

Development Consent

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

The Independent Planning Commission of NSW 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.



Janett Milligan (Chair)
Member of the Commission



Suellen Fitzgerald
Member of the Commission



Duncan Marshall AM
Member of the Commission

Sydney

16 August 2024

SCHEDULE 1

Application Number: SSD 29508870
Applicant: ACEN Australia Pty Ltd
Consent Authority: Independent Planning Commission of NSW
Land: See Appendix 2
Development: Birriwa Solar Farm

TABLE OF CONTENTS

SCHEDULE 1	1
DEFINITIONS	3
SCHEDULE 2	5
PART A ADMINISTRATIVE CONDITIONS	5
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Battery Storage Restriction	5
Upgrading of Solar Panels and Ancillary Infrastructure	5
Structural Adequacy	5
Demolition	5
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
Subdivision	6
Applicability of Guidelines	6
Compliance	6
Evidence of Consultation	6
Community Enhancement	6
PART B ENVIRONMENTAL CONDITIONS	7
Transport	7
Landscaping	9
Biodiversity	10
Amenity	12
Heritage	13
Soil and Water	13
Hazards	14
Accommodation Camp	16
Accommodation and Employment Strategy	17
Waste	17
Decommissioning and Rehabilitation	17
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING	19
Environmental Management	19
Notifications	20
Independent Environmental Audit	20
Access to Information	21
APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT	22
APPENDIX 2: SCHEDULE OF LANDS	23
APPENDIX 3: INDICATIVE SUBDIVISION PLAN	24
APPENDIX 4: GENERAL TERMS OF APPLICANT'S VPA OFFER	25
APPENDIX 5: ROAD UPGRADES AND SITE ACCESS	26
APPENDIX 6: HERITAGE ITEMS	29
APPENDIX 7: REQUIREMENTS FOR STRATEGIC CONCEPT DESIGN	31
APPENDIX 8: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	32

DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
ACHMP	Aboriginal Cultural Heritage Management Plan
Ancillary infrastructure	All project infrastructure with the exception of solar panels, including but not limited to the accommodation camp, collector substations, switching stations, permanent offices, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	ACEN Australia Pty Ltd, or any person who seeks to carry out the development approved under this consent
AUL	Auxiliary Left Turn
BAM-C	Biodiversity Assessment Method Calculator
BAR	Basic Right Turn
Battery storage	Large scale energy storage system
BCS	Biodiversity, Conservation and Science Group of NSW DCCEEW
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
CHR	Channelised Right Turn
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
Consent authority	Independent Planning Commission of NSW
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)
NSW DCCEEW – Water Group	NSW Department of Climate Change, Energy, the Environment and Water – Water Group
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 Birriwa Solar Farm dated September 2022, the Submissions Report dated September 2023, the Amendment Report dated September 2023, the Amendment Submissions Report dated December 2023 including the updated BDAR dated 7 December 2023, and the additional information dated 22 January 2024, 13 February 2024, 21 March 2024 and 11 April 2024.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW 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 Heavy Vehicle National Law (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 <i>National Heavy Vehicle Regulator's 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)

Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
MW	Megawatt
MWh	Megawatt-hour
MWRC	Mid-Western Regional Council
Non-associated residence	<ul style="list-style-type: none"> • a residence on privately-owned land in respect of which the owner has not reached an agreement with the Applicant in relation to the development (as provided by this consent); or • a residence on privately-owned land in respect of which the owner has reached an agreement with the Applicant in relation to the development (as provided by this consent), but the agreement does not cover the relevant impact or the performance measure for such impact under that agreement has been exceeded.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
PCT	Plant Community Type
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, 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	NSW Rural Fire Service
Residence	Existing or approved dwelling at the date of grant of this consent
SEPP 33	State Environmental Planning Policy No. 33 - Hazardous and Offensive Development
Site	As shown in Appendix 1 and listed in Appendix 2
Solar and BESS component	Solar arrays, battery energy storage system, operational buildings, road upgrades, transmission connection, construction compound and storage laydown areas not used for the accommodation camp;
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 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
Water Group	Water Group within NSW DCCEEW
WSC	Warrumbungle Shire Council

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, operation, upgrading, decommissioning or rehabilitation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (b) in compliance with the conditions of this consent;
 - (c) in accordance with all written directions of the Planning Secretary;
 - (d) generally in accordance with the EIS; and
 - (e) 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(d) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(d) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

BATTERY STORAGE RESTRICTION

- A5. Unless the Planning Secretary agrees otherwise, the battery storage associated with the development must not exceed a total delivery capacity of 600 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 in the future.*
- A6. Any building or fire rated compartment containing lithium-ion batteries shall be less than or equal to an energy storage capacity of 25 MWh.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A7. The Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.

STRUCTURAL ADEQUACY

- A8. 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.
- EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

DEMOLITION

- A9. 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

- A10. 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

- A11. 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

- A12. The Applicant may subdivide land comprising the site for the purposes of carrying out the development as generally identified in Appendix 3 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

- A13. 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

- A14. 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

- A15. 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

- A16. Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must enter into a VPA with Mid-Western Regional 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 Mid-Western Regional Council dated 12 July 2023, which are summarised in Appendix 4.

PART B ENVIRONMENTAL CONDITIONS

TRANSPORT

Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 120 heavy vehicle movements a day (a maximum of 27 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;
 - (b) length of any vehicles (excluding heavy vehicles 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 requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Route

- B3. Unless the Planning Secretary agrees otherwise, all heavy vehicles and heavy vehicles requiring escort associated with the development must travel to and from the site via Castlereagh Highway, Barneys Reef Road and Birriwa Bus Route South, as shown in Figure 1 of Appendix 5.
- B4. All vehicles including private vehicles of employees, contractors and sub-contractors associated with the construction, operation, upgrading and decommissioning of the development must not use Merotherie Road, 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. 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.

Access between portions of the site via the public road network must only be undertaken at the three crossing points on Birriwa Bus Route South identified in the figure in Appendix 1.

Note: Other site access points identified in the figure in Appendix 1 of this consent 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 as detailed in Appendix 5.
- Unless the relevant roads authority (and TfNSW for upgrades to the State Road network) agrees otherwise, these upgrades must comply with the *Austrroads Guide to Road Design* (as amended by TfNSW supplements) and be carried out to the satisfaction of the relevant roads authority (and TfNSW for upgrades to the State Road network).
- B7. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must 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.

Road Upgrades: Heavy Vehicles Requiring Escort

- B8. Prior to the use of heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (including for any road upgrades that may be required from point of origin to the Castlereagh Highway/Barneys Reef Road intersection).

Road Maintenance

- B9. The Applicant must:
- (a) undertake independent dilapidation surveys to assess the:
 - (i) existing condition of Barneys Reef Road and Birriwa Bus Route South between the

intersection with Castlereagh Highway and the Site Access point, and also the parts of Birriwa Bus Route South identified as public road crossing locations in Appendix 1, following upgrade in accordance with condition B5 and prior to construction, upgrading and decommissioning activities; and

- (ii) condition of Barney's Reef Road and Birriwa Bus Route South between the intersections with Castlereagh Highway and the Site Access Point, and also the parts of Birriwa Bus Route South identified as public road crossing locations in Appendix 1, following completion of construction, upgrading and decommissioning activities;
- (b) on completion of the dilapidation reports undertaken in B9(a)(i) and (ii) provide a copy to the relevant roads' authorities; and
- (c) repair and/or make good any development-related damage to Barneys Reef Road and Birriwa Bus Route South (including the public road crossing points), identified in dilapidation surveys during construction, upgrading or decommissioning works in consultation with the relevant road authority. Repair and/or make good works must be completed within 2 months of completion of the dilapidation surveys.

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.

Operating Conditions

B10. 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 (including private vehicles of employees, contractors and sub-contractors associated with the construction, operation, upgrading and decommissioning of the development), leaving the site are in a clean condition to minimise dirt being tracked onto the public road network.

Traffic Management Plan

B11. Prior to commencing the road upgrades identified in condition B6 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:

- (a) details of the transport route to be used for development-related traffic;
- (b) details of the road upgrade works required by condition B6 of this consent;
- (c) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS have been included in the plan;
- (d) 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 B9 of this consent;
 - (ii) temporary traffic controls, including detours and signage;
 - (iii) notifying the local community about project-related traffic impacts;
 - (iv) procedures for receiving, addressing, and responding in a timely manner to complaints from the community about development related traffic;
 - (v) minimising potential for conflict with school buses and other road users (including cyclists utilising the Central West Cycle Trail and stock permit holders moving stock) as far as practicable, including preventing queuing on the public road network;
 - (vi) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works;
 - (vii) minimising dirt tracked onto the public road network from development-related traffic (including private vehicles of employees, contractors and sub-contractors associated with the construction, operations, upgrading and decommissioning of the development);
 - (viii) measures for managing light vehicle peak numbers, including carpooling or ride sharing by employees;
 - (ix) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
 - (x) responding to local climate conditions that may affect road safety such as fog, dust, wet weather;

- (xi) responding to any emergency repair or maintenance requirements and the timing for such a response;
- (xii) a traffic management system for managing heavy vehicles requiring escort;
- (xiii) procedures on how stock permit holders (as outlined under the Local Land Services Act 2013), will maintain their access to the local road network; and
- (xiv) identification of proposed access routes from point of collection to point of disposal for waste vehicles servicing the development;
- (e) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers, including employees, contractors and sub-contractors using private vehicles adhere to the designated transport routes and speed limits; and
 - (iii) procedures to ensure that drivers implement safe driving practices;
- (f) 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; and
- (g) a flood response plan detailing procedures and options for safe access to and from site in the event of flooding; and
- (h) include details of who would be responsible for monitoring, reviewing, reporting and implementing the Traffic Management Plan.

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

LANDSCAPING

Vegetation Buffer

- B12. 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:
- (a) commence being planted within 9 months of the commencement of construction of the solar arrays, with all landscape screening fully planted prior to commencement of operation of the development;
 - (b) be comprised of species that are endemic to the area comprising of a mix of tube stock and 15L – 40L pot size;
 - (c) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
 - (d) be properly maintained for the life of the development, including appropriate weed management and replacement of mortalities upon identification,
- unless the Planning Secretary agrees otherwise.

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 the 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, with related livestock infrastructure provided.
- unless the Planning Secretary agrees otherwise.

Visual

- B14. The Applicant must:
- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
 - (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
 - (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Lighting

B15. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
 - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
 - (ii) does not shine above the horizontal plane and does not shine directly outside the site; and
 - (iii) complies with *Australian Standard/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, or the latest version.

Rural Landscape Character

B16. Prior to the commencement of works, the Applicant must

- (a) discuss with Mid-Western Regional Council opportunities to develop and implement a program of road reserve vegetation planting along:
 - (i) Birriwa Bus Route North between receivers R1 and R30; and
 - (ii) Birriwa Bus Route South, between receiver R5 and associated dwelling A4.
- (b) The program must describe:
 - (i) type, width and density of plantings;
 - (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); and
 - (iv) planting locations to ensure road safety and no conflict with road users.

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. If an agreement cannot be reached with Mid-Western Regional Council, this does not preclude the commencement of the development.

B17. Where practicable and possible, the design of the final solar array layout is to avoid the removal of existing isolated mature trees on the site.

BIODIVERSITY

Vegetation Clearance

B18. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Offsets

B19. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, in accordance with the timing in Table 1 below, the Applicant must retire biodiversity credits of a number and class specified in Table 2 and Table 3 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. Timing for retirement of biodiversity credits

Project Element	BAM-C Case Identifier	Timing
Road Upgrade Corridor Works (as defined in the BDAR dated 7 December 2023)	00028605/BAAS18135/23/00038036	Prior to commencing road upgrade corridor works
Solar Farm and BESS Project (as defined in the BDAR dated 7 December 2023)	00028605/BAAS17009/21/00028606 and 00028605/BAAS18135/23/00042129	Prior to commencing construction

Table 2. Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required	
		Road Upgrade Corridor Works	Solar Farm and BESS Project
Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions (Endangered)	80	23	29
White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions (Critically Endangered)	281	19	200

Table 3. Species Credit Requirements

Species	Credit Requirements	
	Road Upgrade Corridor Works	Solar Farm and BESS Project
Large-eared Pied Bat	0	17
Koala (<i>Phascolarctos cinereus</i>)	38	189

B20. 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

B21. 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 27 September 2023);
- (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;
 - (ii) managing and enhancing the remnant vegetation and fauna habitat on site;
 - (iii) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - (iv) minimising the impacts to fauna on site and implementing fauna management protocols;
 - (v) avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
 - (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 and report to BCS following each annual reporting window;
- (d) include an incidental threatened species finds protocol to identify, 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.

Following the Planning Secretary’s approval, the Applicant must implement the Biodiversity Management

Plan prior to carrying out any development that could directly or indirectly impact biodiversity values.

AMENITY

Construction, Upgrading and Decommissioning Hours

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:

- (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.

Exceptions to Construction Hours

B23. The following activities may be carried out outside the hours specified in condition B22 above:

- (a) commissioning activities that are inaudible at non-associated residences;
- (b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
- (c) emergency work to avoid the loss of life, property or prevent material harm to the environment.

Variation of Construction Hours

B24. The hours of construction activities specified in condition B22 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:

- (a) considered on a case-by-case or activity-specific basis;
- (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
- (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of relevant Councils (and other relevant agencies) has been undertaken;
- (d) accompanied by evidence that all feasible and reasonable noise mitigation and traffic management measures have been put in place; and
- (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009), or latest version.

Noise

B25. The Applicant must:

- (a) 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
- (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 4 below to be determined in accordance with the procedures in the NSW Noise Policy for Industry (EPA, 2017) at any non-associated residences unless the Planning Secretary agrees otherwise.

Table 4. Operational Noise Limit Requirements

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Afmax}
Non-associated residences	40	35	35	52

B26. Unless the Planning Secretary agrees otherwise, within 3 months of the commencement of operation, the Applicant must prepare and submit a Noise Monitoring Report for the development to the satisfaction of the Planning Secretary. The Noise Monitoring Report must:

- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant;
- (b) demonstrate that noise monitoring:
 - (i) has been carried out in accordance with the procedures in the Noise Policy for Industry (EPA, 2017); and
 - (ii) includes monitoring during the day, evening and night periods during operational, temperature and meteorological conditions that would represent typical worst-case

scenarios where reasonable and feasible;

(c) include:

- (i) 1/3 octave data and calculated sound power levels along with a discussion of any excessive annoying characteristics and directionality;
- (ii) an analysis of compliance with the noise limits specified in condition B25 at R5 at R12 and R13;
- (iii) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and
- (iv) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B25 at R5, R12 and R13 at all times.

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.

Dust

B27. The Applicant must minimise the dust generated by the development.

Location of Solar Panels

B28. No solar panel is to be located closer than 30 metres to the Site boundary, however other ancillary works such as fencing and landscaping are permitted within 30 metres of the site boundary.

HERITAGE

Protection of Heritage Items

B29. The Applicant must ensure the development does not cause any direct or indirect impacts to the Aboriginal heritage items identified in Table 1 in Appendix 6 or any heritage items outside the approved development footprint.

Heritage Management Plan

B30. Prior to commencing construction, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary in writing;
- (b) be prepared in consultation with Local Aboriginal Stakeholders, and reviewed by Heritage NSW;
- (c) include a description of the measures that would be implemented for:
 - (i) protecting the Aboriginal heritage items identified in Table 1 of Appendix 6, or items located outside of the approved development footprint;
 - (ii) fencing / demarcation (as appropriate) of the identified heritage items prior to carrying out any development that could directly or indirectly impact the identified heritage items;
 - (iii) salvaging and relocating the heritage items located within the approved development footprint, as identified in Table 2 of Appendix 6;
 - (iv) a contingency plan and reporting procedure if:
 - heritage items outside the approved development footprint are damaged;
 - previously unidentified heritage items are found; or
 - skeletal material is discovered;
 - (v) 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
 - (vi) ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
- (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project, including details on how, when and to whom monitoring reports will be made available.

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

SOIL AND WATER

Water Supply

B31. 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

B32. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Operating Conditions

B33. The Applicant must:

- (a) minimise erosion and control sediment generation;
- (b) ensure any solar panels, the battery storage system, accommodation camp, 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 *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) and the *Managing Urban Stormwater: Soils and construction - Volume 2A* 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 retain groundcover and avoid causing any erosion on site;
- (f) ensure all works within waterfront land is undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022) and that any stream or creek line rehabilitation is undertaken in consultation with the DCCEEW – Water Group; and
- (g) ensure the design of the all creek crossings (including internal tracks and MV cables) is in accordance with the document *Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (NSW Fisheries 2003) and the *Policy and Guidelines for Fish Habitat Conservation and Management* (Update 2013).

Soil and Water Management Plan

B34. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with NSW DCCEEW – Water Group. This plan must:

- (a) be prepared by suitably qualified, experienced and practicing professionals;
- (b) include a description of the measures that would be implemented to ensure that the objectives of condition B33 (a) – (g) above are achieved;
- (c) include a program to monitor and report on the effectiveness of these measures, including potential impacts to waterways within the site, and details on how and when monitoring reports will be made publicly available; and
- (d) include details of who would be responsible for monitoring, reviewing, reporting and implementing the plan, and timeframes for completion of actions.

The Applicant must implement the Soil and Water Management Plan.

HAZARDS

Fire Safety Study

B35. Prior to commencing construction of the battery storage facility (except for construction of those preliminary works that are outside the scope of the hazard studies), the Applicant must prepare and submit a Fire Safety Study for the battery storage, to the satisfaction of the Planning Secretary and that meets the requirements of FRNSW. The study must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*;
- (b) be prepared in accordance with the *FRNSW Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations*.

- (c) describe the final design of the battery storage;
- (d) for the option of purpose-built battery storage building, report the controls adopted and demonstrate consistency with the hazard controls described in the Preliminary Hazard Analysis (Sherpa, 20 July 2022) and Submissions Report (EMM, Final, 12 September 2023);
- (e) include reasonable worst-case fire scenario to and from the battery storage and the associated fire management; and
- (f) identify measures to eliminate the expansion of any fire incident including:
 - (i) adequate fire safety systems and appropriate water supply;
 - (ii) separation and / or compartmentalisation of battery units; and
 - (iii) strategies and incident control measures specific to the battery storage design.

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

Note: 'meets the requirements of FRNSW' above means confirmation in writing from FRNSW that the Study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline.

Storage and Handling of Dangerous Materials

- B36. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.
- B37. 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) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

Operating Conditions – Solar and Battery Storage

- B38. For the solar and battery storage components of the development, 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*;
 - (ii) is suitably equipped to respond to any fires on site, including provision of a 50,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
 - (iii) includes a minimum 10 metre defendable space around the perimeter that permits unobstructed vehicle access, and assists the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - (iv) is managed as an asset protection zone (including the defendable space);
 - (c) assist the RFS, FRNSW 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 completion of construction of the development, and prior to commencing operations.

Operating Conditions – Accommodation Camp

- B39. For the accommodation camp, 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*;
 - (ii) internal roads and utilities are provided in accordance with the requirements of the bushfire assessment report produced by Cool Burn Fire + Ecology (dated 29 August 2023);
 - (iii) includes a defendable space around the perimeter being a minimum 20 metres to the north, and 11 metres from all other directions, that permits unobstructed vehicle access; and
 - (iv) is managed as an asset protection zone (including the defendable space);

- (c) assist the RFS, FRNSW 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 completion of construction of the development, and prior to commencing operations.

Emergency Plan

- B40. Prior to commencing construction of the solar farm (including the accommodation camp and 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:
- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B35 of Schedule 2;
 - (b) be consistent with Department's Hazardous Industry Planning Advisory Paper No. 1, '*Emergency Planning*' and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
 - (c) be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.
 - (d) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
 - (e) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;
 - (f) include availability of fire suppression equipment, access and water;
 - (g) 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;
 - (h) 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;
 - (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;
 - (i) detail specific response measures in the case of flood or fire to ensure human and site safety;
 - (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
 - (k) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW and RFS.
- B41. The Applicant must:
- (a) implement the Emergency Plan and Emergency Services Information Package for the duration of the development; and
 - (b) following commencement of commissioning of the battery storage, 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.

ACCOMMODATION CAMP

- B42. Unless the Planning Secretary agrees otherwise, the applicant must construct and operate the accommodation camp as described in the EIS and in Appendix 1 of this consent, prior to commencing all other construction activities.
- B43. Prior to commencing construction of the accommodation camp, the Applicant must prepare an Accommodation Camp Management Plan in consultation with Mid-Western Regional Council and Warrumbungle Shire Council. Unless the Planning Secretary agrees otherwise, the plan must:
- (a) ensure utilities at the accommodation camp, including water, wastewater, waste and electricity, are designed and located in accordance with Mid-Western Regional Council specifications and relevant standards;
 - (b) include a schedule of proposed materials, colours and finishes for all proposed buildings and structures (noting that colours should, where practicable comprise of muted tones complimentary with the surrounding rural landscape and materials must be non-reflective);
 - (c) ensure the accommodation camp complies with conditions B33 and B39;

- (d) ensure any treated wastewater from the accommodation camps used for dust suppression during construction;
 - (i) complies with the Australian and New Zealand Environment and Conservation Council (ANZECC) and Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) (2000) *Guidelines for irrigation water quality*;
 - (ii) meets the requirements of the *Public Health Act 2010*;
- (e) include measures for dust suppression within the accommodation camp;
- (f) provide the site layout including building locations, vehicle access, parking and movement, site servicing and utilities infrastructure; and
- (g) include measures to support local suppliers in servicing the camp where possible.

The Applicant must implement the Accommodation Camp Management Plan.

B44. Prior to the accommodation camp becoming operational, the Applicant must notify the Western NSW Local Health District of final health services provided for the camp's occupants.

ACCOMMODATION AND EMPLOYMENT STRATEGY

B45. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Mid-Western Regional Council and Warrumbungle Shire Council. This strategy must:

- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development, generally consistent with the draft Accommodation and Employment Strategy dated 11 December 2023;
- (b) consider the cumulative impacts associated with other State significant projects in the area;
- (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
- (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including the timing for regular monitoring, reporting of outcomes and review during construction.

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.

WASTE

B46. 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.

DECOMMISSIONING AND REHABILITATION

B47. Unless the Planning Secretary agrees otherwise, within 12 months of commencing operation of the project, the applicant must decommission and rehabilitate the accommodation camp to the satisfaction of the Planning Secretary. This rehabilitation must comply with the objectives in Table 5.

Table 5. Rehabilitation Objectives

Feature	Objective
Accommodation camp	<ul style="list-style-type: none"> • Safe, stable and non-polluting • All infrastructure including above and below ground to be decommissioned and removed to a depth of 500mm, unless the Planning Secretary agrees otherwise • Restore land capability to pre-existing productive capacity • Ensure public safety at all times

B48. Within 18 months of 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 6.

Table 6. 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 and ancillary infrastructure	<ul style="list-style-type: none"> • All infrastructure including above and below ground to be decommissioned and removed to a depth of 500mm, unless the Planning Secretary agrees otherwise.
Land use	<ul style="list-style-type: none"> • Restore land capability to pre-existing productive capacity
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

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) include an ongoing community communication plan that describes 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, including how often and when information would be made available;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (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 reviewing and monitoring to be carried out in relation to the development.

Following the Planning Secretary's approval of the Environmental Management Strategy, 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 final design and layout of the battery storage system must include the following information:
- (a) site plan(s);
 - (b) elevations;
 - (c) a schedule of proposed materials, colours and finishes (noting that colours should, if practicable 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.

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 seven 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. 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, or where notice is given by the Planning Secretary;
 - (b) submit the response to the Planning Secretary; and
- C16. make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary. Independent Audit Reports and the Applicant's response to audit findings must be

submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements (2020)* unless otherwise agreed by the Planning Secretary.

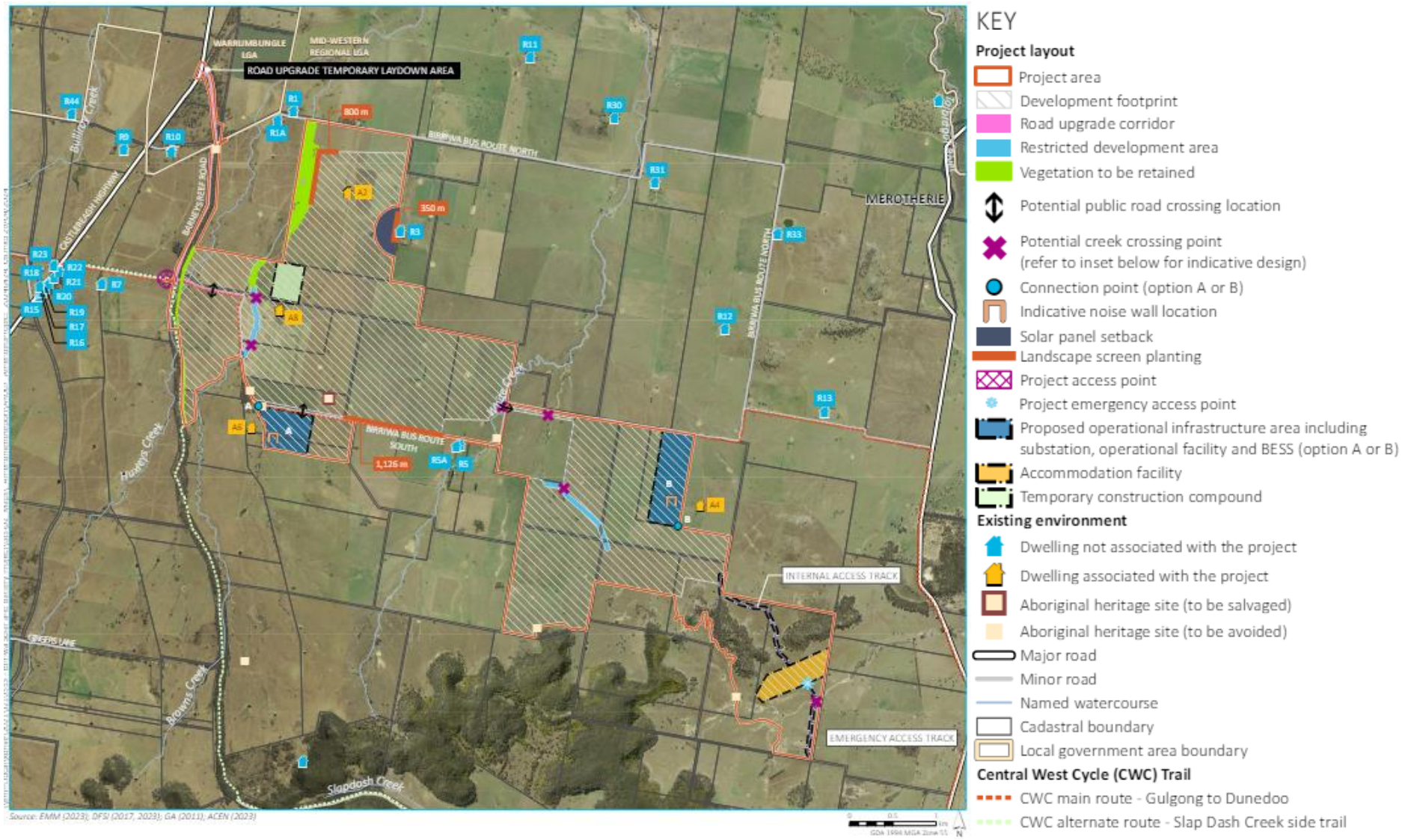
- C17. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

C18. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development as soon as possible and within 5 business days:
 - (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 Fire Safety Study and 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) Provide construction progress updates on its website at appropriate construction milestones, including identification of any delays; and
- (c) keep this information up to date.

APPENDIX 1: GENERAL LAYOUT OF DEVELOPMENT



**APPENDIX 2:
SCHEDULE OF LANDS**

Lot Number	Deposited Plan (DP)
12	750755
16	
30	
31	
32	
34	
35	
36	
37	
39	
43	
45	
47	
48	
53	
54	
55	
70	
82	
1	1004819
7300	1149875

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

APPENDIX 3: INDICATIVE SUBDIVISION PLAN



**APPENDIX 4:
GENERAL TERMS OF 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>
Mid-Western Regional Council	1.5% of the project's capital expenditure, paid through a series of instalments over the lifetime of the project. ACEN Australia and Council agree to discuss the payment mechanism prior to commencement of construction.

APPENDIX 5: ROAD UPGRADES AND SITE ACCESS

Figure 1. Site Access

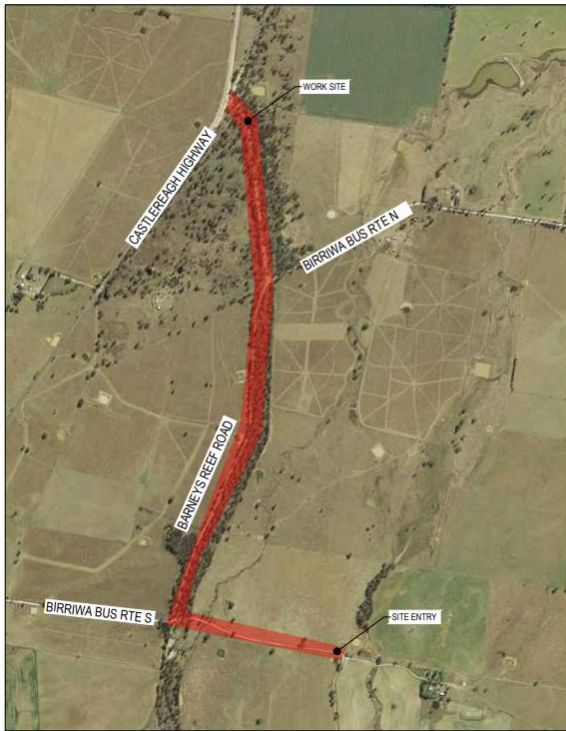


Figure 2. Castlereagh Highway/Barneys Reef Road intersection upgrade (south)

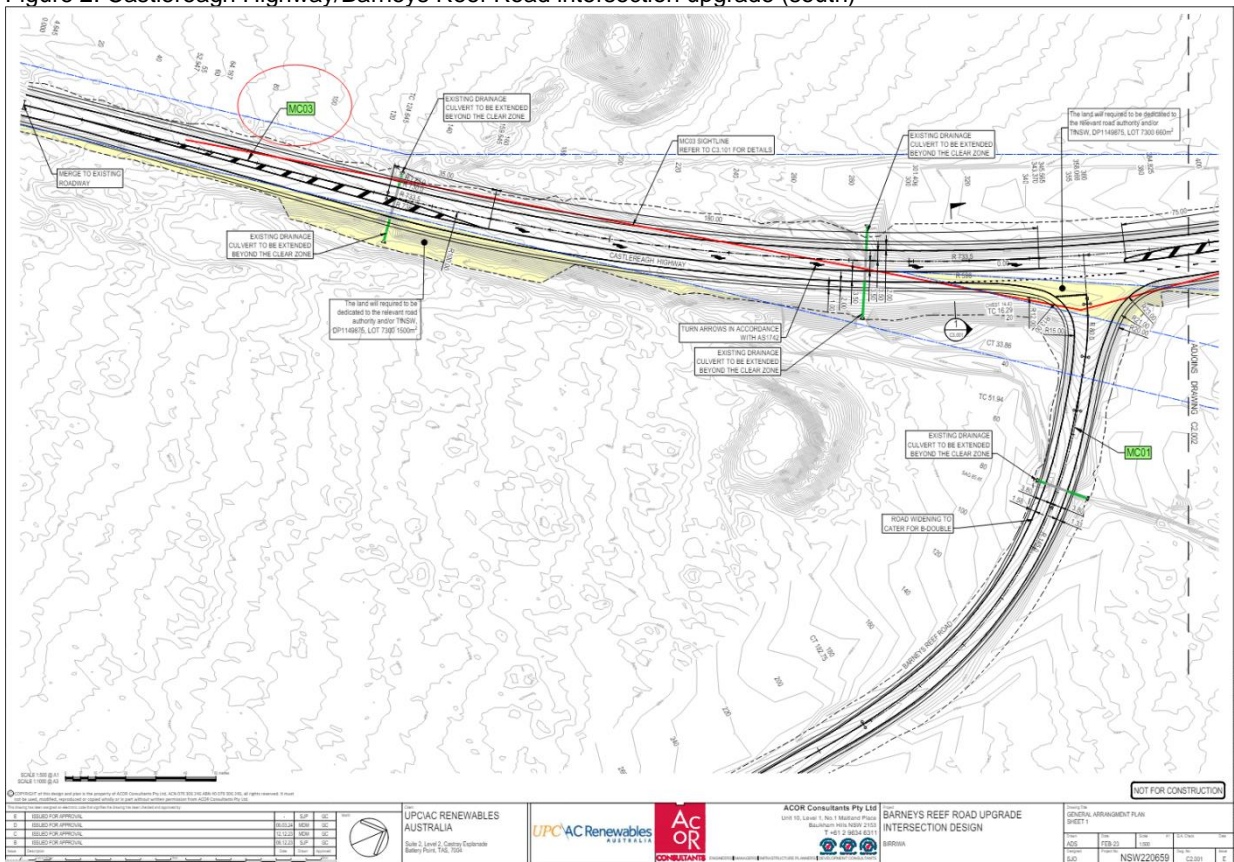


Figure 3. Castlereagh Highway/Barneys Reef Road intersection upgrade (south)

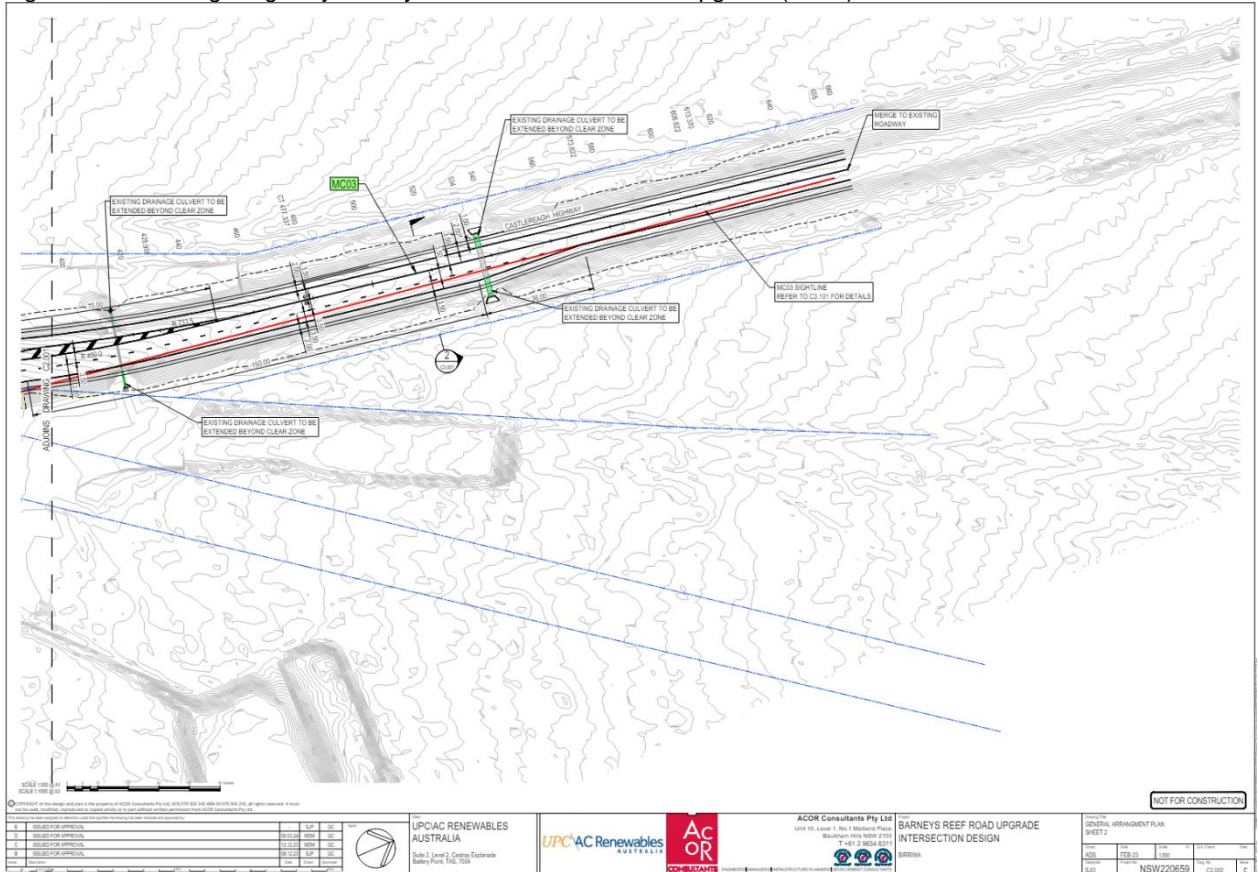
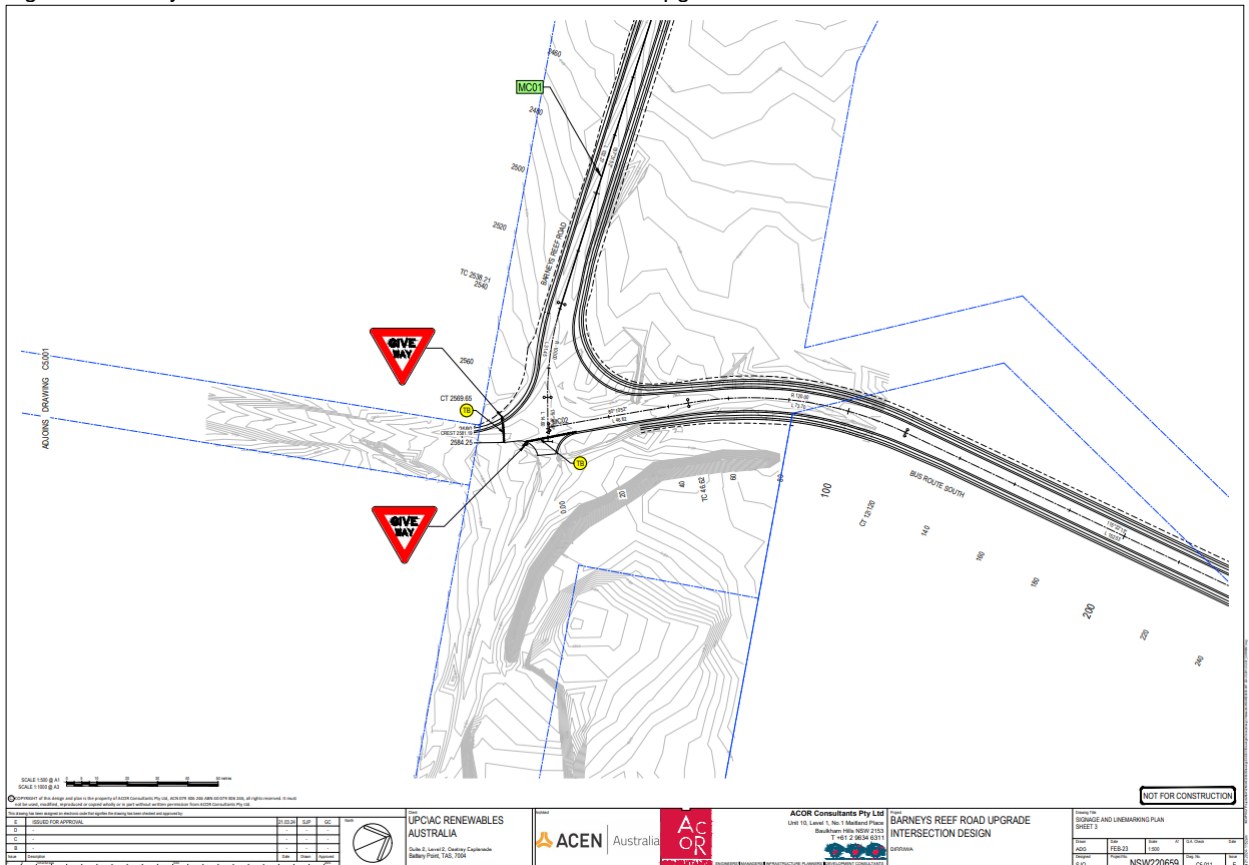


Figure 4. Barneys Reef Road/Birriwa Bus Route intersection upgrade



Road	Location	Upgrade Requirements
Castlereagh Highway/Barneys Reef Road intersection	Intersection	<p>Works as shown in figures 1 and 2 of this appendix above.</p> <p>The final design is to ensure that the intersection has sufficient width to: Enable two-way circulation roadway width required for a 26-m B-double (6.5 m)</p> <p>An Austroads Type AUL/CHR right turn treatment on the Castlereagh Highway at the Castlereagh Highway/Barneys Reef Road intersection on the northbound approach.</p>
Barneys Reef Road and Birriwa Bus Route South	From Castlereagh Highway/Barneys Reef Road intersection to Barneys Reef Road/Birriwa Bus Route South intersection, and from Barneys Reef Road/Birriwa Bus Route South intersection to site access	Resurfacing and widening of Barneys Reef Road and Birriwa Bus Route South to a minimum road width of 9.2m, which includes 7.2 m seal and 2 m unsealed shoulders (2 x 3.1 m travel lanes + 0.5 m sealed shoulders on both sides + 1 m unsealed shoulders on both sides). Both Barneys Reef Road and Birriwa Bus Route South will be upgraded as per the above Austroads requirement
Barneys Reef Road/Birriwa Bus Route South intersection	Intersection	<p>Works as shown in figure 4 of this appendix above.</p> <p>A basic right turn (BAR) treatment is required from Birriwa Bus Route South (east approach) to Barneys Reef Road (north approach)</p>
Crossings of Birriwa Bus Route South	At three points along Birriwa Bus Route South	As identified in Appendix C of the EIS

APPENDIX 6: HERITAGE ITEMS

Figure 1.

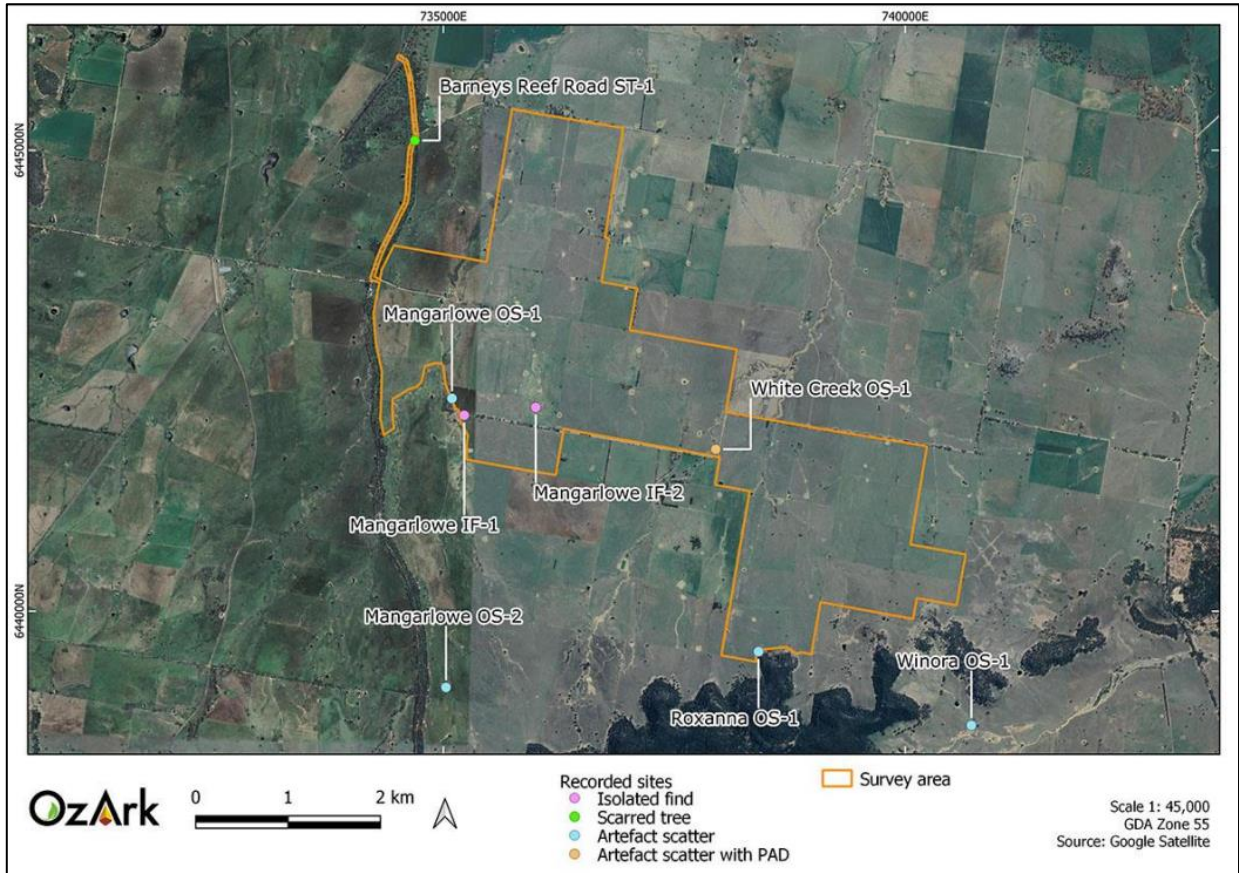


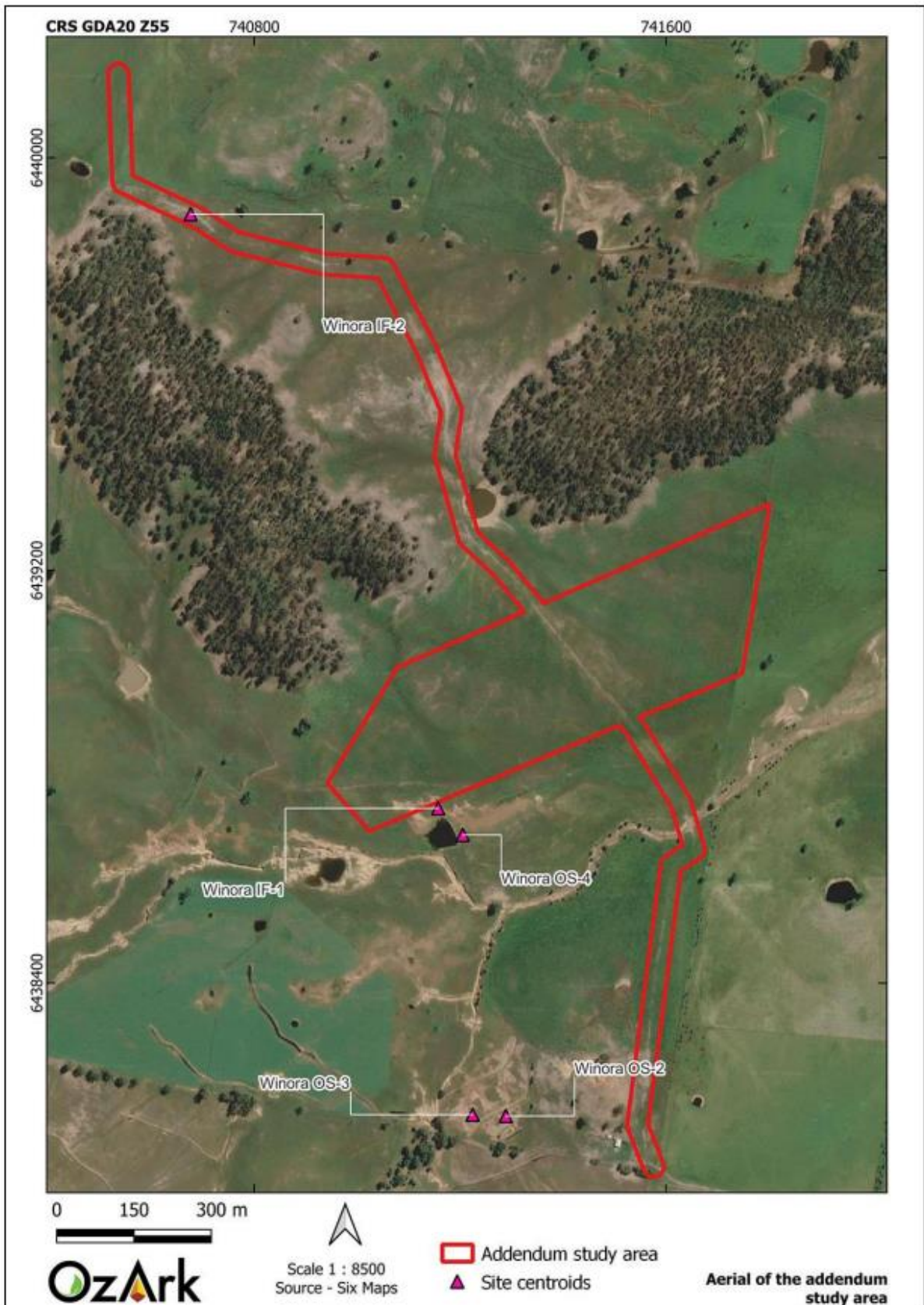
Table 1: Aboriginal heritage items – avoid impacts

Item	Item	Item
White Creek OS-1	Mangarlowe OS-2	Roxanna OS-1
Mangarlowe OS-1	Mangarlowe IF-1	Barneys Reef Road ST-1
Winora IF-1	Winora OS-4	Winora OS-3
Winora OS-2	Winora OS-1	

Table 2: Aboriginal Heritage items - salvage

Item
Mangarlowe IF-2
Winora IF-2

Figure 2.



**APPENDIX 7:
REQUIREMENTS FOR STRATEGIC CONCEPT DESIGN**

1. Revise the strategic concept design to include consideration of an Austroads compliant radii. The road design should smooth out the edge of the median to achieve a radii that provides a through lane alignment keeping with the 85th percentile speed 100km/h for south bound traffic.
2. Updated swept paths diagrams for the design heavy vehicle requiring escort at the intersection of Barneys Reef Road/Castlereagh Highway, which show that the turning arc of the design vehicle can be delivered within the pavement extents of the proposed road upgrades.

Note: If the revised strategic concept design demonstrates that the required intersection exceeds the area of the approved intersection design in Appendix 5, the applicant must ensure that all relevant approvals are obtained (including any landowners consent).

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 Application fails to give the notification required under condition C10 of Schedule 2 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 become 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.