

# Development Consent

## Section 4.38 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

**18 DECEMBER**

2018

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 9039
<b>Applicant:</b>	ESCO Pacific Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 2
<b>Development:</b>	Mulwala Solar

## TABLE OF CONTENTS

<b>DEFINITIONS</b>	<b>3</b>
<b>ADMINISTRATIVE CONDITIONS</b>	<b>5</b>
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Final Layout Plans	5
Upgrading of Solar Panels and Ancillary Infrastructure	5
Work as Executed Plans	5
Notification of Department	5
Structural Adequacy	6
Demolition	6
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
<b>ENVIRONMENTAL CONDITIONS – GENERAL</b>	<b>7</b>
Transport	7
Landscaping	8
Land Management	8
Biodiversity	9
Amenity	10
Heritage	10
Soil & Water	11
Hazards	11
Waste	12
Decommissioning and Rehabilitation	12
<b>ENVIRONMENTAL MANAGEMENT AND REPORTING</b>	<b>13</b>
Environmental Management	13
Compliance	13
Independent Environmental Audit	14
Access to Information	14
<b>APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT</b>	<b>15</b>
<b>APPENDIX 2: SCHEDULE OF LAND</b>	<b>16</b>
<b>APPENDIX 3: ABORIGINAL HERITAGE ITEMS</b>	<b>17</b>

## DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Applicant	ESCO Pacific 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 12 months
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes road 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	Federation 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 within the site on which the components of the project will be constructed (shown in Appendix 1)
Dol L&W	Department of Industry - Lands & Water Division
EIS	The environmental impact statement for Mulwala Solar dated May 2018 and the associated response to submissions dated October 2018
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 set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Minister	Minister for Planning, 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
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
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	Rural Fire Service
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site

	offices and compounds, materials storage compounds, maintenance workshops, or material stockpiles
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.

### **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.

### **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 and project details of the development to the Secretary incorporating the proposed upgrades.

### **WORK AS EXECUTED PLANS**

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

### **NOTIFICATION OF DEPARTMENT**

8. Prior to commencing the construction, operation, 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 commencing 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 proposed building works.
- 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.

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

### **TRANSPORT**

#### **Over-Dimensional and Heavy Vehicle Restrictions**

1. The Applicant must ensure that the:
  - (a) development does not generate more than:
    - 20 heavy vehicle movements a day during construction, upgrading or decommissioning;
    - 10 over-dimensional vehicle movement during construction, upgrading and decommissioning; and
    - 2 heavy vehicle movements a day during operations;on the public road network;
  - (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Secretary agrees otherwise.
2. The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day.

#### **Access Route**

3. All vehicles associated with the development must travel to and from the site via Melbourne Road, Tocumwal Road, Savernake Road and Lambruck Lane or Corowa Road/Spring Drive, Tocumwal Road, Savernake Road and Lambruck Lane and use the approved site access points on Lambruck Lane (shown in Appendix 1).

#### **Road Upgrades and Site Access**

4. Prior to commencing construction, the Applicant must upgrade:
  - (a) the intersection of Savernake Road and Lambruck Lane to a standard that allows two-way heavy vehicle movements, including a bitumen seal;
  - (b) Lambruck Lane between Savernake Road and the Benalla to Oaklands railway to a standard that allows two-way heavy vehicle movements with a minimum seal of 8 metres at the railway crossing; and
  - (c) the two site access points on Lambruck Lane to include access driveways to a width of 7 metres with a gravel seal.

These upgrades must comply with the *Austrroads Guide to Road Design* (as amended by RMS supplements), and be carried out to the satisfaction of Council.

#### **Operating Conditions**

5. 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**

6. Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development in consultation with RMS and Council, and to the satisfaction of the Secretary. This plan must include:
  - (a) details of the transport route to be used for all development-related traffic;
  - (b) a protocol for undertaking independent dilapidation surveys to assess the:
    - existing condition of Savernake Road and Lambruck Lane on the transport route prior to construction, upgrading or decommissioning activities; and
    - condition of Savernake Road and Lambruck Lane on the transport route following construction, upgrading or decommissioning activities;
  - (c) a protocol for the repair of Savernake Road and Lambruck Lane if dilapidation surveys identify that the road/s have been damaged during construction, upgrading or decommissioning works;
  - (d) details of the road upgrade and site access works required by conditions 4 and 5 of Schedule 3;

- (e) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
  - the movement of vehicles on the local road network;
  - temporary traffic controls, including detours and signage;
  - notifying the local community about project-related traffic impacts;
  - procedures for receiving and addressing complaints from the community about development-related traffic;
  - minimising potential for conflict with school buses and other motorists, as far as practicable;
  - measures to encourage the use of the employee shuttle bus service;
  - scheduling of haulage vehicle movements to minimise convoy length or platoons;
  - responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
  - responding to any emergency repair or maintenance requirements; and
  - a traffic management system for managing over-dimensional vehicles; and
- (f) a driver's code of conduct that addresses:
  - travelling speeds;
  - driver fatigue;
  - procedures to ensure that drivers adhere to the designated transport route/s; and
  - procedures to ensure that drivers implement safe driving practices.

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

## LANDSCAPING

### Vegetation Buffer

7. The Applicant must establish and maintain a mature vegetation buffer (landscape screening) at the locations outlined in the figure in Appendix 1 to the satisfaction of the Secretary. This vegetation buffer must:
  - (a) be planted prior to commencing operations;
  - (b) consist of species that facilitate the best possible outcome in terms of visual screening;
  - (c) within 3 years of commencing construction, effectively screen views of the solar panels and ancillary infrastructure on-site from surrounding residences; and
  - (d) be properly maintained with appropriate weed management.

### Landscaping Plan

8. Prior to commencing construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with Council and RMS, to the satisfaction of the Secretary. This plan must include:
  - (a) a description of measures that would be implemented to ensure that the vegetated buffer achieves the objectives of condition 7 (b) – (d) of this consent;
  - (b) include a program to monitor and report on the effectiveness of these measures; and
  - (c) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for the completion of actions.

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

## LAND MANAGEMENT

9. Following any construction or upgrading on the site, the Applicant must:
  - (a) restore the ground cover of the site as soon as practicable;
  - (b) maintain the ground cover with appropriate perennial species; and
  - (c) manage weeds within this ground cover.



## BIODIVERSITY

### Biodiversity Offsets

10. Within two years of commencing construction, unless the Secretary agrees otherwise, 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 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) providing supplementary measures.

**Table 1: Ecosystem Credit Requirements**

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits Required</b>
Yellow-box – White Cypress Pine grassy woodland on deep sandy-loam alluvial soils of the eastern Riverina region and western NSW South Western Slopes Bioregion	75	30.75
Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions	76	
Western Grey Box - White Cypress Pine tall woodland on loam soil on alluvial plains of the NSW South Western Slopes Bioregion and Riverina Bioregion	80	

*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

11. Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with OEH, and to the satisfaction of the Secretary. This plan must:
- (a) include a description of the measures that would be implemented for:
    - 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;
    - protecting and managing vegetation and fauna habitat outside the approved disturbance areas;
    - 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 and feral pests; and
  - (b) 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 a biodiversity offset area is conserved 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

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

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

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

### Noise

13. 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

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

### Visual

15. 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 identification or safety purposes.

### Lighting

16. 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*, or its latest version.

## HERITAGE

### Protection of Heritage Items

17. The Applicant must ensure that the development avoids (as far as practicable) any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 3.

If impacts on these items cannot be avoided, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location on site, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

*Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 1.*

18. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 2 of Appendix 3 or located outside the approved development footprint.

### 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 commencing 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 OEH's approval, the Applicant must implement the Chance Finds Protocol.

## SOIL & WATER

### Water Supply

21. 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

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

### Stormwater Drainage

23. Prior to commencing construction, the Applicant must prepare a detailed Stormwater Plan for the site to the satisfaction of the Secretary.

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

## Operating Conditions

24. The Applicant must:
- (a) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on localised flooding and groundwater at the site;
  - (b) minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version; and
  - (c) ensure all works are undertaken in accordance with the following, unless otherwise agreed by DoL L&W:
    - *Guidelines for Controlled Activities on Waterfront Land* (2012), or its latest version; and
    - *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004), or its latest version.

## HAZARDS

### Fire Safety Study

25. Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study of the development to the satisfaction of the Secretary. The study must:
- (a) be consistent with the:
    - *Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'* guideline; and
    - *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
  - (b) describe the final design of the battery storage facility; and
  - (c) verify the analysis performed in the *Section 8.10 – Hazards and Risks* of the EIS. Any significant design variations between the final design and the design considered in the EIS must be identified and analysed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.

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

## Storage and Handling of Dangerous Materials

26. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

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

### Operating Conditions

27. The Applicant must:
- (a) minimise the fire risks of the development;
  - (b) ensure that the development:
    - includes at least a 10 metre defendable space around the perimeter of the solar array area and battery storage facility that permits unobstructed vehicle access;
    - manages the defendable space and solar array areas as an Asset Protection Zone;
    - complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006 (or equivalent)* and *Standards for Asset Protection Zones*;
    - 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 located adjacent to the internal access road;
  - (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
  - (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

### Emergency Plan

28. Prior to the commissioning of development, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. 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 of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
  - (b) be prepared in consultation with Fire and Rescue NSW and RFS to their satisfaction;
  - (c) identify the fire risks and controls of the development; and
  - (d) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site.

### 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 must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 2.

Table 2: Rehabilitation Objectives

Feature	Objective
Project 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</li> </ul>

## **SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Environmental Management Strategy**

1. Prior to commencing 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:
    - references to any plans approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out in relation to the development.

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

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

2. The Applicant must:
  - (a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:
    - submission of an incident report under condition 4 of Schedule 4;
    - submission of an audit report under condition 6 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. The Applicant must provide regular compliance reporting to the Department on the development in accordance with the relevant *Compliance Reporting* requirements (DPE 2018).

## 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.

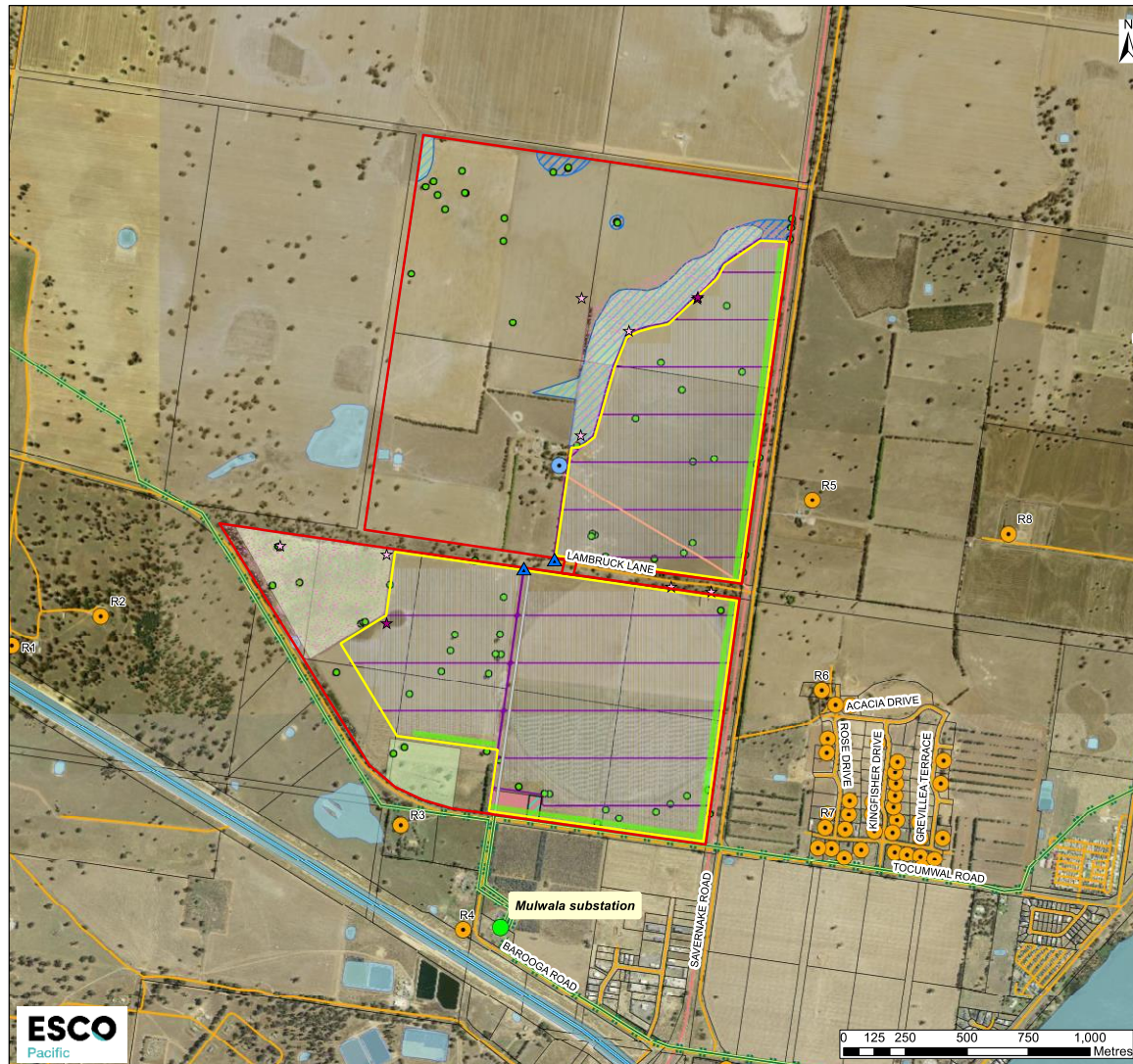
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a 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:
  - (f) 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
  - (g) keep this information up to date.

## APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT



PROJECT <b>Mulwala Solar Farm</b>		
MAP TITLE <b>Project Layout</b>		
Title Info Lot 1 in DP100773 Lots 1-7 in DP134511 Lot 103, 114-116, 125, 132 in DP 752290		
<b>LEGEND</b>  <b>Mulwala Solar Farm</b> <div> <div>Project Boundary (Combined Lot Boundary - 420 hectares)</div> <div>Development Footprint (215 hectares)</div> <div>PV Solar Array</div> <div>Site Office, Maintenance Shed, Switchyard</div> <div>Battery Storage area (indicative location)</div> <div>Internal Access Tracks</div> <div>Indicative Access Points</div> <div>Landholder associated with the project</div> <div>Sensitive Receivers</div> </div> <b>Preliminary Landscape Design Intent</b> <div> <div>Mitigative Vegetation buffer</div> </div> <b>Ecological Value</b> <div> <div>Native Vegetation</div> <div>Scattered Trees (within project boundaries)</div> </div> <b>Aboriginal Heritage</b> <div> <div>Aboriginal sensitive area</div> <div>Potential Aboriginal Artefacts to be salvaged</div> <div>Potential Aboriginal Artefacts to be avoided</div> </div> <b>Hydrology</b> <div> <div>Watercourses</div> <div>Areas subject to inundation</div> <div>Murray Irrigation channel</div> <div>Dam / Water features</div> </div> <b>Others</b> <div> <div>Cadastral Boundaries</div> <div>Essential Energy Substation</div> <div>Essential Energy Transmission lines</div> <div>Easement (11m wide, variable length)</div> <div>22kV Distribution line (to be relocated or avoided)</div> <div>Roads / Tracks</div> <div>Railway</div> </div>		
<small> <b>DISCLAIMER:</b>  This plan was prepared for the purpose and exclusive use of ESCO Pacific Pty Ltd and its  officers and directors and is to be used for any other purpose. This map is not guaranteed to be free from error or  omission. The location of features should not be relied on as exact field locations.  Owner: Queensland  Prepared: GHD/ESCO </small>		
DATE 5/12/2018	SCALE 1:15,000	Page Size A3
STATUS FINAL	PRODUCED C. Berge	APPROVED A. Hawke
MAP No. MUL_LAY_007_08_Project_Layout	REV 08	



## APPENDIX 2: SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
1	100773
1	134511
2	134511
3	134511
4	134511
5	134511
6	134511
7	134511
103	752290
114	752290
115	752290
116	752290
125	752290
132	752290

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



### APPENDIX 3: ABORIGINAL HERITAGE ITEMS

**Table 1: Aboriginal heritage items – avoid impacts or salvage and relocate**

<i>Item</i>
55-4-260/55-4-0259
55-5-0139
55-5-0140

**Table 2: Aboriginal heritage items – avoid impacts**

<i>Item</i>
55-4-0261/55-4-0257
55-5-0138
55-4-0258
55-5-0132
55-5-0133
55-5-0134
55-5-0135