Road and Trahairs Road; or**
  - **Jersey Street, Dorset Drive, Merino Road, Byrnes Road and Trahairs Road.**

#### **Road Upgrades**

4. Prior to the commencement of construction, the Applicant must undertake road upgrade works on sections of Trahairs Road, as specified in the EIS (shown in Appendix 1) to the satisfaction of Council.

#### **Operating Conditions**

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

#### **Traffic Management Plan**

6. Prior to the commencement of construction, 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 all development-related traffic, including the location of access points;
  - (b) a protocol for undertaking independent dilapidation surveys to assess the:
    - existing condition of local roads on the transport route prior to construction, upgrading or decommissioning activities; and
    - condition of local roads on the transport route following construction, upgrading or decommissioning activities;
  - (c) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during construction, upgrading or decommissioning works;
  - (d) details of the road upgrade works required by condition 4 of Schedule 3;
  - (e) details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route during construction, upgrading or decommissioning works, including:
    - the movement of vehicles on local road network within the site;
    - temporary traffic controls, including detours and signage;
    - notifying the local community about project-related traffic impacts;
    - procedures for receiving and addressing complaints from the community about development-related traffic;

- minimising potential for conflict with school buses and other motorists as far as practicable;
  - scheduling of haulage vehicle movements to minimise convoy length or platoons;
  - responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
  - responding to any emergency repair or maintenance requirements; and
  - a traffic management system for managing over-dimensional vehicles; and
- (f) a driver's code of conduct that addresses:
- travelling speeds;
  - driver fatigue;
  - procedures to ensure that drivers adhere to the designated transport route/s; and
  - procedures to ensure that drivers implement safe driving practices.

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

## **LANDSCAPING**

### **Vegetation Buffer**

7. The Applicant must establish and maintain a mature vegetation buffer (landscape screening) at the locations outlined in the figure in Appendix 1 to the satisfaction of the Secretary. This vegetation buffer must:
- (a) be planted prior to the commencement of operations;
  - (b) consist of species that facilitate the best possible outcome in terms of visual screening;
  - (c) within 3 years of the commencement of construction be effective at screening view of the solar panels and ancillary infrastructure on site from surrounding residences; and
  - (d) be properly maintained with appropriate weed management.

### **Landscaping Plan**

8. Prior to the commencement of construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with Council and surrounding landowners, 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 7 (a) – (c) of this consent;
  - (b) include a program to monitor and report on the effectiveness of these measures; and
  - (c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for the completion of actions.

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

## **LAND MANAGEMENT**

9. Following any construction or upgrading on the site, the Applicant must:
- (a) restore the ground cover of the site as soon as practicable, but within 12 months of completing any construction or upgrading, using suitable species;
  - (b) maintain the ground cover with appropriate perennial species; and
  - (c) manage weeds within this ground cover.

## **AMENITY**

### **Construction, Upgrading and Decommissioning Hours**

10. Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:
- (a) 7 am to 6 pm Monday to Friday;
  - (b) 8 am to 1 pm Saturdays; and
  - (c) at no time on Sundays and NSW public holidays.

The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Secretary:

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



## Noise

11. 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

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

## Visual

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

## Lighting

14. The Applicant must:
  - (a) minimise the off-site lighting impacts of the development; and
  - (b) ensure that any external lighting associated with the development:
    - is installed as low intensity lighting (except where required for safety or emergency purposes);
    - does not shine above the horizontal; and
    - complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

## HERITAGE

### Protection of Heritage Items

15. Prior to the commencement of construction, the Applicant must salvage and relocate all Aboriginal heritage items identified in Table 2 in Appendix 4 to suitable alternative locations on site, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.
16. The Applicant must ensure the development does not cause any direct or indirect impacts on 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 are shown in the figure in Appendix 3.*

### Heritage Management Plan

17. Prior to the commencement of construction, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
  - (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
  - (b) be prepared in consultation with OEH and Aboriginal Stakeholders;
  - (c) include a description of the measures that would be implemented for:
    - protecting the Aboriginal heritage items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction and/or pre-construction minor works;
    - salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 in Appendix 4;
    - a contingency plan and reporting procedure if:
      - previously unidentified Aboriginal 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) 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 Pollution

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

### Operating Conditions

19. The Applicant must:
- minimise the siting of solar panels and ancillary infrastructure within watercourses in the approved development footprint;
  - 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 (including watercourse crossings) are undertaken in accordance with the following, unless otherwise agreed by DoI L&W:
    - Guidelines for Controlled Activities on Waterfront Land* (2012), 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

### Fire Safety Study

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

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

### Energy Storage and High Pressure Gas Pipelines

21. Prior to the commencement of construction, the Applicant must prepare a program for the implementation of all actions and recommendations arising from the following reports:
- Renew Estate Pty Ltd, Bomen 120 MWdc solar farm EIS, SEPP 33 Level 2 Preliminary Hazard Analysis* (revision 2, dated 29 June 2018, prepared by GHD); and
  - Renew Estate Pty Ltd, Bomen Solar Farm, PHA Supplementary Assessment* (revision 0, dated 8 August 2018, prepared by GHD),
- to the satisfaction of the Secretary.

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

22. The Applicant must identify the location of all high pressure pipelines, including ancillary assets, licensed under the *Pipelines Act 1967* and within the development area by appropriate signage and in all relevant documentation, including and not limited to the Emergency Plan under condition 25 of Schedule 3.

### Storage and Handling of Dangerous Materials

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

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

## Operating Conditions

24. The Applicant must:
- minimise the fire risks of the development;
  - ensure that the development:
    - includes at least a 10 metre defensible space around the perimeter of the solar array area that permits unobstructed vehicle access;
    - manages the defensible space and solar array areas as an Asset Protection Zone;
    - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006 (or equivalent)* and *Standards for Asset Protection Zones*;
    - is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65mm Storz fitting located adjacent to the internal access road;
  - 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 the commencement of operations.

## Emergency Plan

25. Prior to the commissioning of development, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:
- be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
  - be prepared in consultation with APA Group with regards to incidents which may involve high pressure gas pipelines;
  - be prepared in consultation with Fire and Rescue NSW and NSW Rural Fire Service to their satisfaction;
  - identify the fire risks and controls of the development, including incidents which may involve high pressure gas pipelines; and
  - include procedures that would be implemented if there is a fire on-site or in the vicinity of the site.

## Compliance Report

26. One month prior to commissioning of the development, the Applicant must submit to the Secretary for approval a Compliance Report detailing compliance with conditions 20 to 26 inclusive. Commissioning of the development must not commence until approval has been given by the Secretary.

## WASTE

27. 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);
  - store and handle all waste on site in accordance with its classification;
  - not receive or dispose of any waste on site; and
  - remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

## DECOMMISSIONING AND REHABILITATION

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

Table 2: Rehabilitation Objectives

Feature	Objective
Project site	<ul style="list-style-type: none"><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</li></ul>
Community	<ul style="list-style-type: none"><li>Ensure public safety</li></ul>

## **SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Environmental Management Strategy**

1. Prior to the commencement of construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the 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 5 of Schedule 4; or
    - any modification to the conditions of this consent.

### **INCIDENT NOTIFICATION**

3. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

### **NON-COMPLIANCE NOTIFICATION**

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

## **INDEPENDENT ENVIRONMENTAL AUDIT**

5. Within 6 months of the commencement of construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (b) be carried out in consultation with the relevant agencies;
  - (c) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (d) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

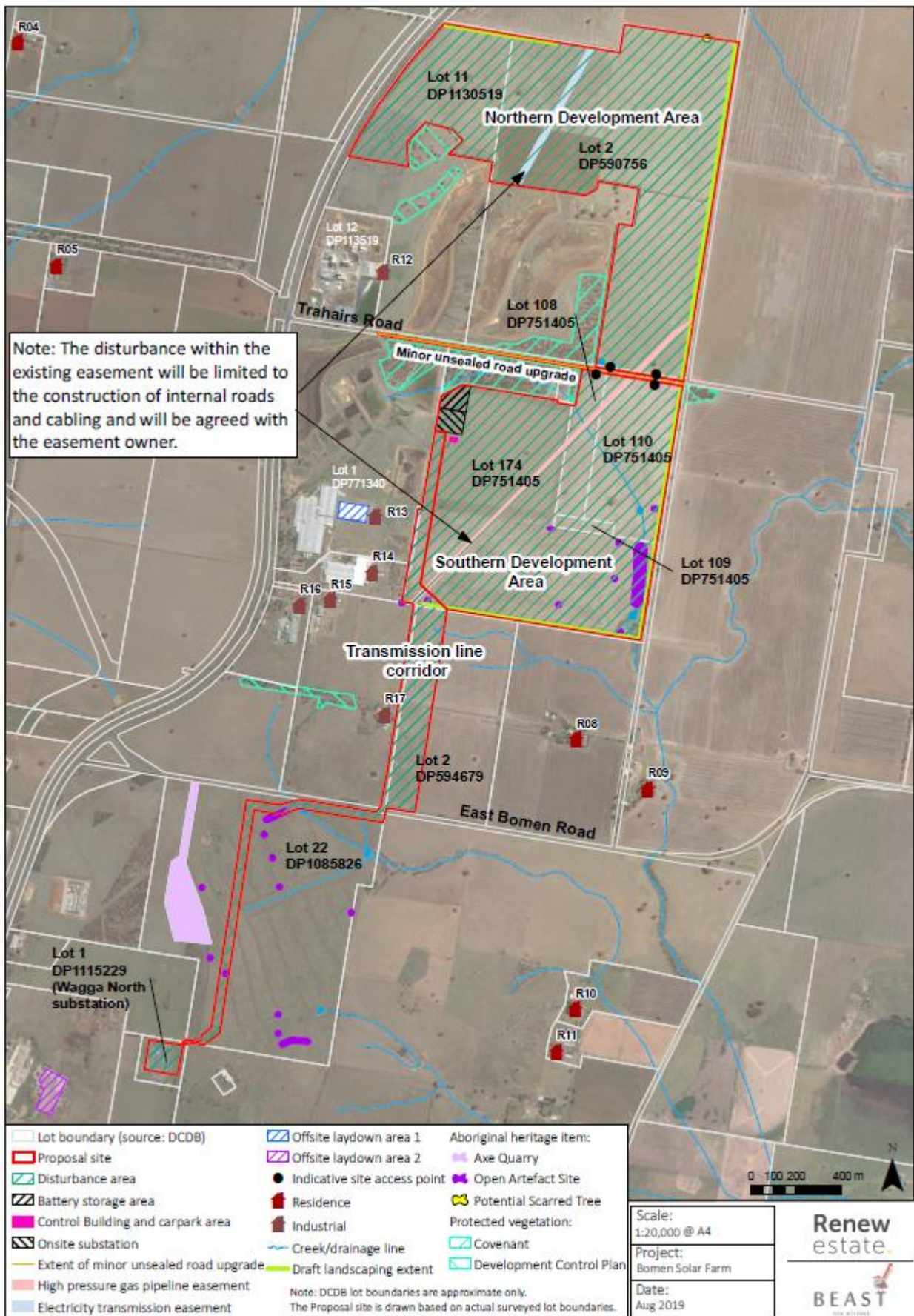
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a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

6. 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;
    - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - any other matter required by the Secretary; and
  - (b) keep this information up to date.

## APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



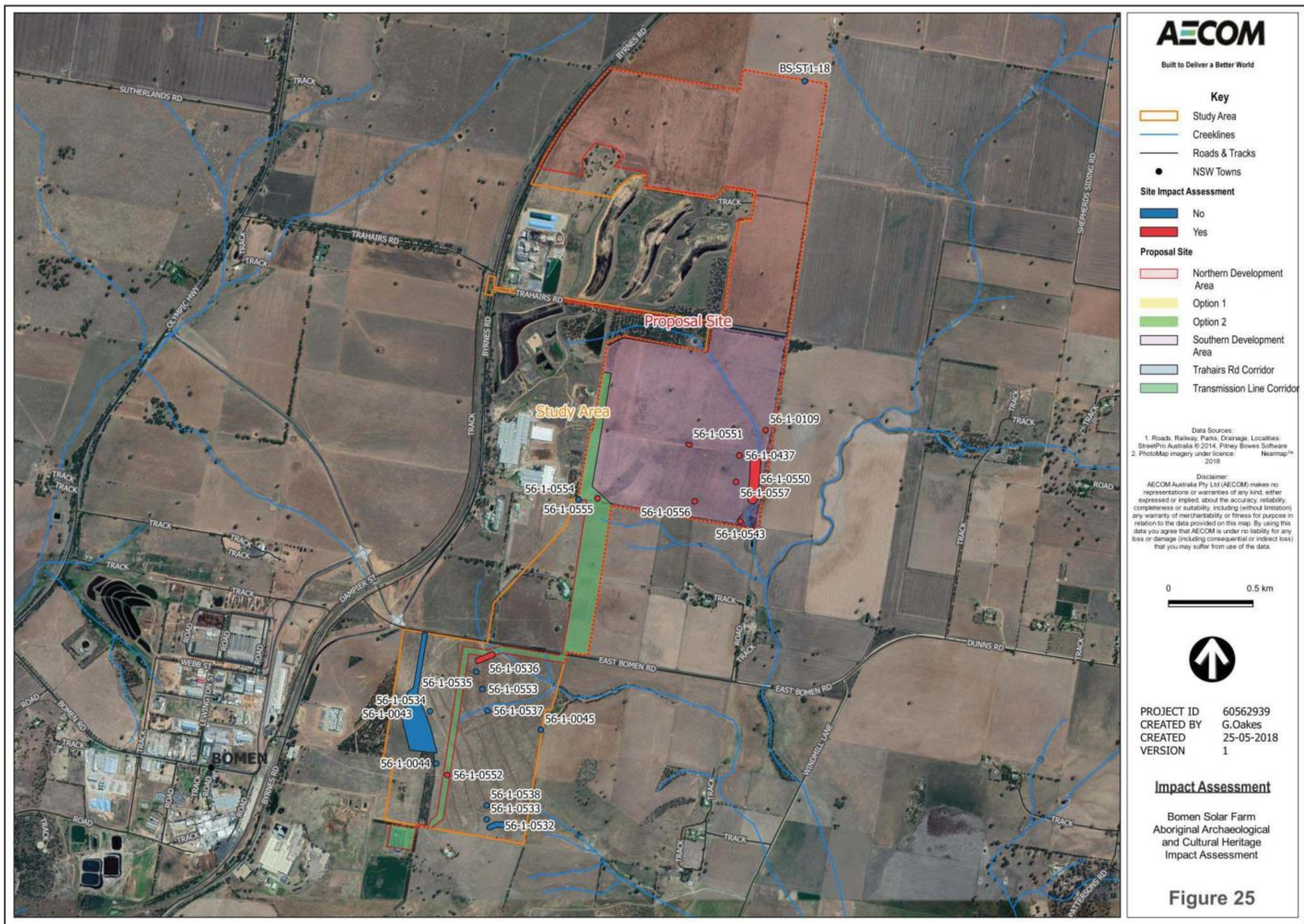
## APPENDIX 2: SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
11	1130519
2	590756
174	751405
108	751405
109	751405
110	751405
2	594679
22	1085826
1	1115229

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



## APPENDIX 3: ABORIGINAL HERITAGE SITES





## APPENDIX 4

### ABORIGINAL HERITAGE ITEMS

*Table 1: Aboriginal heritage items – avoid impacts*

<i>Item</i>
BSF-ST1-18
56-1-0044
56-1-0043
56-1-0045
56-1-0532
56-1-0533
56-1-0534
56-1-0535
56-1-0537
56-1-0542
56-1-0538
56-1-0553
56-1-0554

*Table 2: Aboriginal heritage items – test excavation and salvage*

<i>Item</i>
56-1-0109
56-1-0437
56-1-0536
56-1-0543
56-1-0550
56-1-0551
56-1-0552
56-1-0555
56-1-0556
56-1-0557