



16 August 2024

Cameron Ashe
Environmental Assessment Officer
Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear Cameron,

**Wallaroo Solar Farm (SSD-9261283)
Request for Comment – Recommended Conditions of Consent**

I refer to the State significant development application for the Wallaroo Solar Farm (SSD-9261283) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is considering the imposition of the attached conditions of consent for the Application (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Additionally, the Commission is seeking an updated Development Layout figure to replace the figure in Appendix 1 that includes:

- the indicative locations of the battery storage system components; and
- identification of the 10m buffer between the development footprint and Jarramlee Reserve.

In order to provide the requested updated figure above, and any advice on conditions, the Panel would be assisted if the Department could consult with the Applicant to the extent necessary. Could you please provide the Department's advice by **5pm on Wednesday, 28 August 2024**.

This letter and your response will be made publicly available on the Commission's website immediately following the publication of the Commission's determination of this Application.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Tahlia Hutchinson via [REDACTED] or [REDACTED]

Yours sincerely,

[REDACTED]
Stephen Barry
Planning Director

Wallaroo Solar Farm (SSD-9261283)

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)	Comments DPHI
Definitions	To distinguish between NSW and ACT Rural Fire Service within the consent.	ACT RFS – ACT Rural Fire Service <u>NSW RFS – NSW Rural Fire Service</u>	
Structural Adequacy A7.	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 <u>National Construction Code</u> . 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. • <u>EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.</u> 	
Road Upgrades: Heavy Vehicles Requiring Escort B6.	Updated to ensure the intersection upgrades are explicitly captured by this condition, and the Wallaroo Road/Barton Highway intersection upgrade is completed.	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 <u>or intersection</u> upgrades that may be required from point of origin to the Wallaroo Road/Gooroomon Ponds Road intersection, <u>including the Wallaroo Road/Barton Highway intersection upgrade subject to separate approval</u>).	
Road Maintenance B7.	Minor grammatical correction. Updated to include the Barton Highway/Wallaroo Road intersection at the request of ACT Government to ensure the intersection is not excluded inadvertently by the proposed wording. Updated to include condition B6 to capture the Wallaroo Road/Barton Highway intersection. Updated to include providing the reports to the relevant road authorities to ensure all relevant road authorities in both NSW and ACT are across the road related aspects of the development. To place a timeframe of repairs and make good works.	The Applicant must: <ol style="list-style-type: none"> (a) undertake an independent dilapidation surveys to assess the: <ol style="list-style-type: none"> (i) condition of Wallaroo Road, Gooroomon Ponds Road and Southwell Road, between Barton Highway and the site access point, <u>including the Barton Highway/Wallaroo Road intersection</u>, following upgrade in accordance with condition B5 <u>and condition B6</u> and prior to construction, upgrading and decommissioning activities; and (ii) condition of Wallaroo Road, Gooroomon Ponds Road and Southwell Road, between Barton Highway and the site access point, <u>including the Barton Highway/Wallaroo Road intersection</u>, following the completion of construction, upgrading and decommissioning activities; (b) <u>on completion of the dilapidation reports undertaken in condition B7(a)(i) and (ii) provide a copy to the relevant roads' authorities; and</u> (c) repair and/or make good any development-related damage to Wallaroo Road, Gooroomon Ponds Road, and/or Southwell Road <u>and/or the Barton Highway/Wallaroo Road intersection</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>If there is a dispute about road repair between the Applicant and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution.</p>	
Traffic Management Plan B9.	Updated to include condition B6 to capture the Wallaroo Road/Barton Highway intersection. Updated to restrict heavy vehicle movements all together during school bus hours in response to community concerns regarding road safety and school buses.	Prior to commencing the road upgrades identified in condition B5 <u>and condition B6</u> of this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, Yass Valley Council, and Transport Canberra and City Services and to the satisfaction of the Planning Secretary. This plan must include: <ol style="list-style-type: none"> (a) details of the transport route to be used for development-related traffic; (b) details of the road upgrade works required by condition B5 <u>and condition B6</u> of this consent, including a schedule for the road upgrades and extent of the proposed work area; 	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
		<p>(c) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS have been included in the plan;</p> <p>(d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:</p> <ul style="list-style-type: none"> (i) details of the dilapidation surveys required by condition B7 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 and addressing complaints from the community about development-related traffic; (v) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network and scheduling heavy vehicles and heavy vehicles requiring escort to avoid school bus hours; 	
<p>Vegetation Buffer B10.</p>	<p><i>The Commission seeks to increase the vegetation screening density along the boundary where visible to Dunlop (see attached marked up photomontage at Attachment B) – for discussion with the Department on how best to achieve this outcome through an amendment to this condition.</i></p> <p>To address community concerns about the height and viability of the proposed screen planting by ensuring plantings are undertaken as early as possible in the development process to provide maximum time for growth.</p> <p>Addition of missing final sentence.</p>	<p>Unless the Planning Secretary agrees otherwise, the Applicant must establish and maintain a vegetation buffer (landscape screening) as described in the EIS and shown in Appendix 4. The landscape screening must:</p> <ul style="list-style-type: none"> (a) be planted within 6 months of commencement of construction prior to commencing operation; (b) be comprised of species that are endemic to the area; (c) be designed and maintained in accordance with RFS's Planning for Bushfire Protection 2019 (or equivalent); and (d) be properly maintained for the life of the development, including appropriate weed management and replacement of mortalities upon identification, unless the Planning Secretary agrees otherwise. 	
<p>Biodiversity Management Plan B15.</p>	<p>Updated to include the ACT Government in the consultation process as a large majority of the surrounding biodiversity is located within the ACT.</p>	<p>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 the ACT Conservator of Flora and Fauna and to the satisfaction of the Planning Secretary. This plan must:</p>	
<p>Battery Storage System B24.</p> <p><i>New Condition</i></p>	<p>To ensure any potential visual, rural landscape and environmental impacts associated with the battery storage system are adequately addressed by the Applicant and considered by the Department.</p>	<p>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:</p> <ul style="list-style-type: none"> (a) site plan(s); (b) elevations; and (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) including design details that demonstrate visual screening. 	
<p>Heritage Management Plan B26.</p>	<p>Deletion of word to correct reference and minor grammatical correction.</p>	<ul style="list-style-type: none"> (iii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in condition Table 2 of Appendix 7; (iv) participation by the RAPs in any salvage works that will be undertaken; (v) a contingency plan and reporting procedure if: <ul style="list-style-type: none"> • heritage items outside the approved development footprint are damaged; • previously unidentified heritage items are found; or • Aboriginal skeletal material is discovered; (vi) ensuring workers on site receive suitable heritage inductions prior to carrying out any 	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
		development on site, and that records are kept of these inductions; (vii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and	
<p>Operating Conditions</p> <p>B29.</p>	<p>To ensure the potential contamination from water runoff relating to fire extinguishing activities is adequately assessed and managed (and subsequently included in the Soil and Water Management Plan under Condition B30) in response to concerns raised by the ACT EPA.</p>	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) minimise erosion and control sediment generation; (b) ensure any solar panels 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 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 and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site; (e) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and (f) ensure all works within waterfront land is undertaken in accordance with <i>Guidelines for Controlled Activities on Waterfront Land</i> (DPE, 2022); (g) <u>ensure the adequate management of water runoff (including potential contamination) from fire extinguishing activities during and after an on-site fire event, including, but not limited to, in relation to Ginninderry Creek and the Murrumbidgee River; and</u> (h) ensure the design of all waterway crossings (including internal tracks and 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>. 	
<p>Soil and Water Management Plan</p> <p>B30.</p>	<p>Department name and condition reference updates.</p>	<p>Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with Water Group. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced persons; (b) include a description of the measures that would be implemented to ensure that the objectives of condition B29 (a) – (g) above are achieved; (c) include a program to monitor and report on the effectiveness of these measures; and (d) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions. <p>The Applicant must implement the Soil and Water Management Plan.</p>	
<p>Fire Safety Study</p> <p>B31.</p>	<p>Battery storage facility changed to system for consistency and to reflect a decentralised system rather than a single facility.</p> <p>Updated to include the ACT counterparts in relation to firefighting to ensure all relevant and potentially involved in emergency response agencies are included in the preparation of the relevant studies.</p>	<p>Prior to commencing construction of the battery storage facility system, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must:</p> <ul style="list-style-type: none"> (a) <u>be prepared in consultation with ACT Fire & Rescue;</u> (b) be consistent with the Department's <i>Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline</i>; 	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
<p>Emergency Plan</p> <p>B34.</p>	<p>Updated to include the ACT counterparts in relation to firefighting to ensure all relevant and potentially involved in emergency response agencies are included in the preparation of the relevant studies.</p> <p>Updated to ensure the plan addresses all hazards and emphasis human safety.</p> <p>Updated to include the provision of stopping works where a total fire ban is declared, in response to the ACT Government's concerns.</p> <p>Condition reference update.</p>	<p>Prior to commencing construction of the solar farm and commissioning of the battery storage system, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre, FRNSW and ACT Fire & Rescue. The plan must:</p> <p>(a) be prepared in accordance with the findings of the Fire Safety Study required under condition B31 of Schedule 2;</p> <p>(b) be consistent with Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's <i>Planning for Bushfire Protection 2019</i> (or equivalent);</p> <p>(c) include details on how the battery storage and sub-systems can be safely isolated in an emergency;</p> <p>(d) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;</p> <p>(e) include availability of fire suppression equipment, access and water;</p> <p>(f) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;</p> <p>(g) <u>include provisions for the cessation of works during the construction phase on days where a total fire ban that applies to the Site is declared;</u></p> <p>(h) include fire and bushfire emergency management planning, including:</p> <p>(i) details of the location, management and maintenance of the Asset Protection Zone;</p> <p>(ii) a list of works that must not be carried out during a total fire ban;</p> <p>(iii) details of how NSW RFS and ACT RFS would be notified, and procedures that would be implemented in the event that:</p> <ul style="list-style-type: none"> • 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; <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 carriage way); and</p> <p>(k) include an Emergency Services Information Package in accordance with <i>Emergency services information package and tactical fire plan</i> (FRNSW, 2019), to the satisfaction of FRNSW and RFS.</p>	
<p>Accommodation and Employment Strategy</p> <p>B37.</p>	<p>Updated to include consultation with Destination Southern NSW as recommended by Destination NSW to ensure adequate consultation/consideration of visitor economy supply needs, consultation with local stakeholders and impacts on visitor accommodation.</p>	<p>Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council and Destination Southern NSW. This strategy must:</p>	

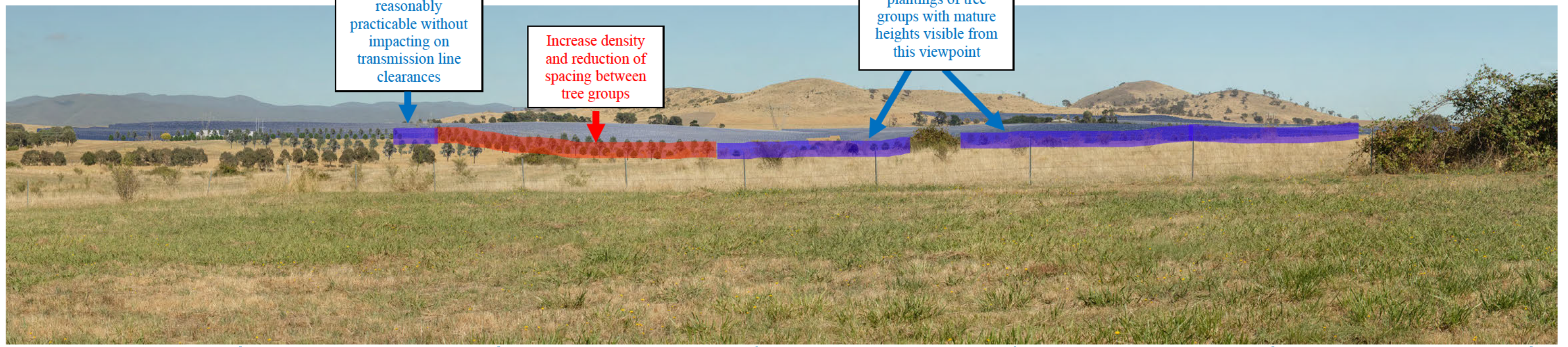
Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strikethrough)	Comments DPHI
<p>Decommissioning and Rehabilitation</p> <p>B38.</p> <p>New Condition</p>	<p>Included to ensure the Applicant is responsible for the forward planning of decommissioning in response to community concerns regarding the effectiveness and probability of appropriate decommissioning and rehabilitation.</p>	<p><u>Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan to the satisfaction of the Planning Secretary for the development. The Plan shall be updated by the Applicant at a minimum 15 years into the operation of the project, and within 2 years prior to decommissioning. The Plan must:</u></p> <p>(a) <u>include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 below; and</u></p> <p>(b) <u>describe the measures that would be implemented to:</u></p> <p>(i) <u>decommission the development and rehabilitate the Site in accordance with the objectives in Table 3;</u></p> <p>(ii) <u>minimise and manage the waste generated by the decommissioning of the development;</u></p> <p>(iii) <u>include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and</u></p> <p>(iv) <u>ensure that best practice is employed in respect of utilising available recycling technologies.</u></p>	
<p>Revision of Strategies, Plans and Programs</p> <p>C2.</p>	<p>Condition references updated.</p>	<p>The Applicant must:</p> <p>(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</p> <p>(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:</p> <p>(i) submission of an incident report under condition C10 <u>C11</u> of Schedule 2;</p> <p>(ii) submission of an audit report under condition C14 <u>C15</u> of Schedule 2; or</p> <p>(iii) any modification to the conditions of this consent.</p>	
<p>Notification of Department and Council</p> <p>C7.</p>	<p>Notification to Council included as a reasonable courtesy in response to their concerns regarding construction and operation timeframes.</p>	<p>Notification of Department <u>and Council</u></p> <p>Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify <u>in writing</u> the Department in writing (via the Major Projects website portal) <u>and Yass Valley Council</u> of the date of commencement, or cessation, of the relevant phase.</p> <p>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.</p>	
<p>Delay in Construction</p> <p>C8.</p> <p>New Condition</p>	<p>To address Council and 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 24 months, the Applicant must notify the Planning Secretary and publish a report on its website which details:</u></p> <p>(a) <u>the reasons for the delay to the construction timeframe;</u></p> <p>(b) <u>a proposed revised construction timeline; and</u></p> <p>(c) <u>how the community has been, and will be, informed on the delays and proposed revised construction timeline.</u></p>	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
Final Layout Plans. C9.	Updated to ensure the battery storage system is specifically identified on final layout plans.	<p>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, battery storage system and ancillary infrastructure.</p> <p>The Applicant must ensure that the development is constructed in accordance with the Final Layout Plans.</p>	
Independent Environmental Audit C16.	Condition reference updated.	<p>In accordance with the specific requirements in the <i>Independent Audit Post Approval Requirements</i> (2020), the Applicant must:</p> <p>(a) review and respond to each Independent Audit Report prepared under condition C44 C15 of Schedule 2 of this consent, or where notice is given by the Planning Secretary;</p>	
Access to Information C19.	To ensure all reports, specifically Noise Monitoring Reports, are explicitly captured by this condition to be made publicly available.	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website as relevant to the stage of the development:</p> <ul style="list-style-type: none"> (iv) the EIS; (v) the final layout plans for the development; (vi) current statutory approvals for the development; (vii) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan); (viii) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; (ix) how complaints about the development can be made; (x) a complaints register; (xi) compliance and monitoring reports; (xii) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and (xiii) any other matter required by the Planning Secretary; and <p>(b) keep this information up to date.</p>	
Appendix 1 Development Layout	The Commission is seeking an updated figure to replace the figure in Appendix 2 (see Commission's letter dated 16 August 2024 for details).	<u>Figure to be replaced with updated version in accordance with the request in the Commission's letter dated 16 August 2024.</u>	
Appendix 8 1.	Condition reference updated.	<p>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 C40 C11 of Schedule 2 or, having given such notification, subsequently forms the view that an incident has not occurred.</p>	

Photomontage 02- Mitigation - Visual Impact Rating: Low



Inset 1



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.

Sydney

SCHEDULE 1

Application Number: SSD 9261283
Applicant: Wallaroo Solar Farm Pty Ltd
Consent Authority: Independent Planning Commission of NSW
Land: See Appendix 2
Development: Wallaroo 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	9
Amenity	10
Heritage	12
Soil and Water	12
Hazards	13
Waste	15
Accommodation and Employment Strategy	15
Decommissioning and Rehabilitation	15
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING	17
Environmental Management	17
Notifications	18
Independent Environmental Audit	18
Access to Information	19
APPENDIX 1: DEVELOPMENT LAYOUT	20
APPENDIX 2: SCHEDULE OF LANDS	21
APPENDIX 3: INDICATIVE SUBDIVISION PLAN	22
APPENDIX 4: CONCEPTUAL LANDSCAPE PLAN	23
APPENDIX 5: GENERAL TERMS OF APPLICANT'S VPA OFFER	24
APPENDIX 6: ROAD UPGRADES AND SITE ACCESS	25
APPENDIX 7: HERITAGE ITEMS	28
APPENDIX 8: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	30

DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
<u>ACT RFS</u>	<u>ACT Rural Fire Service</u>
Ancillary infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, battery storage and site compounds, electricity transmission lines and internal roads
Applicant	Wallaroo Solar Farm Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BCS	Biodiversity, Conservation and Science Group within NSW DCCEEW
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing.
Conditions of this consent	Conditions contained in Schedules 1 and 2 inclusive
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)
Council	Yass Valley Council
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 Wallaroo Solar Farm dated April 2023, the Submissions Report dated November 2023, the Amendment Report dated May 2024 and the additional information provided to the Department by the Applicant dated 27 February 2024, 5 March 2024 and 27 June 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
Existing transmission line	The transmission line operated by Transgrid and identified on the figure in Appendix 1 as "132 kV line".
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 not 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
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
NSW RFS	NSW Rural Fire Service
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Planning Secretary	Secretary of the Department, or nominee
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
RAP	Registered Aboriginal Party
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles laydown areas and parking spaces
TfNSW	Transport for New South Wales
Transport Canberra	Transport Canberra and City Services – ACT Government
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

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Planning Secretary;
 - generally in accordance with the EIS; and
 - 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:
- any strategies, plans or correspondence that are submitted in accordance with this consent;
 - any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - the implementation of any actions or measures contained in these documents.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

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 45 MW.

A dispersed battery storage system area must not exceed 12 MWh of energy storage collocated in batteries.

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.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A6. 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

- A7. 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 the-Building Code of Australia-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.~~*
- ~~Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.~~*

DEMOLITION

- A8. 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

- A9. 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

- A10. 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

- A11. 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

- A12. 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

- A13. 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

- A14. 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

- A15. Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) The terms of the agreement between the Applicant and Yass Valley Council dated 12 December 2023, which are summarised in Appendix 5.

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) 32 heavy vehicle movements a day (a maximum of 7 heavy vehicle movements per hour) during construction, upgrading or decommissioning; and
 - (ii) 7 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and
 - (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 otherwise agreed by the Planning Secretary, all heavy vehicles associated with the development (including heavy vehicles requiring escort) must travel to and from the site via: Barton Highway, Wallaroo Road, Gooroomon Ponds Road, Southwell Road, as identified in Appendix 6.

Site Access

- B4. All vehicles associated with the development must enter and exit the site via the site access point off Southwell Road, as identified in Appendix 1.

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

Road Upgrades

- B5. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must complete the road upgrades as detailed in Appendix 6.

Unless the relevant roads authority 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.

Road Upgrades: Heavy Vehicles Requiring Escort

- B6. 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 or intersection upgrades that may be required from point of origin to the Wallaroo Road/Gooroomon Ponds Road intersection, including the Wallaroo Road/Barton Highway intersection upgrade subject to separate approval).

Road Maintenance

- B7. The Applicant must:
- (a) undertake ~~an~~ independent dilapidation surveys to assess the:
 - (i) condition of Wallaroo Road, Gooroomon Ponds Road and Southwell Road, between Barton Highway and the site access point, including the Barton Highway/Wallaroo Road intersection, following upgrade in accordance with condition B5 and condition B6 and prior to construction, upgrading and decommissioning activities; and
 - (ii) condition of Wallaroo Road, Gooroomon Ponds Road and Southwell Road, between Barton Highway and the site access point, including the Barton Highway/Wallaroo Road intersection, following the completion of construction, upgrading and decommissioning activities;
- (b) on completion of the dilapidation reports undertaken in condition B7(a)(i) and (ii) provide a copy to the relevant roads' authorities; and
- (b)(c) repair and/or make good any development-related damage to Wallaroo Road, Gooroomon Ponds Road, ~~and/or~~ Southwell Road and/or the Barton Highway/Wallaroo Road intersection 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 as soon as practicable and prior to commissioning of the solar farm and prior to completion of decommissioning works as applicable to the development.

If there is a dispute about road repair between the Applicant and the relevant roads authority, then either

party may refer the matter to the Planning Secretary for resolution.

Operating Conditions

- B8. The Applicant must ensure:
- (a) the internal roads are constructed as all-weather roads;
 - (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - (c) the capacity of the existing roadside drainage network is not reduced;
 - (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - (e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network.

Traffic Management Plan

- B9. Prior to commencing the road upgrades identified in condition B5 and condition B6 of this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW, Yass Valley Council, and Transport Canberra and City Services 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 B5 and condition B6 of this consent, including a schedule for the road upgrades and extent of the proposed work area;
 - (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 B7 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 and addressing complaints from the community about development-related traffic;
 - (v) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network and scheduling heavy vehicles and heavy vehicles requiring escort to avoid school bus hours;
 - (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;
 - (viii) measures for managing light vehicle peak numbers, including employee shuttle bus service, carpooling or ride sharing by employees;
 - (ix) details and volume of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure employee use of this service;
 - (x) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
 - (xi) responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
 - (xii) responding to any emergency repair or maintenance requirements;
 - (xiii) a traffic management system for managing heavy vehicles requiring escort;
 - (e) a driver's code of conduct that addresses:
 - (i) driver fatigue;
 - (ii) procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
 - (iii) procedures to ensure that drivers implement safe driving practices;
 - (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.

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

LANDSCAPING

Vegetation Buffer

- B10. Unless the Planning Secretary agrees otherwise, the Applicant must establish and maintain a vegetation buffer (landscape screening) as described in the EIS and shown in Appendix 4. The landscape screening must:
- (a) be planted within 6 months of commencement of construction prior to commencing operation;
 - (b) be comprised of species that are endemic to the area;
 - (c) be designed and maintained in accordance with RFS's *Planning for Bushfire Protection 2019* (or equivalent); and
 - (d) be properly 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

- B11. 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 over the life of the development; and
 - (c) maintaining grazing within the development footprint, where practicable, over the life of the development,
- unless the Planning Secretary agrees otherwise.

BIODIVERSITY

Vegetation Clearance

- B12. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Offsets

- B13. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in **Table 1**. 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 | Species Credit Requirements

Species	Credits Required
Striped Legless Lizard (<i>Delma impar</i>)	167

- B14. 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

- B15. 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 the ACT Conservator of Flora and Fauna, and to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in accordance with the *Biodiversity Development Assessment Report* (dated 2 November 2023);
 - (b) include a description of the measures that would be implemented for:
 - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;

- (ii) managing and enhancing the remnant vegetation and fauna habitat on site;
- (iii) 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) protection of downstream aquatic habitat including key fish habitat through exclusion zones and revegetation;
- (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 the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

AMENITY

Construction, Upgrading and Decommissioning Hours

- B16. Unless the Planning Secretary agrees otherwise, the Applicant must only undertake road upgrades, 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

- B17. The following activities may be carried out outside the hours specified in condition B16:
- (a) commissioning activities that are inaudible at non-associated receivers;
 - (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

- B18. The hours of construction activities specified in condition B16 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 Councils (and other relevant agencies) has been and will be undertaken;
 - (d) accompanied by evidence that all feasible and reasonable noise mitigation 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

- B19. 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 2**, 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 2 | 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

B20. 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; and
- (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 B19;
 - (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 B19 at all times.

The Applicant must undertake further noise monitoring of the development if required by the Planning Secretary.

Dust

B21. The Applicant must minimise the dust generated by the development.

Visual

B22. The Applicant must:

- (a) limit the operation of solar panel backtracking to angles between 0 degrees and ± 5 degrees between the hours of 5:30am and 8:30am;
- (b) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- (c) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- (d) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Lighting

B23. 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; and
 - (iii) complies with *Australian Standard/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*, or the latest version.

Battery Storage System

B24. 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; and

~~(a)~~(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) including design details that demonstrate visual screening.

HERITAGE

Protection of Heritage Items

B24-B25. The Applicant must ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items identified in Table 1 of Appendix 7, or any heritage items located outside the approved development footprint.

Heritage Management Plan

B26-B26. 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 RAPs 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 7, including fencing off the Aboriginal heritage items prior to carrying out any development that could directly or indirectly impact the heritage items;
 - (ii) development of a surface collection and salvage methodology for the relevant Aboriginal objects and sites listed in Table 2 of Appendix 7. The methodology must include provision for avoidance of harm and/or additional consultation with RAPs and Heritage NSW regarding the management of sites identified during salvage excavation that exceed the expected level of significance identified in the project Aboriginal Cultural Heritage Assessment Report;
 - (iii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in ~~condition~~ Table 2 of Appendix 7;
 - (iv) participation by the RAPs in any salvage works that will be undertaken;
 - (v) a contingency plan and reporting procedure if:
 - heritage items outside the approved development footprint are damaged;
 - previously unidentified heritage items are found; or
 - Aboriginal skeletal material is discovered;
 - (vi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
 - (vii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
and
- (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

SOIL AND WATER

Water Supply

B26-B27. 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

B27-B28. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

B28-B29. The Applicant must:

- (a) minimise erosion and control sediment generation;
- (b) ensure any solar panels 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 *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 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 and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;
 - (e) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; ~~and~~
 - ~~(f)~~ ensure all works within waterfront land is undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022);
 - ~~(f)~~ ensure the adequate management of water runoff (including potential contamination) from fire extinguishing activities during and after an on-site fire event, including, but not limited to, in relation to Ginninderry Creek and the Murrumbidgee River; and
 - ~~(g)~~ _____
 - ~~(g)~~(h) ensure the design of all waterway crossings (including internal tracks and 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

B29-B30. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with Water Group. This plan must:

- (a) be prepared by suitably qualified and experienced persons;
- (b) include a description of the measures that would be implemented to ensure that the objectives of condition B29B28 (a) – ~~(gh)~~ above are achieved;
- (c) include a program to monitor and report on the effectiveness of these measures; and
- (d) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

The Applicant must implement the Soil and Water Management Plan.

HAZARDS

Fire Safety Study

B30-B31. Prior to commencing construction of the battery storage ~~facility~~system, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must:

- ~~(a)~~ be prepared in consultation with ACT Fire & Rescue;
- ~~(a)~~(b) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*;
- ~~(b)~~(c) describe the final design of the battery storage;
- ~~(c)~~(d) include reasonable worst-case fire scenario to and from the battery storage and the associated fire management; and
- ~~(d)~~(e) 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: 'to the satisfaction 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

B31-B32. 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

B32-B33. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
 - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*; and
 - (ii) is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank(s), fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
- (c) ensure that the development, including battery storage area:
 - (i) includes a minimum 10 metre defendable space around the perimeter that permits unobstructed vehicle access assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - (ii) is managed as an asset protection zone (including the defendable space);
- (d) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (e) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

Emergency Plan

B33-B34. Prior to commencing construction of the solar farm and commissioning of the battery storage system, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre, and FRNSW and ACT Fire & Rescue. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition condition B31_B30 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) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
- (d) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;
- (e) include availability of fire suppression equipment, access and water;
- (f) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (f)(g) include provisions for the cessation of works during the construction phase on days where a total fire ban that applies to the Site is declared;
- (g)(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 NSW RFS and ACT 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;
- (h)(i) detail specific response measures in the case of flood or fire to ensure human and site safety;
- (i)(i) 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
- (i)(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.

B34-B35. 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.

WASTE

B35-B36. 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.

ACCOMMODATION AND EMPLOYMENT STRATEGY

B36-B37. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council and Destination Southern NSW. This strategy must:

- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- (b) consider the cumulative impacts associated with other State significant development 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 regular monitoring 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.

DECOMMISSIONING AND REHABILITATION

B38. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan to the satisfaction of the Planning Secretary for the development. The Plan shall be updated by the Applicant at a minimum 15 years into the operation of the project, and within 2 years prior to decommissioning. The Plan must:

- (a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 below; and
- (b) describe the measures that would be implemented to:
 - (i) decommission the development and rehabilitate the Site in accordance with the objectives in Table 3;
 - (ii) minimise and manage the waste generated by the decommissioning of the development;
 - (iii) include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and
 - (iv) ensure that best practice is employed in respect of utilising available recycling technologies.

B37-B39. 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 3**.

Table 3 | Rehabilitation Objectives

<i>Feature</i>	<i>Objective</i>
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

DRAFT

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) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (e) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the monitoring to be carried out in relation to the development.

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

Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:
 - (i) submission of an incident report under condition C11_610 of Schedule 2;
 - (ii) submission of an audit report under condition C15_614 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 and Council

C7. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify in writing the Department ~~in writing~~ (via the Major Projects website portal) and Yass Valley Council 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.

Delay in Construction

C8. In the event that the Applicant becomes aware that the construction timeframe for the development will exceed 24 months, the Applicant must notify the Planning Secretary and publish a report on its website which details:

(a) the reasons for the delay to the construction timeframe;

(b) a proposed revised construction timeline; and

(a)(c) how the community has been, and will be, informed on the delays and proposed revised construction timeline.

Final Layout Plans

~~C8-C9~~ 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, battery storage system and ancillary infrastructure.

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

Work as Executed Plans

~~C9-C10~~ 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-C11~~ 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-C12~~ The Department must be notified via the Major Projects website portal within seven days after the Applicant becomes aware of any non-compliance.

~~C12-C13~~ 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-C14~~ 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-C15~~ Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020).

~~C15-C16~~ 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 C15 ~~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
- (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary.

C16-C17. 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.

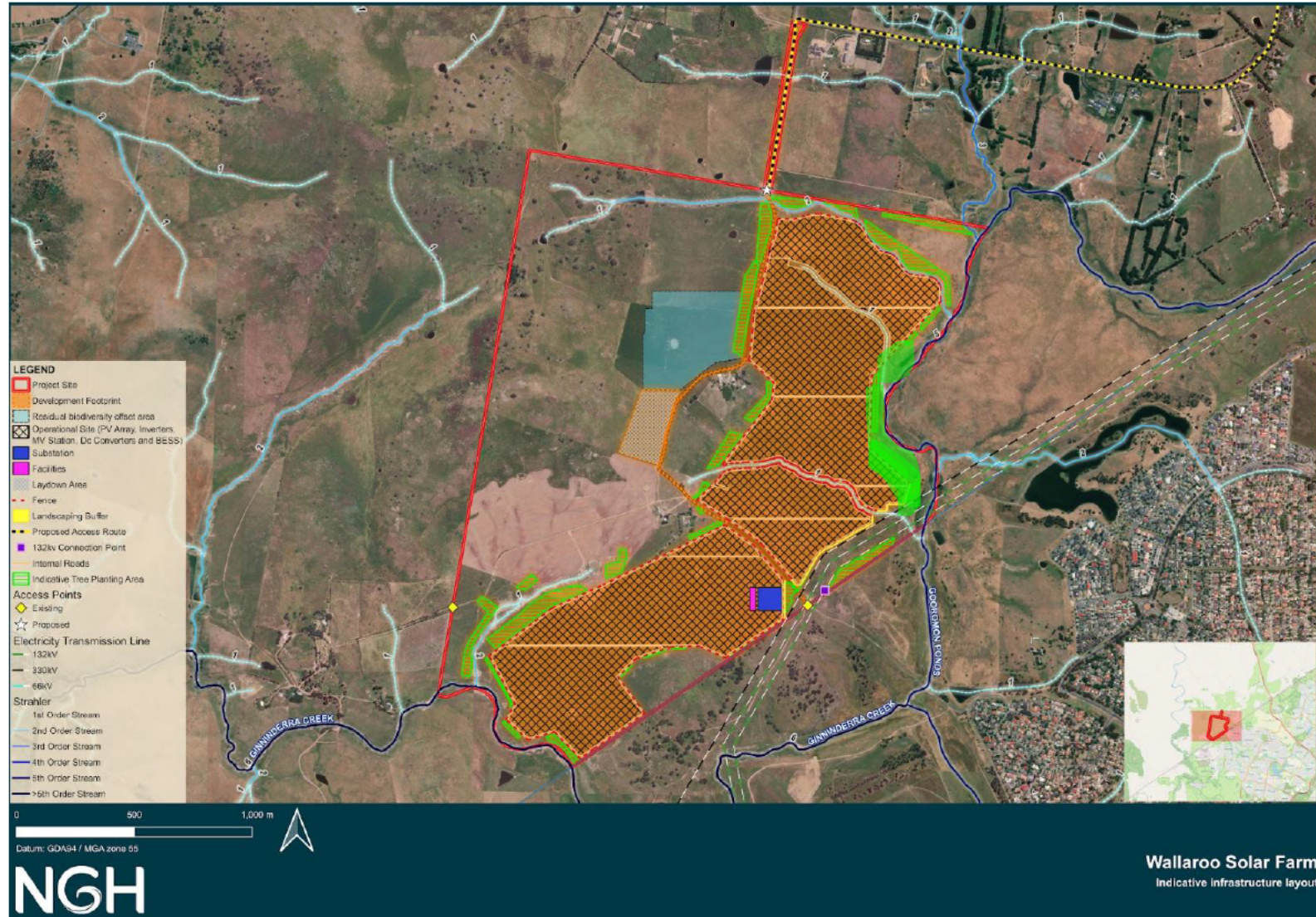
C17-C18. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

C18-C19. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;
 - (ii) the final layout plans for the development;
 - (iii) current statutory approvals for the development;
 - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the 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 **and monitoring** reports;
 - (ix) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - (x) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

APPENDIX 1: DEVELOPMENT LAYOUT

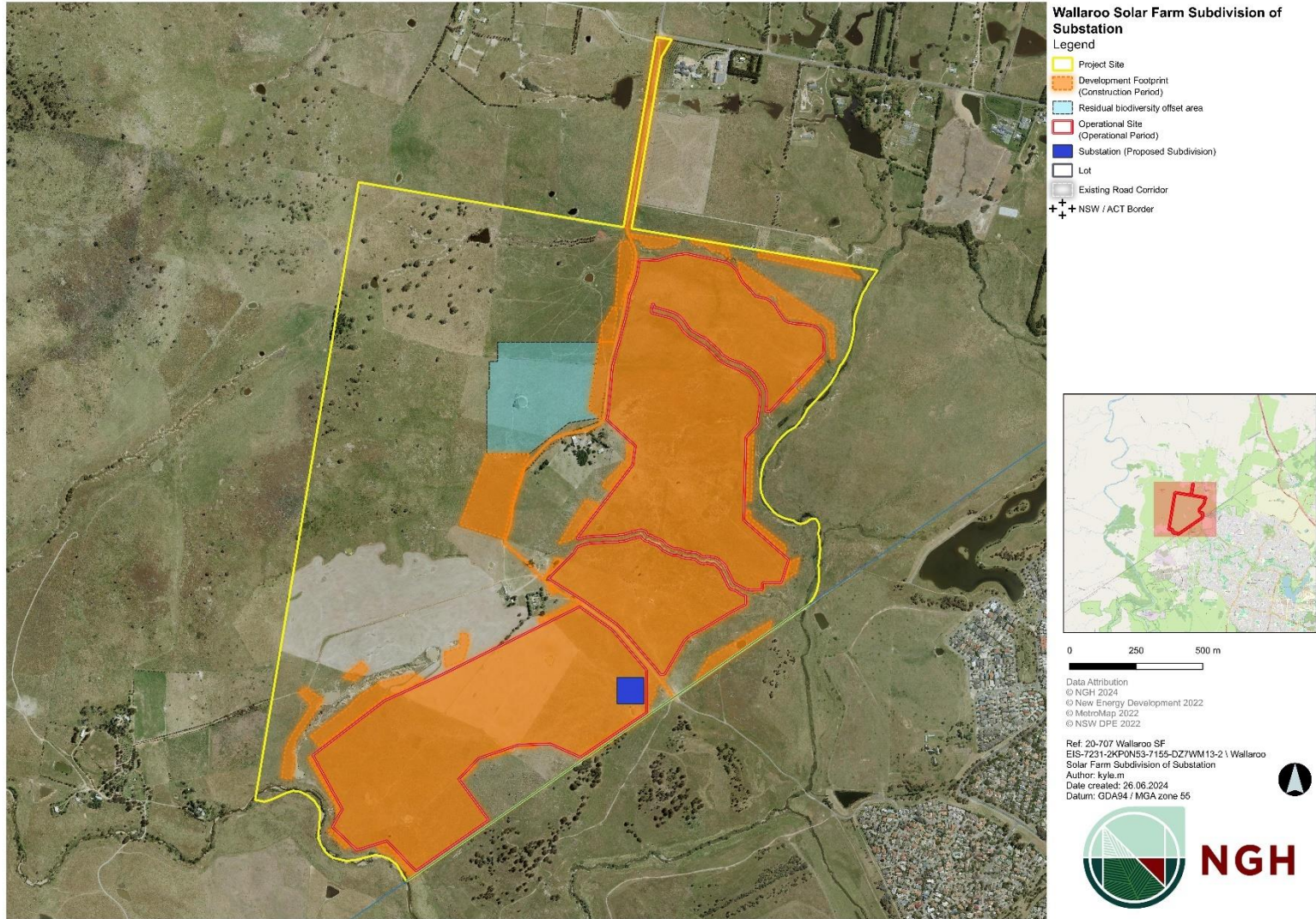


**APPENDIX 2:
SCHEDULE OF LANDS**

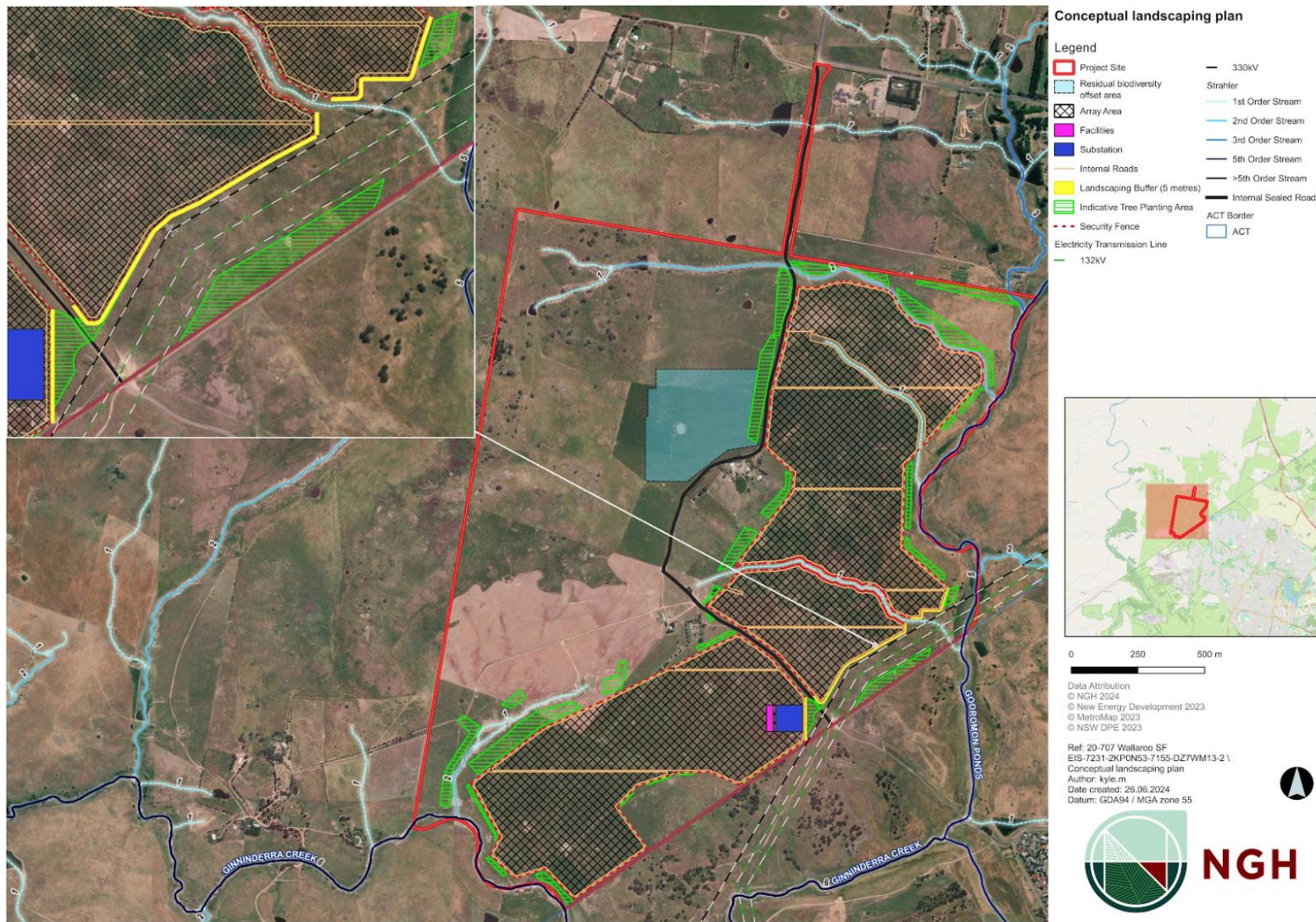
Lot Number	Deposited Plan (DP)
1	544209
2	602262
Southwell Road road reserve, south of Gooroomon Ponds Road	

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: CONCEPTUAL LANDSCAPE PLAN



**APPENDIX 5:
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.

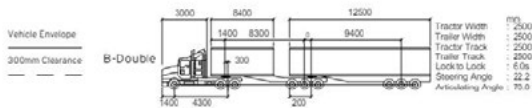
<i>Council</i>	<i>Payment Details</i>
Yass Valley Council	<ul style="list-style-type: none">• \$150,000 initial contribution prior to commencement of construction; and• an annual contribution of \$55,000 (adjusted in line with CPI) while ever the project is in operation.

APPENDIX 6: ROAD UPGRADES AND SITE ACCESS

Table 1 | Road Upgrades

Road	Location	Upgrade Requirements
Southwell Road	Southwell Road between Gooroomon Ponds Road and the site access	Road to be upgraded to a minimum sealed width of 7 metres.
Southwell Road / Gooroomon Ponds Road intersection	Intersection	Localised widening of the intersection at Southwell Road and Gooroomon Ponds Road to enable safe B-Double/OSOM turning and B-double passing movements.

Figure 1 | Southwell Road/Gooroomon Ponds Road Intersection Upgrades and Southwell Road widening



Wallaroo Solar Farm
Gooroomon Ponds Road / Southwell Road Intersection
Swept Path Assessment

DRAWN: MW
DATE: 24/03/2021
SCALE: 1:400 @ A3
DWG NO: 125-501B



Figure 2 | Access Route

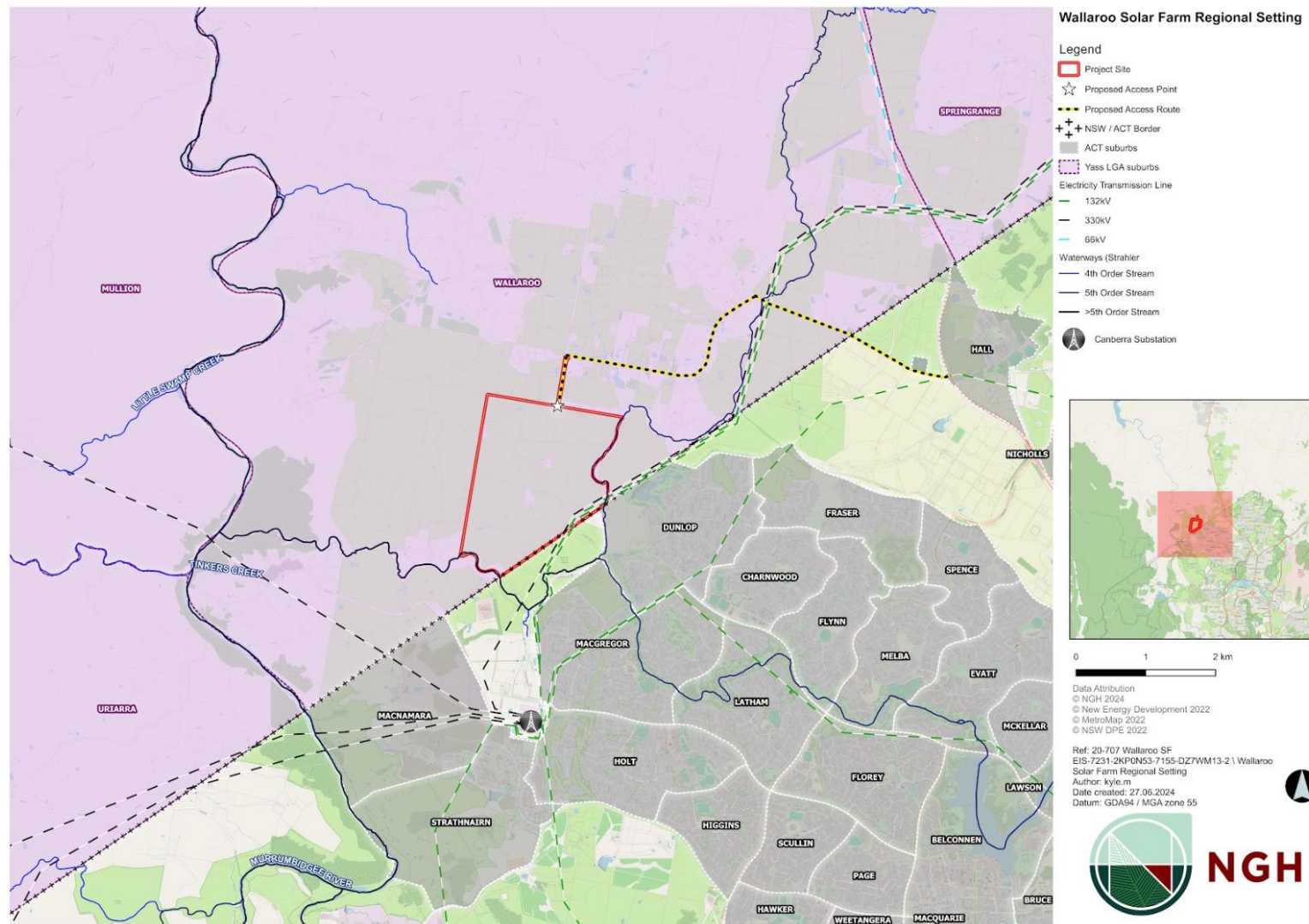


Figure 3 | OSOM Route



APPENDIX 7: HERITAGE ITEMS

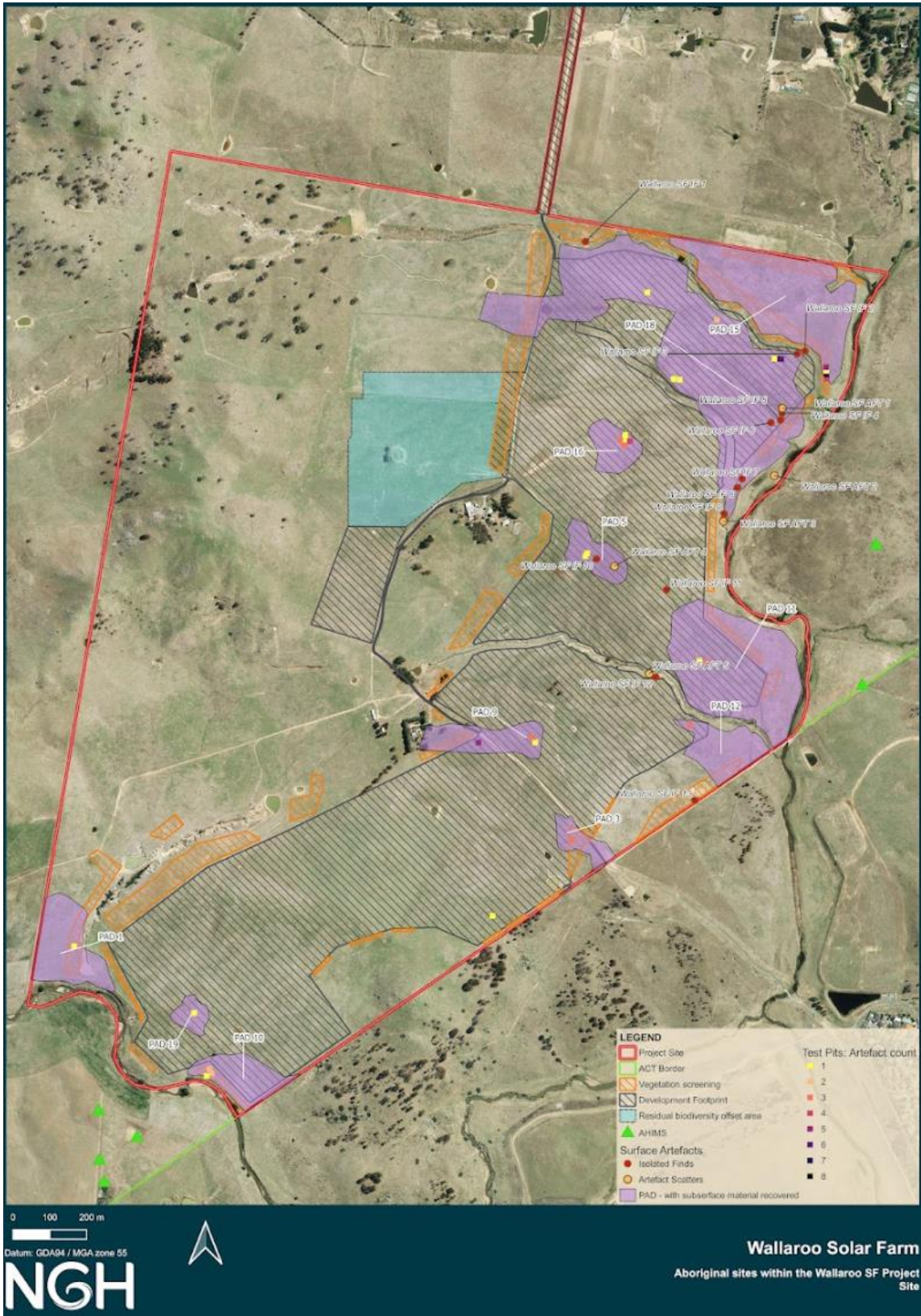


Table 1 | Aboriginal heritage items – avoid impacts

Item	Item	Item
Wallaroo SF AFT 2	Wallaroo SF AFT 3	Wallaroo SF IF 7
Wallaroo SF PAD 2	Wallaroo SF IF 8	Wallaroo SF IF 9

Table 2 | Aboriginal Heritage items - avoid, minimise and/or salvage per ACHAR

Item	Item	Item	Item	Item
Wallaroo SF AFT 1	Wallaroo SF AFT 4	Wallaroo SF AFT 5	Wallaroo SF IF 1	Wallaroo SF IF 2
Wallaroo SF IF 3	Wallaroo SF IF 4	Wallaroo SF IF 5	Wallaroo SF IF 6	Wallaroo SF IF 10
Wallaroo SF IF 11	Wallaroo SF IF 12	Wallaroo SF IF 13	Wallaroo SF subsurface artefact scatter PAD 9	Wallaroo SF subsurface artefact scatter PAD 11
Wallaroo SF subsurface artefact scatter PAD 12	Wallaroo SF subsurface artefact scatter PAD 15	Wallaroo SF subsurface artefact scatter PAD 16	Wallaroo SF subsurface artefact scatter PAD 18	

**APPENDIX 8:
INCIDENT NOTIFICATION AND REPORTING 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 C11, ~~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.