

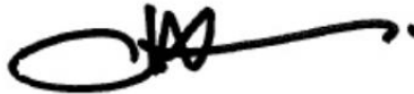
# Development Consent

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

The Independent Planning Commission of NSW (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, grants consent to 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 adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance;
- provide for the ongoing environmental management of the development.



John Hann  
Member of the Commission

Sydney

3 December 2020

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### SCHEDULE 1

<b>Application Number:</b>	SSD 9438
<b>Applicant:</b>	GAIA Australia Pty Ltd
<b>Consent Authority:</b>	Independent Planning Commission
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Bonshaw 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 control buildings, maintenance shed, car park, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	GAIA Australia Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BCD	Biodiversity Conservation Division within the Department
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Inverell 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
EIS	The Environmental Impact Statement for Bonshaw Solar Farm dated 18 October 2019, the Amendment Report dated 27 March 2020, the Response to Submissions dated 27 March 2020 and the additional information dated 16 April 2020, 19 June 2020, 22 June 2020, 25 June 2020 and 4 September 2020.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environmental 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	Aboriginal Cultural Heritage Regulation – Department of Premier and Cabinet
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply,

	electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
Secretary	Secretary of the Department, or nominee
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
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.

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

5. 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.

#### **STRUCTURAL ADEQUACY**

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

*Notes:*

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

#### **DEMOLITION**

7. 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**

8. 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**

9. 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

#### BATTERIES

##### Battery Storage Restriction

1. The battery storage facility or systems associated with the development must not exceed a total delivery capacity of 300 MW.

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

#### TRANSPORT

##### Heavy Vehicle Restrictions

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

##### Access Routes and Site Access

4. All heavy vehicles associated with the development must travel to the site via New England Highway, Sunnyside Platform Road and Bruxner Highway as shown in Appendix 3.
5. All heavy vehicles associated with the development must travel from the site via Bruxner Highway, Bonshaw Road, Ashford Road, Gwydir Highway to the New England Highway as shown in Appendix 3.
6. Heavy vehicles associated with the development must not:
  - (a) turn left from Bruxner Highway onto Sunnyside Platform Road;
  - (b) turn right from Bruxner Highway onto New England Highway; or
  - (c) turn right from New England Highway onto Bruxner Highway, unless the Secretary agrees otherwise.

*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

7. All vehicles associated with the development must enter and exit the site via the approved access point off Bruxner Highway as shown in Appendix 1.

##### Road Upgrades

8. Prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 3, unless the Secretary agrees otherwise. These upgrades must be carried out to the satisfaction of the relevant roads authority.

##### Road Maintenance

9. The Applicant must:
  - (a) undertake an independent dilapidation survey to assess the:
    - existing condition of Sunnyside Platform Road, Bonshaw Road and Ashford Road prior to construction, upgrading or decommissioning activities; and
    - condition of Sunnyside Platform Road, Bonshaw Road and Ashford Road following construction, upgrading or decommissioning activities;

- (b) repair Sunnyside Platform Road, Bonshaw Road and Ashford Road if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works;

in consultation with Council.

If there is a dispute between the Applicant and Council, either party may refer the matter to the Secretary for resolution.

### **Operating Conditions**

- 10. 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) vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

### **Traffic Management Plan**

- 11. 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 Secretary. This plan must include:
  - (a) details of the transport route to be used for all development-related traffic;
  - (b) details of the road upgrade works required by condition 8 of Schedule 3 to this consent;
  - (c) a protocol for undertaking independent dilapidation required by condition 9 of Schedule 3 to this consent;
  - (d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
    - 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 and road users as far as practicable (measures also required during operation of the project);
    - minimising dirt tracked onto the public road network from development-related traffic;
    - details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure 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;
  - (e) a driver's code of conduct that addresses:
    - driver fatigue;
    - procedures to ensure that drivers adhere to the designated transport routes; and
    - procedures to ensure that drivers implement safe driving practices; and
  - (f) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

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

### **LANDSCAPING**

#### **Vegetation Buffer**

- 12. The Applicant must establish and maintain a mature vegetation buffer (landscape screening) as shown in Appendix 1 to the satisfaction of the Secretary. This vegetation buffer must:
  - (a) be planted prior to commencing construction;
  - (b) be comprised of species that are endemic to the area;
  - (c) minimise views from Bruxner Highway within 3 years of commencing operations; and
  - (d) be 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 Secretary agrees otherwise.



## Landscaping Plan

13. Prior to commencing construction, the Applicant must prepare a detailed Landscaping Plan for the development to the satisfaction of the Secretary. This plan must include:
- (a) a description of measures that would be implemented to ensure that the vegetated buffers achieve the objectives of condition 12 (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 the completion of actions.

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

## LAND MANAGEMENT

14. The Applicant must maintain the agricultural land capability of the site, including:
- (a) establishing the ground cover of the site within 3 months following 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 Secretary agrees otherwise.

## BIODIVERSITY

### Vegetation Clearance

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

### Biodiversity Offsets

16. Prior to commencing construction under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, unless the Secretary agrees otherwise.

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

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

**Table 1: Ecosystem Credit Requirements**

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits Required</b>
Grey Box grassy woodland or open forest of the Nandewar Bioregion and New England Tablelands Bioregion	516	65
Rough-Barked Apple - White Cypress Pine - Blakely's Red Gum riparian forest / woodland of Nandewar Bioregion of New England Tableland Bioregion	544	15
Silver-leaved Ironbark - White Cypress Pine shrubby open forest of Brigalow Belt South Bioregion and Nandewar Bioregion	594	249
Tumbledown Red Gum - White Cypress Pine – Silver-leaved Ironbark shrubby woodland mainly in the northern Nandewar Bioregion	596	269

**Table 2: Species Credit Requirements**

<b>Species Credit Species</b>	<b>Credits Required</b>
Bristle-faced Free-tailed Bat ( <i>Mormopterus eleryi</i> )	827
Eastern Cave Bat ( <i>Vespadelus troughtoni</i> )	1,030
Masked Owl ( <i>Tyto novaehollandiae</i> )	104
Barking Owl ( <i>Ninox connivens</i> )	283

## Biodiversity Management Plan

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

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

*Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement.*

## AMENITY

### Construction, Upgrading and Decommissioning Hours

18. 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

19. 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

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

## Visual

21. 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; and
  - (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

## Lighting

22. The Applicant must:
- (d) minimise the off-site lighting impacts of the development; and
  - (e) 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/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, or their latest version.

## HERITAGE

### Protection of Heritage Items

23. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 4 or located outside the approved development footprint.

Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 4, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

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

### Heritage Management Plan

24. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Appendix 6, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
  - be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;
  - include a description of the measures that would be implemented for:
    - AHIMS site # 11-3-0083 to:
      - assess the extent of AHIMS site # 11-3-0083 identified in the report prepared by Everick Heritage (dated 24 August 2020);
      - mitigation measures (including review of the exclusion zone as shown in Appendix 1) developed in consultation with Heritage NSW and RAPs for this site;
    - protecting the Aboriginal heritage items identified in Table 1 of Appendix 4 or items located outside the approved development footprint, including fencing off Aboriginal heritage items prior to commencing construction;
    - salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 4;
    - 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; and
  - include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

## SOIL AND WATER

### Water Supply

25. 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

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

### Operating Conditions

27. The Applicant must:
- ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, flooding and groundwater at the site;

- (b) 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;
- (c) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
- (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
  - Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004), or its latest version.

## HAZARDS

### Fire Safety Study

28. Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the RFS. The study must:
- (a) be consistent with the:
    - Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline; and
    - NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*; and
  - (b) describe the final design of the battery storage facility.

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

### Storage and Handling of Dangerous Goods

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

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

### Operating Conditions

30. The Applicant must:
- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
  - (b) ensure that the development:
    - includes at least a 10 metre defendable space around the perimeter of the solar array areas and battery storage facility that permits unobstructed vehicle access;
    - manages the defendable 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 2019 (or equivalent)* and *Standards for Asset Protection Zones*;
    - includes an Asset Protection Zone that is wholly contained within the development footprint;
    - is suitably equipped to respond to any fires on site including provision of a 50,000 litre water supply tank fitted with a 65mm 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

31. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry point 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) include details on how the battery energy storage system and sub-systems can be safely isolated in an emergency;
  - (c) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;

- (d) list work that should not be carried out during a total fire ban;
- (e) include availability of fire suppression equipment, access and water;
- (f) include procedures for the storage and maintenance of any flammable materials;
- (g) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (h) include a figure showing site infrastructure, Asset Protection Zone and the fire fighting water supply;
- (i) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- (j) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (k) include bushfire emergency management planning;
- (l) include details of the 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.

Following approval, the Applicant must implement the Emergency Plan.

## WASTE

32. 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

33. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan for the development which shall be reviewed by the Applicant prior to the cessation of operations, to the satisfaction of the Secretary. The Plan must:
- (a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 below;
  - (b) describe the measures that would be implemented to:
    - decommission the development and rehabilitate the site in accordance with the objectives in Table 3;
    - minimise and manage the waste generated by the decommissioning of the development; and
    - include a program to monitor and report on the implementation of these measures against the detailed completion criteria.

The Applicant must decommission and rehabilitate the site in accordance with the approved Decommissioning and Rehabilitation Plan.

34. 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 3.

Table 3: Rehabilitation Objectives

Feature	Objective
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> <li>• All underground cabling is to be removed</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety at all times</li> </ul>

## **SCHEDULE 4**

### **ENVIRONMENTAL MANAGEMENT AND REPORTING**

#### **ENVIRONMENTAL MANAGEMENT**

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

1. Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary in writing. 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 7 of Schedule 4;
    - submission of an audit report under condition 9 of Schedule 4; or
    - any modification to the conditions of this consent.

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

3. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

##### *Notes:*

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

#### **NOTIFICATIONS**

##### **Notification of Department**

4. 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**

5. 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.

#### **Work as Executed Plans**

6. 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**

7. The Department must be notified in writing via the Major Projects website portal 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**

8. The Department must be notified in writing 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.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

9. The Applicant must commission and pay the full cost of Independent Environmental Audits of the development. The audits must:
  - (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020);
  - (b) be led and conducted by a suitably qualified, experienced and independent expert(s) whose appointment has been endorsed by the Secretary;
  - (c) be prepared, unless otherwise agreed with the Secretary:
    - (i) within 3 months of commencing construction;
    - (ii) within 3 months of commencement of operations; and
    - (iii) as directed by the Secretary;
  - (d) be carried out in consultation with the relevant agencies;
  - (e) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consentunless the Secretary agrees otherwise.

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, confirmed in writing.

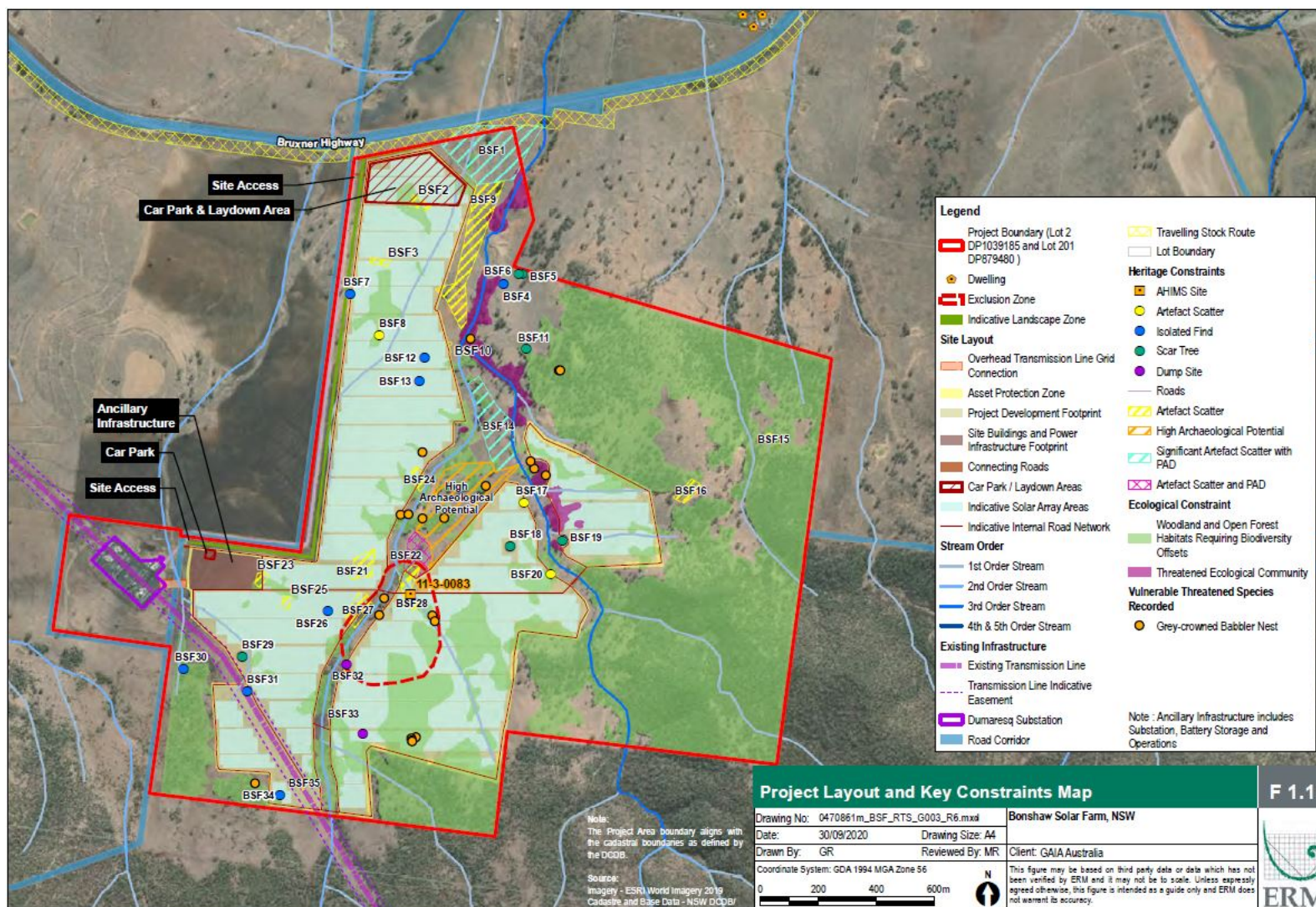
#### **ACCESS TO INFORMATION**

10. The Applicant must:
  - (a) make the following information publicly available on its website as relevant to the stage of the development:
    - the EIS;
    - the final layout plans for the development;
    - current statutory approvals for the development;
    - approved strategies, plans or programs required under the conditions of this consent;

- the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - how complaints about the development can be made;
  - a complaints register;
  - compliance reports;
  - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - any other matter required by the Secretary; and
- (b) keep this information up to date.



## APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT



**APPENDIX 2**  
**SCHEDULE OF LAND**

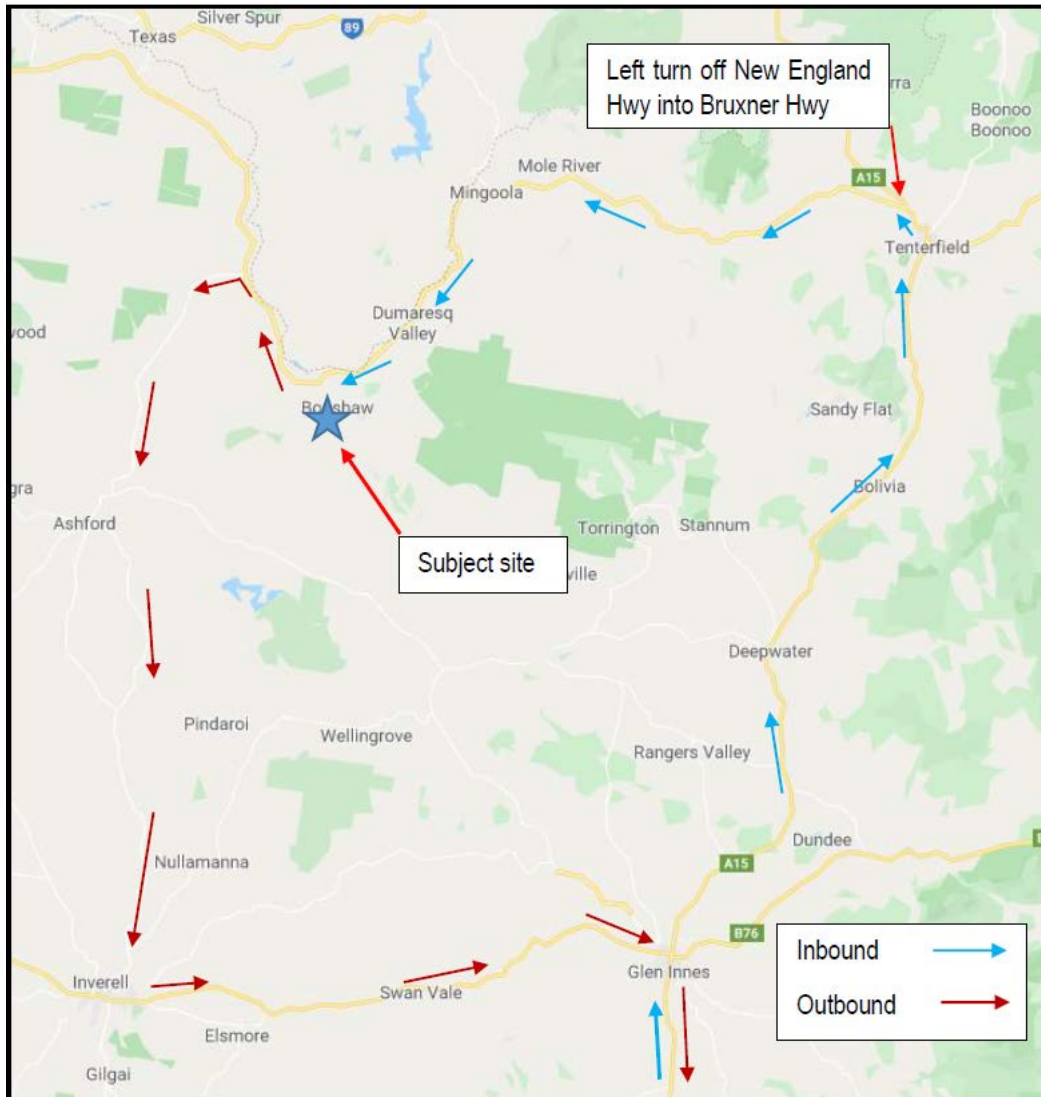
<i>Lot</i>	<i>Deposited Plan (DP)</i>
2	1039185
201	879480

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

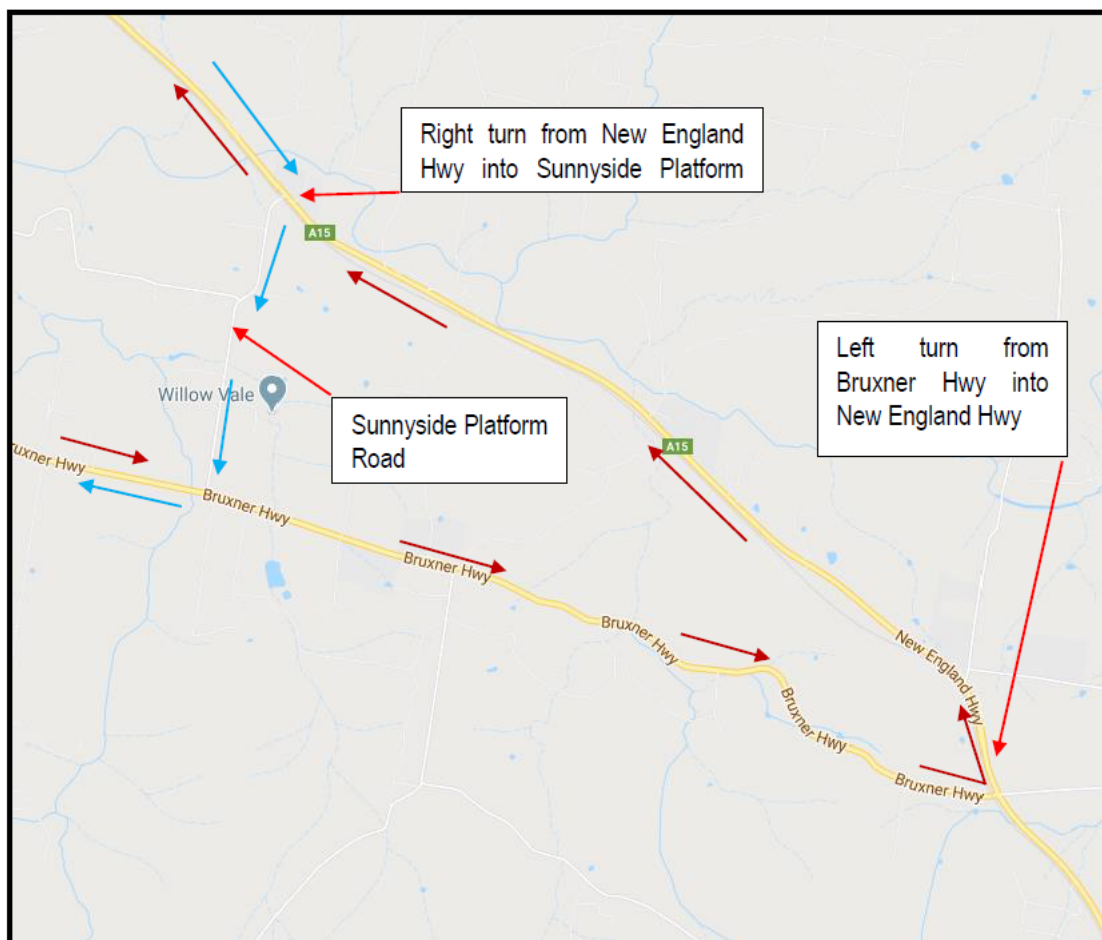
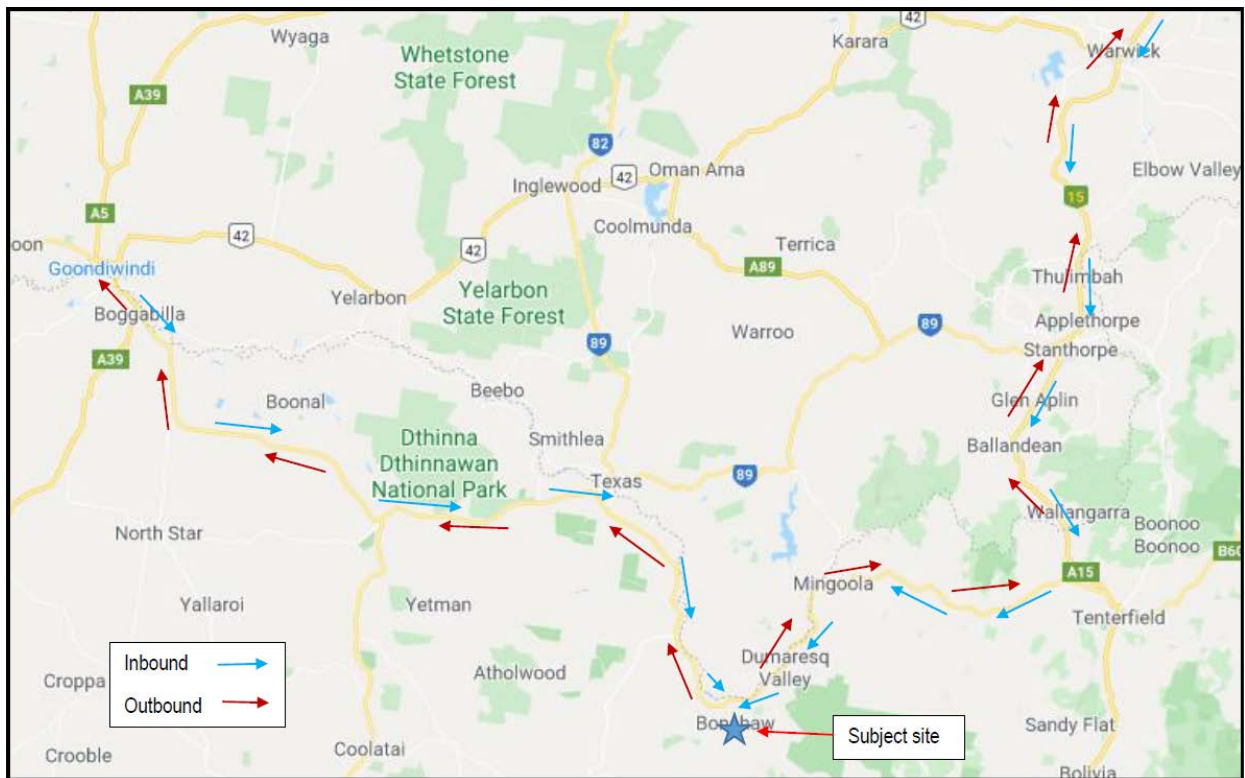
### APPENDIX 3 ROAD UPGRADES AND SITE ACCESS

Road	Location	Upgrade requirement	Timing
Bruxner Highway	Site access point	Auxiliary Left Turn (AUL-S) and Basic Right (BAR) turn type upgrades, allowing for shoulder widening for eastbound traffic. <sup>1</sup>	Prior to construction

<sup>1</sup> Upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements)







## APPENDIX 4 ABORIGINAL HERITAGE ITEMS

*Table 1: Aboriginal heritage items – avoid impacts*

Site		
BSF1	BSF11	BSF18
BSF4	BSF14	BSF19
BSF5	BSF15	BSF22
BSF6	BSF16	BSF29
BSF9	BSF17	BSF30
11-3-0083		

*Table 2: Aboriginal heritage items – surface collection salvage*

Site		
BSF2	BSF20	BSF28
BSF3	BSF21	BSF31
BSF7	BSF23	BSF32
BSF8	BSF24	BSF33
BSF10	BSF25	BSF34
BSF12	BSF26	BSF35
BSF13	BSF27	

