

# 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

2017

### SCHEDULE 1

<b>Application Number:</b>	SSD 6785
<b>Applicant:</b>	Neoen Australia Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 7 DP 752575
<b>Development:</b>	Gilgandra Solar

Blue type represents Modification 1 (June 2019)

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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
Battery storage	Large scale energy storage system
Cessation of operations	Operation of the development has ceased for a continuous period of 6 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 any upgrades to the public road network required under this consent, installation of fencing, artefact survey, overhead line safety marking, geotechnical drilling and/or surveying)
Councils	Gilgandra Shire Council and Dubbo Regional 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
Development footprint	The area described as the development footprint and shown as the hatched area in the figure in Appendix 1
EIS	The environmental impact statement for Gilgandra Solar dated March 2017 and associated response to submissions dated June 2017, <a href="#">as modified by modification application SSD 6785 Mod 1 and accompanying Environmental Assessment titled Gilgandra Solar Farm Modification 1 SSD 6785 dated February 2019, subdivision plan (see Appendix 2), and additional information provided by the Applicant dated 17 June 2019.</a>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	<a href="#">A set of circumstances that causes or threatens to cause material harm to the environment</a>
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, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	<a href="#">An occurrence, set of circumstances or development that is a breach of this approval but is not an incident</a>
OEI	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
Project site	As shown in the table and 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
RFS	Rural Fire Service
RMS	Roads and Maritime Services
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
Vehicle Movement	One vehicle entering and leaving the 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 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, or decommissioning of the development.

### **TERMS OF CONSENT**

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

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

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

### **FINAL LAYOUT PLANS**

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

*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 must 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 must submit work as executed plans of the development to the Department.

### **NOTIFICATION OF WORKS**

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

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

## STRUCTURAL ADEQUACY

9. 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

10. 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

11. 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

12. 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.

## SUBDIVISION PLAN

13. The Applicant may subdivide the site to create two new allotments, as identified in the figure in Appendix 2 and in accordance with the requirements of the EP&A Act and EP&A Regulation.

*Notes:*

- Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.
- Division 4 of Part 8 of the EP&A Regulation sets out the application requirements for subdivision certificates

## **SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL**

### **BATTERIES**

#### **Battery Storage Restriction**

1. Battery storage is not permitted on site.

*Note: Nothing in this condition prevents the Applicant from seeking to modify the consent to permit battery storage in the future.*

### **TRANSPORT**

#### **Heavy Vehicle Restrictions**

2. The Applicant must ensure that the:
  - (a) development does not generate more than:
    - 25 heavy vehicle movements a day during construction, upgrading or decommissioning; or
    - 3 heavy vehicle movements a day during operations;on the public road network; and
  - (c) length of any 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 heavy vehicles entering or leaving the site each day.

#### **Access Route**

4. All vehicular traffic associated with the development must travel to and from the project site via the Newell Highway, Eumungerie Road, Baroona Road and one site entry point off Baroona Road (shown in Appendix 1).

#### **Road Upgrades**

5. Prior to the commencement of construction on site, the Applicant must:
  - (a) upgrade the intersection of Eumungerie Road with Baroona Road to provide a Channelised Right turn lane and a Basic Left turn treatment constructed for a 100km/h speed zone to accommodate the largest vehicle accessing the intersection, to the satisfaction of RMS and Dubbo Regional Council, and in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements), unless the RMS and Dubbo Regional Council agree otherwise; and
  - (b) upgrade Baroona Road between Eumungerie Road and the site entry point to an all-weather standard (gravel road base) suitable for two-way (heavy vehicle) construction traffic, to the satisfaction of the Councils, and in accordance with Councils' relevant guidelines, unless the Councils agree otherwise.

#### **Site Access**

6. Prior to the commencement of construction on site, the Applicant must construct one site entry point off Baroona Road (shown in Appendix 1) in accordance with Gilgandra Shire Council's relevant guidelines and to the satisfaction of Gilgandra Shire Council.

Once this site entry point is constructed, the Applicant may not construct any of the other potential site entry points shown in the figure in Appendix 1.

#### **Operating Conditions**

7. 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) 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

8. Prior to the commencement of any road upgrades required under this consent, the Applicant must 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 the Councils, and include:
- (a) details of the entire transport route to be used for development-related traffic;
  - (b) a protocol for undertaking a dilapidation survey to assess the:
    - existing condition of Eumungerie Road and Baroona Road prior to construction, upgrading or decommissioning activities; and
    - condition of Eumungerie Road and Baroona Road following construction, upgrading or decommissioning activities;
  - (c) a protocol for the repair of any roads identified in the dilapidation survey 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 development-related traffic impacts;
    - minimising potential for conflict with school buses, rail services and other motorists as far as practicable;
    - scheduling of haulage vehicle movements to minimise convoy length or platoons;
    - 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:
    - travelling speeds;
    - driver fatigue;
    - 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 Dubbo or Gilgandra.

Following approval, the Applicant must implement the plan.

## LANDSCAPING

### Vegetation Buffer

9. The Applicant must establish and maintain a mature vegetation buffer around the site at the locations outlined in the figure in Appendix 1, to the satisfaction of the Secretary. This buffer must:
- (a) be planted prior to the commencement of operations;
  - (b) include planting that is additional to existing vegetation within the curtilage of the site;
  - (c) consist of vegetation species that facilitate the best possible outcome in terms of visual screening;
  - (d) be effective at screening views of the solar panels and ancillary infrastructure on site from surrounding residences within 3 years of the commencement of construction;
  - (e) minimise the glare from the solar panels on road users;
  - (f) be properly maintained, [including management of weeds; and](#)
  - (g) be fenced [to exclude stock](#) in the event that stock are kept on the site.

### Landscaping Plan

10. Prior to the commencement of construction, the Applicant must prepare a detailed Landscaping Plan for the planting within the vegetation buffer in consultation with OEH and the owners of R1, R2 and R6, and to the satisfaction of the Secretary. The plan must [include](#):
- (a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition 9(b)-(g) of this consent;
  - (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 completion of actions.

Following approval, the Applicant must implement the plan.

*Note: Refer to Appendix 1 for the location of residences.*



## LAND MANAGEMENT

11. Following any construction or upgrading on site, the Applicant must:
- restore the ground cover of the site as soon as practicable, but within 12 months of completing any construction or upgrades, using suitable species;
  - maintain ground cover; and
  - manage weeds within this ground cover.

## BIODIVERSITY

### Retirement of Credits

12. Within two years of commencing development under this consent, unless otherwise agreed by the Secretary, the Applicant must retire biodiversity credits of a number and class specified in Table 1 below to the satisfaction of OEH.

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

- acquiring or retiring credits under the Biobanking Scheme in the *Threatened Species Conservation Act 1995*;
- making payments into an offset fund that has been developed by the NSW Government; or
- providing supplementary measures.

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT Number	Credits Required
Pilliga Box - White Cypress Pine - Buloke shrubby woodland	88	6

*Note: Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, credits created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.*

### Biodiversity Management Plan

13. Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with OEH, to the satisfaction of the Secretary. This plan must:
- include a description of the measures that would be implemented for:
    - minimising clearing and avoiding unnecessary disturbance associated with the construction and operation of the development on Pilliga Box - White Cypress Pine - Buloke shrubby woodland;
    - minimising the impacts to fauna on site and implementing fauna management protocols;
    - rehabilitating and revegetating temporary disturbance areas;
    - protecting vegetation and fauna habitat outside the approved disturbance areas; and
    - maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement of the vegetation buffer (shown in Appendix 1) or the rehabilitation of the site; and
  - include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

Following approval, the Applicant must implement the plan.

*Note: If the biodiversity offset area is conserved via a Biobanking Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biobanking Agreement.*

## AMENITY

### Construction, Upgrading and Decommissioning Hours

14. Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities 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**

15. 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**

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

#### **Visual**

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

#### **Lighting**

18. The Applicant must:
- (a) minimise the off-site lighting impacts of the development; and
  - (b) 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**

#### **Discovery of Human Remains**

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

#### **Chance Finds Protocol**

20. 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 OEH. Following approval, the Applicant must implement the Chance Finds Protocol.

#### **Management of Aboriginal Heritage Items**

21. The Applicant must avoid and protect from impact the sites identified as Oakvale IF1 and 28-4-0056 (shown as Aboriginal heritage exclusion zones in Appendix 1).
22. The Applicant must carry out the following in consultation with OEH and 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; and
  - (b) minimise the disturbance of any unexpected heritage items identified on site.

### **SOIL AND WATER**

#### **Water Pollution**

23. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

## Soil Erosion

24. The Applicant must:
- (a) 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; and
  - (b) ensure the solar panels and associated infrastructure are designed, constructed and maintained to avoid causing any tunnel erosion on site.

## Stormwater Drainage

25. Prior to the commencement of construction, the Applicant must:
- (a) prepare a detailed Stormwater Plan for the project site and Baroona Road, to the satisfaction of the Councils; and
  - (b) submit a copy of these plans to the Department.

Following approval, the Applicant must implement the Plan.

## HAZARDS

### Storage and Handling of Dangerous Goods

26. The Applicant must:
- (a) store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: *The storage and handling of flammable and combustible liquids*, or its latest version;
  - (b) ensure the substation is suitably bunded; and
  - (c) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

### Operating Conditions

27. The Applicant must:
- (a) minimise the fire risks of the development;
  - (b) ensure that the development:
    - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006* (or equivalent); and
    - is suitably equipped to respond to any fires on site;
  - (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 the commencement of operations.

### Emergency Response Plan

28. Prior to the commencement of operations, the Applicant must 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. Two copies of the plan must be kept on site in a prominent position adjacent to the site entry point at all times.

## WASTE

29. 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

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

*Table 2: Rehabilitation Objectives*

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

## **SCHEDULE 4**

### **ENVIRONMENTAL MANAGEMENT AND REPORTING**

#### **ENVIRONMENTAL MANAGEMENT**

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

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

Following the Secretary's approval, the Applicant must implement the Environmental Management Strategy.

##### **Revision of Strategies, Plans and Programs**

2. The Applicant must:
  - (a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:
    - submission of an incident report under condition 4 of Schedule 4;
    - submission of an audit report under condition 7 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.*

#### **COMPLIANCE**

##### **Incident Notification**

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

## Non-Compliance Notification

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

## Compliance Reporting

6. Prior to commencing the construction, upgrading and decommissioning of the development, the Applicant must submit a compliance report to the Department in accordance with the relevant *Compliance Reporting Post Approval Requirements* (DPE 2018), or its latest version.

## INDEPENDENT ENVIRONMENTAL AUDIT

7. Within 6 months of commencing construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
  - (a) be prepared in accordance with the relevant *Independent Audit Post Approval* requirements (DPE 2018);
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (c) be carried out in consultation with the relevant agencies;
  - (d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

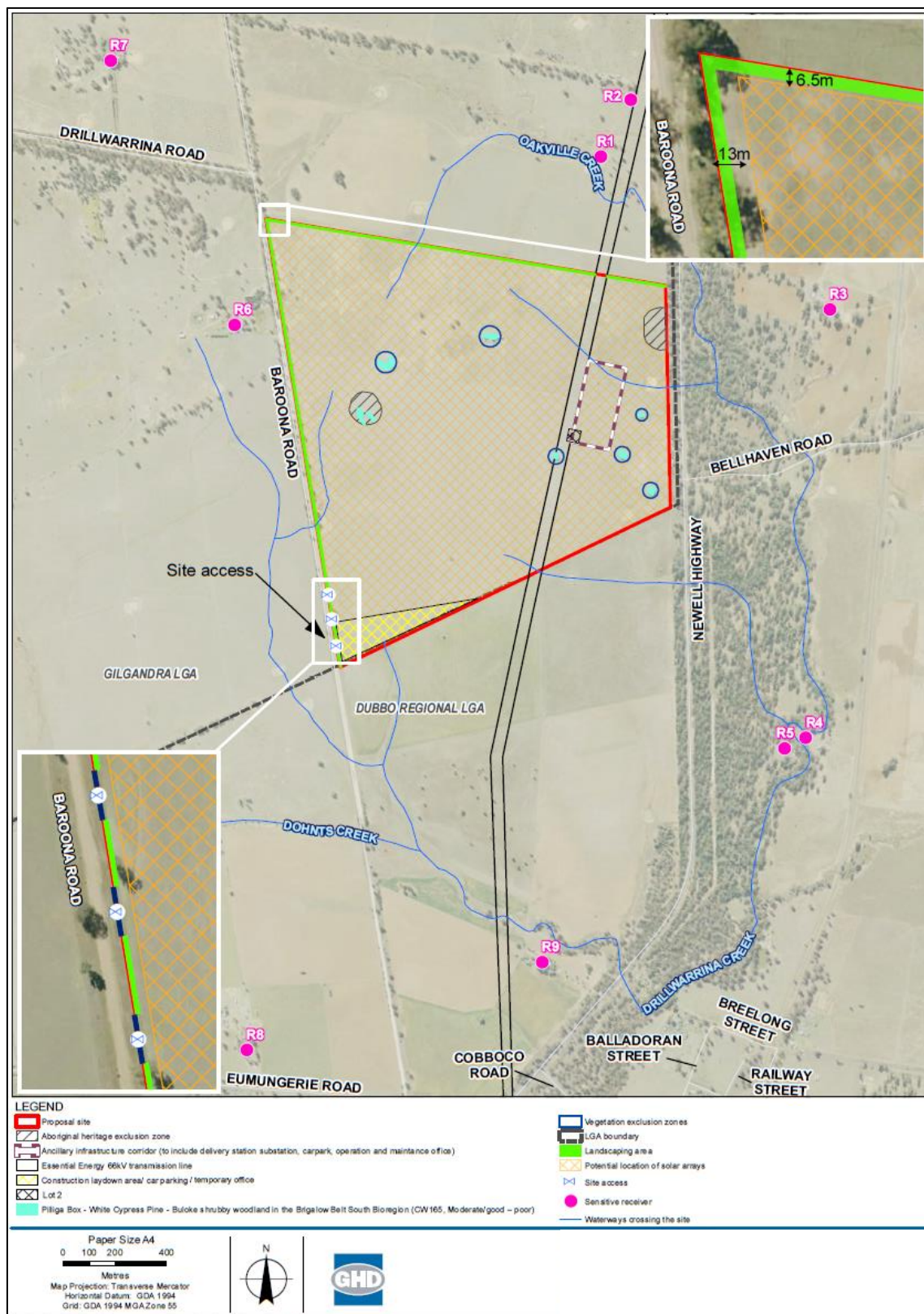
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a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

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

## ACCESS TO INFORMATION

8. 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: SUBDIVISION PLAN

