

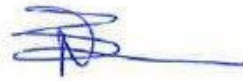
# Development Consent

## 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, 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.



**Nicole Brewer**  
**Director**  
**Energy Assessments**

Sydney

21 April 2022

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### **SCHEDULE 1**

<b>Application Number:</b>	SSD 9358
<b>Applicant:</b>	Silverleaf Solar Farm Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Silverleaf 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, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	Silverleaf Solar Farm Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BAR	Basic Right Turn
BAL	Basic Left Turn
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	Narrabri Shire 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
EEC	Endangered Ecological Communities
EIS	The Environmental Impact Statement for Silverleaf Solar Farm dated August 2019, the Response to Submissions dated November 2020, the Amendment Report dated September 2021 and the additional information provided to the Department by the Applicant dated 1 December 2021 and 25 March 2022 in support of the application.
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	As defined by the <i>Heavy Vehicle National Regulator</i> under the <i>Heavy Vehicle National Law</i>
Heritage NSW	Heritage Council of NSW
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
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 augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, operation, rehabilitation or decommissioning of the development.

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
  - in accordance with all written directions of the Planning Secretary;
  - generally in accordance with the EIS; and
  - generally in accordance with the Development Layout in Appendix 1
- A3. The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:
- any strategies, plans or correspondence that are submitted in accordance with this consent;
  - any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
  - the implementation of any actions or measures contained in these documents.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A5. 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.

#### STRUCTURAL ADEQUACY

- A6. 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.
- The EP&A Regulation (Development Certification and Fire Safety) 2021 sets out the requirements for the certification of the development.

#### DEMOLITION

- A7. 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

- A8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- 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**

- A9. 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.

#### **APPLICABILITY OF GUIDELINES**

- A10. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **COMPLIANCE**

- A11. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **EVIDENCE OF CONSULTATION**

- A12. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## SCHEDULE 3

### PART B ENVIRONMENTAL CONDITIONS – GENERAL

#### BATTERIES

##### Battery Storage Restriction

B1. 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

B2. The Applicant must ensure that the:

- (a) development does not generate more than:
  - (i) 30 heavy vehicle movements a day during construction, upgrading or decommissioning; and
  - (ii) 12 over-dimensional vehicle movements during construction, upgrading and decommissioning; on the public road network; and
- (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Planning Secretary agrees otherwise.

B3. 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

B4. All vehicles associated with the development must travel to and from the site via the Kamilaroi Highway and Logans Lane and the approved site access point on Logans Lane, as identified in the figure in Appendix 1 and Appendix 3.

*Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.*

##### Site Access

B5. All vehicles associated with the development must enter and exit the site via the approved site access point off Logans Lane, as identified in Appendix 3.

*Note: Other site access points may be used for emergency purposes.*

##### Road Upgrades

B6. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 3. These upgrades must comply with the *Austrroads Guide to Road Design* (as amended by TfNSW supplements) and be carried out to the satisfaction of the relevant roads authority, unless the Planning Secretary agrees otherwise.

##### Road Maintenance

B7. The Applicant must:

- (a) undertake an independent dilapidation survey to assess the:
  - (i) existing condition of Logans Lane prior to construction, upgrading or decommissioning activities; and
  - (ii) condition of Logans Lane following construction, upgrading or decommissioning activities;
- (b) repair Logans Lane on the transport route if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works in consultation with the relevant road authority,

to the satisfaction of the Planning Secretary.

If there is a dispute about the repair of Logans Road between the applicant and the relevant roads authority, 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**

- B8. 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**

- B9. Prior to commencing the road upgrades identified in condition B6, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, Council and the local bus operator, and to the satisfaction of the Planning Secretary in writing. 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 B6 of this consent;
  - (c) a protocol for undertaking independent dilapidation surveys identified in condition B7 of this consent;
  - (d) a protocol for the repair of Logans Lane if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works;
  - (e) details of the temporary on-site construction car park;
  - (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
    - (i) temporary traffic controls, including detours and signage;
    - (ii) notifying the local community about project-related traffic impacts;
    - (iii) procedures for receiving and addressing complaints from the community about development-related traffic;
    - (iv) minimising potential for conflict with school buses (including consultation with the bus operator), other motorists and road users as far as practicable (measures also required during operation of the project), including preventing queuing on the public road network;
    - (v) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works;
    - (vi) implement measures to minimise dirt tracked onto the public road network from development-related traffic;
    - (vii) details of any employee shuttle bus service and measures to encourage employee use of this service;
    - (viii) scheduling of haulage vehicle movements to minimise convoy length or platoons;
    - (ix) responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
    - (x) measures to minimise dust generated by construction traffic on Logans Lane;
    - (xi) responding to any emergency repair or maintenance requirements; and
    - (xii) a traffic management system for managing over-dimensional vehicles;
  - (g) a driver's code of conduct that addresses:
    - (i) travelling speeds;
    - (ii) driver fatigue;
    - (iii) procedures to ensure that drivers adhere to the designated transport routes; and
    - (iv) procedures to ensure that drivers implement safe driving practices;
  - (h) 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; and



- (i) a flood response plan detailing procedures and options for safe access to and from site in the event of flooding.

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

## **LANDSCAPING**

### **Vegetation Buffer**

- B10. 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 construction;
  - (b) be comprised of species that are endemic to the area;
  - (c) be effective at screening views from the Oakville Aerodrome (R004) and residence R005 within 3 years of commencing operations;
  - (d) designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
  - (e) be properly maintained with appropriate weed management, unless the Planning Secretary agrees otherwise.

### **Landscaping Plan**

- B11. Prior to commencing the development, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with the Oakville Aerodrome (R004) and receivers R005, 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 B10 (a) – (e) above;
  - (b) a program to monitor and report on the effectiveness of these measures;
  - (c) details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions; and

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

### **Land Management**

- B12. The Applicant must maintain the agricultural land capability of the site, including:
- (a) establishing the ground cover of the site within 3 months following the completion of 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**

- B13. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance area of 397.49 hectare described in the EIS and must avoid impacts to areas of EEC during the construction, operations and decommissioning of the project.

### **Biodiversity Offsets**

- B14. Prior to commencing any development that would impact on biodiversity values, the Applicant must retire biodiversity credits of a number and class specified in Table 1, 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**

<b>Description and Condition</b>	<b>PCT ID</b>	<b>Ecosystem Credits Required</b>
Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions	55	16
Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions (derived native grassland)		679
<b>Total</b>	-	<b>695</b>

### **Biodiversity Management Plan**

B15. Prior to commencement of any development that would impact on biodiversity values, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:

- (a) include a description of the measures that would be implemented for:
  - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;
  - (ii) avoiding areas of EEC;
  - (iii) managing the remnant vegetation and fauna habitat on site;
  - (iv) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
  - (v) minimising the impacts to fauna on site and implementing fauna management protocols;
  - (vi) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
  - (vii) rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;
  - (viii) 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
  - (ix) controlling weeds, feral pests and pathogens; 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**

B16. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities on site between:

- (a) 7 am to 6 pm Monday to Friday;
- (b) 8 am to 1 pm Saturdays; and
- (c) at no time on Sundays and NSW public holidays.

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

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

## Noise

B17. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) or its latest version; and
- (b) ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A)  $L_{Aeq, 15min}$  to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residence.

## Dust

B18. The Applicant must minimise the dust generated by the development.

## Visual

B19. The Applicant must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape;
- (c) provide appropriate identification of overhead transmission lines and supporting poles for aerial operators, including the Oakville Aerodrome (R004); and
- (d) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

## Lighting

B20. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
  - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
  - (ii) does not shine above the horizontal; and
  - (iii) complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* and *Dark Sky Planning Guideline* (DPE, 2016), or the latest version.

## HERITAGE

### Protection of Heritage Items

B21. 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 any Aboriginal heritage items 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

B22. 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:

- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
- (c) include a description of the measures that would be implemented for:
  - (i) protecting the Aboriginal heritage items identified in Table 1 in Appendix 4 or items located outside of the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
  - (ii) a contingency plan and reporting procedure if:
    - previously unidentified heritage items are found; or
    - Aboriginal skeletal material is discovered;

- (iii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
  - (iv) ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
  - (v) minimising visual impacts of transmission lines (such as consideration of pole placement) on the Narrabri Old Cemetery; and
- (d) 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**

- B23. 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**

- B24. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

### **Operating Conditions**

- B25. The Applicant must:
- (a) minimise erosion and control sediment generation;
  - (b) ensure any solar panels and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004) manual, or its latest version
  - (c) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site;
  - (d) 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*
    - *Policy and Guidelines for Fish Habitat Conservation and Management (2013), or its latest version.*

### **Soil and Water Management Plan**

- B26. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development. This plan must:
- (a) be prepared by suitably qualified and experienced persons;
  - (b) be prepared in consultation with DPIE Water, Council and adjacent property owners;
  - (c) include a description of the measures that would be implemented to ensure that the objectives of condition B25 (a) – (d) above are achieved;
  - (d) include a program to monitor and report on the effectiveness of these measures; and
  - (e) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

Prior to commencing construction, the Applicant must implement the Soil and Water Management Plan.

## HAZARDS

### Storage and Handling of Dangerous Materials

B27. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*

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

B28. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
  - (i) includes at least a 10 metre defensible space around the perimeter of the solar array area that permits unobstructed vehicle access;
  - (ii) manages the defensible space and solar array areas as an Asset Protection Zone;
  - (iii) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones* (including provision of water, electricity and gas, ancillary equipment, transmission lines and management of vegetation); and
  - (iv) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank, fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection, located adjacent to the internal access road;
- (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

### Emergency Plan

B29. Prior to commencing operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with FRNSW and the RFS and provide a copy of the plan to the local Fire Control Centre. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
- (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;
- (d) list works that should not be carried out during a total fire ban;
- (e) include availability of fire suppression equipment, access and water;
- (f) include procedures for the storage and maintenance of any flammable materials;
- (g) notification of the local RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation proposed to be carried out during a bushfire danger period to ensure whether conditions are appropriate;
- (h) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (i) include a figure showing site infrastructure, Asset Protection Zone and the fire fighting water supply;
- (j) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- (k) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (l) include bushfire emergency management planning;
- (m) include details of the how RFS would be notified, and procedures that would be implemented, in the event that:

- (i) there is a fire on-site or in the vicinity of the site;
- (ii) there are any activities on site that would have the potential to ignite surrounding vegetation;  
or
- (iii) there are any proposed activities to be carried out during a bushfire danger period.

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

## WASTE

B30. 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.

## DECOMMISSIONING AND REHABILITATION

B31. 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

<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 Planning Secretary agrees otherwise</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore land capability to pre-existing productive capacity</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety at all times</li> </ul>

## **SCHEDULE 4**

### **PART C ENVIRONMENTAL MANAGEMENT AND REPORTING**

#### **ENVIRONMENTAL MANAGEMENT**

##### **Environmental Management Strategy**

- C1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) references to any plans approved under the conditions of this consent; and
    - (ii) 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**

- C2. 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:
    - (i) submission of an incident report under condition C7;
    - (ii) submission of an audit report under condition C11; or
    - (iii) any modification to the conditions of this consent.

##### **Updating and Staging of Strategies, Plans or Programs**

- C3. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C5. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

- C6. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

## **NOTIFICATIONS**

### **Notification of Department**

- C7. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal 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 commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

### **Final Layout Plans**

- C8. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, including details on the siting of solar panels and ancillary infrastructure.

The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.

### **Work as Executed Plans**

- C9. 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 via the Major Projects website.

### **Incident Notification**

- C10. 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 5.

### **Non-Compliance Notification**

- C11. The Department must be notified via the Major Projects website portal 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.
- C12. 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.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **INDEPENDENT ENVIRONMENTAL AUDIT**

- C14. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency:
- (a) within 3 months of commencing construction; and
  - (b) within 3 months of commencement of operations.
- C15. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C16. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition C14 upon giving at least 4 weeks' notice to the Applicant at



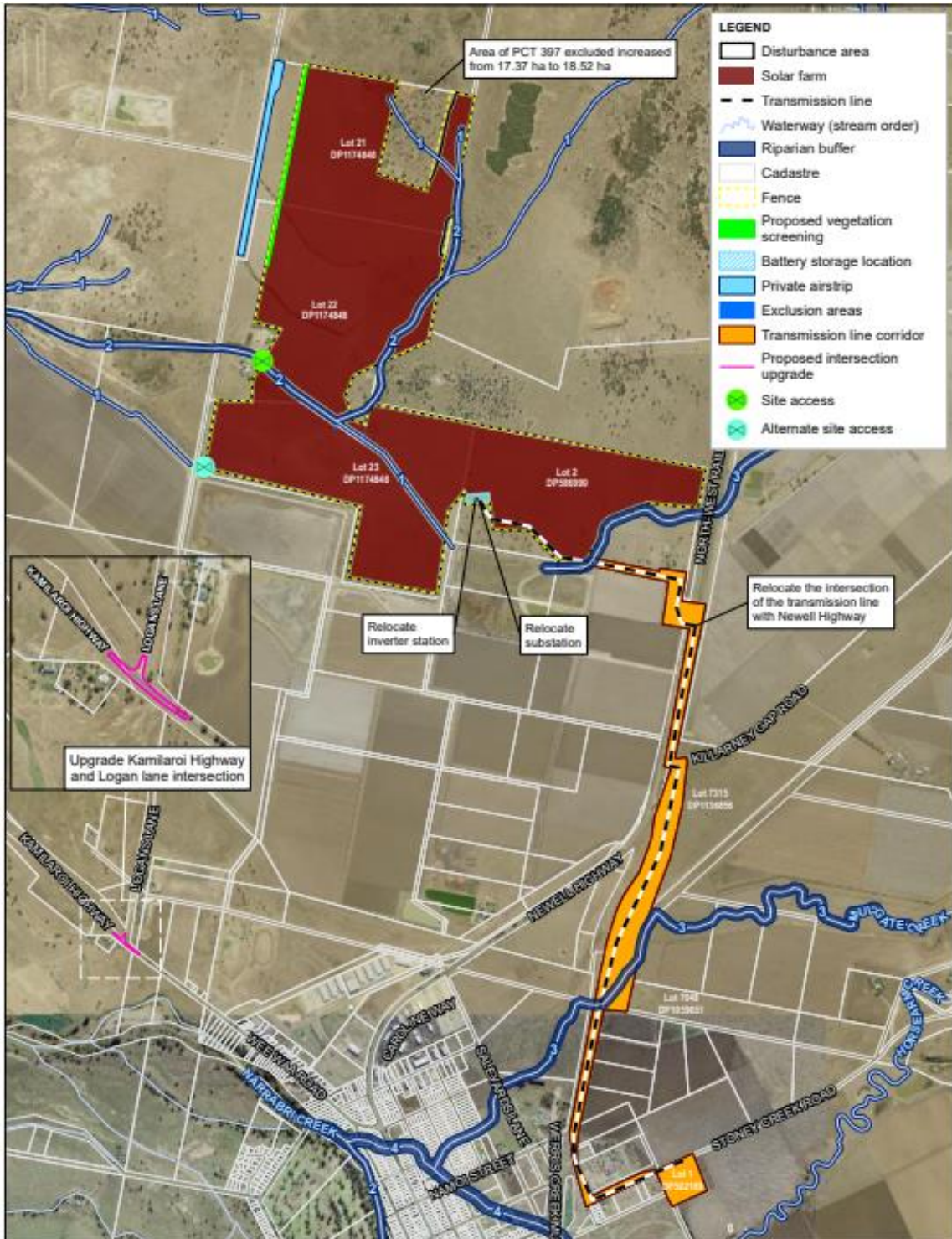
the date upon which the audit must be commenced.

- C17. 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 C14 of this consent, or condition C16 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
- C18. 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 Approval Requirements (2020) unless otherwise agreed by the Planning Secretary.
- C19. Notwithstanding the requirements of the Independent Audit Post Approval 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**

- C20. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
    - (i) the EIS;
    - (ii) the final layout plans for the development;
    - (iii) current statutory approvals for the development;
    - (iv) approved strategies, plans or programs required under the conditions of this consent;
    - (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
    - (vi) how complaints about the development can be made;
    - (vii) a complaints register;
    - (viii) compliance reports;
    - (ix) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep this information up to date.

## APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



**APPENDIX 2:  
SCHEDULE OF LAND**

<b><i>Lot Number</i></b>	<b><i>Deposited Plan (DP)</i></b>
21 - 23	1174848
2	586990
1	502189

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

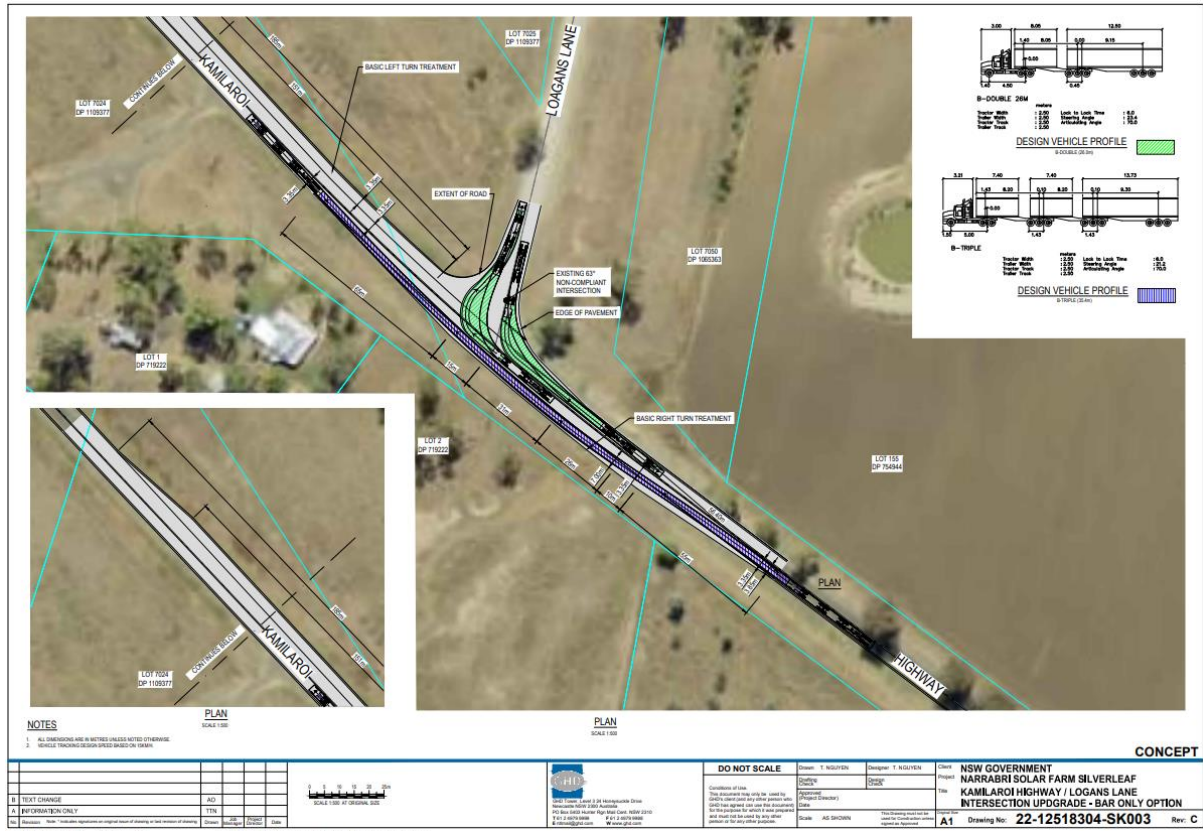
## APPENDIX 3: ROAD UPGRADES AND SITE ACCESS

Road	Location	Upgrade Requirements
Logans Lane	From the intersection of Logans Lane and Kamilaroi Highway extending 1.2 km north (to the cattle grid)	Upgrade to a standard that allows heavy vehicle movements, including 20/10 double-double seal or as agreed with Council
Logans Lane	Main Access	Sealing of property access with asphalt/bitumen treatment.
Logans Lane and Kamilaroi Highway Intersection	Intersection	Upgrade intersection to accommodate heavy vehicle movements (BAL and BAR treatment upgrades).

<sup>1</sup> Refer to the figures in this Appendix for the location and further details of the road upgrades.

<sup>2</sup> Upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements).

Note: Under Part 4.4.2 of the EP&A Act, the Applicant is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.

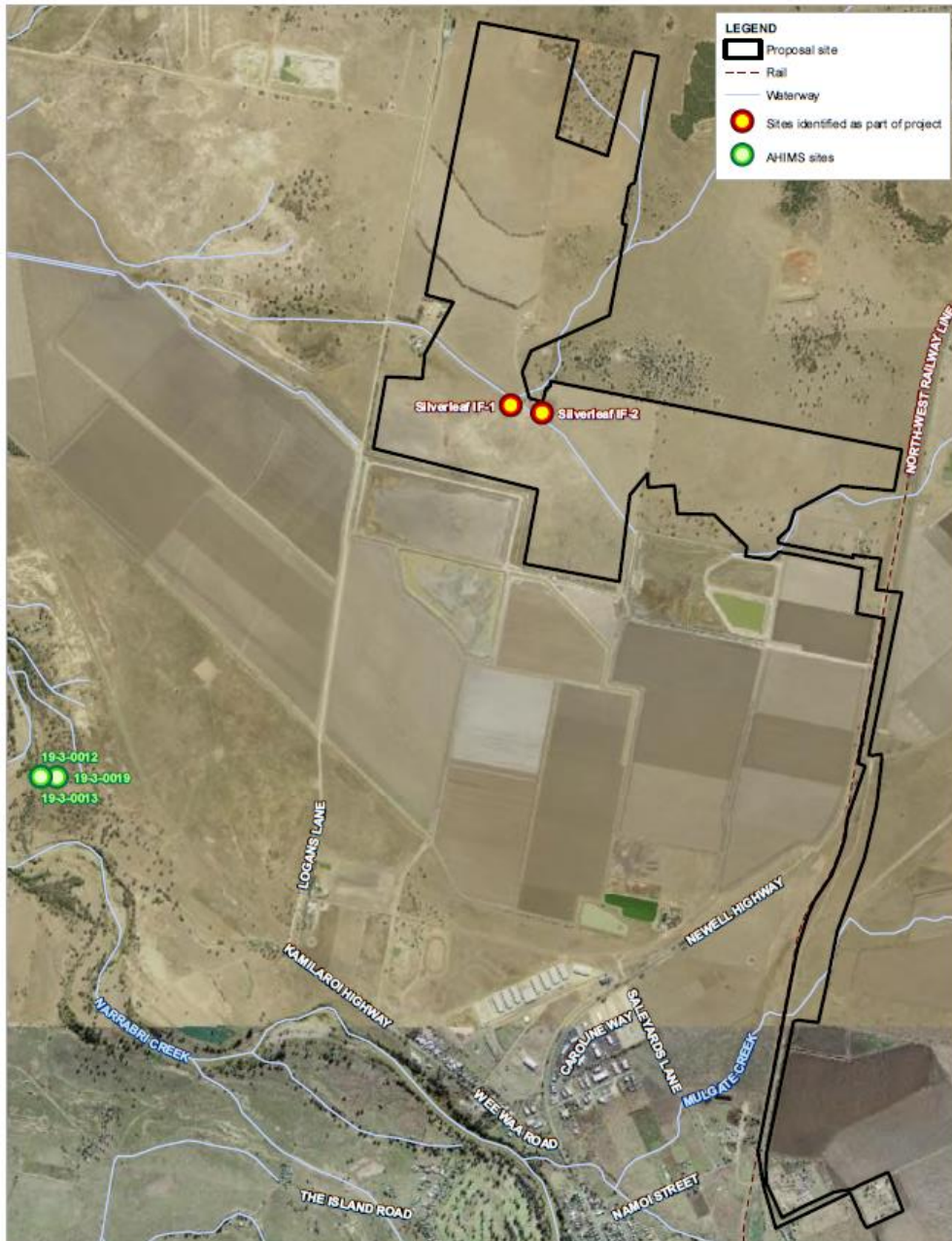


## APPENDIX 4: ABORIGINAL HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impacts

Item
Silverleaf IF-1 (Isolated Find)
Silverleaf IF-2 (Isolated Find)

\* Only items within the exclusion zones are to be avoided (refer to the Figure in Appendix 1 to identify exclusion zones and the Figure in this Appendix to identify sites)



## **APPENDIX 5: 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 Application fails to give the notification required under condition B7 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 become 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.