

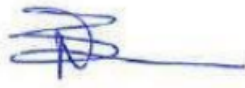
# Development Consent

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

As delegate of the Minister for Planning, I grant 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 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

28 February 2023

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

## SCHEDULE 1

<b>Application Number:</b>	SSD-9451258
<b>Applicant:</b>	X-Elio Roma Hub Solar Farm Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Forest Glen Solar Farm

## Consolidated Consent

Red type represents Modification 1 (SSD-9451258-Mod-1)

Blue type represents Modification 2 (SSD-9451258-Mod-2)

Application Number	Determination Date	Decider	Modification Description
SSD-9451258-Mod-1	4/10/2024	Director	Delroy Road upgrades and additional switching station.
SSD-9451258-Mod-2	8/04/2025	Director	Use and upgrade of internal access road.

FOR INFORMATION ONLY

TABLE OF CONTENTS

<b>SCHEDULE 1 .....</b>	<b>1</b>
<b>DEFINITIONS .....</b>	<b>4</b>
<b>SCHEDULE 2 .....</b>	<b>6</b>
<b>PART A ADMINISTRATIVE CONDITIONS .....</b>	<b>6</b>
Obligation to Minimise Harm to the Environment .....	6
Terms of Consent .....	6
Batteries .....	6
Upgrading of Solar Panels and Ancillary Infrastructure .....	6
Structural Adequacy .....	6
Demolition .....	6
Protection of Public Infrastructure .....	7
Operation of Plant and Equipment .....	7
Subdivision .....	7
Applicability of Guidelines .....	7
Compliance .....	7
Evidence of Consultation .....	7
Community Enhancement .....	7
<b>PART B ENVIRONMENTAL CONDITIONS – GENERAL .....</b>	<b>8</b>
Transport .....	8
Land Management .....	9
Biodiversity .....	10
Amenity .....	11
Heritage .....	12
Soil and Water .....	12
Hazards .....	12
Waste .....	14
Accommodation and Employment Strategy .....	14
Decommissioning and Rehabilitation .....	14
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>	<b>15</b>
Environmental Management .....	15
Notifications .....	16
<b>APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT .....</b>	<b>18</b>
<b>APPENDIX 2: SCHEDULE OF LANDS .....</b>	<b>19</b>
<b>APPENDIX 3: GENERAL TERMS OF THE APPLICANT'S VPA OFFER .....</b>	<b>20</b>
<b>APPENDIX 4: INDICATIVE SUBDIVISION PLAN .....</b>	<b>21</b>
<b>APPENDIX 5: ROAD UPGRADES AND SITE ACCESS .....</b>	<b>22</b>
<b>APPENDIX 6: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS .....</b>	<b>29</b>
INCIDENT NOTIFICATION REQUIREMENTS .....	29

## DEFINITIONS

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
Applicant	X-Elio Roma Hub 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
CPHR	<a href="#">Conservation Programs, Heritage and Regulation within NSW DCCEEW</a>
Cessation of operations	Operation of the development has ceased for a continuous period of 12
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 Dubbo Regional Council
Council	Dubbo Regional Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	<a href="#">Department of Planning, Housing and Infrastructure (formerly known as the Department of Planning and Environment)</a>
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)
EIS	The Environmental Impact Statement for Forest Glen Solar Farm dated 5 November 2021, the Submissions Report dated 17 March 2022, the Amendment Report dated 1 April 2022, the additional information dated 17 June 2022 & 23 September 2022, and the Biodiversity Development Assessment Report dated 15 November 2022, as amended by: <ul style="list-style-type: none"> <li>• <a href="#">Forest Glen Solar Farm Mod 1 Report dated 30 July 2024 (SSD-9451258-Mod-1); and</a></li> <li>• <a href="#">Forest Glen Solar Farm Modification 2 Report dated 14 January 2025 (SSD-9451258-Mod-2).</a></li> </ul>
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 Heavy Vehicle National Regulator under the <i>Heavy Vehicle National Law (NSW)</i>
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide
Heritage NSW	<a href="#">Heritage NSW group within NSW DCCEEW</a>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance

## Material harm

## Is harm that:

- involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or
- results in actual 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).

**Note:** This definition excludes “harm” that is either authorised under this consent or any other statutory approval.

**Note:** For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.

MW

Megawatt

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

NSW DCCEEW

NSW Department of Climate Change, Energy, the Environment and Water

Operation

The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities

Planning Secretary

Secretary of the Department, or nominee

POEO Act

Protection of the Environment Operations Act 1997

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, 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 The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting

Reasonable

Rehabilitation

A dwelling in existence at the date of this consent

Residence

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, Transport for New South Wales

TfNSW

Upgrading

The augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance) in accordance with the One vehicle entering and leaving the site

Vehicle movement

VPA

Voluntary Planning Agreement

Water Group

Water Group within NSW DCCEEW

## 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:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS; and
  - (d) 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:
- (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.
- 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.

#### BATTERIES

##### Battery Storage Restriction

- A5. The battery storage facility or system associated with the development must not exceed a total delivery capacity of 25 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 facility or system in the future.*

#### UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A6. 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

- A7. 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

- A8. 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

A9. 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.

*Note: 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

A10. All plant and equipment used on site, or in connection with the development, must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## SUBDIVISION

A11. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 4 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the Conveyancing Act 1919 (NSW).

*Notes:*

- Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.
- Division 6.4 of Part 6 of the EP&A Act sets out the application requirements for subdivision certificates.

## APPLICABILITY OF GUIDELINES

A12. 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

A13. 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

A14. 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.

## COMMUNITY ENHANCEMENT

A15. Prior to commencing operation, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms summarised in Appendix 3, or any subsequent offer agreed to by Council.

## PART B ENVIRONMENTAL CONDITIONS – GENERAL

### TRANSPORT

#### Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
    - (i) 68 heavy vehicle movements a day during construction, upgrading and decommissioning;
    - (ii) 6 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and
    - (iii) 6 heavy vehicle movements a day during operations; on the public road network; and
  - (b) length of any vehicles (excluding heavy vehicles requiring escort) used for the development does not exceed 26 metres,
- unless the Planning Secretary agrees otherwise.
- B2. The Applicant must keep accurate records of the number of heavy vehicles, and heavy vehicles requiring escort, entering or leaving the site each day for the duration of the project.

#### Access Route

- B3. All heavy vehicles associated with the development must travel to and from the site via Newell Highway, Minore Road and Delroy Road as identified in Figure 2 in Appendix 5.

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

#### Site Access

- B4. All vehicles associated with the development must enter and exit the site via the primary access point, as identified in Appendix 1.

In addition, vehicles may exit the site via the emergency exit point/s identified in Appendix 1 for emergency purposes.

#### Road Upgrades

- B5. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must complete the road upgrades detailed in **Figures 1 - 5** and Table 1 of Appendix 5.

Unless the relevant road authority agrees otherwise, these upgrades must comply with the current *Austroads Guidelines, Australian Standards and TfNSW supplements*, and be carried out to the satisfaction of the relevant roads authority.

#### Road Maintenance

- B6. The Applicant must, in consultation with Council:
- (a) undertake an independent dilapidation survey to assess the:
    - (i) existing condition of the access road on the transport route, prior to construction, upgrading or decommissioning works; and
    - (ii) condition of the access road on the transport route, following construction, upgrading or decommissioning works;
  - (b) repair the access road on the transport route if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works.

If there is a dispute between the Applicant and Council about the repair of the access road, then either party may refer the matter to the Planning Secretary for resolution.



### Operating Conditions

B7. 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

B8. Prior to commencing road upgrades identified in condition B5, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the transport route to be used for all development-related traffic;
- (b) details of the road upgrade works required by condition B5 of Schedule 3 of this consent;
- (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
  - (i) details of the dilapidation surveys required by condition B6 of Schedule 3 of this consent;
  - (ii) temporary traffic controls, including detours and signage;
  - (iii) notifying the local community about development-related traffic impacts;
  - (iv) procedures for receiving and addressing complaints from the community about development-related traffic;
  - (v) minimising potential cumulative traffic impacts with other State significant development projects in the area, including other solar farms and wind farms;
  - (vi) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
  - (vii) minimising dirt tracked onto the public road network from development-related traffic;
  - (viii) details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service;
  - (ix) encouraging car-pooling or ride sharing by employees;
  - (x) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
  - (xi) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
  - (xii) responding to any emergency repair or maintenance requirements; and
  - (xiii) a traffic management system for managing heavy vehicles requiring escort;
- (d) a driver's code of conduct that addresses:
  - (i) driver fatigue;
  - (ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
  - (iii) procedures to ensure that drivers implement safe driving practices; and
- (e) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan.

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

### LAND MANAGEMENT

B9. 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;
- (c) maintaining grazing within the development footprint, where practicable; and
- (d) monitor agricultural land capability of the site throughout the operation of the development,

unless the Planning Secretary agrees otherwise.

## BIODIVERSITY

### Vegetation Clearance

B10. The Applicant must:

- (a) not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS; and
- (b) ensure that no more than **68.45** ha of the PCT 255, identified as Vegetation Zone IDs 1, 2 and 3, and **0.35** ha of PCT 201 woodland, identified as Vegetation Zone ID 4 in the *Biodiversity Development Assessment Report* (dated 24 October 2023), is cleared for the development.

### Biodiversity Offsets

B11. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, unless the Planning 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**

Vegetation Community	PCT ID	Credits Required
Mugga Ironbark - Buloke - Pillga Box – White Cypress Pine shrubby woodland on sandstone in the Dubbo region, southwestern Brigalow Belt South Bioregion	255	92
Fuzzy Box Woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion	201	9

**Table 2: Species Credit Requirements**

Species Credit Species	Credits Required
Glossy Black-Cockatoo ( <i>Calyptorhynchus lathami</i> )	15
Masked Owl ( <i>Tyto novaehollandiae</i> )	15

B12. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

### Biodiversity Management Plan

B13. Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with **CPHR**, and to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in accordance with the *Biodiversity Development Assessment Report* (dated 24 October 2023);
- (b) include a description of the measures and timeframes that would be implemented for:
  - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;
  - (ii) managing the remnant vegetation and fauna habitat on site;
  - (iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
  - (iv) minimising the impacts to fauna on site and implementing fauna management protocols;
  - (v) 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;
  - (vi) controlling weeds, feral pests and pathogens; and
  - (vii) avoiding the removal of hollow-bearing trees during April-August to avoid the main breeding period for hollow-dependent fauna;
- (c) include a program to monitor and report on the effectiveness of mitigation measures;

## Consolidated Consent

- (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

B14. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities 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; and
- emergency work to avoid the loss of life, property and/or material harm to the environment.

### Noise

B15. 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) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3 below, to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA, 2017) at any non-associated residences unless the Planning Secretary agrees otherwise.

**Table 3: Operational Noise Limit Requirements**

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	$L_{Aeq}(15min)$	$L_{Aeq}(15min)$	$L_{Aeq}(15min)$	$L_{AFmax}$
Non-associated residences	40	35	35	52

### Dust

B16. The Applicant must minimise the dust generated by the development.

### Visual

B17. 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

B18. 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/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

### HERITAGE

#### Unexpected Finds Protocol – Aboriginal Heritage

- B19. Prior to the commencement of construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with the Aboriginal Stakeholders, and to the satisfaction of Heritage NSW. Following approval, the Applicant must implement the Chance Finds Protocol.

### SOIL AND WATER

#### Water Supply

- B20. 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 any necessary water licences for the development.*

#### Water Pollution

- B21. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

#### Operating Conditions

- B22. The Applicant must:
- (a) minimise any soil erosion and control sediment generation;
  - (b) ensure that construction, upgrading or decommissioning of the development has appropriate drainage and erosion and sediment controls designed, installed and maintained 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 reduce impacts on localised flooding and groundwater at the site;
  - (d) ensure the solar panels do not cause any increased water being diverted off the site or alter hydrology off site;
  - (e) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
  - (f) ensure that all works are undertaken with the following, unless **Water Group** agrees otherwise:
    - (i) *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version; and
    - (ii) *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), or its latest version.

### HAZARDS

#### Fire Safety Study

- B23. Prior to commencing construction of the battery storage facility, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline;
  - (b) include reasonable worst-case bush fire scenario to and from the facility and the associated bush fire management;
  - (c) describe the final design of the battery storage facility;
  - (d) identify measures to eliminate the expansion of any fire incident including:

- (i) adequate fire safety systems and appropriate water supply;
- (ii) separation and / or compartmentalisation of battery units; and
- (iii) strategies and incident control measures specific to the battery storage facility design.

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

*Note: 'to the satisfaction of FRNSW' above means confirmation in writing from FRNSW that the Study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline.*

### Storage and Handling of Dangerous Goods

B24. 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 (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

### Operating Conditions

B25. 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 10m defendable space around the perimeter of the solar array area that permits unobstructed vehicle access;
  - (ii) includes an Asset Protection Zone that is wholly contained within the development footprint;
  - (iii) manages the defendable space and solar array areas as an Asset Protection Zone to the standard of an Inner Protection Area;
  - (iv) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and Standards for Asset Protection Zones;
  - (v) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank for bush and grass firefighting fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an internal 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

B26. Prior to commencing operations, the Applicant must prepare an Emergency Plan and provide a copy to the local Fire Control Centre and Fire & Rescue NSW. The plan must:

- (a) be consistent with RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (b) include bushfire emergency management planning, including:
  - (i) details of the location, management and maintenance of the Asset Protection Zone;
  - (ii) a list of works that must not be carried out during a total fire ban;
  - (iii) details of how RFS would be notified, and procedures that would be implemented in the event that:
    - there is a fire on-site or in the vicinity of the site;
    - there are any activities on site that would have the potential to ignite surrounding vegetation;
    - or
    - there are any proposed activities to be carried out during a bushfire danger period;
- (c) include details about emergency management planning for the battery storage, which must:
  - (i) provide details on how the battery storage and sub-systems can be safely isolated in an emergency;
  - (ii) be in accordance with the findings of the Fire Safety Study required under condition B23; and
  - (iii) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;

- (d) detail specific response measures in the case of flood to ensure site safety;
- (e) describe the specific emergency exit routes to be used in the case of flood, including details on how the condition of the track exiting to Lagoon Creek Road will be monitored if this is selected as an exit route, and include evidence of access agreements with relevant landowners (eg. right of carriageway; and
- (f) include an Emergency Services Information Package in accordance with Emergency services information package and tactical fire plan (FRNSW, 2019), to the satisfaction of FRNSW and RFS.

B27. The Applicant must:

- (a) implement the Emergency Plan and Emergency Services Information Package required under condition B26 for the duration of the development; and
- (b) keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

### WASTE

B28. 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 reused, recycled or sent to an appropriately licensed waste facility for disposal.

### ACCOMMODATION AND EMPLOYMENT STRATEGY

B29. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council. This strategy must:

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

The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencement of construction, and implement the plan throughout construction.

### DECOMMISSIONING AND REHABILITATION

B30. 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 4](#).

**Table 4: 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 Planning Secretary agrees otherwise, with the exception of assets held by the Network Service Provider</li> </ul>
Land use	<ul style="list-style-type: none"> <li>Restore land capability to pre-existing use</li> </ul>
Community	<ul style="list-style-type: none"> <li>Ensure public safety at all times.</li> </ul>



**PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING****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) set out the procedures that would be implemented to:
    - (iv) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (v) receive, handle, respond to, and record complaints;
    - (vi) resolve any disputes that may arise;
    - (vii) respond to any non-compliance;
    - (viii) respond to emergencies; and
  - (e) include:
    - (i) references to any strategies, plans and programs 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, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

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 C10 of Schedule 4;
    - (ii) submission of an audit report under condition C14 of Schedule 4; or
    - (iii) any modification to the conditions of this consent.

**Staging, Combining and Updating 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 and to Council, showing comparison to the approved layout and including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.

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 showing comparison to the final layout plans to the Department via the Major Projects website and to Council.

#### Incident Notification

- C10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an incident;
- (c) a description of what immediate steps were taken in relation to the incident; and
- (d) identifying a contact person for further communication regarding the incident.

- C10A. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 6 (Incident Notification and Reporting Requirements).

#### Non-Compliance Notification

- C11. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

**Note:** A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

- C12. Deleted

- C13. Deleted

#### Independent Environmental Audit

- C14. Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website

- C15. Deleted



C16. Deleted

C17. Deleted

C18. Deleted

C19. Deleted

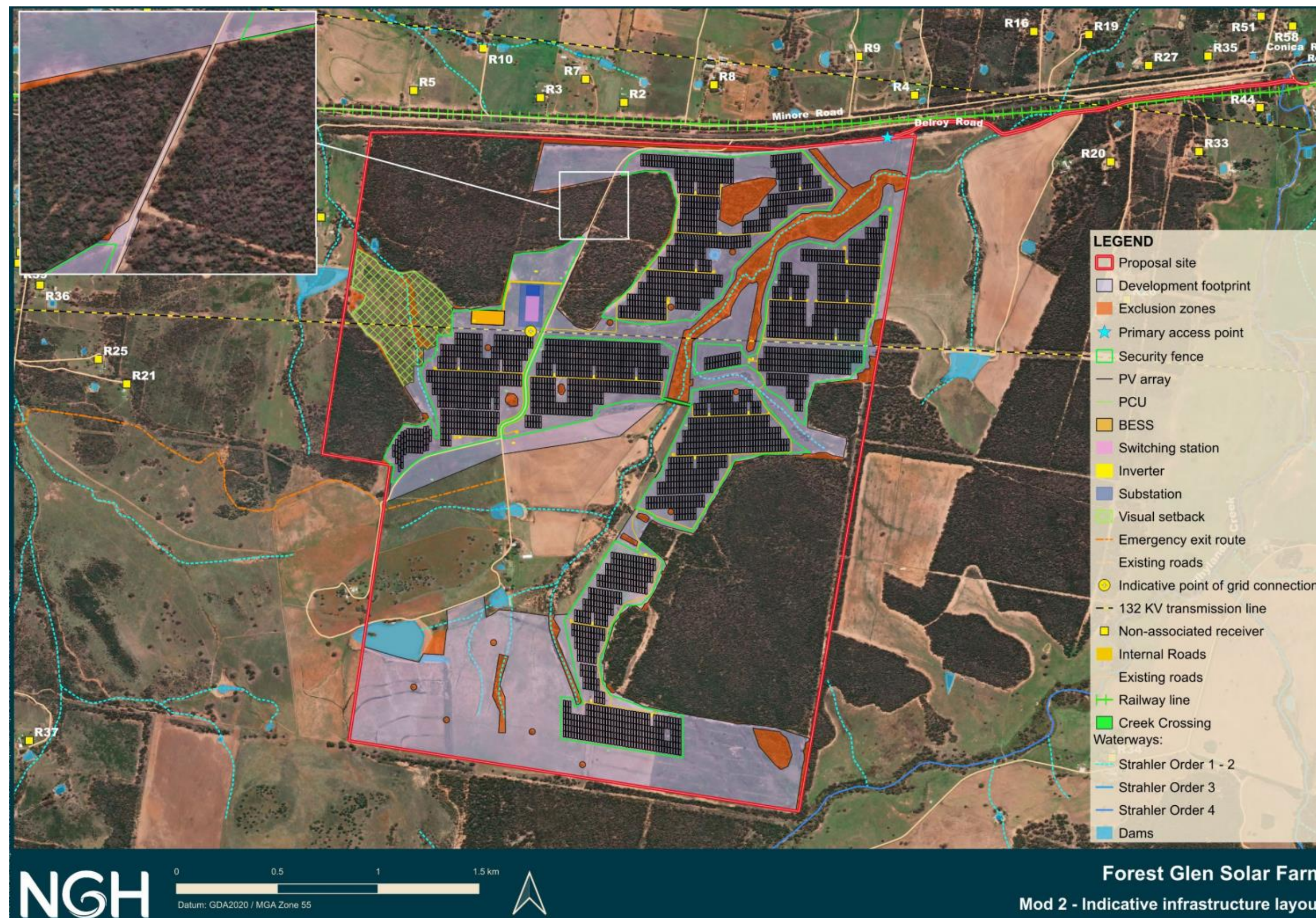
### Access to Information

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 and/or decommissioning of the development is to be staged;
  - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
  - (vii) how complaints about the development can be made;
  - (viii) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - (ix) 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 LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
6	755102
1	1198911
51	755094
52	755094

*Notes:*

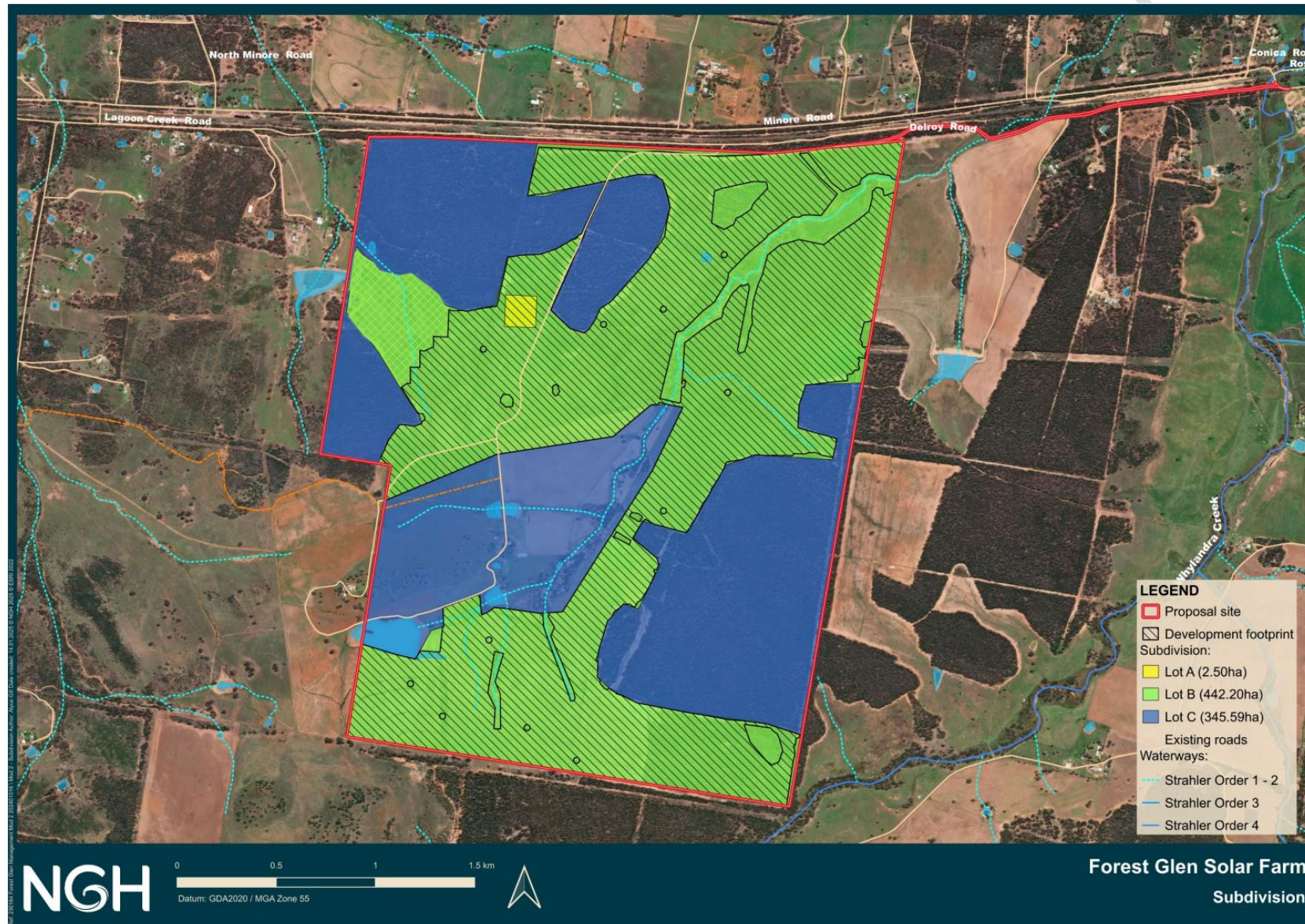
- *The site will also be taken to include any Crown land and road reserves contained within the site.*
- *Any inclusion of Crown roads in the project are subject to road closing application by the landholder and any works on Crown land requires Crown Lands licence to be obtained prior to commencing construction of works or road upgrades on any Crown lands.*

**APPENDIX 3:  
GENERAL TERMS OF THE APPLICANT'S VPA OFFER**

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

<b><i>Council</i></b>	<b><i>Payment Details</i></b>
Dubbo Regional Council	Payment of \$500,000, to be paid to Council in five (5) yearly \$100,000 instalments beginning at the commencement of commercial operation of the development, or as otherwise agreed and provided in the VPA.

APPENDIX 4:  
INDICATIVE SUBDIVISION PLAN





## APPENDIX 5: ROAD UPGRADES AND SITE ACCESS

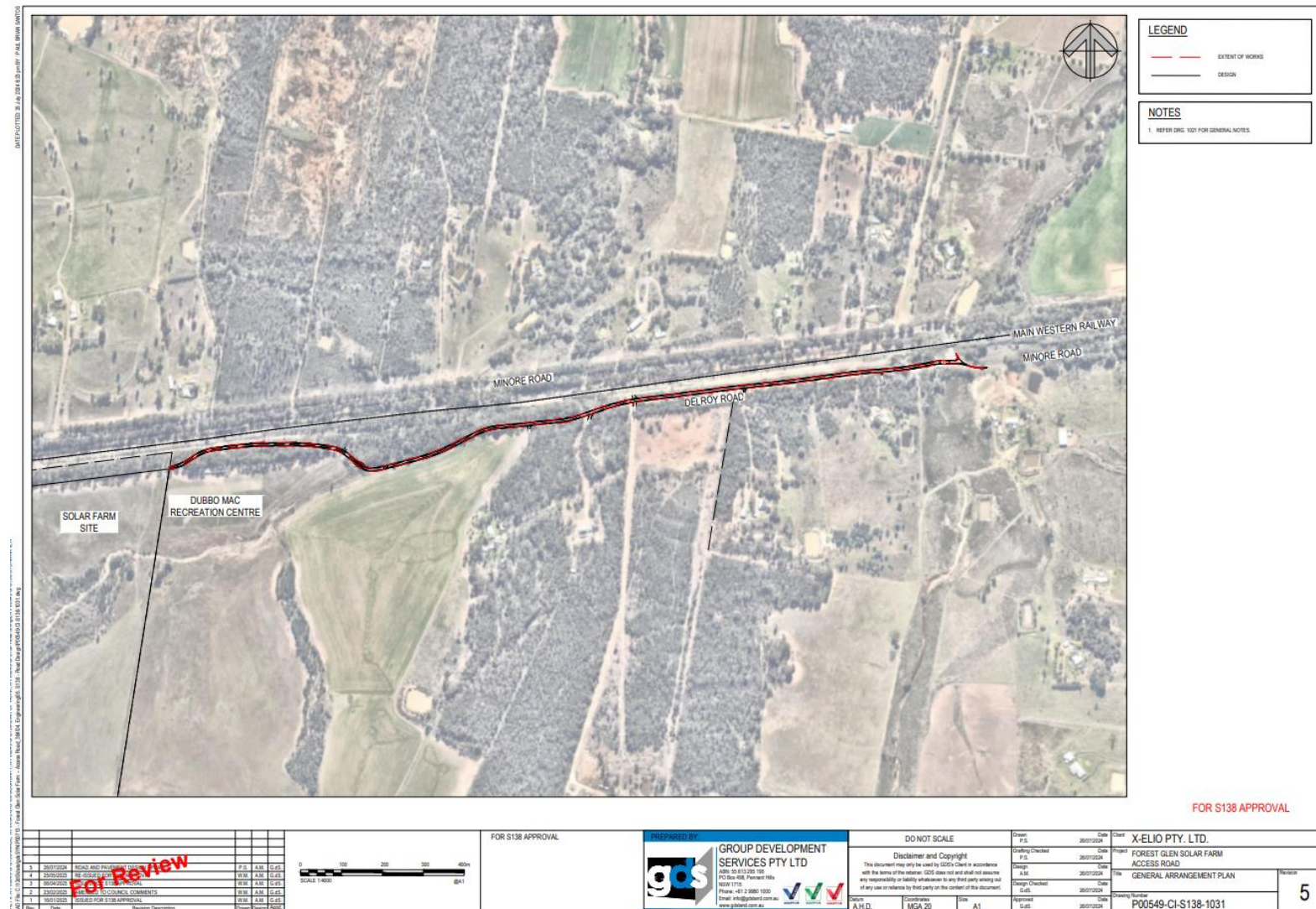


Figure 1 Site access

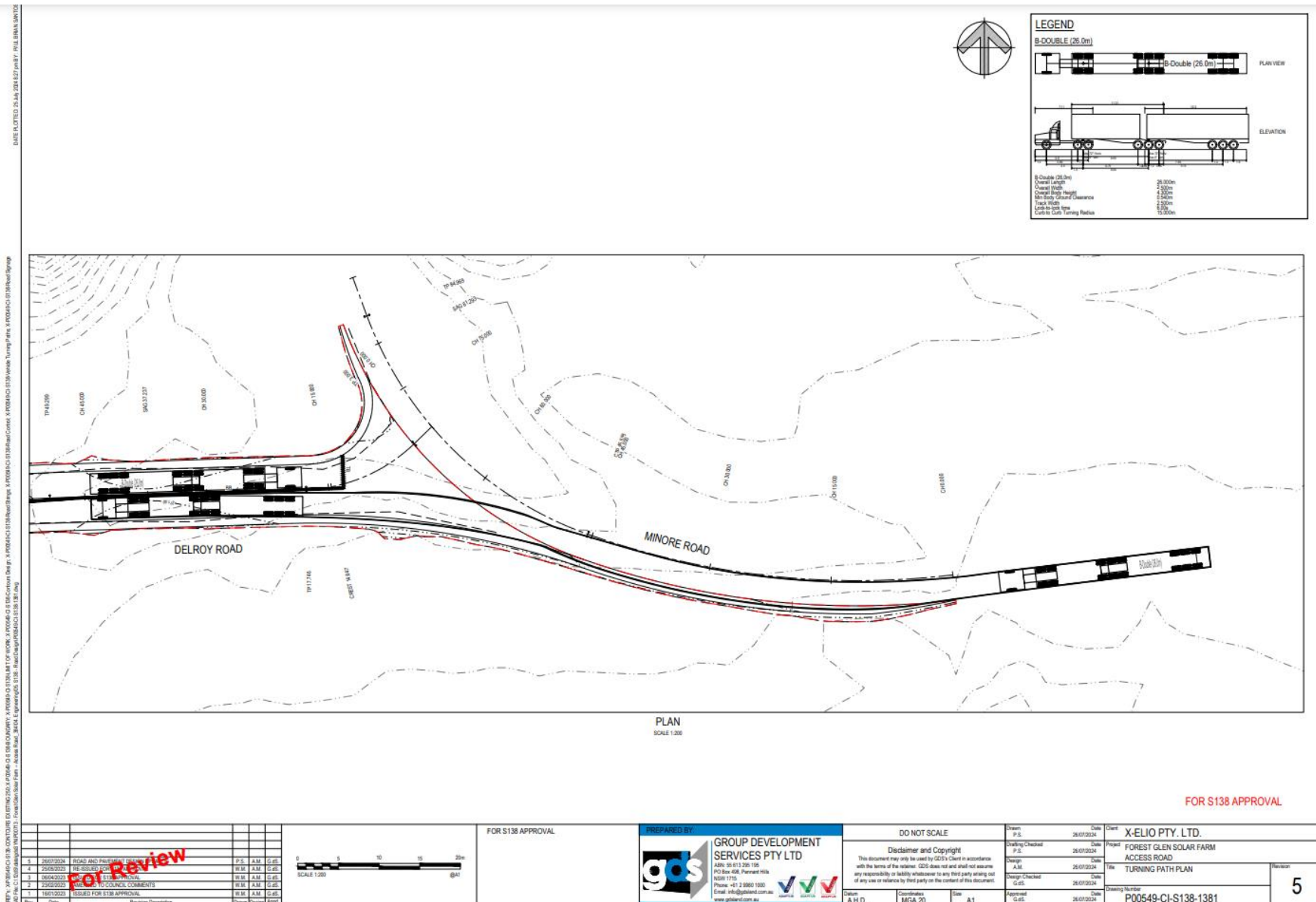
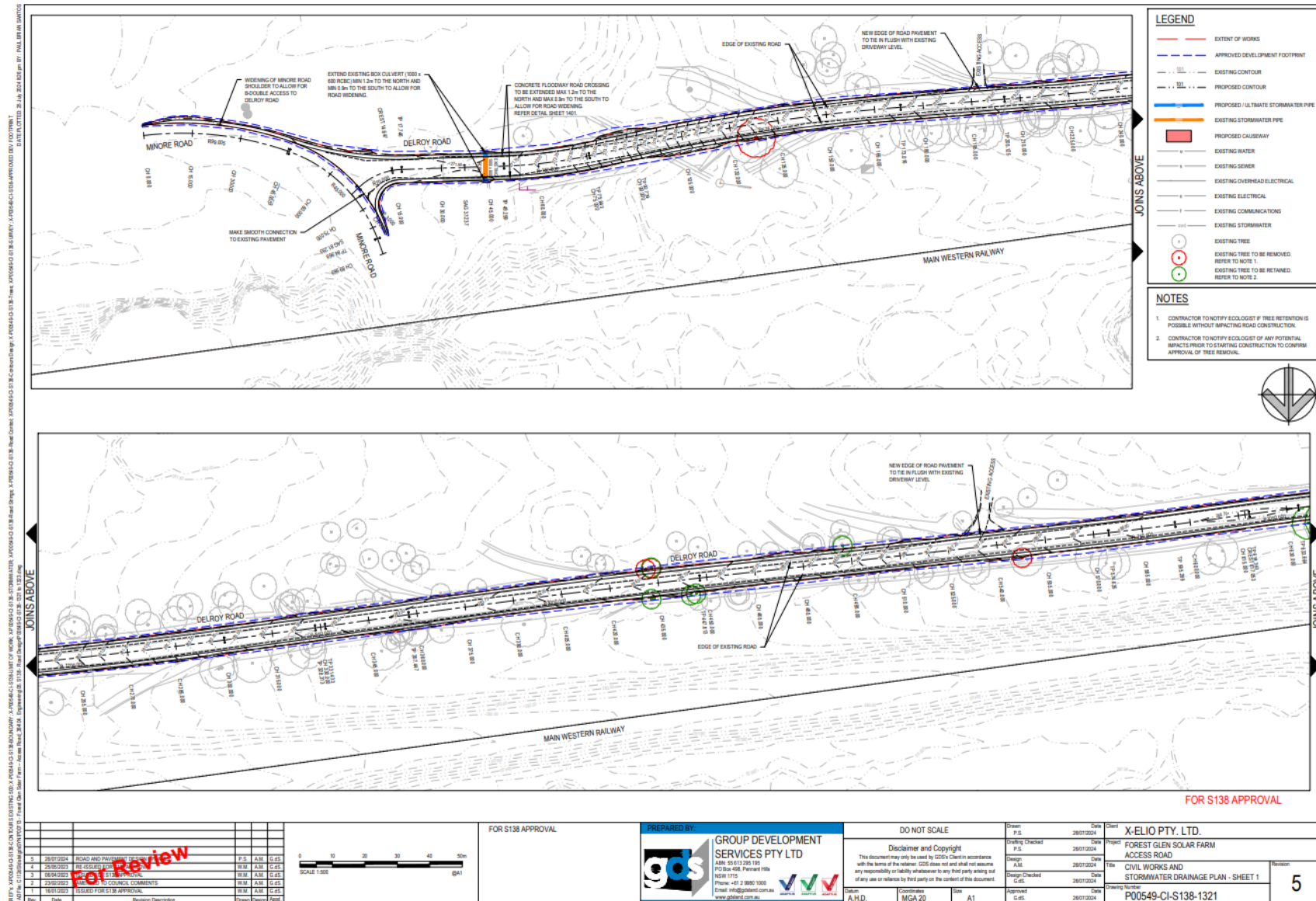


Figure 2 Minore Road & Delroy Road intersection







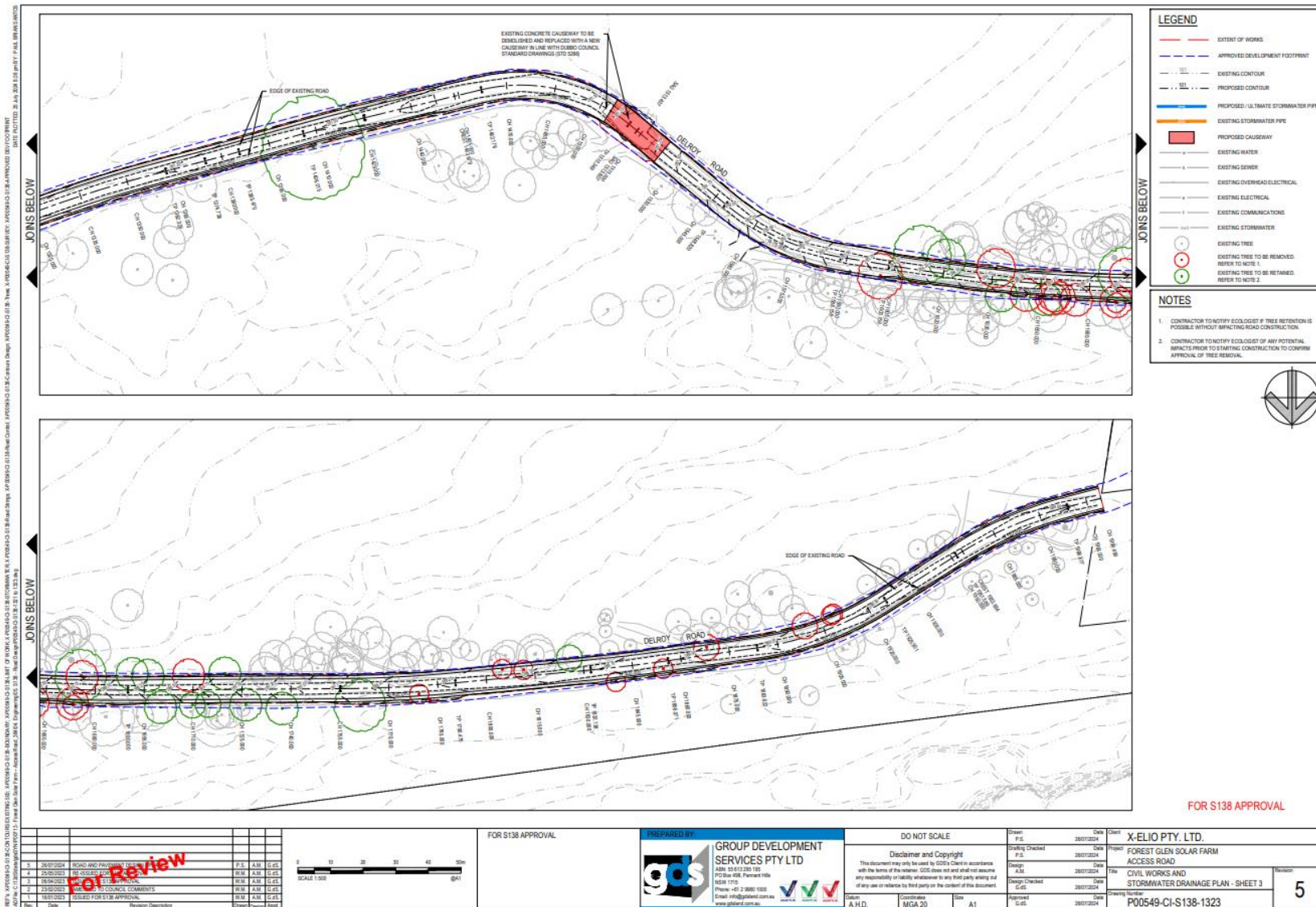


Figure 5 Delroy Road Civil works – sheet 3

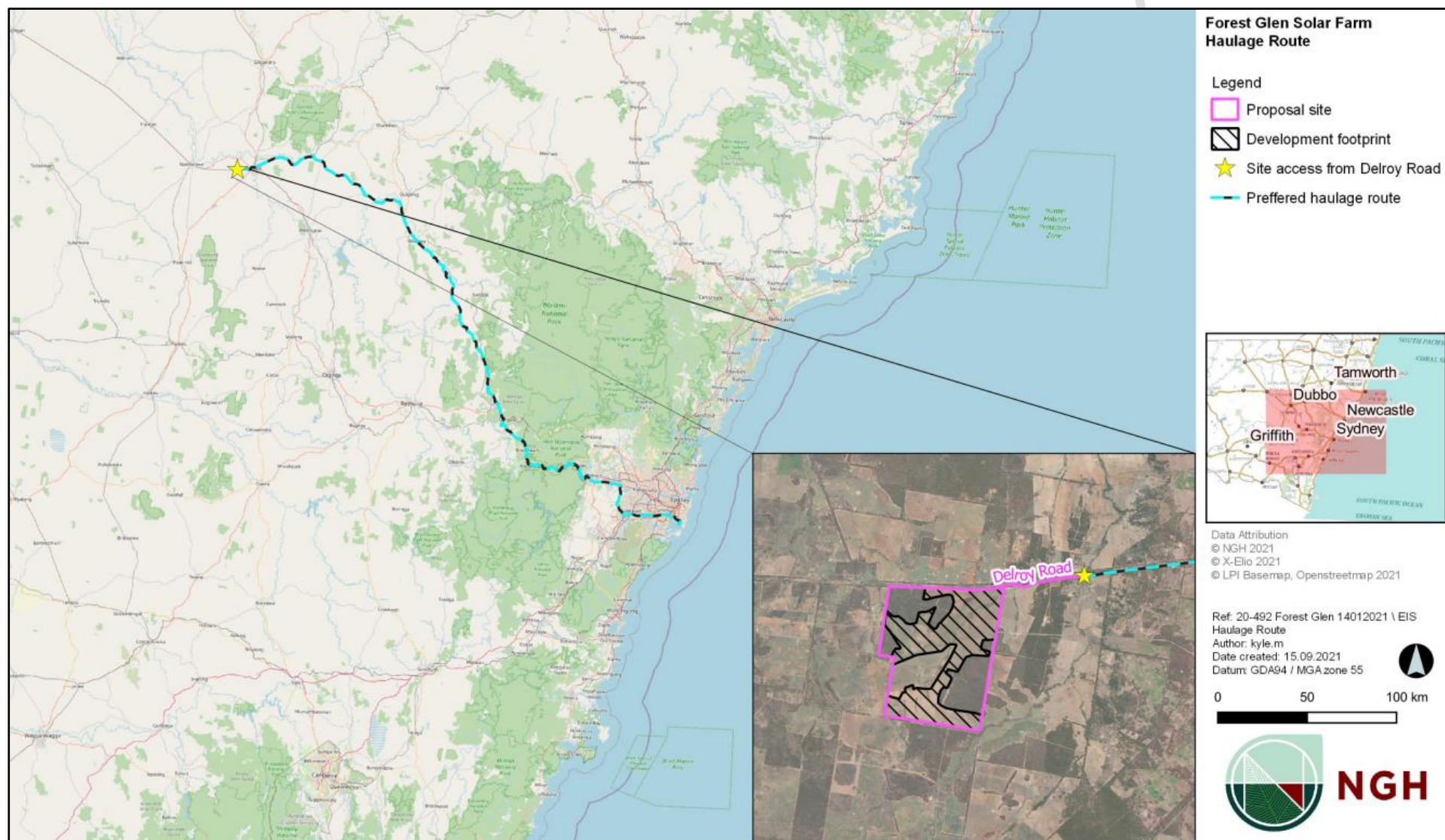
Table 1 Road Upgrades Schedule

Road	Location	Upgrade requirements	Timing
Minore Road / Delroy Road	Intersection	<p>Works as shown in Figure 2 of this Appendix above.</p> <p>The final design is to ensure that the intersection has sufficient width to:</p> <ul style="list-style-type: none"> <li>• accommodate two-way traffic flow based upon the turning swept paths of 'design B-double 26.0' (utilising the Austroads design templates, with a turning speed of 5-15 km/hr)</li> <li>• ensure that at no stage will a truck be required to cross over onto the wrong side of Delroy Road or Minore Road when either entering or exiting the intersection.</li> </ul>	Prior to commencement of construction
Delroy Road	From Minore Road / Delroy Road intersection to the site access point marked in Appendix 1	<p>Sealing of Delroy Road from the Minore Road / Delroy Road intersection to the site access point, with a minimum pavement width of 8.2m and fully sealed with a two coat bitumen seal, except where a narrower road width is agreed with Council.</p> <p>The upgrade is to comply with Austroads "Guide to road design part 6" Normal Design Domain (NDD) requirements.</p>	Prior to commencement of construction

## Notes:

- Works on local Council roads: Under Part 4.4.2 of the EP&A Act, the Proponent is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.
- Works on classified State roads: Under Part 4.4.2 of the EP&A Act, the Proponent is required to obtain a Works Authorisation Deed (WAD) or other suitable arrangement as agreed to by TfNSW prior to commencing road upgrades at the intersection of New England Highway and the access local road.
- Figures in Appendix 5 are indicative only. Detailed design drawings are to be submitted to the relevant road authority for acceptance and approval prior to commencement of road upgrades.





**Figure 6: Haulage Route**

## APPENDIX 6: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **condition C10** or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with **condition C10**), the Applicant is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Applicant became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the incident; and
  - (e) a summary of the incident;
  - (f) outcomes of an incident investigation, including identification of the cause of the incident;
  - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.