

## **Annexure A**

### **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** SSD 8847

**Development:** Dunedoo Solar Farm

**Site:** See Appendix 2

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 18 March 2022

**Date from which consent takes effect:** Date the consent is registered on the NSW Planning Portal.

#### **TERMINOLOGY**

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land comprised of the Lots listed at Appendix 2 to this consent.

The conditions of consent are as follows:

## TABLE OF CONTENTS

<b>DEFINITIONS .....</b>	<b>3</b>
<b>SCHEDULE 2 ADMINISTRATIVE CONDITIONS.....</b>	<b>5</b>
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT .....	5
TERMS OF CONSENT .....	5
UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE.....	5
STRUCTURAL ADEQUACY .....	5
DEMOLITION.....	5
PROTECTION OF PUBLIC INFRASTRUCTURE .....	5
OPERATION OF PLANT AND EQUIPMENT.....	6
SUBDIVISION .....	6
<b>SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL .....</b>	<b>7</b>
BATTERIES .....	7
TRANSPORT .....	7
LANDSCAPING.....	9
LAND MANAGEMENT .....	9
BIODIVERSITY .....	9
AMENITY .....	10
HERITAGE.....	11
SOIL AND WATER.....	12
HAZARDS .....	12
WASTE .....	14
ACCOMMODATION AND EMPLOYMENT STRATEGY.....	14
DECOMMISSIONING AND REHABILITATION .....	14
<b>SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING .....</b>	<b>16</b>
ENVIRONMENTAL MANAGEMENT .....	16
NOTIFICATIONS.....	16
INDEPENDENT ENVIRONMENTAL AUDIT.....	18
ACCESS TO INFORMATION.....	18
<b>APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT .....</b>	<b>18</b>
<b>APPENDIX 2: SCHEDULE OF LANDS.....</b>	<b>ERROR! BOOKMARK NOT DEFINED.9</b>
<b>APPENDIX 3: SUBDIVISION PLAN.....</b>	<b>20</b>
<b>APPENDIX 4: ROAD UPGRADES .....</b>	<b>21</b>
<b>APPENDIX 5: ABORIGINAL HERITAGE ITEMS.....</b>	<b>24</b>
<b>APPENDIX 6: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS...26</b>	

## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary Infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	Ib Vogt GMBH, or any person who seeks to carry out the development approved under this consent
BAL	Basic Left Turn
Battery storage	Large scale energy storage system
BCS	Biodiversity, Conservation and Science Directorate within the Department
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing.
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Warrumbungle Shire Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
DPIE Water	Water Group within the Department
EIS	The environmental impact statement for Dunedoo Solar Farm dated 24 September 2020, the Submissions Report and Amendment Report dated 8 March 2021, the additional information letter dated 3 June 2021, the Amendment Report dated 23 July 2021, the Landscaping Plan and the updated layout plan letter prepared by NGH dated 15 February 2022.
EPA	Environmental Protection Authority
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
FRNSW	Fire and Rescue NSW
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Landscaping Plan	The Landscaping Plan prepared by Moir Landscape Architecture dated 16 February 2022 (consisting of sheets LA-100E – LA-109E) includes any updates to this Landscaping Plan approved by the Planning Secretary in accordance with condition 13A of the Schedule 3.
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></ul>

	<ul style="list-style-type: none"><li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li></ul>
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
Planning Secretary	Planning Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels and drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance)
Vehicle movement	One vehicle entering and leaving the site

## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

### TERMS OF CONSENT

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

*Note: The general layout of the development is shown in Appendix 1.*
3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. The Applicant must comply with any requirement/s of the Secretary arising from the Department's assessment of:
  - (a) any strategies, plans or correspondence that are submitted in accordance with this consent;
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
  - (c) the implementation of any actions or measures contained in these documents

### UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

5. The Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Secretary incorporating the proposed upgrades.

### STRUCTURAL ADEQUACY

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

*Notes:*

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

### DEMOLITION

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

### PROTECTION OF PUBLIC INFRASTRUCTURE

8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
  - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

**OPERATION OF PLANT AND EQUIPMENT**

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

**SUBDIVISION**

10. The Applicant may subdivide land comprising the site for the purposes of carrying out the development, as shown in Appendix 3 and in accordance with the EIS and the requirements of the EP&A Act, EP&A Regulation, *Conveyancing Act 1919* (NSW) and the NSW Land Registration Services (or its successor).

*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.*

### SCHEDULE 3

## ENVIRONMENTAL CONDITIONS – GENERAL

#### BATTERIES

##### Battery Storage Restriction

1. The battery storage facility or system associated with the development must not exceed a total delivery capacity of 60.48 MW.

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

#### TRANSPORT

##### Heavy Vehicle Restrictions

2. The Applicant must ensure that the:
  - (a) development does not generate more than 80 heavy vehicle movements a day during construction, upgrading and decommissioning on the public road network; and
  - (b) length of any vehicles used for the development does not exceed 20.6 metres, unless the Secretary agrees otherwise.
3. The Applicant must keep accurate records of the number heavy vehicles entering or leaving the site each day for the duration of the project.

##### Access Route

4. All heavy vehicles associated with the development must travel to and from the site via Castlereagh Highway and All Weather Road, as shown in Appendix 1.
5. All light vehicles associated with the development must travel to and from the site via Golden Highway, Digilah Road and All Weather Road, as shown in Appendix 1.

##### Site Access

6. All heavy vehicles associated with the development must enter and exit the site via Access Point 1, as identified in Appendix 1.
7. All light vehicles associated with the development must enter and exit the site via Access Point 2, as identified in Appendix 1.

##### Road Upgrades

8. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must upgrade:
  - (a) the intersection of Castlereagh Highway and All Weather Road with BAL treatments to be sealed, designed and constructed for 100 km/h speed environment, able to accommodate the largest vehicle using the intersection, match existing road levels and not interfere with existing road drainage, identified in Appendix 4.
  - (b) the south-western section of All Weather Road to provide a heavy vehicle passing bay identified in Appendix 4.

Unless the relevant roads authority agrees otherwise, these upgrades must comply with the *Austrroads Guide to Road Design* (as amended by TfNSW supplements), and be carried out to the satisfaction of the relevant roads authority.

##### Road Maintenance

9. The Applicant must:
  - (a) undertake an independent dilapidation survey to assess the:

- existing condition of Castlereagh Highway / All Weather Road intersection, Digilah Road and All Weather Road on the transport route, prior to construction, upgrading and decommissioning activities; and
  - condition of Castlereagh Highway / All Weather Road intersection, Digilah Road and All Weather Road on the transport route, following construction, upgrading and decommissioning activities;
- (b) repair Castlereagh Highway / All Weather Road intersection, Digilah Road and All Weather Road on the transport route, if dilapidation surveys identify that the road/s have been damaged during construction, upgrading and decommissioning works;

in consultation with the relevant roads authority, and to the satisfaction of the Planning Secretary.

If there is a dispute about the repair of Castlereagh Highway / All Weather Road intersection, Digilah Road or All Weather Road between the applicant and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision on the matter must be final and binding on both parties.

### **Operating Conditions**

10. The Applicant must ensure:

- (a) the internal roads are constructed as all-weather roads;
- (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- (c) the capacity of the existing roadside drainage network is not reduced;
- (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (e) 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**

11. Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary. This plan must include:

- (a) details of the transport route to be used for development-related traffic, including the location of access points;
- (b) details of the road upgrade works required by condition 8 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:
  - details of the dilapidation surveys required by condition 9 of Schedule 3 of this consent;
  - temporary traffic controls, including detours, signage and provisions detailed in the draft Traffic Control Plan provided with the EIS;
  - notifying the local community about project-related traffic impacts;
  - procedures for receiving and addressing complaints from the community about development-related traffic;
  - minimising potential cumulative traffic impacts with other projects in the area, including during construction, upgrading or decommissioning works;
  - minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network (measures also required during operation of the project);
  - minimise dirt tracked onto the public road network from development-related traffic;
  - details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service;
  - encourage car-pooling or ride sharing by employees;
  - scheduling of haulage vehicle movements to minimise convoy length or platoons;
  - responding to local climate conditions that may affect road safety such as fog, dust or wet weather; and
  - responding to any emergency repair or regular maintenance requirements.
- (d) 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; 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 Secretary's approval, the Applicant must implement the Traffic Management Plan.

## LANDSCAPING

### Vegetation Buffer

12. The Applicant must establish and maintain a vegetation buffer (landscape screening) at the locations outlined in Appendix 1 to the satisfaction of the Planning Secretary. The landscape screening must:
- (a) be planted prior to commencing construction;
  - (b) be comprised of species that are endemic to the area;
  - (c) minimise views of the development from residences R5, R8 and R9 within 3 years of commencing operations;
  - (d) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
  - (e) be properly maintained with appropriate weed management, unless the Planning Secretary agrees otherwise.
- 12A The vegetation buffer (landscape screening) required by condition 12 must minimise views of the development from residences R3 and R4 within 3 years of commencing operations

### Landscaping Plan

13. The Applicant must implement the Landscaping Plan for the development to the satisfaction of the Planning Secretary. This plan includes:
- (a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition 12 (a) – (e) and 12A above;
  - (b) a program to monitor and report on the effectiveness of these measures; and
  - (c) details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.
- 13A. Any updates to the Landscaping Plan must be made in consultation with the owner of residences R3 and R4 and approved by the Planning Secretary prior to being implemented by the Applicant.

## LAND MANAGEMENT

14. The Applicant must maintain the agricultural land capability of the site, including:
- (a) establishing the ground cover of the site within 3 months, following any construction and upgrading;
  - (b) properly maintaining the ground cover with appropriate perennial species and weed management; and
  - (c) maintaining grazing within the development footprint, where practicable, unless the Planning Secretary agrees otherwise.

## BIODIVERSITY

### Vegetation Clearance

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

### Biodiversity Offsets

16. Prior to commencing construction, and depending on which transmission option is chosen, the Applicant must retire biodiversity credits of a number and class specified in Table 1 below, unless the Secretary agrees otherwise.

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

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

**Table 1: Ecosystem Credit Requirements**

Vegetation Community	PCT ID	Ecosystem Credits Required		
		Transmission Option 1	Transmission Option 2	Transmission Option 3
Fuzzy Box woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion	201	1	1	1
River Red Gum riparian tall woodland / open forest wetland in the Nandewar Bioregion and Brigalow Belt South Bioregion	78	5	4	4
Rough-Barked Apple – red gum – Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	281	14	14	19

### Biodiversity Management Plan

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

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

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

### AMENITY

#### Construction, Upgrading and Decommissioning Hours

18. Unless the Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities between:
- 7 am to 6 pm Monday to Friday;
  - 8 am to 1 pm Saturdays; and

- (c) at no time on Sundays and NSW public holidays.

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

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

### Noise

19. The Applicant must:

- (a) 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; and
- (b) ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A)  $L_{Aeq,15min}$  to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residence.

### Dust

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

### Visual

21. The Applicant must:

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

### CCTV Cameras

21A Any security cameras installed as part of the development must be mounted so that they are not directed towards residences R3 and R4.

### Lighting

22. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
  - is installed as low intensity lighting (except where required for safety or emergency purposes);
  - does not shine above the horizontal; and
  - complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* and the *Dark Sky Planning Guideline* (DPE 2018), or their latest versions.

### HERITAGE

#### Protection of Heritage Items

23. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 in Appendix 5 or located outside the approved development footprint.

24. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 5, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location.

*Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 5.*

#### Heritage Management Plan

25. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Appendix 5, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
  - (c) include a description of the measures that would be implemented for:
    - protecting the Aboriginal heritage items identified in Table 1 in Appendix 5 or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to carrying out any development that could directly or indirectly impact the heritage items located in Table 2 of Appendix 5;
    - salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 5;
    - a contingency plan and reporting procedure if:
      - previously unidentified heritage items are found; or
      - Aboriginal skeletal material is discovered;
    - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
    - ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
  - (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

## **SOIL & WATER**

### **Water Supply**

26. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.*

### **Water Pollution**

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

### **Operating Conditions**

28. The Applicant must:
- (a) minimise 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 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 solar panels and any all works are undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), unless DPIE Water agrees otherwise.

## **HAZARDS**

### **Fire Safety Study**

29. 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. The study must:
- (a) be consistent with the:
    - Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*;

- NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*; and;
- (b) describe the final design of the battery storage facility including, but not limited to, demonstrating appropriate separation distances to on-site and off-site receptors, and within sub-units.

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

### Safety Management Study

30. Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Safety Management Study for the development, in consultation with the owner of the gas pipeline. The study must include an assessment of potential electrical hazards, and must be consistent with the *Australian Standard 2885 for Pipelines – Gas and Liquid Petroleum* and *Australian Standard 4853-2012-Electrical Hazards on Metallic Pipelines*.

Following completion of the Study, the Applicant must implement the measures described in the Safety Management Study.

### Storage and Handling of Dangerous Goods

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

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

### Operating Conditions

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

### Emergency Plan

33. Prior to commencing operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, in consultation with FRNSW and the RFS, and provide a copy of the plan to the local Fire Control Centre. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
  - (b) identify the fire risks and detailed measures for the development to prevent or mitigate fires igniting;
  - (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;
  - (d) list works that should not be carried out during a total fire ban;
  - (e) include availability of fire suppression equipment, access and water;
  - (f) include procedures for the storage and maintenance of any flammable materials;
  - (g) notification of the local RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation proposed to be carried out during a bushfire danger period to ensure whether conditions are appropriate

- (h) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (i) include a figure showing site infrastructure, Asset Protection Zone and the on-site water supply tank;
- (j) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during firefighting operations;
- (k) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (l) include bushfire emergency management planning;
- (m) include details of 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; and
- (n) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.

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

## WASTE

34. 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.

## ACCOMMODATION AND EMPLOYMENT STRATEGY

35. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Secretary. 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 developments in the area and tourism activity;
  - (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.

Following the Secretary's approval, the Applicant must implement the Accommodation and Employment strategy.

## DECOMMISSIONING AND REHABILITATION

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

**Table 2: Rehabilitation Objectives**

<b>Feature</b>	<b>Objective</b>
Site	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use</li> </ul>
Solar farm infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Secretary agrees otherwise</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>



## SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

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

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

#### Revision of Strategies, Plans and Programs

2. The Applicant must:
  - (a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:
    - submission of an incident report under condition 7 of Schedule 4;
    - submission of an audit report under condition 11 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 Planning 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 Planning Secretary for approval.

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

#### Notes:

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

### NOTIFICATIONS

#### Notification of Department

4. Prior to commencing the road upgrades, construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.



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

#### Final Layout Plans

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

#### Work as Executed Plans

6. Prior to commencing operations, or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to the Secretary, via the Major Projects website.

#### Incident Notification

7. The Department must be notified in writing via the Major Projects website portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 6.

#### Non-Compliance Notification

8. The Department must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.
9. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been done, or will be, undertaken to address the non-compliance.
10. A non-compliance which has been notified as an incident does need to also be notified as a non-compliance.

#### INDEPENDENT ENVIRONMENTAL AUDIT

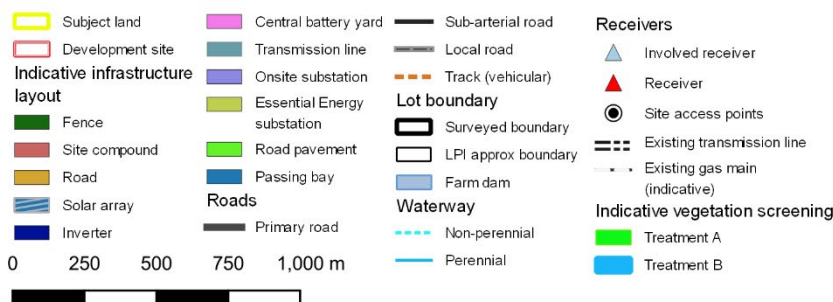
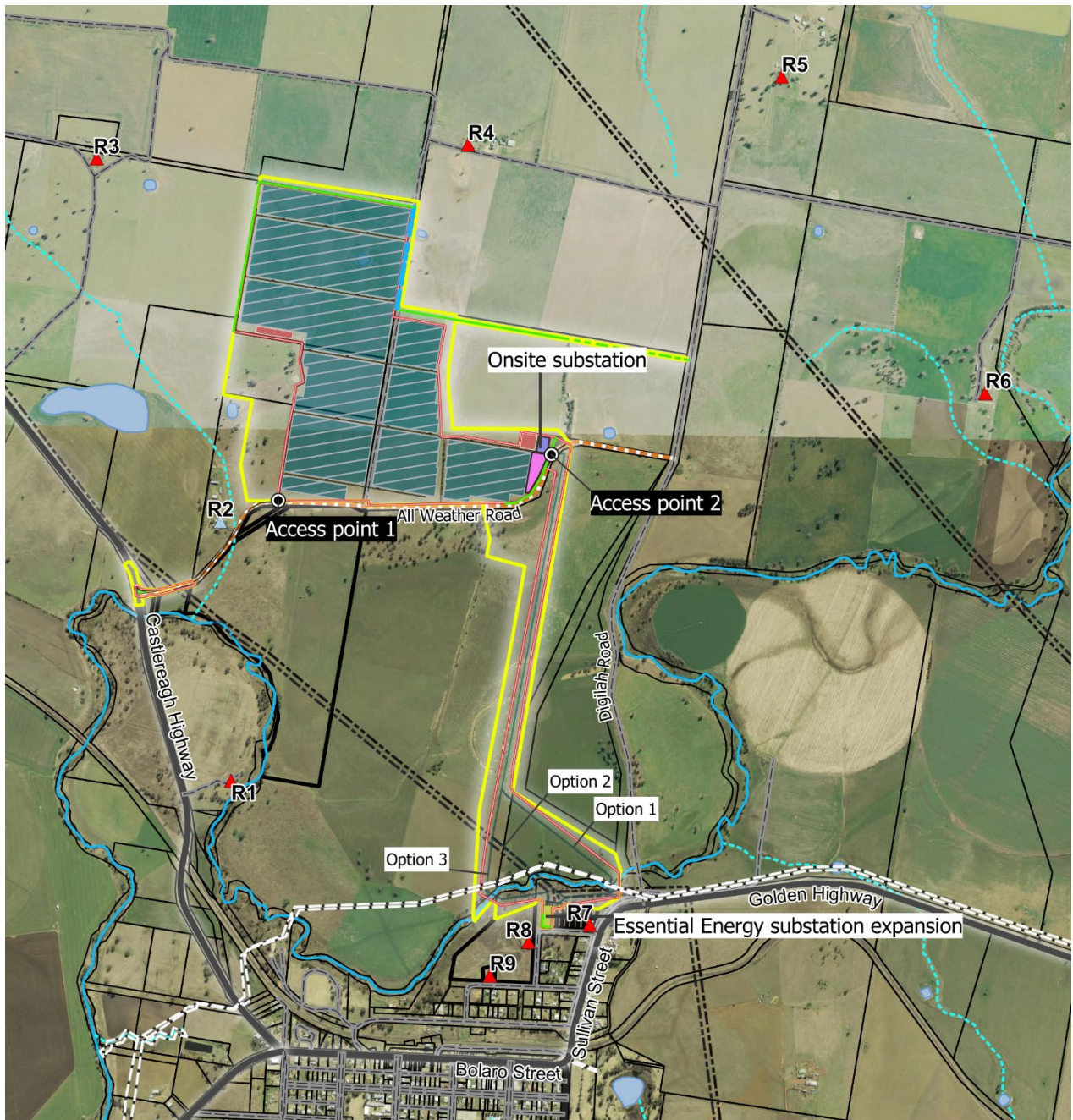
11. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)* for the following frequency:
  - (a) within 3 months of commencing construction; and
  - (b) within 3 months of commencing operations.
12. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
13. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4, upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
14. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition 11 of Schedule 4 of this consent, or condition 13 of Schedule 4 where notice is given by the Planning Secretary;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
15. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements (2020)* unless otherwise agreed by the Planning Secretary.
16. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased,

where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

**ACCESS TO INFORMATION**

17. The Applicant must:
- (b) 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;
    - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - any other matter required by the Planning Secretary; and
  - (c) keep this information up to date.

### APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



Data Attribution  
© NGH 2022  
© Design: ibvogt 2022  
© Basemap and topographic features: Land and Property Information 2020

Ref: 17-362 Dunedoo Solar Farm 8.1.2020 \ Attachment B Feb 2022  
Author: zjokadar  
Date created: 17.02.2022  
Datum: GDA94 / MGA zone 55

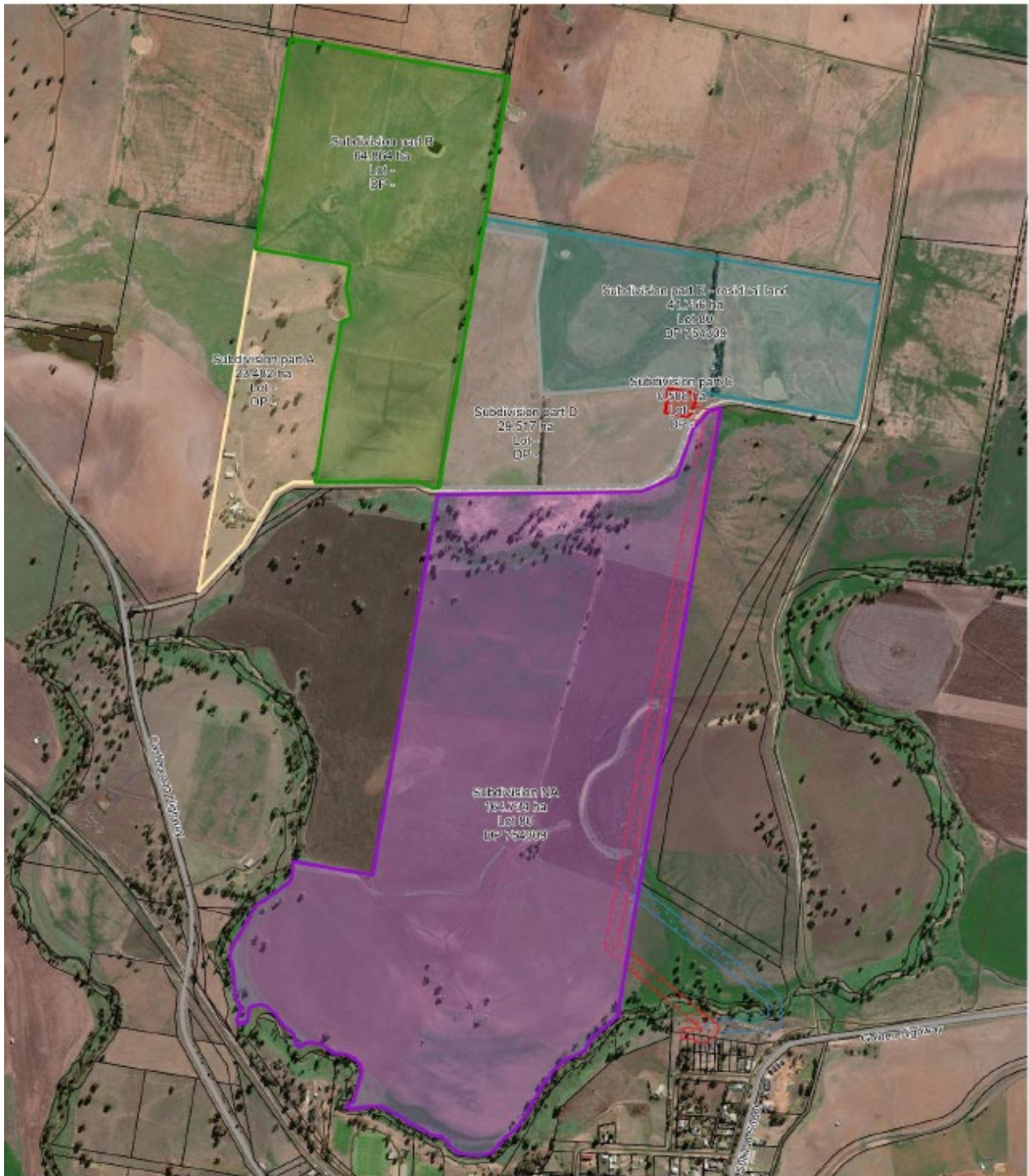


**APPENDIX 2: SCHEDULE OF LAND**

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
37	754309
80	
137	
140	
1	854326
1	1260716
1	535659
119	754291
7011	93332
7012	93290
181	754291
182	
183	
184	
185	
186	
196	
197	
198	
199	
200	
201	

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

**APPENDIX 3:  
SUBDIVISION PLAN**



subdivision plan - proposed lots

Legend

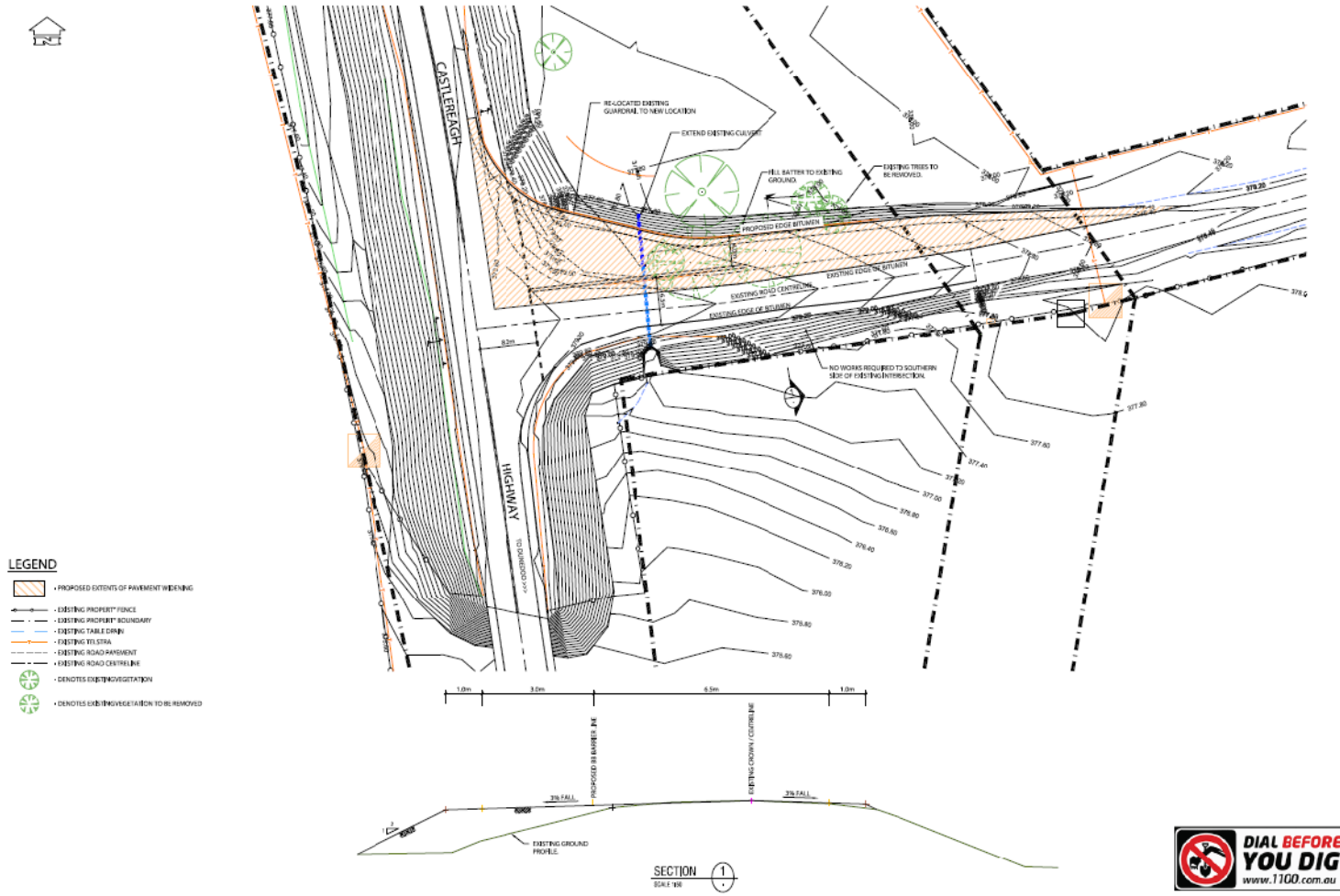
- |  |  |
|--|--|
| Proposed subdivision and consolidation of lots | Proposed transmission line easement option 1 |
| Subdivision NA                                 | Proposed transmission line easement option 2 |
| Subdivision part A                             | Premise survey lot data modified             |
| Subdivision part B                             | LPI approximate boundary                     |
| Subdivision part C                             | Lot part of proposed subdivision             |
| Subdivision part D                             | Road   |
| Subdivision part E - residual land             | Primary Road                                 |
|  | Local Road                                   |

0 50 100 150 200 250 m

Data Attribution  
 © NHM 2023  
 © Subdivision plan ib vogt 2020  
 © Basemap and road Spatial Services NSW 2020  
 Ref: 17-302 Danedoo Solar Farm 8.1.2020 \\  
 Subdivision plan - proposed lots 21 06 02 LT  
 Author: James I  
 Date created: 02.06.2021  
 Datum: GDA04 / MGA zone 55



**APPENDIX 4  
ROAD UPGRADES**






PROPOSED INTERSECTION  
CASTERLEIGH HIGHWAY  
DUNEDOO NSW



PROPOSED INTERSECTION  
LAYOUT PLAN



CIVIL DRAWING	
Checked: [initials]	Approved on behalf of [firm name] Consulting Engineers
Drawn: [initials]	Project Engineer/Designer
Checked: [initials]	Drawing No.
Issue: [initials]	- C01
Date: [initials]	A





**Table 1: Road upgrades**

<b>Road</b>	<b>Location</b>	<b>Upgrade requirements</b>	<b>Timing</b>
Castlereagh Highway / All Weather Road	Intersection of Castlereagh Highway and All Weather Road to the southwest of the site	<ul style="list-style-type: none"> <li>• Basic Left turn (BAL) treatment</li> <li>• Intersection to be sealed with asphalt / bitumen treatment from Castlereagh Highway for a length of the existing seal along All Weather Road</li> </ul>	Prior to construction
All Weather Road	South-western end of All Weather Road between Castlereagh Highway intersection and Access Point 1	<ul style="list-style-type: none"> <li>• Road widening to provide heavy vehicle passing bay.</li> </ul>	

**Notes:**

- Unless the relevant roads authority agrees otherwise, upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements).
- 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.
- Figures in Appendix 4 are indicative only. Detailed design drawings are to be submitted to the relevant road authority prior to commencement of road upgrades.

## APPENDIX 5: ABORIGINAL HERITAGE ITEMS

TABLE 1: ABORIGINAL HERITAGE ITEMS – AVOID IMPACTS

<i>Item</i>
Dunedoo Solar AFT 15 (Artefact Scatter)
Dunedoo Solar AFT 16 (Artefact Scatter)
Dunedoo Solar AFT 17 (Artefact Scatter)
Dunedoo Solar AFT 18 (Artefact Scatter)
Dunedoo Solar AFT 19 (Artefact Scatter)
Dunedoo Solar AFT 20 (Artefact Scatter)
Dunedoo Solar AFT 21 (Isolated Find)
Dunedoo Solar AFT 22 (Isolated Find)
Dunedoo Solar AFT 23 (Isolated Find)

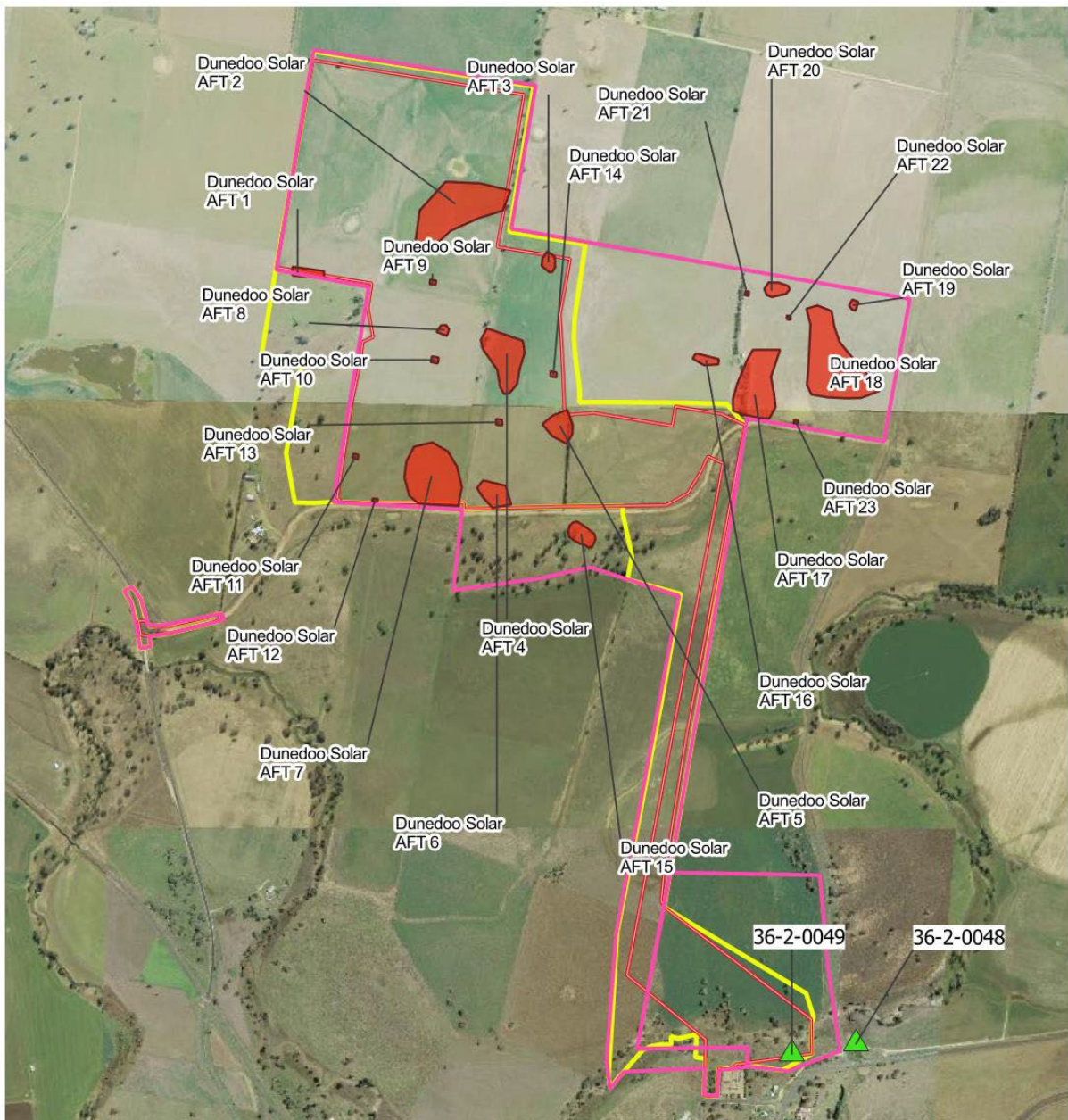
\* Refer to the Figure in this Appendix to identify items

TABLE 2: ABORIGINAL HERITAGE ITEMS – SURFACE COLLECTION SALVAGE

<i>Item</i>	
Dunedoo Solar AFT 1 (Artefact Scatter)	Dunedoo Solar AFT 2 (Artefact Scatter)
Dunedoo Solar AFT 3 (Artefact Scatter)	Dunedoo Solar AFT 4 (Artefact Scatter)
Dunedoo Solar AFT 5 (Artefact Scatter)	Dunedoo Solar AFT 6 (Artefact Scatter)
Dunedoo Solar AFT 7 (Artefact Scatter)	Dunedoo Solar AFT 8 (Artefact Scatter)
Dunedoo Solar AFT 9 (Isolated Find)	Dunedoo Solar AFT 10 (Isolated Find)
Dunedoo Solar AFT 11 (Isolated Find)	Dunedoo Solar AFT 12 (Isolated Find)
Dunedoo Solar AFT 13 (Isolated Find)	Dunedoo Solar AFT 14 (Isolated Find)
Dunedoo Solar AFT 24 (Artefact Scatter)	

\* Only items located within the development footprint are to be salvaged (refer to the Figure in this Appendix to identify

items)



Legend

- Aboriginal surface sites
- ▲ AHIMS sites
- Heritage survey area
- Proposal Area
- Development site

0 100 200 300 400 m



Data Attribution  
© NGH 2020  
© Design: ibvogt 2020  
© Basemap and topographic features: Land and Property Information 2020

Ref: 17-362 Dunedoo Solar Farm Heritage  
1.7.2020 \ 8 Overview of survey results  
Author: clancy.b  
Date create: 02.07.2020  
Datum: GDA94 / MGA zone 55



## **APPENDIX 6 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 7 of Schedule 4 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.