

Development Consent

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

As delegate of the Independent Planning Commission, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent 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.



Mike Young
Executive Director
Energy, Resources and Compliance

Sydney

16 July 2020

SCHEDULE 1

Application Number:	SSD 9515
Applicant:	ib vogt GmbH
Consent Authority:	Independent Planning Commission
Land:	See Appendix 2
Development:	Yanco Solar Farm

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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
Battery storage	Large scale energy storage system
BCD	Biodiversity and Conservation Division within the Department
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 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	Leeton 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 Yanco Solar Farm dated 9 April 2019, the Response to Submissions dated 5 September 2019 and the Amendment Reports dated 4 September 2019 and 23 June 2020.
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>
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
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"> • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • 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 expense that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
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 construction, commissioning, trials of equipment, the use of temporary facilities or decommissioning
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
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, 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), in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement

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.

LIMIT ON CONSENT

5. Unless the Secretary agrees otherwise, the development must cease operations within 30 years of commencing operation of the development.

In considering a request from the Applicant to continue the operation of the development, the Secretary is to consult with Council and consider the land use planning objectives applicable to the site at the time.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

6. The Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site and in accordance with condition 5 of Schedule 2. 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

7. 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

8. 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

9. 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

10. 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

11. The Applicant may subdivide the site as identified in Appendix 4 and in accordance with the requirements of the EP&A Act and EP&A Regulation.

Notes:

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

COMMUNITY ENHANCEMENT

12. Prior to commencing construction, unless the Secretary agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the agreement between the Applicant and Leeton Shire Council identified in Appendix 3.

In the event of a dispute, either party may refer the matter to the Secretary for resolution.

SCHEDULE 3

ENVIRONMENTAL CONDITIONS – GENERAL

BATTERIES

Battery Storage Restriction

1. The battery storage facility or systems associated with the development must not exceed a total delivery capacity of 81 MW.

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

TRANSPORT

Over-Dimensional and Heavy Vehicle Restrictions

2. The Applicant must ensure that the:
 - (a) development does not generate more than:
 - 36 heavy vehicle movements a day during construction, upgrading and decommissioning;
 - 2 over-dimensional vehicle movements during construction, upgrading and decommissioning;
 - 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 19 metres, unless the Secretary agrees otherwise.
3. The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Route

4. Unless the Secretary agrees otherwise, all over-dimensional and heavy vehicles associated with:
 - the development must travel to and from the site via Irrigation Way, McQuillan Road, Racecourse Road, Poplar Avenue and Canal Street, Whitton Road, Toorak Road and Research Road and the approved site access points on Toorak Road and Research Road as identified in the figure in Appendix 1 and Appendix 5; and
 - the construction of the transmission line may also use Houghton Road.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.

Site Access

5. All vehicles associated with the development must enter and exit the site via the approved site access locations on Toorak Road and Research Road, as identified in Appendix 1.

Road Upgrades

6. Unless the Secretary agrees otherwise, prior to commencing construction the Applicant must construct the approved site access locations, as identified in Appendix 1, with a Rural Property Access type treatment to cater for the largest vehicle accessing the site.

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

Operating Conditions

7. The Applicant must ensure:
 - (a) the internal roads are constructed as all-weather roads;
 - (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - (c) 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;
 - (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

8. Prior to commencing the road upgrades identified in condition 6 of Schedule 3, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary in writing. This plan must include:
- (a) details of the transport route to be used for all development-related traffic;
 - (b) details of the road upgrade works required by condition 6 of Schedule 3 of this consent;
 - (c) a protocol for undertaking independent dilapidation surveys to assess the:
 - existing condition of McQuillan Road, Racecourse Road, Poplar Avenue, Canal Street, Toorak Road, the bridge connecting Canal Street to Toorak Road, and Research Road prior to construction, upgrading or decommissioning activities; and
 - condition of McQuillan Road, Racecourse Road, Poplar Avenue, Canal Street, Toorak Road, the bridge connecting Canal Street to Toorak Road, and Research Road following construction, upgrading or decommissioning activities;
 - (d) a protocol for the repair of McQuillan Road, Racecourse Road, Poplar Avenue, Canal Street, Toorak Road, the bridge connecting Canal Street to Toorak Road, and Research Road if dilapidation surveys identify these roads to be damaged during construction, upgrading or decommissioning works;
 - (e) details of the temporary on-site construction car park;
 - (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning activities, including:
 - temporary traffic controls, including detours and signage;
 - notifying the local community about development-related traffic impacts;
 - procedures for receiving and addressing complaints from the community about development-related traffic;
 - minimising potential for conflict with school buses, other road users and rail services as far as practicable (measures also required during operation of the project), including preventing queuing on the public road network;
 - minimising dirt tracked onto the public road network from development-related traffic;
 - 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 and wet weather;
 - responding to any emergency repair or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
 - (g) 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
 - (h) 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

9. The Applicant must establish and maintain a vegetation buffer (landscape screening) as outlined in the figure in Appendix 1 to the satisfaction of the Secretary. The landscape screening must:
- (a) be planted prior to commencing operations;
 - (b) be comprised of species that are endemic to the area;
 - (c) minimise views from residences R04, R05 and R07 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 Secretary agrees otherwise.

Landscaping Plan

10. Prior to commencing construction, the Applicant must prepare a detailed Landscaping Plan for the development in consultation with Council and residences R04, R05 and R7, 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 9 (a) – (e) 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.

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

LAND MANAGEMENT

11. The Applicant must maintain the agricultural land capability of the site, including:
- establishing the ground cover of the site within 3 months following completion of any construction or upgrading;
 - properly maintaining the ground cover with appropriate perennial species and weed management; and
 - maintaining grazing within the development footprint, where practicable, unless the Secretary agrees otherwise in writing.

BIODIVERSITY

Vegetation Clearance

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

Biodiversity Offsets

13. Prior to commencing construction, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, unless the Secretary agrees otherwise in writing.

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

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

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Forb-rich Speargrass – Windmill Grass – White Top grassland of the Riverina Bioregion	44	9
Weeping Myall Woodland of the Riverina Bioregion and NSW South Western Slopes Bioregion	26	2

Table 2: Species Credit Requirements

Species Credit Species	Credits Required
Small scurf pea (<i>Cullen parvum</i>)	11

Biodiversity Management Plan

14. Prior to commencing construction, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary in writing. 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;
 - 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; 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

15. 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
 - 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:

- activities that are inaudible at non-associated receivers;
- 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

16. 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

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

Visual

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

Lighting

19. The Applicant must:
- minimise the off-site lighting impacts of the development; and
 - 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

20. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage item identified in Table 1 of Appendix 6 or any Aboriginal heritage items located outside the approved development footprint.

Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 6.

Discovery of Human Remains

21. 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 Heritage NSW as soon as possible following the discovery, and work must not recommence in the area until this is authorised by Heritage NSW.

Chance Finds Protocol

22. 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 the Heritage NSW.

Following the Heritage NSW's approval, the Applicant must implement the Chance Finds Protocol.

SOIL AND WATER

Water Supply

23. 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

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

Operating Conditions

25. 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) ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, flooding and groundwater at the site;
 - (c) 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;
 - (d) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
 - (e) ensure all works are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version unless DPIE Water agrees otherwise.

HAZARDS

Fire Safety Study

26. Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, in consultation with FRNSW and RFS and to the satisfaction of the Secretary in writing. The study must:
- (a) be consistent with the:
 - Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline; and
 - NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*; and
 - (b) describe the final design of the battery storage facility.

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

Storage and Handling of Dangerous Goods

27. 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

28. The Applicant must:
- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
 - (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 2019* (or equivalent) and *Standards for Asset Protection Zones* (including provision of water, electricity, gas and ancillary equipment);
 - is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection 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

29. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. 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 hazards and detailed measures for the development to prevent or mitigate fires igniting;
 - (c) list works that should not be carried out during a total fire ban;
 - (d) include availability of fire suppression equipment, access and water;
 - (e) include procedures for the storage and maintenance of any flammable materials;
 - (f) 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;
 - (g) include a figure showing site infrastructure, Asset Protection Zone and the fire fighting water supply;
 - (h) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
 - (i) 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;
 - (j) include bushfire emergency management planning;
 - (k) include details of the 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.

Following approval, the Applicant must implement the Emergency Plan.

WASTE

30. 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

31. 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 3.

Table 3: Rehabilitation Objectives

Feature	Objective
Site	<ul style="list-style-type: none"> • Safe, stable and non-polluting • Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar farm infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Secretary agrees otherwise
Land use	<ul style="list-style-type: none"> • Restore land capability to pre-existing use (at least Class 3 Land Capability)
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

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 in writing. 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 7 of Schedule 4;
 - submission of an audit report under condition 9 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.*

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 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 Department via the Major Projects website, including details on the siting of solar panels and ancillary infrastructure.

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 Department via the Major Projects website.

Incident Notification

7. The Department must be notified 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.

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 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.

INDEPENDENT ENVIRONMENTAL AUDIT

9. The Applicant must commission and pay the full cost of Independent Environmental Audits of the development. The audits must:
 - (a) be prepared in accordance with the relevant *Independent Audit Post Approval* requirements (DPE 2020);
 - (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 prepared, unless otherwise agreed with the Secretary:
 - (i) within 3 months of commencing construction;
 - (ii) within 3 months of commencement of operations; and
 - (iii) as directed by the Secretary;
 - (d) be carried out in consultation with the relevant agencies;
 - (e) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

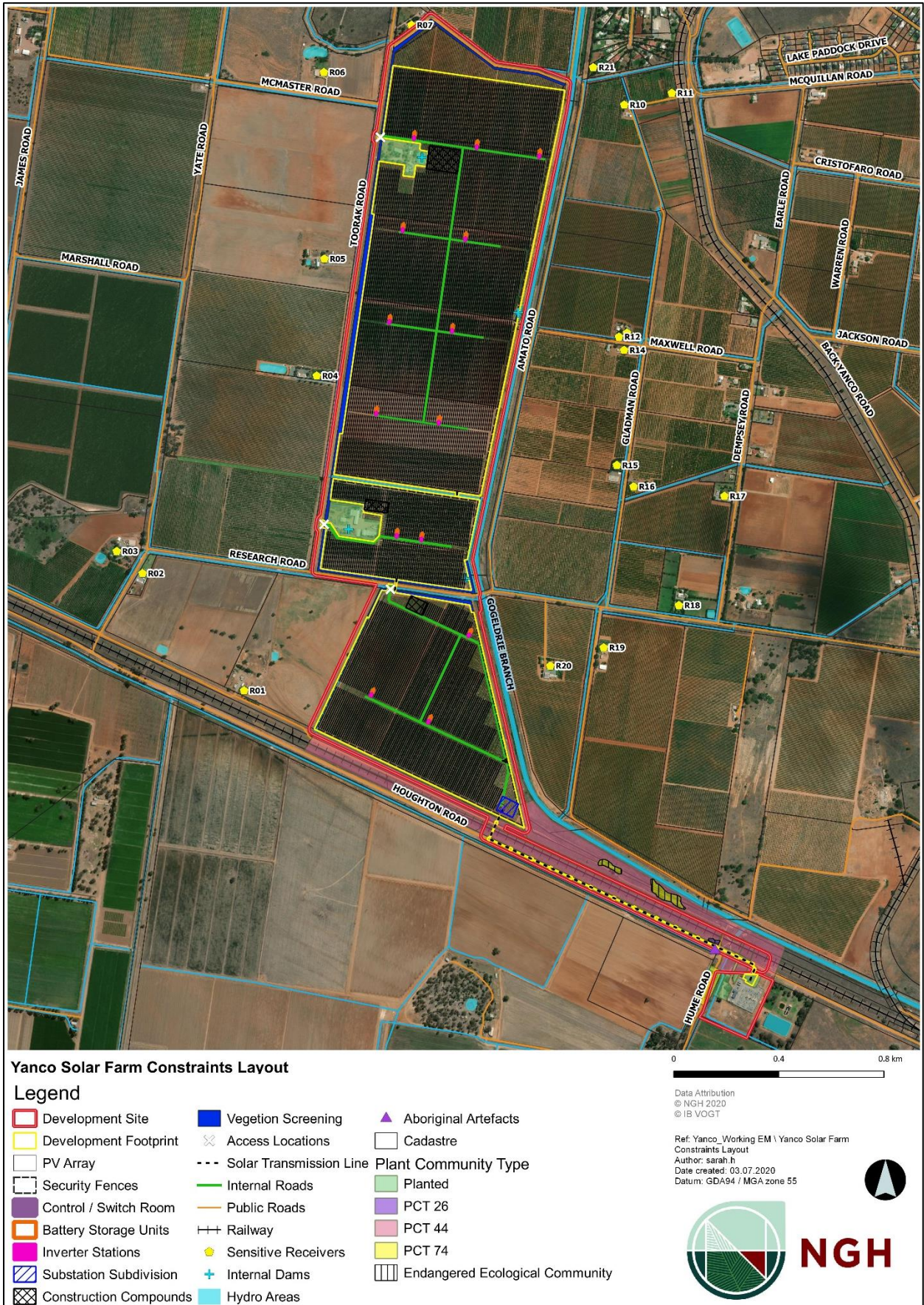
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a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

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary, confirmed in writing.

ACCESS TO INFORMATION

10. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - the EIS;
 - the final layout plans for the development;
 - current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;
 - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - how complaints about the development can be made;
 - a complaints register;
 - compliance reports;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
 - (b) keep this information up to date.

APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT



APPENDIX 2 SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
145 -152	751745
1700	1181161
10	844961
6650	1197165

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

APPENDIX 3 GENERAL TERMS OF THE APPLICANT'S VPA OFFER



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14/07/2020

VPA Key Terms: Subject to Contract

Dear Jackie,

We thank you for the opportunity to discuss and agree a Voluntary Planning Agreement (VPA) in respect of the Yanco Solar Farm (Solar Farm) between ib vogt GmbH or its wholly-owned subsidiary Sun Spot 6 Pty Ltd, being the company that owns the development rights to the Solar Farm (Applicant) and Leeton Shire Council (Council).

At this time, detailed commercial discussions in relation to the terms and conditions of the VPA are ongoing between the parties to such agreement. This letter is the Applicant's formal offer to enter into a VPA for the purposes of s7.7(3) of the *Environmental Planning & Assessment Act 1979* (EPA Act) and sets out the key agreed VPA commercial terms at the date of this letter which the parties agree shall be included in the final version of the VPA.

1. There will be 3 parties to the VPA – the Applicant, the landowner(s) and Leeton Shire Council.
2. Provisions will be made for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community infrastructure projects in the Leeton shire council area, including:
 - a. A total of \$900,000 (indexed from the date of the execution of the VPA in accordance with CPI) will be paid to Council by the Applicant in agreed instalments over 30 years with payments commencing from the issuing of the first construction certificate.
 - b. The Applicant will pay all reasonable Council legal fees towards the preparation of the VPA within 4 weeks of the VPA being entered into and following the receipt of evidence demonstrating actual costs incurred.
 - c. The Applicant will pay all reasonable Council legal fees towards the registering of the VPA on title within 4 weeks of the VPA being registered on title and following the receipt of evidence demonstrating actual costs incurred.
 - d. On payment from the Applicant to the Council of the easement compensation amounts, the Council will grant the Solar Farm easements over part of Houghton.

Australian Registered Body Number (ABR) 614 283 993
Australian Business Number (ABN) 66 532 456 050

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Company Registered Amtsgericht Charlottenburg
Registration no. HRB 86173

Managing Directors
Anton Hilner (CEO)
Carl von Braun (CFO)
Carsten Stang (COO)

APC

Road, Yanco, part of Ronfeldt Road, Yanco and part of Research Road, Leston (all being Council-owned roads), which are required for the installation, use and maintenance of 33kV electricity transmission lines and related infrastructure to connect the Solar Farm to the Substation, as detailed in the VPA.

- e. All easement compensation amounts will be paid to Council at full market value (to be established by an independent valuation) and all reasonable and demonstrated actual costs to the Council associated with the drafting, execution and registration of documents creating the easements will be paid to Council within 4 weeks of the easements being registered on title.
3. There will be a restriction on extension of the development with operations to cease after 30 years of operations of the Solar Farm (i.e. 30 years after the commencement of operations as defined in the Development Consent but no later than 5 years after development approval).
4. No water delivery entitlements to the land will be sold or forfeited by the landowner(s) and the development site will be rehabilitated back to fully irrigable farming capability within 18 months of the Solar Farm ceasing to operate.
5. The VPA will exclude the application of s7.11 and s7.12 of the EPA Act to the Development.
6. The Applicant and the Council agree to negotiate an agreed provision for the enforcement of the VPA by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the Applicant.
7. The VPA must be registered on the title to the land to which the VPA relates pursuant to s7.6 of the EPA Act. The Applicant and the landowners are to do such other things as are reasonably necessary to enable registration of the VPA to occur.
8. Neither the Applicant nor the owners of the land to which the VPA relates are to sell or transfer the land to which the VPA relates or assign their rights or obligations under the VPA without the prior written consent of the Council, which must not be unreasonably withheld or delayed. Notwithstanding the foregoing, Council consent shall be deemed to have been provided where such sale, assignment or transfer is made to a related body corporate of the Applicant that shall own and operate the Solar Farm (Transferee), provided that evidence is provided to Council's satisfaction of the ability of the Transferee to meet the obligations under the VPA and, in the circumstances of a sale or transfer only the Transferee enters into a deed of novation with Council under which it agrees to comply with the provisions of the VPA. For the avoidance of doubt, the parties acknowledge and agree that a change of control of the Applicant shall not be subject to any of the restrictions contained in this paragraph 8, provided that the VPA is registered on the title to the land to which the VPA relates pursuant to section 7.6 of the EPA Act, in accordance with paragraph 7 above.

Both parties acknowledge that they will work together constructively and in good faith in concluding a VPA agreement as required under Conditions of Consent that may be issued for the project. Yours Sincerely,

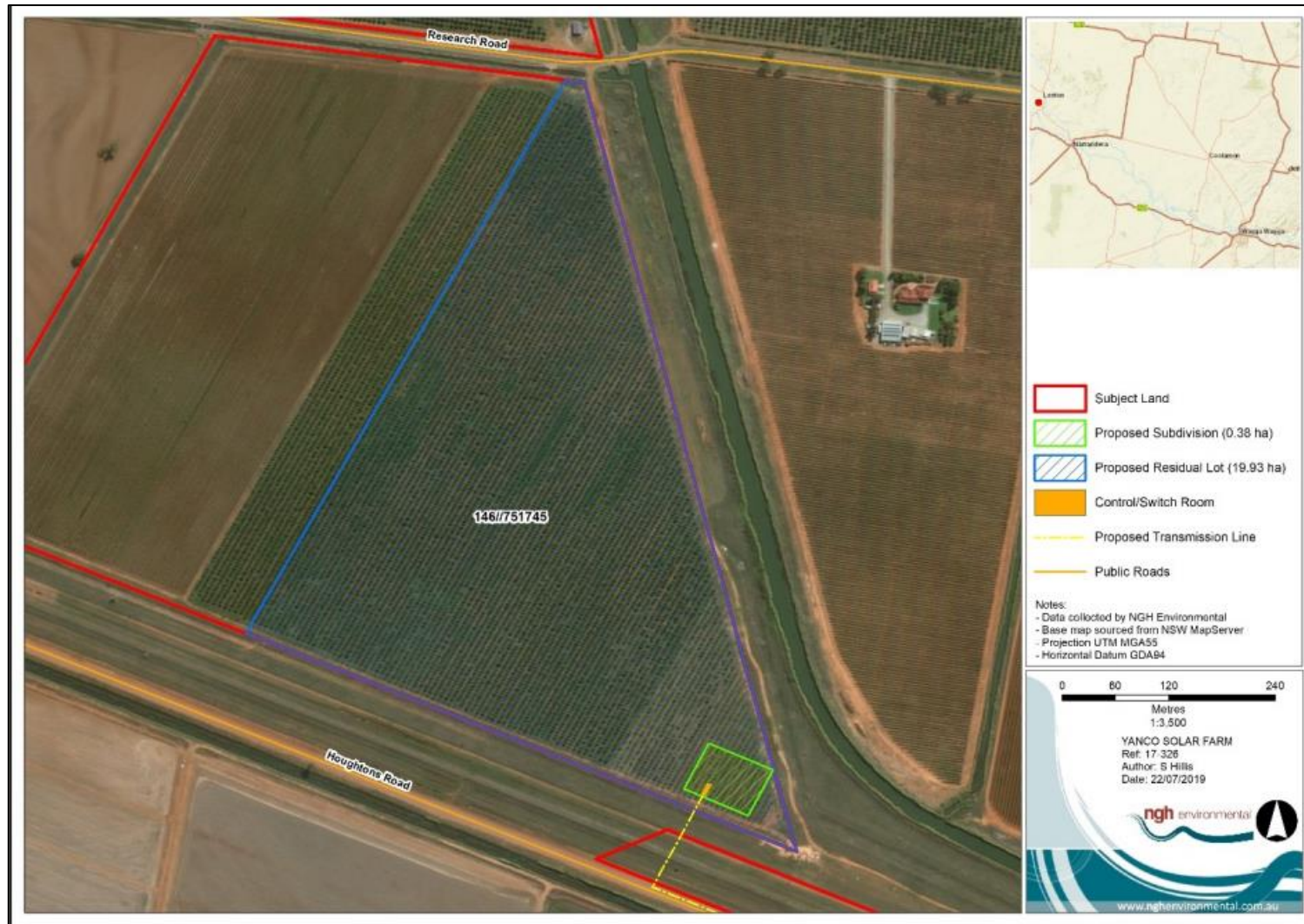


For and on behalf of the Applicant

 Jackie Karger
General Manager

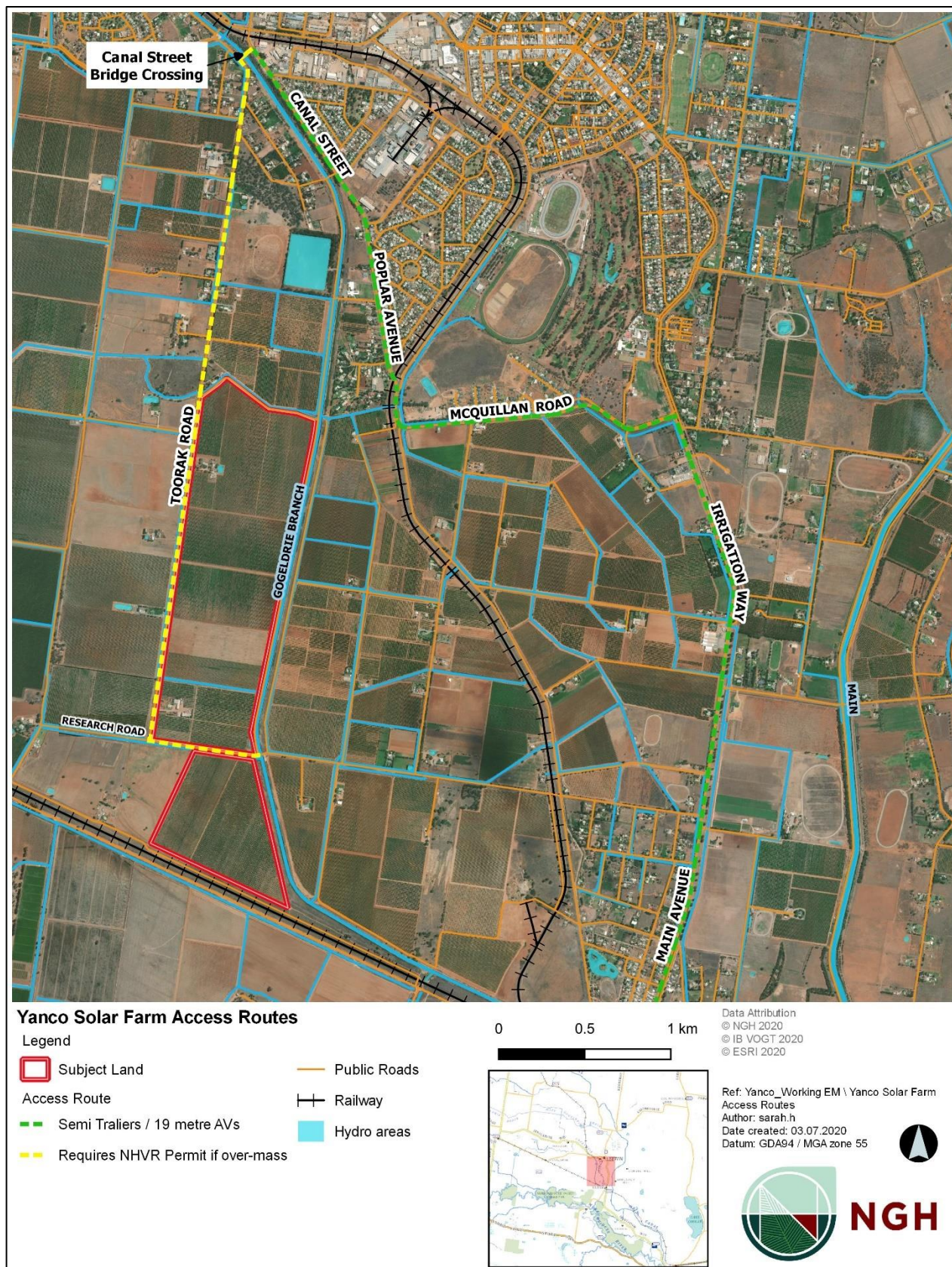
For and on behalf of Leston Shire Council

APPENDIX 4 SUBDIVISION PLAN



APPENDIX 5

OVER-DIMENSIONAL AND HEAVY VEHICLE ACCESS ROUTE RESTRICTIONS



APPENDIX 6 ABORIGINAL HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impacts

<i>Item</i>
YSF IF001 (Isolated Artefact) (AHIMS Site 49-5-0211)

** Only items within the exclusion zones are to be avoided (refer to the Figure in this Appendix to identify exclusion zones)*

