

Birriwa Solar Farm (SSD-9261283)

Additional Definitions

- NSW DCCEEW – Water Group** NSW Department of Climate Change, Energy, the Environment and Water – Water Group
- Non-associated residences** Any dwelling house which not shown as 'dwelling associated with the project' in Appendix 1
- Sensitive Receiver** Dwelling houses which are shown as 'dwelling not associated with the project' in Appendix 1

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are not replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Workability	Enforceability	Unintended Consequences
Structural Adequacy A8.	Updated to be consistent with prior development consent conditions and to address legislative updates.	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 National Construction Code . Notes: <ul style="list-style-type: none"> • 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. • EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development. 			
Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions B1.	<ul style="list-style-type: none"> • Updated to reflect the term 'movements' as opposed to 'trips' as described in the EIS. • To confirm total heavy vehicles movements requiring escort as per assessment report. 	The Applicant must ensure that the: (a) development does not generate more than: <ul style="list-style-type: none"> (i) 240 420 heavy vehicle movements a day (a maximum of 287 heavy vehicle movements per hour) during construction, upgrading, or decommissioning; (ii) a total of 6 movements of heavy vehicles requiring escort during construction, upgrading, and decommissioning 			
Access Route B4.	To provide certainty to the Applicant, public, nearby landowners and local Councils that all vehicles associated with the development cannot use the local road network, other than as approved.	All vehicles including private vehicles of employees, contractors and sub-contractors associated with the construction, operation, upgrading and decommissioning of the development must avoid not use Merotherie Road, and Birriwa Bus Route North or any parts of Birriwa Bus Route South not part of the proposed public road crossings, or shown as part of the access route in Figure 1 of Appendix 5 at any time , except for emergency purposes unless the Planning Secretary agrees otherwise			
Site Access B5.	To provide certainty to the Applicant, public, nearby landowners and local Council's that all vehicles associated with the development at all phases of the development will only use the dedicated site access.	All vehicles including private vehicles of employees, contractors and sub-contractors associated with the construction, operation and decommissioning of the development must enter and exit the site via the site access point off Birriwa Bus Route South, as identified in Appendix 1.			
Road Upgrades B7.	To provide certainty to the Applicant, public, nearby landowners and local Council's that all vehicles associated with the development at all phases of the development will only use the dedicated site access.	Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must: (a) provide a revised Strategic Concept Design (that meet the requirements set out in Appendix 7) for the Castlereagh Highway / Barneys Reef Road intersection design (as identified in Appendix 5), to the satisfaction of TfNSW; and (b) provide details of any road upgrading works (with evidence of consultation with the relevant road authority), which may be required for the Birriwa Bus Route South public road crossing points.			

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<p>Road Maintenance B9.</p>	<ul style="list-style-type: none"> Minor grammatical correction To ensure any upgrading works to Birriwa Bus Route South's proposed crossing points are captured in dilapidation survey requirements Condition reference update To place a timeframe of repairs and make good works. 	<p>The Applicant must:</p> <p>(a) undertake an independent dilapidation surveys to assess the:</p> <p>(i) existing condition of Barneys Reef Road and Birriwa Bus Route South between the intersection with Castlereagh Hhighway and the Site Access point, following upgrade in accordance with condition B5 and prior to construction, upgrading and decommissioning activities; and</p> <p>(ii) condition of Barneys Reef Road and Birriwa Bus Route South on the transport route between the intersection with Castlereagh Hhighway and the Site Access point, following the completion of construction, upgrading and decommissioning activities; and</p> <p>(iii) <u>existing condition of Birriwa Bus Route South in the vicinity of the proposed public road crossings prior to commencement of works, and also following the completion of construction, upgrading and decommissioning activities;</u></p> <p>(b) on completion of the dilapidation reports undertaken in B98(a)(i) and (ii) provide a copy to the relevant roads' authorities; and</p> <p>(c) repair and/or make good any development-related damage to Barneys Reef Road and Birriwa Bus Route South (<u>including the public road crossing points</u>), identified in dilapidation surveys during construction, upgrading or decommissioning works in consultation with the relevant road authority. <u>Repair and/or make good works must be completed as soon as practicable and prior to commissioning of the solar farm and prior to completion of decommissioning works as applicable to the development.</u></p> <p>If there is a dispute between the Applicant and the relevant roads authority about repairs required under this condition then either party may refer the matter to the Planning Secretary for resolution.</p>			
<p>Operating Conditions B10.</p>	<p>To make clear that the condition applies to all vehicles that leave the site, not just those development related</p>	<p>(d) all development related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the public road network.</p>			
<p>Traffic Management Plan B11.</p>	<ul style="list-style-type: none"> Condition reference update Minor grammatical updates Emphasising timely responses and reporting requirements To ensure stock routes and permits are maintained To ensure waste vehicles do not create 'rat runs' on the local road network Ensure that all drivers associated with the development (not just development vehicles drivers) are captured in the code of conduct. Provide responsibility to monitor, review and implement. 	<p>Prior to commencing the road upgrades identified in conditions B56 and B7 of this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, Mid-Western Regional Council and Warrumbungle Shire Council and to the satisfaction of the Planning Secretary. This plan must include:</p> <p>(b) details of the road upgrade works required by conditions Error! Reference source not found. and B7 of this consent;</p> <p>(d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:</p> <p>(i) details of the dilapidation surveys required by condition B98 of this consent;</p> <p>(iv) procedures for receiving, and addressing, <u>and responding in a timely manner</u> to complaints from the community about development related traffic;</p> <p>(v) minimising potential for conflict with school buses and other road users (including cyclists utilising the Central West Cycle Trail <u>and stock permit holders moving stock</u>) as far as practicable, including preventing queuing on the public road network;</p> <p>(vii) minimising dirt tracked onto the public road network from development related traffic <u>all vehicles leaving the site;</u></p> <p>(xi) responding to any emergency repair or maintenance requirements <u>and the timing for such a response;</u></p> <p>(xiii) <u>procedures on how stock permit holders (as outlined under the Local Land Services Act 2013), will maintain their access to the local road network;</u></p>			

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		<p>(xiv) <u>a requirement for all waste vehicles servicing the site and accommodation camp to only transfer waste to a licenced waste facility using State roads unless not available for use;</u></p> <p>(e) a driver's code of conduct that addresses:</p> <p>(ii) procedures to ensure that drivers, <u>including employees, contractors and sub-contractors</u> using private vehicles adhere to the designated transport routes and speed limits; and</p> <p>(iii) procedures to ensure that drivers implement safe driving practices;</p> <p>(g) a flood response plan detailing procedures and options for safe access to and from site in the event of flooding; <u>and</u></p> <p>(h) <u>include details of who would be responsible for monitoring, reviewing, reporting and implementing the Traffic Management Plan.</u></p>			
<p>Vegetation Buffer</p> <p>B12.</p>	<p>To address community concerns about the height and viability of the proposed screen planting.</p> <ul style="list-style-type: none"> For plantings to be undertaken as early as possible in the development process so it provides maximum time for growth To specify a mix of plantings (at the appropriate seasonal time) so it is not just tube stock that is planted To ensure screening is maintained and mortalities are addressed to maintain screening integrity. 	<p>The Applicant must establish and maintain a vegetation buffer (landscape screening) as described in the EIS and shown in Appendix 1. The landscape screening must:</p> <p>(a) be planted <u>within 6 months of commencement of solar panel installation and fully completed</u> prior to commencing operation;</p> <p>(b) be comprised of species that are endemic to the area <u>comprising of a mix of tube stock and 15L – 40L pot size;</u></p> <p>(c) be designed and maintained in accordance with RFS's <i>Planning for Bushfire Protection 2019</i> (or equivalent); and</p> <p>(d) be properly maintained <u>for the life of the development, with, including</u> appropriate weed management <u>and replacement of mortalities upon identification,</u></p> <p>unless the Planning Secretary agrees otherwise.</p>			
<p>Land Management</p> <p>B13.</p>	<p>To address community concerns around the viability of the site for grazing and available infrastructure to do so.</p>	<p>The Applicant must maintain the agricultural land capability of the site, including:</p> <p>(c) maintaining grazing within the development footprint, where practicable; <u>and</u></p> <p><u>(d) providing for the life of the development adequate water, fencing, yards and loading facilities for livestock grazing on the site,</u></p> <p>unless the Planning Secretary agrees otherwise.</p>			
<p>Lighting</p> <p>B15.</p>	<p>To ensure amenity within the locality.</p>	<p>(b) ensure that any external lighting associated with the development:</p> <p>(ii) does not shine above the horizontal <u>plane and is appropriately shielded to prevent light spill outside the site;</u> and</p>			
<p>Rural Landscape Character</p> <p>B16.</p> <p>New Condition</p>	<p>The Commission heard concerns from the community about the visual impact of the proposal on the locality, including impacts to rural character views and vistas.</p> <p>The condition seeks for the Applicant to provide</p>	<p><u>Prior to the commencement of works, the Applicant must:</u></p> <p>(a) <u>discuss with Mid-Western Regional Council opportunities to develop and implement a program of road reserve vegetation planting along:</u></p> <p>(i) <u>Birriwa Bus Route North between receivers R1 and R30; and</u></p> <p>(ii) <u>Birriwa Bus Route South, between receiver R5 and associated dwelling A4.</u></p> <p>(b) <u>the program developed must describe:</u></p> <p>(i) <u>type, width and density of plantings;</u></p>			

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	plantings which will contribute to, and strengthen the rural landscape character of the locality and further assist in visual mitigation.	(ii) timing of planting; (iii) that the vegetation is designed and will be maintained in accordance with RFS's Planning for Bushfire Protection 2019 (or equivalent); (iv) planting locations to ensure road safety and no conflict with road users; and (v) ongoing maintenance responsibilities. If a program is agreed to by Mid-Western Regional Council, a copy is to be published on the Applicant's website and the program implemented prior to commencement of operations.			
Vegetation Clearance B18. New Condition	The Commission heard concerns from the community about the removal of isolated and remanent vegetation within the solar array footprint. Maintaining this vegetation as far as possible will assist to litigate rural landscape character impacts and assist with any dryland salinity issues on the site.	The design of the final solar array layout must as far as practically possible, avoid the removal of existing isolated and/or remnant mature vegetation on the site.			
Biodiversity Management Plan B21.	To ensure measures will be implemented and reported on as required.	B19. B21. (b) include a description of the measures that would be implemented for: (i) protecting vegetation and fauna habitat outside the approved disturbance areas, including how the accommodation camp and its occupants will implement those 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, reporting on and implementing the plan.			
Construction, Upgrading and Decommissioning Hours B22.	To make clear that transportation to and from the site also must only be within the hours specified in the condition, further assisting with local amenity.	B20. B22. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, transportation of materials to and from site , construction, upgrading, commissioning or decommissioning activities on site between:			
Exceptions to Construction Hours B23.	Update to conditions reference.	B21. B23. The following activities may be carried out outside the hours specified in condition B22 19 above			
Variation of Construction Hours B24.	<ul style="list-style-type: none"> Update to condition reference To ensure consultation occurs prior to any changes in hours, consistent with administrative conditions To ensure traffic management is also considered to mitigate impacts on sensitive receivers 	B22. B24. The hours of construction activities specified in condition B22 19 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: (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of relevant Councils (and other relevant agencies) has been and will be undertaken; (d) accompanied by evidence that all feasible and reasonable noise mitigation and traffic management measures have been put in place; and			

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Noise. B26.	To ensure reporting is appropriately published for the community to view.	B24. B26. The Applicant must publish all Noise Monitoring Reports on its website and undertake further noise monitoring of the development if required by the Planning Secretary.			
Location of Solar Panels B28. New Condition	To assist in mitigating the visual, amenity and rural landscape impacts arising.	No solar panel is to be located closer than 30 metres to the Site boundary.			
Battery Storage System B29. New Condition	To ensure any potential visual, rural landscape and environmental impacts associated with the battery storage system, in particular Option 3, are adequately addressed by the Applicant and considered by the Department.	Prior to commencement of works, the final design and layout of the battery storage system is to be submitted to the Planning Secretary for approval. The documentation provided must include: (a) site plan(s); (b) elevations; (c) a schedule of proposed materials, colours and finishes (noting that colours must comprise of muted tones complimentary with the surrounding rural landscape and materials must be non-reflective); (d) a stormwater drainage report and plans prepared by suitably qualified and practicing hydraulic engineer, consistent with the conditions of this consent; and (e) design details that demonstrate consideration of articulation, modulation and visual screening.			
Heritage Management Plan B31.	Reinforcing that reporting is to be completed in a timely manner and provide certainty to relevant stakeholders.	B27. B31. (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project, including details on how, when and to whom monitoring reports will be made available.			
Operating Conditions B34.	<ul style="list-style-type: none"> To ensure the battery storage and accommodation camp are also clearly captured by the condition To ensure the Applicant only undertakes appropriate stream and creek line rehabilitation works are undertaken in consultation with the relevant authorities To reinforce ground cover protection 	B30. B34. (b) ensure any solar panels, the battery storage system, accommodation camp, and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) and the <i>Managing Urban Stormwater: Soils and construction - Volume 2A</i> manual (Landcom, 2008), or their latest versions; (c) ensure the solar panels, the battery storage system, accommodation camp and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, localised flooding and groundwater at the site; (d) ensure the solar panels, the battery storage system, accommodation camp and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site; (e) ensure the solar panels, the battery storage system, accommodation camp and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; (f) ensure all works within waterfront land is undertaken in accordance with <i>Guidelines for Controlled Activities on Waterfront Land</i> (DPE, 2022); and that any stream or creek line rehabilitation is undertaken in consultation with the NSW DCCEEW – Water Group; (g) ensure the design of the all creek crossings (including internal tracks and MV cables) is in accordance with the document <i>Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003) and the <i>Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)</i> ; and (h) ensure the solar panels, battery storage system, accommodation camp and ancillary infrastructure are designed and constructed to avoid and minimise impacts to ground cover.			

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<p>Soil and Water Management Plan</p> <p>B35.</p>	<ul style="list-style-type: none"> Ensure suitability qualified and practising professionals prepare the plan(s) Conditions reference update Ensure timing and publishing of monitoring reports. 	<p>B34. B35.</p> <p>Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with NSW DCCEE – Water Group. This plan must:</p> <p>(a) be prepared by suitably qualified, and experienced persons and practicing professionals;</p> <p>(b) include a description of the measures that would be implemented to ensure that the objectives of condition B3429 (a) – (g) above are achieved;</p> <p>(c) include a program to monitor and report on the effectiveness of these measures, including potential impacts to the Talbraga River and waterways within and downstream of the site, and details on how and when monitoring reports will be made publicly available; and</p> <p>(d) include details of who would be responsible for monitoring, reviewing, reporting and implementing the plan, and timeframes for completion of actions.</p>			
<p>Emergency Plan</p> <p>B41.</p>	<ul style="list-style-type: none"> To ensure the plan is prepared prior to construction, addresses all hazards and emphasis human safety. Condition reference update. 	<p>B37. B41.</p> <p>Prior to commencing construction of the solar farm (including the accommodation camp) and commissioning of the battery storage facility, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, including an evacuation plan for the accommodation camp, and provide a copy of the plan to the local Fire Control Centre and FRNSW. The plan must:</p> <p>(a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B364 of Schedule 2;</p> <p>(i) detail specific response measures in the case of flood or fire to ensure human and site safety;</p> <p>(j) describe the specific emergency exit routes to be used in the case of flood or fire, and include evidence of access agreements with relevant landowners (e.g. right of carriageway); and</p>			
<p>Accommodation Camp</p> <p>B45.</p>	<ul style="list-style-type: none"> To ensure visual and rural landscape character impacts are mitigated by reinforcing the need for a complimentary built form outcome. Parking included as a design submission requirement Subclause re-alignment 	<p>B40. B45.</p> <p>(b) a schedule of proposed materials, colours and finishes for all proposed buildings and structures (noting that colours must comprise of muted tones complimentary with the surrounding rural landscape and materials must be non-reflective);</p> <p>(b)(c) include measures for dust suppression within the accommodation camp;</p> <p>(c)(d) provide the site layout including building locations, vehicle access, parking and movement, site servicing and utilities infrastructure; and</p> <p>(d)(e) include measures to support local suppliers in servicing the camp where possible.</p>			
<p>ACCOMMODATION AND EMPLOYMENT STRATEGY</p> <p>B46.</p>	<p>To ensure the applicant addresses timing for monitoring and inclusion of reporting requirements.</p>	<p>(c) include a program to monitor and review the effectiveness of the strategy over the life of the development, including the timing for regular monitoring, reporting of outcomes and review during construction.</p> <p>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 and operation of the accommodation camp. All reporting must be published on the Applicant's website as soon as practicable after finalisation of reports.</p>			
<p>Environmental Management Strategy</p> <p>C1.</p>	<p>To ensure the Applicant includes timing for provision of information to the community.</p>	<p>(d) include an ongoing community communication plan that describes the procedures that would be implemented to:</p> <p>(i) keep the local community and relevant agencies informed about the operation and environmental performance of the development, including how often and when information would be made available;</p> <p>(e) include:</p> <p>(ii) a clear plan depicting all the monitoring reviewing and monitoring to be carried out in relation to the development;</p>			

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<p>DELAY IN CONSTRUCTION</p> <p>C8.</p> <p>New condition</p>	<p>To address community concerns of the development's construction being delayed, meaning additional time the community is subject to construction related impacts.</p>	<p><u>In the event that the Applicant becomes aware that the construction timeframe for the development will exceed 28 months, the Applicant must notify the Planning Secretary and publish a report on its website which details:</u></p> <p><u>(a) the reasons for the delay to the construction timeframe;</u></p> <p><u>(b) a proposed revised construction timeline; and</u></p> <p><u>(c) how the community has been consulted on the delays and proposed revised construction timeline.</u></p>			
<p>Independent Environmental Audit</p> <p>C16.</p>	<p>Update to condition reference.</p>	<p>C15.C16.</p> <p>(a) review and respond to each Independent Audit Report prepared under condition C15C16 of Schedule 2 of this consent, or where notice is given by the Planning Secretary;</p>			
<p>ACCESS TO INFORMATION</p> <p>C19.</p>	<p>To place a timeframe on the information being made publicly available.</p>	<p>C18.C19.</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development <u>as soon as possible and within 5 business days:</u></p>			

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