

Development Consent

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

The NSW Independent Planning Commission grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

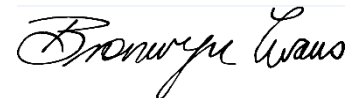
- prevent, minimise and/or offset any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.



Dr Sheridan Coakes (Chair)
Member of the Commission



Mr Adrian Pilton
Member of the Commission



Dr Bronwyn Evans AM
Member of the Commission

Sydney

15 December 2023

SCHEDULE 1

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Application Number:	SSD 9550
Applicant:	The Trustee for Glenellen Asset Trust
Consent Authority:	NSW Independent Planning Commission
Land:	See APPENDIX 2
Development:	Glenellen Solar Farm

Red type represents Modification 1 (SSD-9550-Mod-1)

CONSOLIDATED CONSENT

Application Number	Determination Date	Decider	Modification Description
SSD-9550-Mod-1	23/08/2024	Director	Removal of the 6 month wait period required within Condition B9 and Condition B36 of Schedule 2 of the Development Consent.

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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, site compounds, electricity transmission lines and internal roads
Applicant	The Trustee for Glenellen Asset Trust, or any person who seeks to carry out the development approved under this consent
BCS	Biodiversity Conservation and Science Group within NSW DCCEEW
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 and 2 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	Greater Hume Council
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning, Housing and Infrastructure
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)
EIS	The Environmental Impact Statement for Glenellen Solar Farm dated October 2022, the Submissions Report dated December 2022, the Amendment Report dated December 2022, and the additional information dated 16 March 2023, 19 June 2023, 1 August 2023, 7 August 2023, 10 August 2023 and 12 October 2023, and the Glenellen Modification 1 letter dated 26 April 2024 (SSD-9550-Mod-1) .
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the <i>Heavy Vehicle National Law</i> , (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group within NSW DCCEEW
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"> • 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 expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MW	Megawatt
MWh	Megawatt hour
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
Planning Secretary	Secretary of the Department, or nominee

CONSOLIDATED CONSENT

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
Residence	A dwelling in existence at the date of this consent
RFS	NSW 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 replacement of solar panels and ancillary infrastructure onsite (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement
Water Group	Water Group within NSW DCCEEW

SCHEDULE 2**PART A ADMINISTRATIVE CONDITIONS****OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, commissioning, upgrading, operation, rehabilitation or decommissioning of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in APPENDIX 1.
- A3. The Applicant must comply with any requirement/s of the Planning 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.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A5. 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 (including, but not limited to, the method of disposal for redundant solar panels) to the Planning Secretary incorporating the proposed upgrades.

STRUCTURAL ADEQUACY

- A6. 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 *National Construction Code*.

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

- A7. 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

- A8. 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.

Note: 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

- A9. All plant and equipment used on site, or in connection with the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SUBDIVISION

- A10. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as identified in APPENDIX 4 and in accordance with the requirements of the EP&A Act, EP&A Regulation and the *Conveyancing Act 1919* (NSW).

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.

APPLICABILITY OF GUIDELINES

- A11. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

COMPLIANCE

- A12. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

EVIDENCE OF CONSULTATION

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMMUNITY ENHANCEMENT

- A14. Prior to commencing construction, or other timeframe agreed by the Planning Secretary, 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 letter of offer dated 26 March 2021, which are summarised in APPENDIX 3.

PART B ENVIRONMENTAL CONDITIONS – GENERAL**TRANSPORT****Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions**

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 45 heavy vehicle movements a day during construction, upgrading and decommissioning; and
 - (ii) 11 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and
 - (b) length of any vehicles (excluding heavy vehicle requiring escort) used for the development does not exceed 26 metres,
- unless the Planning Secretary agrees otherwise.
- B2. The Applicant must keep accurate records of the number of heavy vehicles and vehicles requiring escort entering or leaving the site each day for the duration of the project.

Access Route

- B3. Unless otherwise agreed by the Planning Secretary, all heavy vehicles associated with the development (including heavy vehicles requiring escort) must travel to and from the site:
- (a) via Hume Highway, Thurgoona Drive, Union Road, Urana Road, Walla Walla Jindera Road, Lindner Road, and Ortlipp Road and the approved Main Access Point off Ortlipp Road, as identified in Figure 4; and / or
 - (b) from the Ettamogah Rail Hub via Hub Road, Gerogery Road, Wagga Road, Catherine Crescent, Union Road, Urana Road, Walla Walla Jindera Road, Lindner Road, and Ortlipp Road, as identified in Figure 5.
- B4. All heavy vehicles and heavy vehicles requiring escort associated with the development:
- (a) Are prohibited from using Glenellen Road and Drumwood Road; and
 - (b) are prohibited from moving through, and parking in, the township of Jindera (along Urana Road between Pioneer Drive and Walla Walla Jindera Road) during school zone times of 8am to 9.30am and 2.30pm to 4pm.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of heavy vehicle requiring escort on the road network.

Site Access

- B5. All vehicles associated with the development must enter and exit the site via the Main Access Point off Ortlipp Road, as identified in APPENDIX 1.

Note: Other site access points may be used for emergency purposes.

Road Upgrades

- B6. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must complete the road upgrades detailed in APPENDIX 5.

Unless the relevant road authority agrees otherwise, these upgrades must comply with the current *Austrroads Guidelines, Australian Standards* and *TfNSW supplements*, and be carried out to the satisfaction of the relevant roads authority.

Road Maintenance

- B7. The Applicant must, in consultation with the relevant roads authority:
- (a) undertake an independent dilapidation survey to assess the:
 - (i) existing condition of Ortlipp Road and Linder Road on the transport route, prior to construction, upgrading or decommissioning works; and
 - (ii) condition of Ortlipp Road and Linder Road on the transport route, following construction, upgrading or decommissioning works; and
 - (b) repair of roads identified in condition B7(a) if dilapidation surveys identify that the road has been damaged due to development-related traffic during construction, upgrading or decommissioning works.

If there is a dispute between the Applicant and the relevant roads authority about road repairs required under this condition, then either party may refer the matter to the Planning Secretary for resolution.

Operating Conditions

- B8. 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 public road network.

Traffic Management Plan

- B9. **Prior** to commencing road upgrades identified in condition B6, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. 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 B6;
 - (c) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - (i) details of the dilapidation surveys required by condition B7;
 - (ii) temporary traffic controls, including detours and signage;
 - (iii) scheduling the arrival and departure of heavy vehicles from the site to avoid the PM peak hour where practicable;
 - (iv) notifying the local community about development-related traffic impacts;
 - (v) procedures for receiving and addressing complaints from the community about development-related traffic;
 - (vi) ensuring construction traffic complies with a 40 km/h speed limit along Ortlipp and Lindner Roads;
 - (vii) minimising potential cumulative traffic impacts with other projects in the area;
 - (viii) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network, and avoiding the transport of material along the local bus routes when school buses are in operation, in consultation with local schools;
 - (ix) details of how heavy vehicles and heavy vehicles requiring escort associated with the development will avoid moving through, and parking in, the township of Jindera during school zone times, as required by condition B4(b);
 - (x) measures to minimise dirt tracked onto the public road network from development-related traffic;
 - (xi) details of any 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;
 - (xii) encouraging car-pooling or ride sharing by employees;
 - (xiii) scheduling of haulage vehicle movements to minimise convoy length or platoons;
 - (xiv) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - (xv) responding to any emergency repair or maintenance requirements; and
 - (xvi) a traffic management system for managing heavy vehicles requiring escort;
 - (d) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
 - (iii) 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 Planning Secretary's approval, the Applicant must implement the Traffic Management Plan.

LANDSCAPING**Vegetation Buffer**

- B10. The Applicant must establish and maintain a vegetation buffer (landscape screening) as described in the EIS and at the locations identified in APPENDIX 6. The landscape screening must:
- (a) be planted prior to commencing operation;
 - (b) be comprised of species that are endemic to the area;
 - (c) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
 - (d) be properly and actively maintained with appropriate weed management and replacement of failed plantings unless the Planning Secretary agrees otherwise.
- B11. The Applicant must take all reasonable steps to provide additional vegetation screening or scattered trees at residences (receivers LIN001, 004, 005, 007, DRM008, NIK003 and MLA01), in consultation with the landowners, to ensure that views of the development are screened.

Landscape Plan

- B12. Prior to the issue of any construction certificate, the Applicant must prepare a detailed Landscape Plan. This plan must:
- (a) be prepared to a minimum scale of 1:1000;
 - (b) describe measures including:
 - (i) width of planting;
 - (ii) density of plantings;
 - (iii) timing of planting, considering appropriate seasonal windows to maximise success; and
 - (iv) maintenance and monitoring requirements, including monthly monitoring for the first 12 months and replacement of mortalities for the first 5 years; and
 - (b) provide details of the landscape screening required by condition B10 and B11, including:
 - (i) how the Applicant will provide targeted landscape screening on the Site and at residences in consultation with adjacent landowners; and
 - (ii) demonstrating that the landscape screening is of a width and depth sufficient to screen the views of the development from adjacent properties and roads; and
 - (c) provide details of how any hollow-bearing trees proposed to be removed may be reasonably and feasibly reincorporated on the Site.

The Applicant must implement the Landscape Plan.

LAND MANAGEMENT

- B13. The Applicant must maintain the agricultural land capability of the site, including:
- (a) establishing the ground cover of the site within 3 months following completion of any construction or 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.
- B14. The Applicant must maintain the site fencing to ensure the fencing remains stock proof.

BIODIVERSITY**Vegetation Clearance**

- B15. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.
- B16. The Applicant must make all reasonable efforts to replace the removed paddock trees with the same number of trees of a similar species on the site. These replacement trees are to be planted within the area of the site identified for riparian planting and/or within the vegetation buffer.

Biodiversity Offsets

- B17. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets 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; and/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	Credits Required
Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	277	92
River Red Gum – wallaby grass tall woodland wetland on the outer River Red Gum zone mainly in the Riverina Bioregion	9	13
Scattered Paddock Trees	277	70

Table 2: Species Credit Requirements

Species Credit Species	Credits Required
Southern Myotis (<i>Myotis Macropus</i>)	15
Austral Pillwort (<i>Pilularia novae-hollandiae</i>)	22
Squirrel Glider (<i>Petaurus norfolcensis</i>)	1

- B18. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

Biodiversity Management Plan

- B19. Prior to carrying out any development that could directly or indirectly impact biodiversity values, 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:
- (a) be prepared in accordance with the Biodiversity Development Assessment Report dated 7 August 2023, including incorporation of the measures described in the Roadside Tree Assessment (ArborViews, 2023);
 - (b) include a description of the measures and timeframes that would be implemented for:
 - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;
 - (ii) managing and enhancing the remnant vegetation and fauna habitat on site;
 - (iii) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependant fauna;
 - (iv) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - (v) minimising the impacts to fauna on site and implementing fauna management protocols;
 - (vi) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions;
 - (vii) 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
 - (viii) controlling weeds, feral pests and pathogens;
 - (c) include a program to monitor and report on the effectiveness of mitigation measures;
 - (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
 - (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

AMENITY

Construction, Upgrading and Decommissioning Hours

- B20. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities 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 Planning Secretary:

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

Variation of Construction Hours

- B21. The hours of construction activities specified in condition B20 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:
- considered on a case-by-case or activity-specific basis;
 - accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of Council (and other relevant agencies) has been or will be undertaken;
 - accompanied by evidence that all feasible and reasonable noise mitigation measures have been put in place; and
 - accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Noise

- B22. The Applicant must:
- minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) or its latest version; and
 - 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

- B23. The Applicant must ensure all activities occurring at the Site are carried out in a manner that minimises dust including the emission of wind-blown or traffic generated dust.

Visual

- B24. 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

- B25. 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/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, or the latest version.

HERITAGE

Protection of Heritage Items

- B26. The Applicant must ensure the development does not cause any direct or indirect impacts on heritage items located outside the approved Development footprint.

Heritage Management Plan

- B27. Prior to carrying out any construction, the Applicant must prepare a Heritage Management Plan for the development and submit it to the Planning Secretary for approval. 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 Registered Aboriginal Parties;
- (c) include a description of the measures that would be implemented for:
 - (i) protecting the heritage items located outside the approved Development footprint;
 - (ii) salvaging and relocating the heritage items located within the approved Development footprint, as identified in Table 1 of APPENDIX 7;
 - (iii) a contingency plan and reporting procedure if:
 - previously unidentified heritage items are found; or
 - Aboriginal skeletal material is discovered;
 - (iv) 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
 - (v) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

SOIL AND WATER

Water Supply

- B28. The Applicant must ensure that it has sufficient water for all stages of the development, including volumes required for dust suppression and the maintenance of landscape screening for the life of the development.

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

- B29. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

- B30. The Applicant must:
- (a) minimise any soil 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 and the *Managing Urban Stormwater: Soils and construction - Volume 2A* manual (Landcom, 2008), or their latest versions;
 - (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 the 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 all works within waterfront land is undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022), unless the **Water Group** agrees otherwise.

HAZARDS

Storage and Handling of Dangerous Goods

- B31. 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 (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

Operating Conditions

B32. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
 - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*; and
 - (ii) is suitably equipped to respond to any fires on site, including provision of four 10,000 litre water supply tanks fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
 - (iii) includes a 10 metre defensible space around the perimeter that permits unobstructed vehicle access; and
 - (iv) manages the defensible space and solar array areas as an Asset Protection Zone; and
- (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

B33. Prior to commencing construction of the solar farm, the Applicant must develop and implement a comprehensive Emergency Plan and detail emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre and FRNSW. 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) include availability of fire suppression equipment, access and water;
- (d) 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;
- (e) include fire and bushfire emergency management planning, including:
 - (i) details of the location, management and maintenance of the Asset Protection Zone;
 - (ii) a list of works that must not be carried out during a total fire ban; and
 - (iii) 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;
- (f) detail specific response measures in the case of flood to ensure site safety;
- (g) describe the specific emergency exit routes to be used in the case of flood and include evidence of access agreements with relevant landowners (e.g. right of carriageway); and
- (h) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plans* (FRNSW, 2019), to the satisfaction of FRNSW.

B34. The Applicant must:

- (a) implement the Emergency Plan and Emergency Services Information Package required under condition B33 for the duration of the development; and
- (b) keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

WASTE

B35. 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 reused, recycled or sent to an appropriately licensed waste facility for disposal (in consultation with Council for use of Council facilities).

ACCOMMODATION AND EMPLOYMENT STRATEGY

- B36. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development. This strategy must:
- (a) be prepared in consultation with Council and informed by consultation with local accommodation and employment service providers;
 - (b) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
 - (c) consider the cumulative impacts associated with other State significant development projects in the area;
 - (d) investigate options for prioritising the employment of local workers and use of local businesses during construction and operation of the development, where feasible;
 - (e) give consideration to strategies that leave a positive community legacy and maximise local economic contribution; and
 - (f) 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 upgrading and decommissioning.

The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencement of construction and implement the plan throughout construction.

DECOMMISSIONING AND REHABILITATION

- B37. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan for the development which shall be updated by the Applicant half-way through the operational life of the project, and within 2 years prior to decommissioning. The Plan must:
- (a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 below; and
 - (b) describe the measures that would be implemented to:
 - (i) decommission the development and rehabilitate the site in accordance with the objectives in Table 3;
 - (ii) minimise and manage the waste generated by the decommissioning of the development;
 - (iii) include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and
 - (iv) ensure that best practice is employed in respect of utilising available recycling technologies.
- B38. Within 18 months following the cessation of operations, unless the Planning Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Planning 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 if agreed to be retained for an alternative use
Solar farm and ancillary infrastructure	<ul style="list-style-type: none"> • All infrastructure, including surface and sub-surface infrastructure, to be decommissioned and removed, unless the Planning Secretary agrees otherwise
Land use	<ul style="list-style-type: none"> • Restore land capability to pre-existing use (at least Class 4 Land Capability) • Vegetation screening implemented under this consent is to be retained, unless the Planning Secretary agrees otherwise
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**ENVIRONMENTAL MANAGEMENT****Environmental Management Strategy**

- C1. Prior to commencing construction, 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:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance; and
 - (v) respond to emergencies; and
 - (e) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) 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

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning 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 Planning Secretary within 1 month of the:
 - (i) submission of an incident report under condition C10 of SCHEDULE 2;
 - (ii) submission of an audit report under condition C14 of SCHEDULE 2; or
 - (iii) any modification to the conditions of this consent.

Updating and Staging of Strategies, Plans or Programs

- C3. With the approval of the Planning Secretary, the development may be staged and the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C5. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.
- C6. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

NOTIFICATIONS

Notification of Department

- C7. Prior to commencing the 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

- C8. 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.

The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.

Work as Executed Plans

- C9. 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

- C10. The Planning Secretary must be notified in writing via the Major Projects website 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 8.

Non-Compliance Notification

- C11. The Department must be notified via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.
- C12. 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, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

- C14. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)*.
- C15. [DELETED]
- C16. [DELETED]
- C17. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C14 of SCHEDULE 2 of this consent 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.
- C18. **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***

CONSOLIDATED CONSENT

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

C19. The Applicant must:

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

APPENDIX 1:
LAYOUT OF DEVELOPMENT

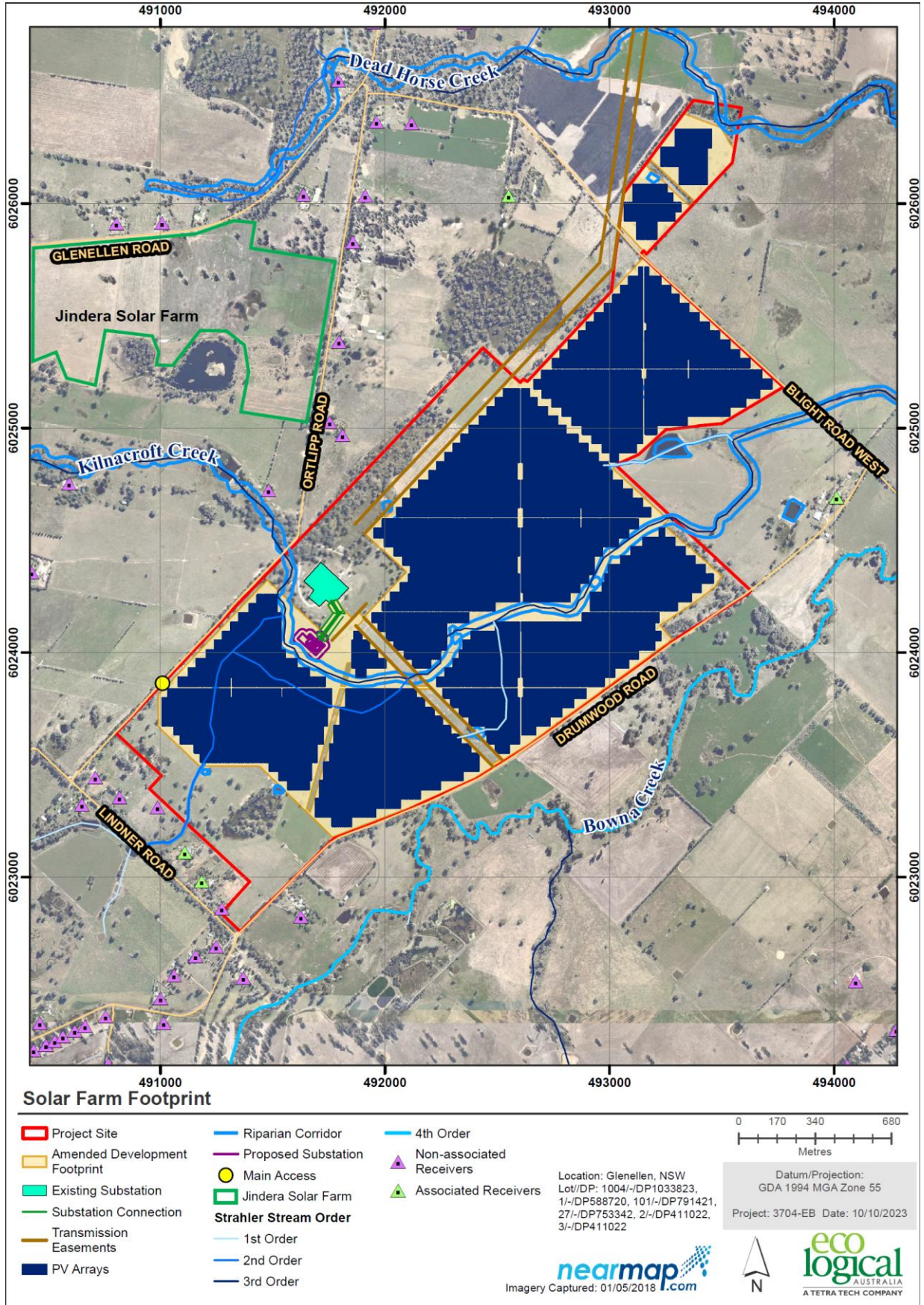


Figure 1: General Layout

APPENDIX 2: SCHEDULE OF LANDS

Lot Number	Deposited Plan (DP)
3	411022
3	1190444
27	753342
101	791421
1004	1033823
1	588720

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

**APPENDIX 3:
GENERAL TERMS OF THE APPLICANT'S VPA OFFER**

The VPA must include provisions for the payment, collection, management and distribution of the contributions under the agreement, with a focus on funding community enhancement in the area surrounding the project site.

<i>Council</i>	<i>Payment Details</i>
Greater Hume Council	<p>A Development Contribution of \$2,500,000 (excluding GST) will be paid to Council in instalments:</p> <ul style="list-style-type: none">• First Instalment – \$500,000 (excluding GST) within 7 days of the Commercial Operation Commencement Date, and expenditure to be determined and utilised at the discretion of Council for any projects deemed to benefit the public within the Local Government Area; and• Second to Tenth Instalment – \$222,222.22 (excluding GST) each instalment, plus CPI adjustment within 7 days of the first anniversary of the Commercial Operation Commencement Date and annually thereafter for nine (9) consecutive years.

APPENDIX 4:
SUBDIVISION PLAN

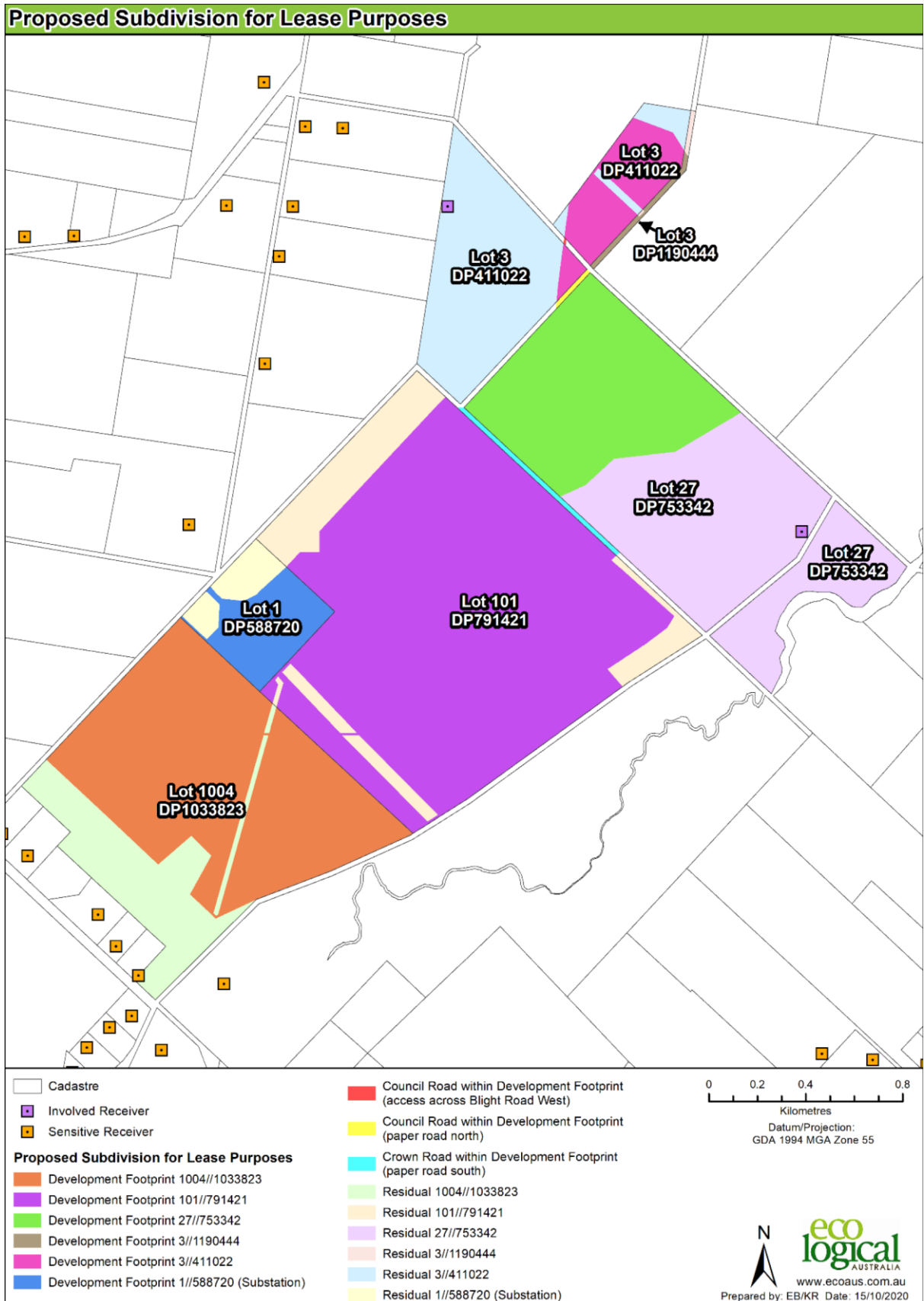


Figure 2: Subdivision Plan

**APPENDIX 5:
ROAD UPGRADES AND SITE ACCESS**

Road / Intersection	Location	Upgrade Requirements
Intersection of Urana Road / Walla Walla Jindera Road	At the location identified in Figure 3	Upgrade intersection to be a Channelised Right Turn treatment
Intersection of Walla Walla Jindera Road / Lindner Road	At the location identified in Figure 3	Upgrade intersection to be a Basic Auxiliary Right Turn treatment
Lindner Road	At the locations identified in Figure 3	Widen to accommodate the passing of a 26m B-double and passenger car, and to a formation width of 8m with 3.5m wide travel lanes to meet Council's Road Classification 5.
Ortlipp Road	Between the intersection with Lindner Road and the Main Access Point	Widen to a formation width of 8m with 3.5m wide travel lanes to meet Council's Road Classification 5.
Intersection of Lindner Road / Ortlipp Road	At the location identified in Figure 3	Upgrade to accommodate the swept path manoeuvring of a 26m B-double.
Intersection of Ortlipp Road / Main Access Point	At the 'Main Access' location identified in Figure 3	Upgrade intersection to be a Basic Auxiliary Right treatment

Notes:

- Refer to Figure 3 in this Appendix for the location and further details of the road upgrades.
- 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 Applicant is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.



Figure 3: Location of Road Upgrades

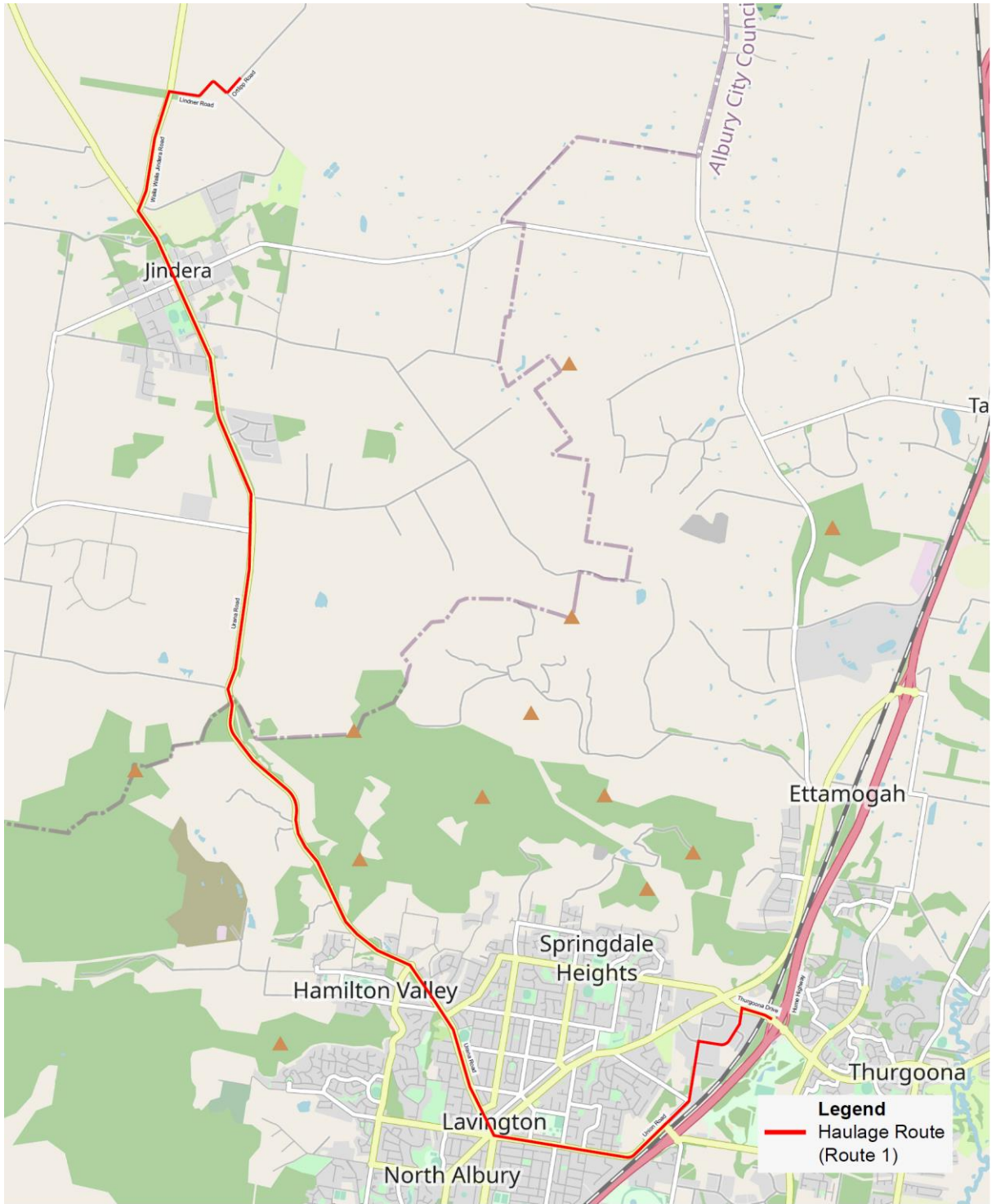


Figure 4: Heavy Vehicle Haulage Route (Route 1)

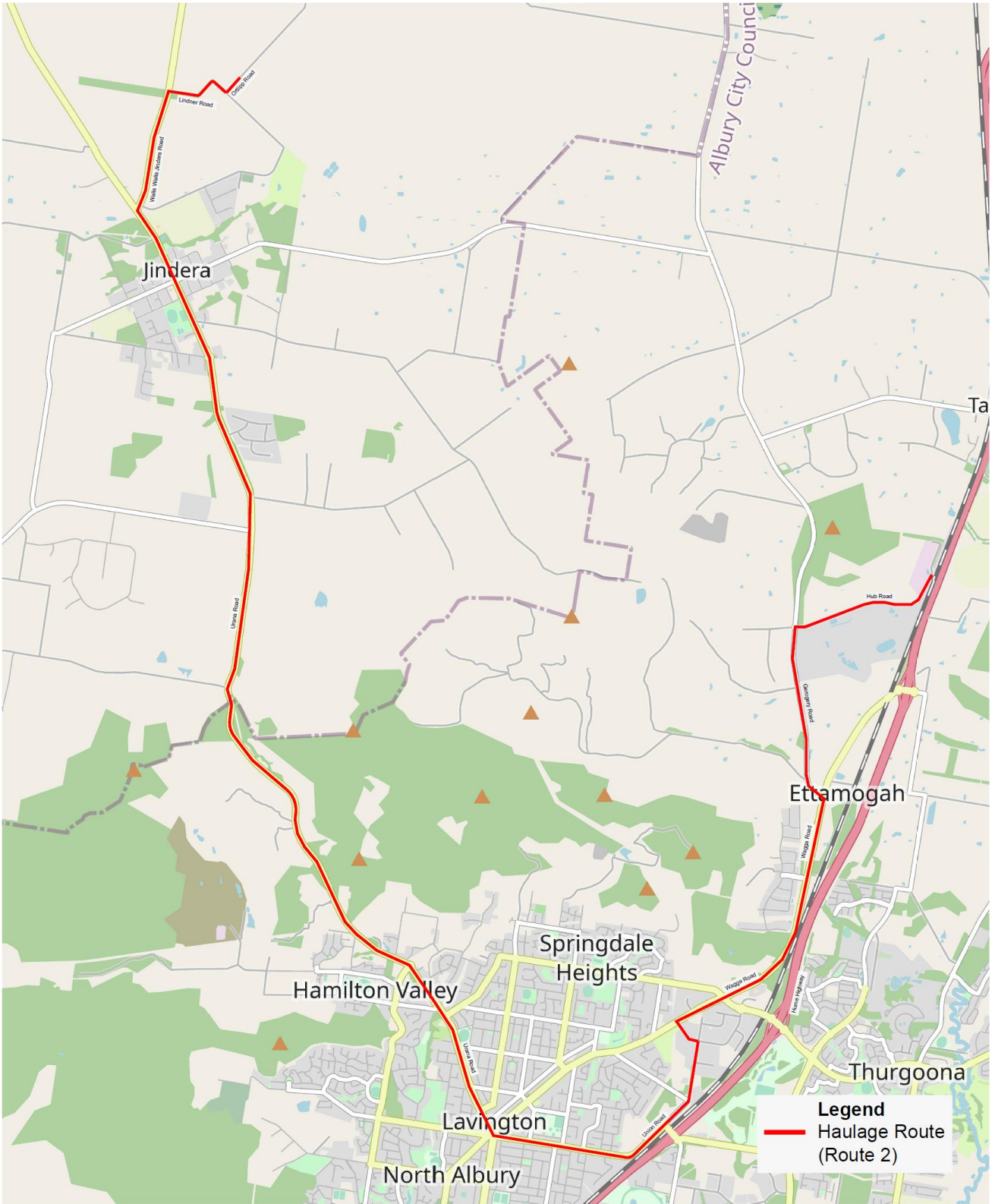


Figure 5: Heavy Vehicle Haulage Route (Route 2)

**APPENDIX 6:
LANDSCAPE PLAN**

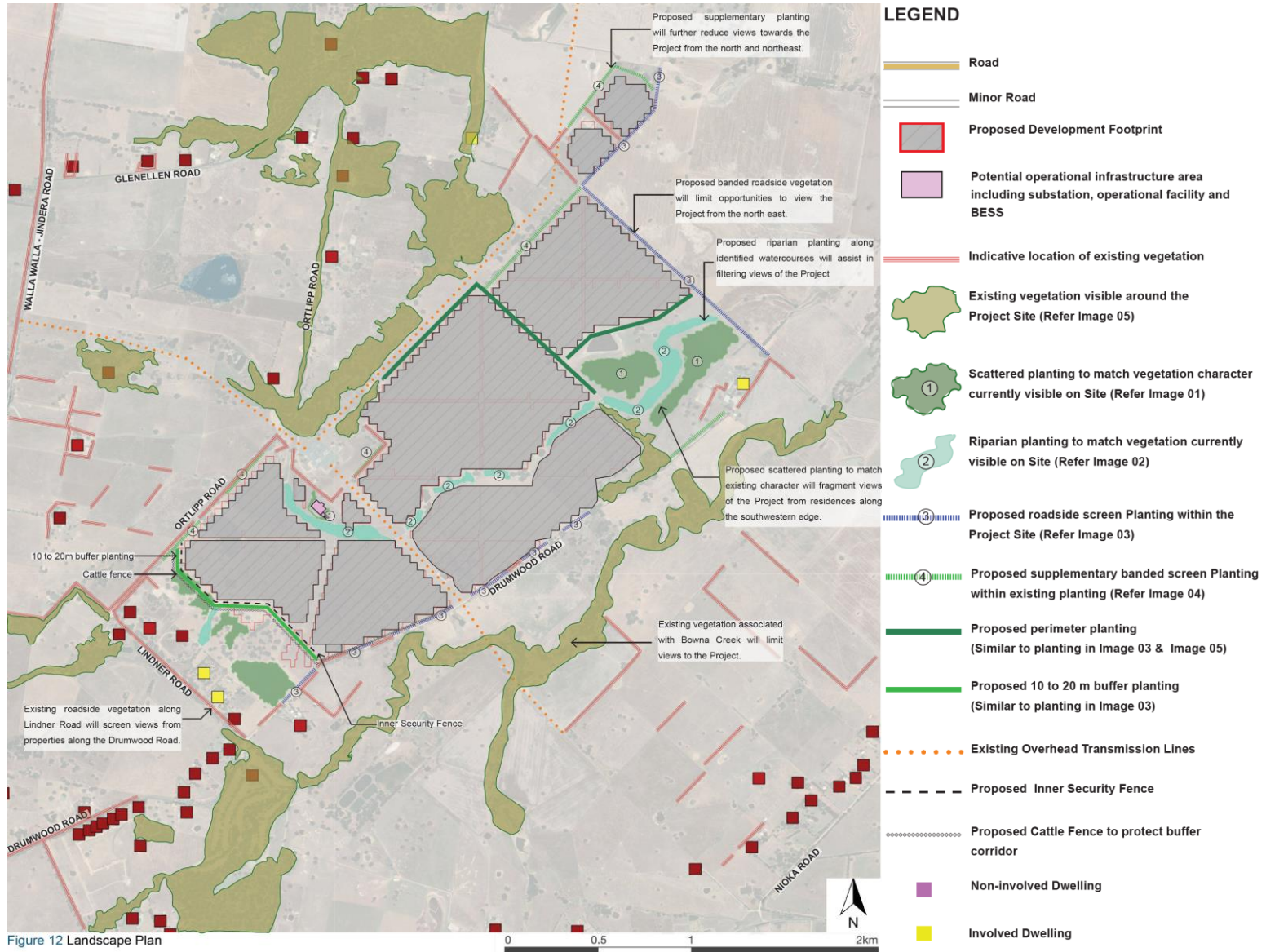


Figure 6: Conceptual Landscape Plan

**APPENDIX 7:
HERITAGE ITEMS***Table 1: Heritage items – salvage*

<i>Item name</i>	<i>Degree of Impact</i>
SU2/L1 (55-6-0111)	Salvage and relocate
SU2/L2 (55-6-0113)	Salvage and relocate
SU2/L3 (55-6-0112)	Salvage and relocate

Note: Only items located within the Development footprint are to be salvaged (refer to Figure 7 to identify location of heritage items)

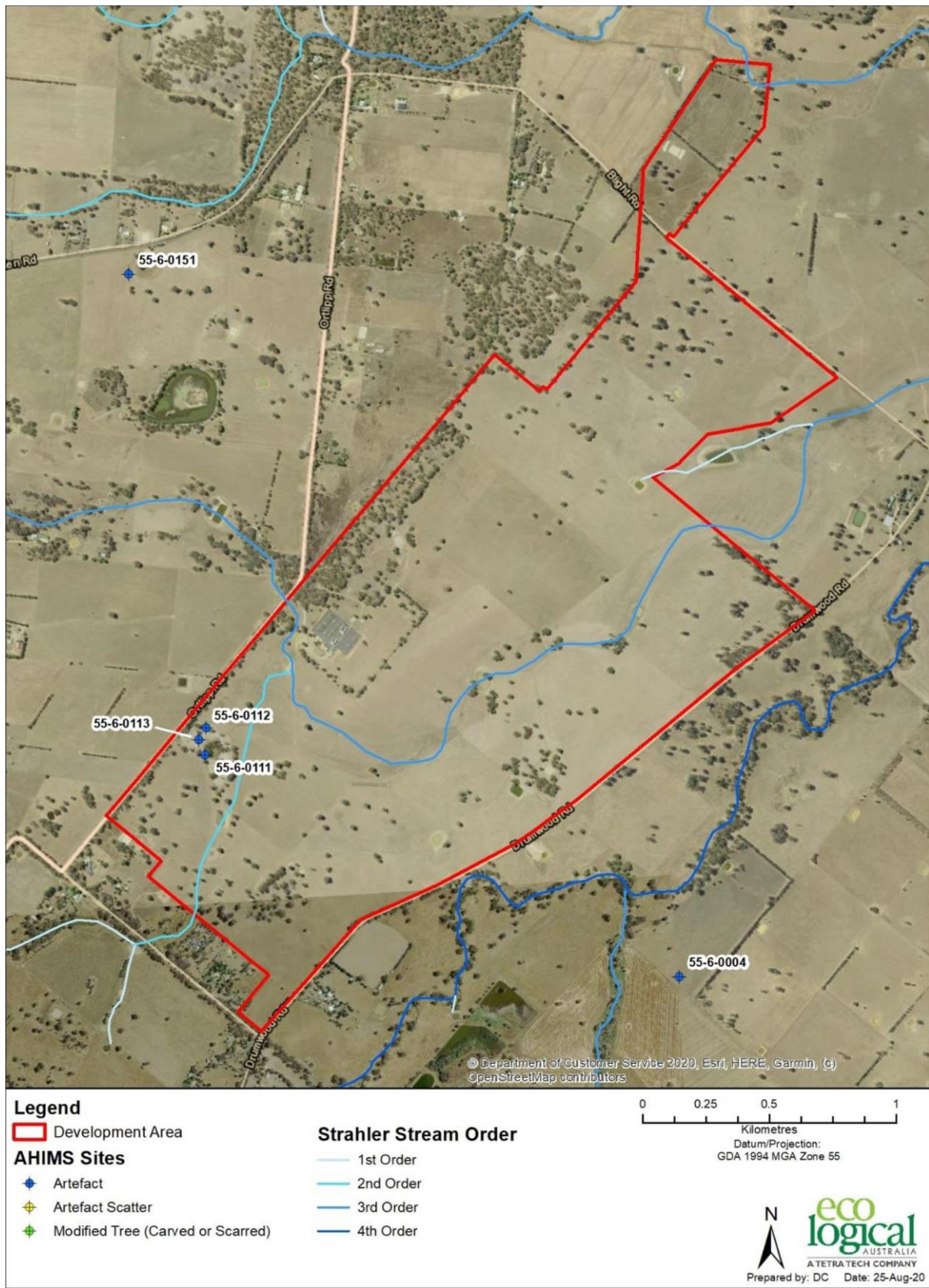


Figure 7: Location of Heritage Items

APPENDIX 8: 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 C10** 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.