

Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

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

These conditions are required to:

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

David Kitto
Executive Director
Resource Assessments and Business Systems

Sydney

2016

SCHEDULE 1

Application Number:	SSD 6604
Applicant:	Neoen Australia Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lots 59 – 62, 81 and 82 of DP 751728
Development:	Griffith Solar Farm

Red type represents October 2016 Modification.

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Applicant	Neoen Australia Pty Ltd, or any person who seeks to carry out the development approved under this consent
ARI	Average Recurrence Interval
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 any upgrades to the public road network required under this consent, geotechnical drilling and/or surveying)
Council	Griffith City Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning and Environment
Development	The development as described in the EIS
EIS	<i>Griffith Solar Farm Environmental Impact Statement</i> (Neoen Australia Pty Ltd, March 2016) as amended by: <ul style="list-style-type: none"> • <i>Griffith Solar Farm Submissions Report</i> (Neoen Australia Pty Ltd, May 2016); and • <i>Griffith Solar Farm Modification Application</i> (Neoen Australia Pty Ltd, 7 October 2016).
EEC	Endangered ecological community, as defined under the <i>NSW Threatened Species Conservation Act 1995</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heavy vehicle	A vehicle that has a combine Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that: <ul style="list-style-type: none"> • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Movement	One vehicle entering and leaving the site
OEH	Office of Environment and Heritage
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project site	Lots 59–62, 81 and 82 of DP 751728, as shown in the figure in Appendix 1
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
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
RMS	Roads and Maritime Services
RFS	Rural Fire Service
Secretary	Secretary of the Department, or nominee
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, concrete batching plants, materials storage compounds, maintenance workshops, testing laboratories or material stockpiles
Upgrading	The augmentation and/or replacement of solar panels and ancillary infrastructure on site

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

FINAL LAYOUT PLANS

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

Note: If the construction of the development is to be staged, then the provision of these plans may be staged.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

6. Over time, the Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant shall provide revised layout plans of the development to the Secretary incorporating the proposed upgrades.

WORK AS EXECUTED PLANS

7. Prior to the commencement of operations or following the upgrades of any solar panels or ancillary infrastructure, the Applicant shall submit work as executed plans of the development to the Department.

NOTIFICATION OF DEPARTMENT

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

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

STRUCTURAL ADEQUACY

9. The Applicant shall 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 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

11. Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:
- (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.

OPERATION OF PLANT AND EQUIPMENT

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

SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Heavy Vehicle Restrictions

1. The Applicant shall ensure that the:
 - (a) development does not generate more than:
 - 40 heavy vehicle movements a day during construction, upgrading or decommissioning; or
 - 20 heavy vehicle movements a day during operations;on the public road network; and
 - (b) length of any vehicles used for the development does not exceed 19 metres, unless otherwise agreed by the Secretary.
2. The Applicant shall keep accurate records of the number of heavy vehicles entering or leaving the site each day.

Access Route

3. All vehicular traffic associated with the development shall travel to and from the project site via Irrigation Way, Hamilton Road and the site entry point (shown as 'Route A' in the figure in Appendix 2).
4. If the Applicant is unable to secure access to the land in the railway corridor required to upgrade the intersection of Irrigation Way and Hamilton Road, and has demonstrated to the satisfaction of the Secretary that it has used its best endeavours to secure this access, then all vehicular traffic associated with the development shall instead travel to and from the project site via Burley Griffin Way, Ross Road, Hamilton Road and the site entry point (shown as 'Route B' in the figure in Appendix 2).

Road Upgrades – Preferred Access Route

5. Prior to the commencement of construction, the Applicant shall upgrade the intersection of Irrigation Way and Hamilton Road to the satisfaction of the RMS and Council, including the construction of a temporary Auxiliary Left Turn sealed treatment in accordance with the *Austroads Guide to Road Design* (as amended by RMS supplements).

Note: The road upgrades in this condition are only required if the preferred access route is available.

Road Upgrades – Alternative Access Route

6. Prior to the commencement of construction, the Applicant shall:
 - (a) upgrade the intersection of Burley Griffin Way and Ross Road to the satisfaction of RMS and Council, including a Basic Right Turn – Short and Basic Left Turn sealed treatment in accordance with the *Austroads Guide to Road Design* (as amended by RMS supplements); and
 - (b) upgrade Ross Road to the satisfaction of Council to allow two-way construction traffic, including paving and widening of the road to 8.4 metres (with the exception of the bridge located immediately south of Burley Griffin Way).

Note: The road upgrades in this condition are only required if the preferred access route is unavailable, subject to condition 4 of this consent.

Cost Sharing – Road Upgrades

7. If the Applicant of the Riverina Solar Project (SSD 7482) pays for the road upgrades required in condition 5 or conditions 6(a) and (b) of this consent, and the Applicant proceeds with the construction of this development, then the Applicant shall pay the Applicant of the Riverina Solar Project half of the cost of the relevant road upgrades.

If there is a dispute about the payment of these costs, then either party may refer the matter to the Secretary for resolution. The Secretary's decision on the matter shall be final and binding on both parties.

Site Access

8. Prior to the commencement of construction, the Applicant shall:
 - (a) construct the site entry point off Hamilton Road (shown in the figure in Appendix 2), with a Rural Property Access type treatment to cater for the largest vehicle accessing the site, in accordance with

- the *Austroads Guide to Road Design* and Council's *Engineering Guidelines - Subdivisions and Development Standards*; and
- (b) close the existing site entry off Hamilton Road, and reinstate the road reserve to match the surrounding roadside landform, to the satisfaction of Council.

8A. Prior to the commencement of construction at the eastern lots, the Applicant shall construct the access way between the eastern and western lots (shown in the figure in Appendix 2), with a Rural Property Access type treatment to cater for the largest vehicle accessing the site, in accordance with the *Austroads Guide to Road Design* and Council's *Engineering Guidelines - Subdivisions and Development Standards*, to the satisfaction of Council.

Operating Conditions

9. The Applicant shall ensure:
- (a) the internal roadway is constructed as an all-weather roadway;
 - (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) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - (d) vehicles leaving the site are in a clean condition and do not result in dirt being tracked onto the public road network.

Traffic Management Plan

10. Prior to the commencement of any road upgrades required under this consent, the Applicant shall prepare a Traffic Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with the RMS and Council, and include:
- (a) details of the entire transport route to be used for development-related traffic;
 - (b) a protocol for undertaking dilapidation surveys to assess the:
 - existing condition of the transport route/s prior to construction, upgrading or decommissioning activities; and
 - condition of the transport route/s following construction, upgrading or decommissioning activities;
 - (c) a protocol for the repair of any roads identified in the dilapidation surveys to have been damaged during construction, upgrading or decommissioning works;
 - (d) details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction, upgrading or decommissioning works, including:
 - temporary traffic controls, including detours and signage;
 - notifying the local community about project-related traffic impacts;
 - minimising potential for conflict with school buses and rail services as far as practicable;
 - responding to any emergency repair or maintenance requirements; and
 - (e) a drivers code of conduct that addresses:
 - travelling speeds;
 - procedures to ensure that drivers adhere to the designated transport routes; and
 - procedures to ensure that drivers implement safe driving practices, particularly if using local roads through Griffith.
11. Following approval, the Applicant must implement the measures described in the Traffic Management Plan.

LANDSCAPING

Weeping Myall Woodland EEC

12. The Applicant shall minimise the clearing of any Weeping Myall Woodland EEC in the road reserve during the construction of the new site entry point, the access way between the eastern and western lots and the ancillary infrastructure connecting the site to the nearby substation.

Vegetated Buffer

13. The Applicant shall establish and maintain a mature vegetation buffer around the site at the locations outlined in the figure in Appendix 3. This buffer must:
- (a) be comprised of species that make up the Weeping Myall Woodland EEC, with *Acacia pendula* as the main species;
 - (b) be at least 5 metres deep, comprising at least two rows of staggered trees;
 - (c) be effective at screening views of the solar panels and ancillary infrastructure on site from surrounding residences, and minimising the glare from the solar panels on road users; and

- (d) be kept free of weeds.

Landscaping Plan

14. Prior to the commencement of construction, the Applicant shall:
- prepare a detailed Landscaping Plan for the site in consultation with OEH and Council; and
 - submit a copy of the plan to the Department.

Note: This plan must include the measures that would be implemented to ensure compliance with condition 13 of this consent.

LAND MANAGEMENT

15. Following any construction or upgrading on site, the Applicant shall:
- restore the ground cover of the site as soon as practicable, using suitable species;
 - maintain ground cover; and
 - keep this ground cover free of weeds.

AMENITY

Construction, Upgrading and Decommissioning Hours

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

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

17. The Applicant shall 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

18. The Applicant shall minimise the dust generated by the development.

Visual

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

Lighting

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

HERITAGE

Management of Aboriginal Heritage Items

21. The Applicant shall carry out the following in consultation with the Aboriginal stakeholders:
- (a) record the identified heritage items on site and submit the standard documentation to the Aboriginal Heritage Information Management System prior to construction;
 - (b) minimise the disturbance of heritage items on site;
 - (c) relocate any heritage items that would be disturbed by the development to suitable alternative locations on site prior to construction; and
 - (d) protect all heritage items on site, including those that would remain in situ as well as those that are relocated, from any impact.

Discovery of Human Remains

22. If human remains are discovered on site, then all work surrounding the area shall cease, and the area must be secured. The Applicant shall notify OEH as soon as possible following the discovery, and work shall not recommence in the area until this is authorised by OEH.

WATER

Water Pollution

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

Erosion and Sediment Control

24. The Applicant shall ensure that the development is carried out in accordance with OEH's *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual.

Stormwater Drainage

25. Unless Council agrees otherwise, the Applicant shall limit post-development flows from the site to pre-development flows for all storms up to and including the 100 year ARI event.
26. Prior to the commencement of construction, the Applicant shall:
- (a) prepare detailed Stormwater Plans for the site to the satisfaction of Council, in accordance with the requirements in Council's *Engineering Guidelines - Subdivisions and Development Standards* and *Stormwater Drainage and Disposal Policy*; and
 - (b) submit a copy of these plans to the Department.

HAZARDS

Storage and Handling of Dangerous Goods

27. All dangerous goods on site must be stored and handled in accordance with the relevant Australian Standard.

Operating Conditions

28. The Applicant shall:
- (a) ensure that the development:
 - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006* (or equivalent);
 - minimises the fire risks of the development;
 - is suitably equipped to respond to any fires on site; and
 - (b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.

Emergency Response Plan

29. Prior to the commencement of operations, the Applicant shall prepare an Emergency Response Plan for the development in consultation with the RFS and Fire & Rescue NSW. This plan must identify the fire risks and controls of the development, and the procedures that would be implemented if there is a fire on site or

in the vicinity of the site. A copy of the plan must be kept on site in a prominent position adjacent to the site entry point off Hamilton Road.

WASTE

30. The Applicant shall:
- minimise the waste generated by the development;
 - classify all waste on site in accordance with the EPA's *Waste Classification Guidelines*;
 - appropriately store and handle all waste on site in accordance with its classification; and
 - remove all waste from the site as soon as practicable, and ensure it is sent to appropriately licensed waste facilities for disposal.

DECOMMISSIONING AND REHABILITATION

31. All solar panels and ancillary infrastructure must be decommissioned within 18 months of the cessation of operations, unless the Secretary agrees otherwise.
32. In conjunction with the decommissioning of the development, the Applicant shall rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 1.

Table 1: Rehabilitation Objectives

Feature	Objective
Development site (as a whole)	<ul style="list-style-type: none">Safe, stable and non-pollutingMinimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use as far as is reasonable and feasible
Solar farm infrastructure	<ul style="list-style-type: none">To be decommissioned and removed, unless the Secretary agrees otherwise
Land use	<ul style="list-style-type: none">Restore land capability to pre-existing agricultural use
Community	<ul style="list-style-type: none">Ensure public safety

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. Prior to the commencement of construction, the Applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
 - (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (e) include:
 - copies of 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.
2. Following approval, the Applicant shall implement the Environmental Management Strategy.

Revision of Strategies and Plans

3. The Applicant shall:
 - (a) update the strategies and plans 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 and plans required under this consent to the satisfaction of the Secretary within 1 month of the:
 - submission of an incident report under condition 4 below; or
 - any modification to the conditions of consent.

INCIDENT REPORTING

4. The Applicant shall:
 - (a) immediately notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment;
 - (b) notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident for any other incident associated with the development; and
 - (c) within 7 days of the date of the incident, provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

ACCESS TO INFORMATION

5. The Applicant shall:
 - (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;
 - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - how complaints about the development can be made;
 - a complaints register;
 - any other matter required by the Secretary; and
 - (b) keep this information up to date, to the satisfaction of the Secretary.

APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



APPENDIX 2: SITE ACCESS



APPENDIX 3: LANDSCAPING PLAN

