



15 October 2024

Iwan Davies
Director, Solar & Battery Assessments
Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear Iwan,

Middlebrook Solar Farm (SSD-10455)
Request for Comment – Recommended Conditions of Consent

I refer to the State significant development application for the Middlebrook Solar Farm (SSD-10455 (**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.

Could you please provide the Department's advice by **5pm on Friday, 25 October 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

Middlebrook Solar Farm (SSD-10455)

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are 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 strike through)	Comments DPHI
COMPLIANCE MATTERS UPDATED DEFINITIONS, CONDITIONS AND APPENDIX	The Commission notes that on a recent wind farm project, the Department adopted new standard definitions and conditions (in part C and Appendix 7) related to compliance matters. Can the Department please confirm if these are to be adopted for this project, and if so, provide the updated definitions and conditions. The Commission also intends to update the definition of 'EIS' to include the material provided to the Commission during the assessment process.		
COMMUNITY ENHANCEMENT A15.	The Panel's intention is to allow flexibility of the current terms of offer to allow for the Applicant and Council to continue negotiations such as Cpi adjustment for bot payments.	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 Applicant's VPA letter dated 26 June 2024, which are summarised in Part A of Appendix 4 <u>or other such terms that may be offered by the Applicant and agreed to by Council.</u>	
Access Route B3.	To ensure the use of Marsden Park Road is clearly restricted to address community concerns.	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 the New England Highway and Middlebrook Road. All vehicles associated with the development must avoid the use of Middlebrook Road east of Site Access Point 2 (as identified in Appendix 1) <u>and Marsden Park Road</u> except for emergency purposes, unless the Planning Secretary agrees otherwise.	
Access Route and Road Upgrades: Heavy Vehicles Requiring Escort B7.	Additional note added in accordance with recent consents in the region, at the request of Council.	Notes: • This Development Consent does not provide consent for the use of the public road network, or any upgrades, for heavy vehicles requiring escort on the route identified in the EIS between the Port of Newcastle to the New England Highway / Middlebrook Road intersection. • <u>The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.</u>	


Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI
Traffic Management Plan B10.	<p>Amendment to (c) to ensure the provisions in the Bridge Assessment in order for the bridge to be deemed as capable for the proposed vehicles are carried out.</p> <p>Minor wording amendments to delete repetition of lead in sentence of part (d).</p> <p>Addition of (d)(vii) to ensure the TMP captures large scale events within the LGA as per Council's concerns.</p> <p>Amendment to (x) to ensure the Applicant is utilising the provided shuttle buses to the maximum extent possible to further reduce traffic impacts.</p>	<p>(c) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS <u>(including the load and speed controls in the Goonoo Goonoo Bridge Assessment and Load Rating dated 10 October 2024)</u> 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 B8 of this consent; (ii) temporary traffic controls, including detours and signage; (iii) notifying the local community about development-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; (vi) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works; (vii) <u>potential for conflict with key tourism, cultural, sporting and entertainment related events in the LGA (e.g. music festivals), as far as practicable;</u> (viii) minimising dirt tracked onto the public road network from development-related traffic; (ix) measures for managing light vehicle peak numbers; (x) 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 maximise encourage employee use of this services, and monitoring measures; (xi) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles; (xii) responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding; (xiii) measures to minimise dust generated by construction traffic; (xiv) responding to any emergency repair or maintenance requirements; and (xv) a traffic management system for managing heavy vehicles requiring escort; 	
LANDSCAPING B11.	<p>Amendment to (a) to remove any ambiguity in timing for the establishment of ground cover.</p> <p>Amendment to (c) to encourage the agricultural use to be maintained as far as practicable.</p>	<p>The Applicant must maintain the agricultural land capability of the site, including:</p> <ul style="list-style-type: none"> (a) establishing ground cover of the site within 3 months following completion of any construction or upgrading; (b) properly maintaining the ground cover with appropriate perennial species and weed management; and (c) maintaining grazing within the development footprint, where <u>to the maximum extent practicable,</u> <p>unless the Planning Secretary agrees otherwise</p>	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strikethrough)	Comments DPHI
LANDSCAPING NEW CONDITION B12	To ensure the transition zone between Class 3 and Class 4 land is verified to ensure the intention of not completing works on Class 3 land is met.	The Applicant must: (a) <u>undertake additional soil surveys and Land and Soil Capability mapping to verify the transition zone between Biophysical Strategic Agricultural Land (BSAL) and/or Class 3 land and Class 4 land on the Site in accordance with Mitigation Measure SO6 of Appendix B of the Applicant's Amendment Report dated 28 March 2024; and</u> (b) <u>ensure no solar panels or ancillary infrastructure are located on BSAL or Class 3 land, as verified by the surveys and mapping required above in condition B12(a).</u>	
Dust B21.	Amendment to include specific controls the Applicant must put into place to achieve the intent of the condition and to provide tangible actions that the Applicant needs to comply with to address community concerns.	The Applicant must minimise the dust generated by the development <u>through measures including but not limited to ensuring:</u> (a) <u>activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;</u> (b) <u>all trucks entering or leaving the site with loads have their loads covered;</u> (c) <u>trucks associated with the development do not track dirt onto the public road network; and</u> (d) <u>the use of water tankers to spray the surface of unsealed roads when required.</u>	
Visual B22.	To provide further clarification of the suggested restrictions applying to the backtracking of the panels.	The Applicant must: (a) unless the Planning Secretary agrees otherwise, limit the angle of solar panel backtracking in accordance with <u>Table 2 and Figures 2 to 5</u> of the additional information provided by the Applicant to the Department dated 24 June 2024;	
Visual NEW CONDITION B23	To address visual concerns of the hardstand/ancillary infrastructure area of the BESS and substation. The Commission also seeks advice on: a) whether this is best managed through an updated development layout; and b) if "unless the Planning Secretary" agrees is appropriate in this condition.	The Applicant must establish and maintain a vegetation buffer (landscape screening) along Middlebrook Road for the length of the BESS and substation areas. The landscape screening must: (a) <u>be planted within 9 months of commencement of construction;</u> (b) <u>be comprised of species that are endemic to the area;</u> (c) <u>be designed and maintained in accordance with RFS's Planning for Bushfire Protection 2019 (or equivalent); and</u> (d) <u>be properly maintained for the life of the development, including appropriate weed management and replacement of mortalities upon identification.</u>	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strikethrough)	Comments DPHI
Visual NEW CONDITION B24	To provide a mechanism for neighbouring landowners to request vegetation screening at their residence, as committed to by the Applicant in their correspondence dated 26 September 2024.	<p><u>For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 3 km of the development footprint identified in the Final Layout Plan may ask the Applicant to implement measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).</u></p> <p><u>Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.</u></p> <p><u>The mitigation measures must:</u></p> <ul style="list-style-type: none"> (a) <u>be reasonable and feasible;</u> (b) <u>be aimed at reducing the visibility of the solar panels and ancillary infrastructure from the residence and its curtilage;</u> (c) <u>be commensurate with the level of visual impact on the residence;</u> (d) <u>consider bushfire risk (including the provisions of Planning for Bushfire Protection 2019); and</u> (e) <u>be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.</u> <p><u>If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.</u></p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> • <u>To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of solar panels and ancillary infrastructure from any other locations on the property other than the residence and its curtilage.</u> • <u>The identification of appropriate visual impact mitigation measures will be more effective following the construction of the solar panels and ancillary infrastructure. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction, it is recommended owners consider whether there is benefit in delaying such a request until the relevant solar panels and ancillary infrastructure are visible from their residence or its curtilage.</u> 	
Lighting B25.	Updated to recent revision.	(iii) complies with Australian Standard/New Zealand Standard AS/NZS 4282: 2019 <u>2023</u> – Control of Obtrusive Effects of Outdoor Lighting, or the latest version.	
Heritage Management Plan B27.	Correction to table numbers in (i) and (iii) (same change made in condition B26 also). Amendment to (ii) as identified by the Applicant to specify the items that require the fencing.	<p>(d) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> (i) protecting the heritage items identified in Table 4 <u>Table 4</u> in Appendix 6 or items located outside of the approved development footprint; (ii) fencing / demarcation (as appropriate) of the identified heritage items <u>in Table 4 in Appendix 6 or items located within the development footprint</u> 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 <u>Table 5</u> in Appendix 6; 	
Operating Conditions B30.	New part (f) to address concerns regarding contamination of fire extinguishing activities.	<ul style="list-style-type: none"> (e) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; (f) <u>ensure the adequate management of water runoff (including potential contamination) from fire extinguishing activities during and after an on-site fire event; and</u> (g) ensure all works are undertaken in accordance with the following: 	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strikethrough)	Comments DPHI
WASTE B38.	Amendment to address Council's concerns with availability of Council facilities for waste and include the WMP committed to by the Applicant.	The Applicant must: (a) <u>prepare a Waste Management Plan in consultation with Council prior to commencing construction;</u> (b) minimise the waste generated by the development; (c) classify all waste generated on site in accordance with the EPA's <i>Waste Classification Guidelines 2014</i> (or its latest version); (d) store and handle all waste on site in accordance with its classification; (e) not receive or dispose of any waste on site; and (f) 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 <u>(in consultation with Council for use of Council facilities).</u>	
ACCOMMODATION AND EMPLOYMENT STRATEGY B39.	Amendments to address specific concerns relevant to the Accommodation and Employment Strategy within the region and to ensure consultation with other SSD projects to ensure the strategies for each are not prepared in isolation and without consideration of the use of accommodation by other projects.	Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council . This strategy must: (a) <u>be prepared in consultation with Council and informed by consultation with local accommodation (including social and crisis accommodation) and employment service providers;</u> (b) propose measures to ensure there is sufficient accommodation for the workforce associated with the development <u>(including but not limited to consideration of potential conflicts with key tourism, cultural, sporting and entertainment-related events in the LGA, as far as practicable);</u> (c) consider the cumulative impacts associated with other State significant development projects in the area, <u>including through consultation with applicants for these projects where practical;</u> (d) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and (e) 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 B40.	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.	<u>Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan. 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> (a) <u>include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 5 below; and</u> (b) <u>describe the measures that would be implemented to:</u> (i) <u>decommission the development and rehabilitate the Site in accordance with the objectives in Table 5;</u> (ii) <u>minimise and manage the waste generated by the decommissioning of the development;</u> (iii) <u>include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and</u> (iv) <u>ensure that best practice is employed in respect of utilising available recycling technologies.</u>	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strikethrough)	Comments DPHI				
DECOMMISSIONING AND REHABILITATION B41.	Amendment to ensure all infrastructure is removed, with the exception of those required for ongoing electricity operations or where a landowner wishes to retain infrastructure to return the land to its previous state where practicable.	<table><tr><td>Table 5</td><td></td></tr><tr><td>Solar farm and ancillary infrastructure</td><td><ul style="list-style-type: none">All infrastructure, including above and below ground, to be decommissioned and removed <u>with the exception of:</u><ul style="list-style-type: none"><u>the sub-station and any infrastructure essential for its ongoing use; and</u><u>any ancillary infrastructure to be retained with the agreement of the landholder where it facilitates the future post-operational use of the land.</u>to a depth of 500mm, unless the Planning Secretary agrees otherwise.</td></tr></table>	Table 5		Solar farm and ancillary infrastructure	<ul style="list-style-type: none">All infrastructure, including above and below ground, to be decommissioned and removed <u>with the exception of:</u><ul style="list-style-type: none"><u>the sub-station and any infrastructure essential for its ongoing use; and</u><u>any ancillary infrastructure to be retained with the agreement of the landholder where it facilitates the future post-operational use of the land.</u>to a depth of 500mm, unless the Planning Secretary agrees otherwise.	
Table 5							
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Notification of Department C7.	To include Council to ensure Council has accurate records of timeframes of projects in the region.	<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 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>					
ACCESS TO INFORMATION C17.	A new sub-clause (xi) to ensure the applicant keeps the community informed of the projects key milestones and any delays.	<p>(viii) a complaints register (<u>including a summary of all complaints received by issue and impact</u>);</p> <p>(ix) compliance reports;</p> <p>(x) any independent environmental audit, and the Applicant's response to the recommendations in any audit;</p> <p>(xi) <u>construction progress updates at appropriate milestones, including identification of any substantial delays</u>; and</p> <p>(xii) any other matter required by the Planning Secretary; and</p>					
APPENDIX 1 DEVELOPMENT LAYOUT	Can the Department please confirm the figure included in Appendix 1 is the development layout post amendments.						
APPENDIX 4 GENERAL TERMS OF THE APPLICANT'S VPA OFFER	<p>Deletion of the sealing of Middlebrook Road, as agreed to by the Applicant in its correspondence dated 4 October 2024 to remove confusion and leave the proposed sealing to Appendix 5.</p> <p>The Commission would also like feedback on the annual payment of \$32,000 not being required to be CPI adjusted.</p>	<table><tr><td>Part A</td><td></td></tr><tr><td>Tamworth Regional Council</td><td><ul style="list-style-type: none">An annual payment of \$82,070 (CPI adjusted) from commencement of operations for the operational life of the project to be paid to Council;An annual payment of \$32,000 from commencement of operations for the operational life of the project to be paid into the community benefit fund; andsealing the surface of Middlebrook Road, as identified in Figure 1 of Appendix, to the approximate value of \$321,550</td></tr></table>	Part A		Tamworth Regional Council	<ul style="list-style-type: none">An annual payment of \$82,070 (CPI adjusted) from commencement of operations for the operational life of the project to be paid to Council;An annual payment of \$32,000 from commencement of operations for the operational life of the project to be paid into the community benefit fund; andsealing the surface of Middlebrook Road, as identified in Figure 1 of Appendix, to the approximate value of \$321,550	
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Tamworth Regional Council	<ul style="list-style-type: none">An annual payment of \$82,070 (CPI adjusted) from commencement of operations for the operational life of the project to be paid to Council;An annual payment of \$32,000 from commencement of operations for the operational life of the project to be paid into the community benefit fund; andsealing the surface of Middlebrook Road, as identified in Figure 1 of Appendix, to the approximate value of \$321,550						

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strikethrough)	Comments DPHI						
APPENDIX 5 ROAD UPGRADES AND SITE ACCESS	<p>The Panel's intention is to further reduce dust and traffic concerns.</p> <p>Figure 1, 3 and 4 of the Appendix will also require updating – can the Department please liaise with the Applicant to provide an updated Figure 1, 3 and 4 with sealing up to site access point two.</p>	<table><tr><td>Middlebrook Road</td><td>Middlebrook Road between the New England Highway and <u>site access point two</u> 440-m-east-of-site access-point-one, as identified in Figure 1.</td><td>Upgrade and seal to 7 m, to comply with the Australian Road Research Boards Best Practice Guide.</td></tr><tr><td>Middlebrook Road</td><td>Middlebrook Road, 440-m-east-of-the first access-point-to-the site access-point-2, as identified in Figure 1.</td><td>Upgrade and seal to 7-m (unsealed), to comply with the Australian Road Research Boards Best Practice Guide.</td></tr></table>	Middlebrook Road	Middlebrook Road between the New England Highway and <u>site access point two</u> 440-m-east-of-site access-point-one , as identified in Figure 1.	Upgrade and seal to 7 m, to comply with the Australian Road Research Boards Best Practice Guide.	Middlebrook Road	Middlebrook Road, 440-m-east-of-the first access-point-to-the site access-point-2, as identified in Figure 1.	Upgrade and seal to 7-m (unsealed), to comply with the Australian Road Research Boards Best Practice Guide.	
Middlebrook Road	Middlebrook Road between the New England Highway and <u>site access point two</u> 440-m-east-of-site access-point-one , as identified in Figure 1.	Upgrade and seal to 7 m, to comply with the Australian Road Research Boards Best Practice Guide.							
Middlebrook Road	Middlebrook Road, 440-m-east-of-the first access-point-to-the site access-point-2, as identified in Figure 1.	Upgrade and seal to 7-m (unsealed), to comply with the Australian Road Research Boards Best Practice Guide.							
APPENDIX 6 ABORIGINAL HERITAGE ITEMS	Movement of item from Table 4 to Table 5 as identified by the Applicant.	Kiah Creek ISO 1/ 22-9-0263 (Isolated Find) deleted from Table 4 and inserted into Table 5.							
Other items	<p>Applicant has identified the additional Glint and Glare info document shows as 'Dunedoo Letter' on the Major Projects website when opened – the Applicant would like this updated if possible.</p> <div><div>August 2021 Dunedoo Letter copy</div><div><div><p>24th June 2024</p><p>Dr. Sherry Mohajerani Senior Development Manager – REN Austr Total Energies Renewables Suite 2, Level 30, North Tower, 80 Collins Street, Melbourne, AUSTRALIA</p></div></div></div>								

Development Consent

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

The Independent Planning Commission, as declared consent authority under clause 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves 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.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

DRAFT

SCHEDULE 1

Application Number:	SSD 10455
Applicant:	Middlebrook Solar Farm Pty Ltd as trustee for the MSF Project Trust
Consent Authority:	NSW Independent Planning Commission
Land:	See Appendix 2
Development:	Middlebrook Solar Farm

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DEFINITIONS

Aboriginal stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
Ancillary infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, battery storage, site compounds, electricity transmission lines and internal roads
Applicant	Middlebrook Solar Farm Pty Ltd as trustee for the MSF Project Trust or any person who seeks to carry out the development approved under this consent
BAL	Basic Left Turn
Battery Storage	Large scale energy storage system
BCS	Biodiversity, Conservation and Science Group within the 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 Schedule 1 and Schedule 2
Consent authority	NSW Independent Planning Commission
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	Tamworth Regional 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 Middlebrook Solar Farm dated 24 June 2023, Submissions Report dated 28 March 2024, Amendment Report dated 28 March 2024 and the additional information dated 24 June 2024, 10 July 2024, 26 July 2024 and 13 August 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 <i>Heavy Vehicle National Law</i> (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the National Heavy Vehicle Regulator's <i>NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group within the 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-associated residence	A dwelling in existence at the date of this consent which is not associated with the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW Operation	NSW Department of Climate Change, Energy, the Environment and Water 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
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of solar panels and ancillary infrastructure 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 the NSW DCCEEW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 1.
- A3. The Applicant must comply with any requirement/s of the Planning Secretary arising from the Department's assessment of:
- (a) any strategies, plans or correspondence that are submitted in accordance with this consent;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

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 780 MWh.

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 *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

- 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. 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 Applicant's VPA letter dated 26 June 2024, which are summarised in Part A of Appendix 4 [or other such terms that may be offered by the Applicant and agreed to by Council.](#)

A16. Unless the Planning Secretary agrees otherwise, if the Applicant and Council do not enter into a VPA or other agreement prior to the commencement of construction, then within 3 months of the commencement of construction (and annually from the commencement of operation until the cessation of operation of the project), the Applicant must make a Section 7.12 of the EP&A Act contribution to Council for the amount specified in Part B of Appendix 4.

PART B ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Heavy Vehicles Requiring Escort and Heavy Vehicle Restrictions

- B1. The Applicant must ensure that the:
- (a) development does not generate more than:
 - (i) 158 heavy vehicle movements a day during construction, upgrading or decommissioning;
 - (ii) for all vehicles turning left from New England Highway onto Middlebrook Road (see Appendix 5, Figure 2):
 - 76 left turns during the AM (6am - 7am) or PM (5pm - 6pm) project peak hours; and
 - 38 left turns during the AM (7.45am - 8.45am) or PM (4pm - 5pm) network peak hours; and
 - (iii) 6 movements of heavy vehicles requiring escort during construction, upgrading or 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 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 the New England Highway and Middlebrook Road.

All vehicles associated with the development must avoid the use of Middlebrook Road east of Site Access Point 2 (as identified in Appendix 1) [and Marsden Park Road](#) except for emergency purposes, unless the Planning Secretary agrees otherwise.

Site Access

- B4. All light and heavy vehicles associated with the development must enter and exit the site via:
- (a) Site Access Point 1 off Middlebrook Road; or
 - (b) Site Access Point 2 off Middlebrook Road,

as identified in Appendix 1.

Access between portions of the site via the public road network must only be undertaken at the two crossing points on Middlebrook Road, identified in Appendix 1.

Note: all site access points identified in Appendix 1 of this consent may be used for emergency purposes.

- B5. All heavy vehicles requiring escort associated with the development must enter and exit the site via Site Access Point 2, as identified in Appendix 1.

Road Upgrades

- B6. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must complete the road upgrades detailed in Appendix 5.
- Unless the relevant roads authority (and TfNSW for upgrades to the State Road network) agrees otherwise, these upgrades must comply with the current *Austroads Guidelines to Road Design* (as amended by TfNSW supplements) and be carried out to the satisfaction of the relevant roads authority.

Access Route and Road Upgrades: Heavy Vehicles Requiring Escort

- B7. Prior to the use of heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (specifically for the use of roads, and any road upgrades that may be required, from the point of origin to the New England Highway / Middlebrook Road intersection).

Notes:

- *[This Development Consent does not provide consent for the use of the public road network, or any upgrades, for heavy vehicles requiring escort on the route identified in the EIS between the Port of Newcastle to the New England Highway / Middlebrook Road intersection.](#)*
- *[The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law \(NSW\) for the use of over-dimensional vehicles on the road network.](#)*

Road Maintenance

- B8. The Applicant must, in consultation with the relevant roads authority:
- undertake an independent dilapidation survey and report to assess the existing condition of Middlebrook Road on the Access Route identified in condition B3 and the two crossing points on Middlebrook Road identified in condition B4, following any upgrades in accordance with condition B6, and prior to construction, upgrading or decommissioning activities;
 - undertake an independent dilapidation survey one month following completion of construction, upgrading or decommissioning activities, to assess the condition of the roads identified in condition B8(a) and describe the necessary repairs to return the route to a condition that is equivalent to, or better than, the existing condition identified in condition B8(a); and
 - repair and/or make good any development-related damage to Middlebrook Road identified in dilapidation surveys carried out in accordance with condition B8(b) within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise.

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

Operating Conditions

- B9. The Applicant must ensure:
- the internal roads are constructed as all-weather roads;
 - there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - the capacity of the existing roadside drainage network is not reduced;
 - all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the public road network.

Traffic Management Plan

- B10. Prior to commencing the road upgrades identified in condition B6, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This plan must include:
- details of the transport route to be used for all development-related traffic;
 - details of the road upgrade works required by condition B6 of this consent;
 - a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS [\(including the load and speed controls in the Goonoo Goonoo Bridge Assessment and Load Rating dated 10 October 2024\)](#) have been included in the plan;
 - details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - details of the dilapidation surveys required by condition B8 of this consent;
 - temporary traffic controls, including detours and signage;
 - notifying the local community about development-related traffic impacts;
 - procedures for receiving and addressing complaints from the community about development-

related traffic;

- (v) ~~minimising~~ potential for conflict with school buses and other road users 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) potential for conflict with key tourism, cultural, sporting and entertainment related events in the LGA, (e.g. music festivals), as far as practicable;
- ~~(viii)~~ ~~minimising~~ dirt tracked onto the public road network from development-related traffic;
- ~~(viii)(ix)~~ ~~measures for~~ managing light vehicle peak numbers;
- ~~(ix)(x)~~ 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 ~~encourage-maximise~~ employee use of this services, and monitoring measures;
- ~~(x)(xi)~~ scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
- ~~(xi)(xii)~~ responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
- ~~(xii)(xiii)~~ ~~measures to minimise~~ dust generated by construction traffic;
- ~~(xiii)(xiv)~~ responding to any emergency repair or maintenance requirements; and
- ~~(xiv)(xv)~~ 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, including employees, contractors and sub-contractors, adhere to the designated transport routes and speed limits; and
 - (iii) procedures to ensure that drivers implement safe driving practices; and
- (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.

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

LANDSCAPING

Land Management

B11. The Applicant must maintain the agricultural land capability of the site, including:

- (a) establishing ground cover of the site within 3 months following completion of ~~any~~ construction or upgrading;
- (b) properly maintaining the ground cover with appropriate perennial species and weed management; and
- (c) maintaining grazing within the development footprint, ~~where to the maximum extent~~ practicable, unless the Planning Secretary agrees otherwise

B12. The Applicant must:

- (a) undertake additional soil surveys and Land and Soil Capability mapping to verify the transition zone between Biophysical Strategic Agricultural Land (BSAL) and/or Class 3 land and Class 4 land on the Site in accordance with Mitigation Measure SO6 of Appendix B of the Applicant's Amendment Report dated 28 March 2024; and
- (b) ensure no solar panels or ancillary infrastructure are located on BSAL or Class 3 land, as verified by the surveys and mapping required above in condition B12(a).

BIODIVERSITY

Vegetation Clearance

B12-B13. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas as described in the EIS.

Biodiversity Offsets

B13-B14. 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, 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 | Ecosystem Credit Requirements

Plant Community Type	Ecosystem Credits Required
PCT433 - White Box grassy woodland to open woodland on basalt flats and rises in the Liverpool Plains sub-region, BBS Bioregion	28
PCT599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	48
PCT 84 - River Oak - Rough-barked Apple – red gum - box riparian tall woodland (wetland) of the Brigalow Belt South Bioregion and Nandewar Bioregion	1

Table 2 | Species Credit Requirements

Species	Species Credits Required
<i>Squirrel Glider (Petaurus norfolcensis)</i>	40

Table 3 | Scattered Tree Credit Requirements

Plant Community Type	Number of Trees	Ecosystem Credits Required
PCT599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	118	97
PCT433 - White Box grassy woodland to open woodland on basalt flats and rises in the Liverpool Plains sub-region, BBS Bioregion	71	62

B14.B15. 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.B16. 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 revised *Biodiversity Development Assessment Report* (dated 5 April 2024);
- (b) include a description of the measures and timeframes that would be implemented for:
 - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;
 - (ii) managing and enhancing the remnant vegetation and fauna habitat on site;
 - (iii) 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, including the design of security fencing;
 - (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;
 - (viii) controlling weeds, feral pests and pathogens; and

- (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, and timeframes for completion of actions.

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

AMENITY

Construction, Upgrading and Decommissioning Hours

B16-B17. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading, commissioning or decommissioning activities between:

- (a) 7 am to 6 pm Monday to Friday;
- (a) 8 am to 1 pm Saturdays; and
- (a) at no time on Sundays and NSW public holidays.

Exceptions to Construction Hours

B17-B18. The following activities may be carried outside the hours specified in condition **B17B15** 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

B18-B19. The hours of construction activities specified in condition **B17B15** 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 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

B19-B20. 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;
- (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 all 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
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Dust

B21. The Applicant must minimise the dust generated by the development through measures including but not limited to ensuring:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network; and
- (d) the use of water tankers to spray the surface of unsealed roads when required.

Visual

B20-B22. The Applicant must:

- (a) unless the Planning Secretary agrees otherwise, limit the angle of solar panel backtracking in accordance with [Table 2 and Figures 2 to 5](#) of the additional information provided by the Applicant to the Department dated 24 June 2024;
- (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.

B23. The Applicant must establish and maintain a vegetation buffer (landscape screening) along Middlebrook Road for the length of the BESS and substation areas. The landscape screening must:

- (a) be planted within 9 months of commencement of construction;
- (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.

B24. For a period of 5 years from the commencement of construction, the owner of any non-associated residence within 3 km of the development footprint identified in the Final Layout Plan may ask the Applicant to implement measures on their land to minimise the visual impacts of the development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement appropriate mitigation measures (such as landscaping and vegetation screening) in consultation with the owner.

The mitigation measures must:

- (a) be reasonable and feasible;
- (b) be aimed at reducing the visibility of the solar panels and ancillary infrastructure from the residence and its curtilage;
- (c) be commensurate with the level of visual impact on the residence;
- (d) consider bushfire risk (including the provisions of *Planning for Bushfire Protection 2019*); and
- (e) be implemented within 12 months of receiving the written request, unless the Planning Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

Notes:

- To avoid any doubt, mitigation measures are not required to be implemented to reduce the visibility of solar panels and ancillary infrastructure from any other locations on the property other than the residence and its curtilage.
- (d)• The identification of appropriate visual impact mitigation measures will be more effective following the construction of the solar panels and ancillary infrastructure. While owners may ask for the implementation of visual impact mitigation measures shortly after the commencement of construction, it is recommended owners consider whether there is benefit in delaying such a request until the relevant solar panels and ancillary infrastructure are visible from their residence or its curtilage.

Lighting

B21, B25. 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 4282:2019-2023 – Control of Obtrusive Effects of Outdoor Lighting*, or the latest version.

HERITAGE

Protection of Heritage Items

B22, B26. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in [Table 4 Table 4](#) in Appendix 6, or any Aboriginal heritage items located outside the approved development footprint.

Heritage Management Plan

B23, B27. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in condition **B26B22**, 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 Aboriginal Stakeholders and reviewed by Heritage NSW;
- (c) be prepared in accordance with the *Code of Practice of Archaeological Investigation of Aboriginal Objects in NSW* (DECC 2010), or its latest version;
- (d) include a description of the measures that would be implemented for:
 - (i) protecting the heritage items identified in [Table 4 Table 4](#) in Appendix 6 or items located outside of the approved development footprint;
 - (ii) fencing / demarcation (as appropriate) of the identified heritage items [in Table 4 in Appendix 6 or items located within the development footprint](#) 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 Table 5](#) in Appendix 6;
 - (iv) a contingency plan and reporting procedure if:
 - heritage items outside the development footprint are damaged;
 - previously unidentified heritage items are found; or
 - Aboriginal 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;
 - (vi) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- (e) 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

B24-B28. 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

B25-B29. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

Operating Conditions

B26-B30. The Applicant must:

- (a) minimise any soil 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 the relevant requirements in the *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;
- ~~(e)~~(f) ensure the adequate management of water runoff (including potential contamination) from fire extinguishing activities during and after an on-site fire event; and
- ~~(f)~~(g) ensure all works are undertaken in accordance with the following:
 - *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version;
 - *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), or its latest version; and
 - DPI Fisheries Policy and *Guidelines for Fish Friendly Water Crossings* (2004) and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004).

Soil and Water Management Plan

B27-B31. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with the 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 **B30B26(a) – (gf)** 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

B28-B32. Prior to commencing construction of the battery storage facility (except for construction of preliminary works that are outside the scope of the hazard studies), the Applicant must prepare a Fire Safety

Study for the development, 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 FRNSW's *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) include reasonable worst-case fire scenario to and from the battery storage and the associated fire management; and
- (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: '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 Goods

B29-B33. 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.

B30-B34. 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 liquid.

In the event of an inconsistency between the requirements (a) and (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

Operating Conditions

B31-B35. 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 Appendix 4 of 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 20,000 litre water supply tank(s) (as described in the EIS), fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
 - (iii) includes at least a 10 metre defendable space around the perimeter of the solar array and battery storage 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;
 - (iv) is managed as an asset protection zone (including the defendable space);
 - (v) 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) 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 construction of the development, and prior to commencing operations.

Emergency Plan

B32-B36. Prior to commencing construction of the solar farm and commissioning of the battery storage, the Applicant must develop and implement a comprehensive Emergency Plan (including an emergency

responders induction package) and detailed emergency procedures for the development, and provide a copy of the plan to the local Fire Control Centre and FRNSW. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under condition [B32B28](#);
- (b) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (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;
- (g) 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;
- (h) detail specific response measures in the case of flood or fire to ensure human site safety;
- (i) describe the specific emergency exit routes to be used in the case of flood and include evidence of access agreements with relevant landowners (e.g. right of carriageway); and
- (j) include an Emergency Services Information Package in accordance with *Emergency services information and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW and RFS.

[B33-B37.](#) 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

[B34-B38.](#) The Applicant must:

- [\(a\)](#) prepare a Waste Management Plan in consultation with Council prior to commencing construction;
- ~~(a)(b)~~ minimise the waste generated by the development;
- ~~(b)(c)~~ classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- ~~(c)(d)~~ store and handle all waste on site in accordance with its classification;
- ~~(d)(e)~~ not receive or dispose of any waste on site; and
- ~~(e)(f)~~ remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal (in consultation with Council for use of Council facilities).

ACCOMMODATION AND EMPLOYMENT STRATEGY

[B35-B39.](#) Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development ~~in consultation with Council~~. This strategy must:

- [\(a\)](#) be prepared in consultation with Council and informed by consultation with local accommodation (including social and crisis accommodation) and employment service providers;
- ~~(a)(b)~~ propose measures to ensure there is sufficient accommodation for the workforce associated with the development (including but not limited to consideration of potential conflicts with key tourism, cultural, sporting and entertainment-related events in the LGA, as far as practicable);
- ~~(b)(c)~~ consider the cumulative impacts associated with other State significant development projects in the area, including through consultation with applicants for these projects where practical;

- ~~(e)~~(d) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
- ~~(e)~~(e) 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

B40. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan. 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 5 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 5;
 - (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.

B36-B41. 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 5.

Table 5 | 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 <u>with the exception of:</u> <ul style="list-style-type: none"> <u>the sub-station and any infrastructure essential for its ongoing use; and</u> <u>any ancillary infrastructure to be retained with the agreement of the landholder where it facilitates the future post-operational use of the land to a depth of 500mm, unless the Planning Secretary agrees otherwise.</u>
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, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (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, including a table summarising all the monitoring and reporting obligations under the conditions of this consent.

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

Revision of Strategies, Plans and Programs

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
 - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:
 - (i) submission of an incident report under condition C10;
 - (ii) submission of an audit report under condition ~~C13~~C14; 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.

~~C5-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

~~C6-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 Council ~~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

~~C7-C8.~~ Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department, showing comparison to the approved layout and including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.

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

Work as Executed Plans

~~C8-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

~~C9-C10.~~ The Department 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 7.

Non-Compliance Notification

~~C10-C11.~~ The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. 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.

~~C11-C12.~~ A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

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

~~C13-C14.~~ 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 C13 of this consent, or condition C16 where notice is given by the Planning Secretary;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

C15. 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 Approvals Requirements* (2020), unless otherwise agreed by the Planning Secretary.

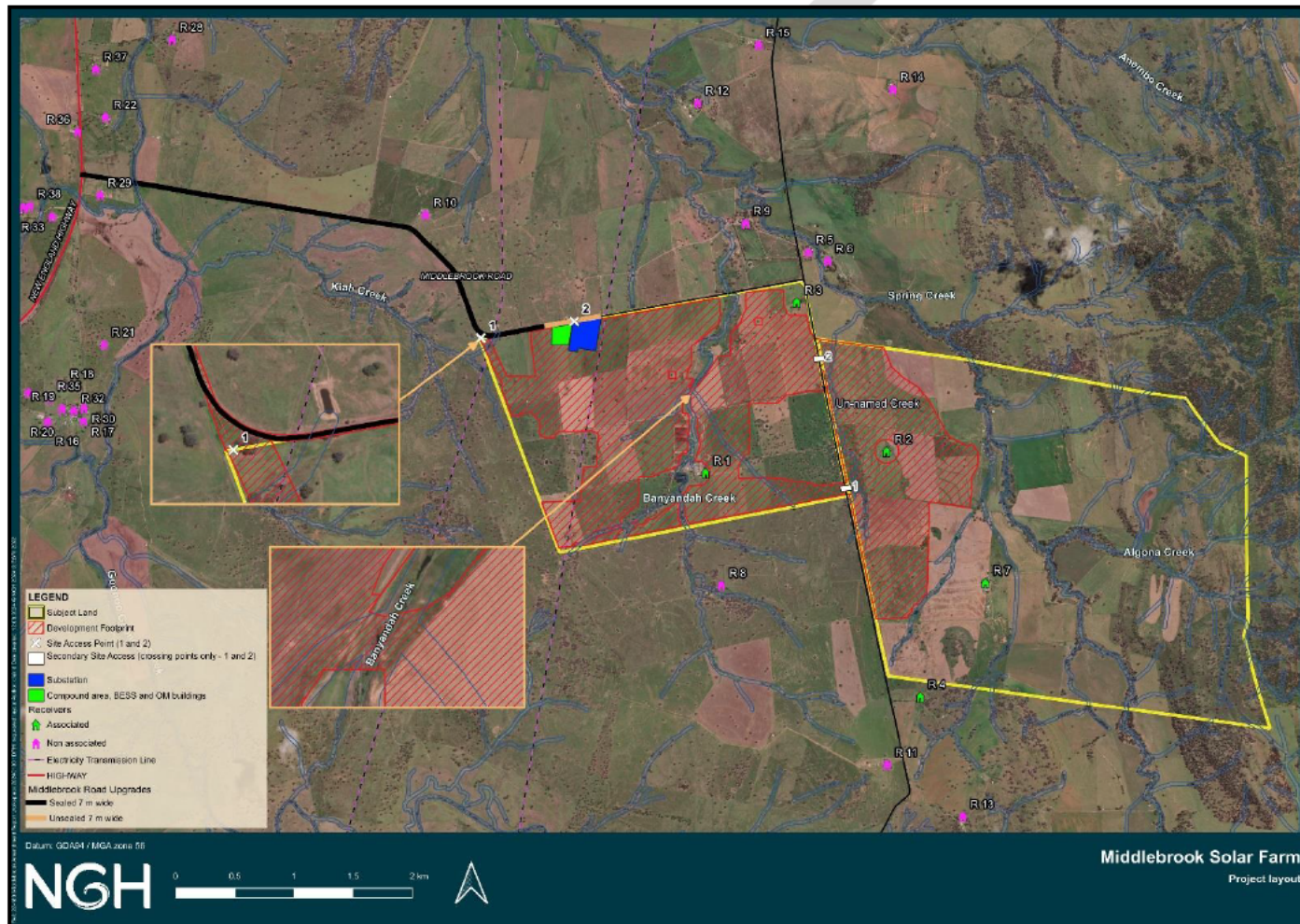
~~C14-C16.~~ Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements* (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

~~C15-C17.~~ 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) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - (vii) how complaints about the development can be made;
 - (viii) a complaints register (including a summary of all complaints received by issue and impact);
 - (ix) compliance reports;
 - (x) any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - ~~(*)~~(xi) construction progress updates at appropriate milestones, including identification of any substantial delays; and
 - ~~(*)~~(xii) 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

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
60	755343
61	
14	37547
15	
Intersection of New England Highway / Middlebrook 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: GENERAL TERMS OF THE APPLICANT'S VPA OFFER

PART A: GENERAL TERMS OF THE APPLICANT'S VPA OFFER

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

<i>Council</i>	<i>Payment Details</i>
Tamworth Regional Council	<ul style="list-style-type: none">• An annual payment of \$82,070 (CPI adjusted) from commencement of operations for the operational life of the project to be paid to Council;• An annual payment of \$32,000 from commencement of operations for the operational life of the project to be paid into the community benefit fund; and• Sealing the surface of Middlebrook Road, as identified in Figure 1 of Appendix, to the approximate value of \$321,550.

PART B: GENERAL TERMS FOR CONDITION [A16A47](#)

<i>Council</i>	<i>Payment Details</i>
Tamworth Regional Council	<ul style="list-style-type: none">• An annual payment to the amount equivalent to \$300 per MW per annum (CPI adjusted) from the commencement of operation until the cessation of operations of the project.

APPENDIX 5: ROAD UPGRADES AND SITE ACCESS

Road / Intersection	Location	Upgrade Requirements
Intersection of New England Highway / Middlebrook Road	At the location identified in Figure 1 and Figure 2 below.	Upgrade intersection to be a Basic Auxiliary Left Turn (BAL) treatment, including amending existing line marking and localised widening, as identified in Figure 2 below. The BAL turn treatment must be accompanied by the continuation of an existing guard rail including an ET-SS TL2 end terminal, edge lines, chevron markings and a give way sign (R1-A), as identified in Figure 2 below.
Middlebrook Road	Single lane bridge 400m east of New England Highway on Middlebrook Road as described in the EIS and identified in Figure 1.	If required, review and replace signage and line marking, as described in the EIS.
Middlebrook Road	Middlebrook Road between the New England Highway and site access point two 440 m east of site access point one , as identified in Figure 1.	Upgrade and seal to 7 m, to comply with the Australian Road Research Boards Best Practice Guide.
Middlebrook Road	Middlebrook Road, 440 m east of the first access point to the site access point 2, as identified in Figure 1.	Upgrade width to 7 m (unsealed), to comply with the Australian Road Research Boards Best Practice Guide
Middlebrook Road	At the location identified as site access point 1 in Figure 1 and identified in Figure 3 below.	Construction of a new site access as a rural property access as identified in Figure 3 below.
Middlebrook Road	At the location identified as site access point 2 in Figure 1 and identified in Figure 4 below.	Construction of a new site access as a rural property access as identified in Figure 4 below.
Middlebrook Road	At the location identified as crossing point1 in Figure 1 and identified in Figure 5 below	Construction of a new site access as a rural property access.
Middlebrook Road	At the location identified as crossing point2 in Figure 1 and identified in Figure 5 below	Construction of a new site access as a rural property access.

Notes:

- Refer to Figure 1, 2, 3 and 4 in this Appendix for the location and further details of the road upgrades.
- Upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements).
- Under Part 4.4.2 of the EP&A Act, the Applicant is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades

16810000

Label	Current	Proposed
Bridge	Fit for purpose	Upgraded to be fit for purpose if required

Label	Description	Current	Proposed
Section 1	New England highway to bridge	6m wide- sealed	Widened - sealed
Section 2	Bridge to 440m past site access 1	6m wide- unsealed	Widened - sealed
Section 3	440m past site access 1 to site access 2	6m wide- unsealed	Widened
Access Track 1	Solar farm access track	6m wide- unsealed	Crossings created while maintaining road safety and road quality
Access Track 2	Solar farm access track	6m wide- unsealed	Crossings created while maintaining road safety and road quality

16810000

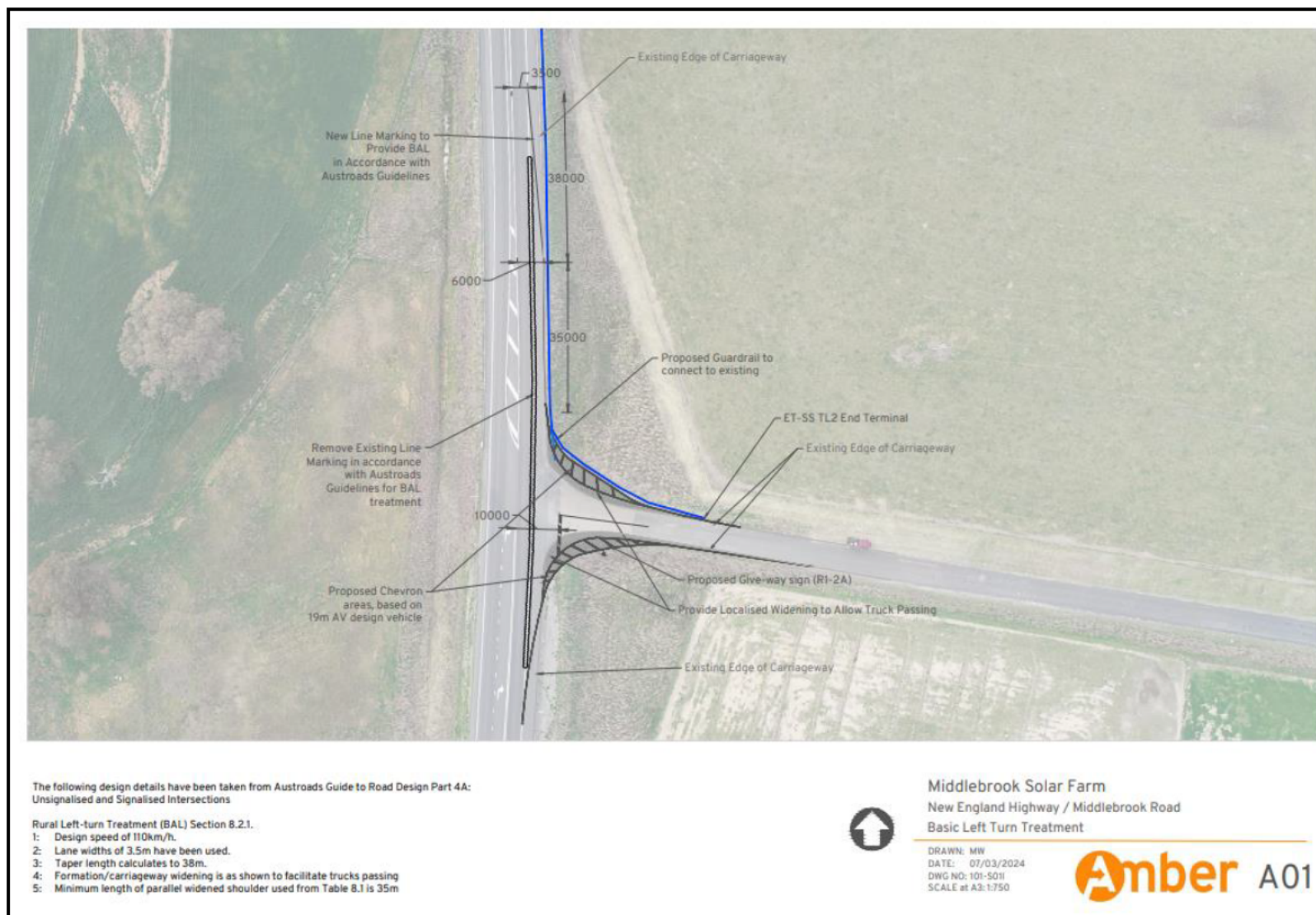


Figure 2 | Proposed upgrades at the intersection of the New England Highway and Middlebrook Road



Figure 3 | Proposed site access point 1 off Middlebrook Road



Figure 4 | Proposed site access point 2 off Middlebrook Road



Figure 5 | Proposed access design for crossing points between east and western portions of the site

APPENDIX 6: ABORIGINAL HERITAGE ITEMS

Table 4 | Heritage Items – avoid impacts

Item	Item
Middlebrook SF AFT 6 (Isolated Find)	Middlebrook SF AFT 24 (Isolated Find)
Middlebrook SF AFT 12 (Isolated Find)	Middlebrook SF AFT 25 (Isolated Find)
Middlebrook SF AFT 13 (Artefact scatter)	Middlebrook SF AFT 26 (Isolated Find)
Middlebrook SF AFT 14 (Artefact scatter)	Middlebrook SF AFT 27 (Artefact scatter)
Middlebrook SF AFT 15 (Isolated Find)	Middlebrook SF AFT 28 (Artefact scatter)
Middlebrook SF AFT 16 (Isolated Find)	Middlebrook SF AFT 29 (Isolated Find)
Middlebrook SF AFT 17 (Artefact scatter)	Middlebrook SF AFT 30 (Isolated Find)
Middlebrook SF AFT 18 (Isolated Find)	Middlebrook SF ST 1 (Modified tree)
Middlebrook SF AFT 19 (Artefact scatter)	Middlebrook SF ST 2 (Modified tree)
Middlebrook SF AFT 21 (Artefact scatter)	Area of archaeological sensitivity-Spring Creek
Middlebrook SF AFT 23 (Isolated Find)	Kiah Creek ISO 1/ 22-9-0263 (Isolated Find)

Table 5 | Aboriginal Heritage Items - salvage

Item	Item
Middlebrook SF AFT 1 (Isolated Find)	Middlebrook SF AFT 8 (Artefact scatter)
Middlebrook SF AFT 2 (Isolated Find)	Middlebrook SF AFT 9 (Isolated Find)
Middlebrook SF AFT 3 (Artefact scatter)	Middlebrook SF AFT 10 (Isolated Find)
Middlebrook SF AFT 4 (Artefact scatter)	Middlebrook SF AFT 11 (Isolated Find)
Middlebrook SF AFT 5 (Isolated Find)	Middlebrook SF AFT 20 (Artefact scatter)
Middlebrook SF AFT 7 (Isolated Find)	Middlebrook SF AFT 22 (Isolated Find)
Kiah Creek ISO 1/ 22-9-0263 (Isolated Find)	

APPENDIX 7: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 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 became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.