

Development Consent

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

The Independent Planning Commission of NSW approves consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

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

Andrew Hutton (Chair)
Member of the Commission

Professor Zada Lipman
Member of the Commission

Professor Snow Barlow
Member of the Commission

Sydney

9 March 2020

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

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

SCHEDULE 1

Application Number:	SSD 9255
Applicant:	ACEN Australia Pty Ltd
Consent Authority:	Independent Planning Commission
Land:	See Appendix 2
Development:	New England Solar Farm

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9255-Mod-1	19/02/2021	Director	Revised road upgrade disturbance boundaries
SSD-9255-Mod-2	26/05/2023	Director	Increase capacity of the Battery Storage and increased development footprint

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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 and site compounds, electricity transmission lines and internal roads
Applicant	ACEN Australia Pty Ltd, or any person who seeks to carry out the development approved under this consent
Battery storage	Large scale energy storage system
BCD	Biodiversity Conservation Division within the Department
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Conditions of this consent	Conditions contained in Schedules 1 to 4 inclusive
Construction	The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Uralla Shire Council
Decommissioning	The removal of solar panels and ancillary infrastructure and/or rehabilitation of the site
Department	Department of Planning and Environment
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)
DPIE Water	Water Group within the Department
EIS	The Environmental Impact Statement for New England Solar Farm dated February 2019, the Amendment Report dated June 2019, the Response to Submissions dated June 2019, additional information dated 31 October 2019 and 10 December 2019, the subdivision plan (see Appendix 3) and the additional information provided to the Independent Planning Commission of NSW on 7 February 2020 and 18 February 2020, as modified by: <ul style="list-style-type: none"> New England Solar Farm Modification Application – Modification Report dated 16 December 2020. New England Solar and Battery Project – Modification to development consent SSD-9255 dated 10 October 2022 (Modification Report). New England Solar and Battery Project – Submissions Report dated 18 January 2023. New England Solar and Battery Project - Amendment Report dated 20 January 2023. New England Solar and Battery Project – Additional Information dated 20 April 2023.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
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>
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
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)
Minister	Minister for Planning, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development

Modification 2	New England Solar and Battery Project Modification Report dated 10 October 2022, New England Solar and Battery Project Submissions Report dated 18 January 2023, New England Solar and Battery Project Amendment Report dated 20 January 2023 and New England Solar and Battery Project – Additional Information dated 20 April 2023
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
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	Rural Fire Service
Secretary	Secretary of the Department, or nominee
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 NSW
Upgrading	The augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance)
Vehicle movement	One vehicle entering and leaving the site

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 1.

3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
4. The Applicant must comply with any requirement/s of the 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.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

5. Over time, 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 Secretary incorporating the proposed upgrades.

STRUCTURAL ADEQUACY

6. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the *Building Code of Australia*.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

DEMOLITION

7. 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

8. 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.

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

9. 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 PLAN

10. The Applicant may subdivide the site to create new allotments for the proposed substation, in accordance with the layout approved in Schedule 4 - Condition 5, and with the requirements of the EP&A Act and EP&A Regulation, and generally in accordance with the figure in Appendix 3.

Prior to subdividing the site, the Applicant must prepare and submit detailed subdivision plans to the Secretary for approval.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.*
- *Division 4 of Part 8 of the EP&A Regulation sets out the application requirements for subdivision certificates*

BATTERY STORAGE RESTRICTION

11. Any building or fire rated compartment containing lithium-ion batteries shall contain less than or equal to 30 megawatt hours (MWh) of energy storage capacity.

SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

TRANSPORT

Over-Dimensional and Heavy Vehicle Restrictions

1. The Applicant must ensure that the:
 - (a) development does not generate more than:
 - 84 heavy vehicle movements a day during construction, upgrading and decommissioning;
 - 30 over-dimensional vehicle movements during construction, upgrading and decommissioning; and
 - 5 heavy vehicle movements a day during operations;on the public road network;
 - (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Secretary agrees otherwise.
2. The Applicant must keep accurate records of the number of over-dimensional and heavy vehicles entering or leaving the site each day for the duration of the project.

Access Route

3. All vehicles associated with the development must travel to and from the site via the New England Highway, Barleyfields Road, Big Ridge Road and the two site access points off Big Ridge Road, as identified in the figure in Appendix 4.

Note: 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 Upgrades and Site Access

4. Prior to commencing construction, the Applicant must implement the road upgrades identified in Appendix 4. These upgrades must be carried out to the satisfaction of the relevant roads authority, unless the Secretary agrees otherwise.

Operating Conditions

5. The Applicant must ensure:
 - (a) the internal roads are constructed as all-weather roads;
 - (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - (c) the capacity of the existing roadside drainage network is not reduced;
 - (d) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction;
 - (e) development-related vehicles leaving the site are in a clean condition to minimise dirt being tracked onto the sealed public road network; and
 - (f) segments 4 and 5 of Big Ridge Road, identified in the figure in Appendix 4, are maintained to the standard identified in Appendix 4 at the cost of the Applicant for the life of the development, unless the Secretary agrees otherwise.

Traffic Management Plan

6. Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Council, and to the satisfaction of the Secretary. This plan must include:
 - (a) details of the transport route to be used for all development-related traffic;
 - (b) a protocol for undertaking independent dilapidation surveys to assess the:
 - existing condition of Barleyfields Road and Big Ridge Road on the access route, prior to construction, upgrading or decommissioning activities; and
 - condition of Barleyfields Road and Big Ridge Road on the access route, following construction, upgrading or decommissioning activities;
 - (c) a protocol for the repair of Barleyfields Road and Big Ridge Road on the access route, if dilapidation surveys identify these roads to be damaged during construction, upgrading or decommissioning works;
 - (d) details of the road works required by condition 4 of Schedule 3 to this consent;

- (e) a protocol for the maintenance of segments 4 and 5 of Big Ridge Road required by condition 5(f) of Schedule 3 to this consent;
- (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - temporary traffic controls, including detours and signage;
 - notifying the local community about project-related traffic impacts;
 - procedures for receiving and addressing complaints from the community about development-related traffic;
 - minimising potential for conflict with school buses, other motorists, road users and rail services as far as practicable;
 - implement measures to minimise dirt tracked onto the public road network from development-related traffic;
 - details of the employee shuttle bus service and measures to encourage employee use of this service;
 - scheduling of haulage vehicle movements to minimise convoy length or platoons;
 - responding to local climate conditions that may affect road safety such as fog, dust, wet weather and flooding;
 - responding to any emergency repair or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
- (g) a driver's code of conduct that addresses:
 - travelling speeds;
 - driver fatigue;
 - procedures to ensure that drivers adhere to the designated transport routes; and
 - procedures to ensure that drivers implement safe driving practices, including consideration of other road users; and
- (h) 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 Secretary's approval, the Applicant must implement the Traffic Management Plan.

LANDSCAPING

7. Within 3 years of commencement of construction, the owner of N1 may request in writing that the Applicant to plant a vegetation screen to minimise the visual impacts of the northern array on the N1 property.

Upon receiving such a written request from the owner of N1, the Applicant must implement reasonable and feasible landscape screening in consultation with the owner making the request.

The vegetation screen must:

- (a) be wholly contained within the site;
- (b) consist of native species that facilitate the screening of the view of the solar panels and ancillary infrastructure from within the N1 property;
- (c) be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise; and
- (d) be properly maintained with appropriate weed management.

If the Applicant and owner of N1 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 Secretary for resolution.

LAND MANAGEMENT

8. Following any construction or upgrading on the site, the Applicant must:
 - (a) restore the ground cover of the site as soon as practicable;
 - (b) maintain the ground cover with appropriate perennial species; and
 - (c) manage weeds within this ground cover; and
 - (d) manage feral pest species.

BIODIVERSITY

Vegetation Clearance

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

Biodiversity Offsets

10. Prior to commencing the development under this consent, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, to the satisfaction of BCD, unless the Secretary agrees otherwise.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- making payments into an offset fund that has been developed by the NSW Government; or
- funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	510	107
Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78
Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	18

Table 2: Species Credit Requirements

Vegetation Community	Credits Required
Bluegrass (<i>Dichanthium setosum</i>)	44
Hawkweed (<i>Picris evae</i>)	43
Austral Toadflax (<i>Thesium australe</i>)	33
Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)	39
Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)	30
Squirrel Glider (<i>Petaurus norfolcensis</i>)	39
Koala (<i>Phascolarctos cinereus</i>)	39
Barking Owl (<i>Ninox connivens</i>)	5

- 10A. Prior to carrying out works associated with Modification 2 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 3 below, unless the Planning Secretary agrees otherwise.

The retirement of credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- making payments into an offset fund that has been developed by the NSW Government; or
- funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 3: Ecosystem Credit Requirements for Modification 2

Vegetation Community	PCT ID	Credits Required
Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	510	7

Biodiversity Management Plan

11. Prior to commencing the development, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCD, and to the satisfaction of the Secretary. This plan must:
- include a description of the measures that would be implemented for:
 - protecting vegetation and fauna habitat outside the approved disturbance areas;
 - managing the remnant vegetation and fauna habitat on site;

- minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development;
 - minimising the impacts to fauna on site and implementing fauna management protocols;
 - avoiding the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna;
 - rehabilitating and revegetating temporary disturbance areas with species that are endemic to the area;
 - maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement or the rehabilitation of the site; and
 - controlling weeds and feral pests; and
- (b) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions.

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

Note: If the biodiversity credits are retired via a Biodiversity Stewardship Agreement, then the Biodiversity Management Plan does not need to include any of the matters that are covered under the Biodiversity Stewardship Agreement.

AMENITY

Construction, Upgrading and Decommissioning Hours

12. Unless the Secretary agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:
- (a) 7 am to 6 pm Monday to Friday;
 - (b) 8 am to 1 pm Saturdays; and
 - (c) at no time on Sundays and NSW public holidays.

The following construction, upgrading or decommissioning activities may be undertaken outside these hours without the approval of the Secretary:

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

Noise

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

Dust

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

Visual

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

Lighting

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

HERITAGE

17. Prior to the commencing the development, the Applicant must undertake consultation with Aboriginal stakeholders, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010), or its latest version.

Protection of Heritage Items

18. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 5 or the historic heritage items identified in Table 1 of Appendix 6, or any Aboriginal or historic heritage items located outside the approved development footprint.

Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 5, the Applicant must salvage and relocate the item/s that would be impacted to a suitable alternative location, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

Note: The location of the Aboriginal heritage and historic heritage items referred to in this condition are shown in the figures in Appendix 5 and Appendix 6, respectively.

Heritage Management Plan

19. Prior to commencing the development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with [Heritage NSW](#), Aboriginal Stakeholders and Council;
 - (c) include a description of the measures that would be implemented for:
 - protecting the Aboriginal heritage items identified in Table 1 of Appendix 5 or items located outside the approved development footprint, including fencing off Aboriginal heritage items prior to commencing construction and providing ongoing access and management opportunities for Aboriginal people to NE09 and NE68;
 - salvaging and relocating the Aboriginal heritage items located within the approved development footprint, as identified in Table 2 of Appendix 5;
 - protecting the historic heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint;
 - managing the impact of the development on the historic heritage items identified in Table 2 of Appendix 6, including photographic archival records prepared in accordance with Heritage Council of NSW Guidelines for archival recordings;
 - a contingency plan and reporting procedure if:
 - previously unidentified heritage items are found; or
 - Aboriginal skeletal material is discovered;
 - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - ongoing consultation with Aboriginal stakeholders during the implementation of the plan;
 - (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

SOIL AND WATER

Water Supply

20. Prior to the commencement of the development the Applicant must demonstrate to the satisfaction of the Secretary that the Applicant 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

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

Operating Conditions

22. The Applicant must:
- minimise the siting of solar panels and ancillary infrastructure (including security fencing) within watercourses within the approved development footprint;
 - ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on surface water, flooding and groundwater at the site;
 - minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
 - ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
 - ensure all works are undertaken in accordance with the following, unless otherwise agreed by DPIE Water:
 - Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version; and
 - Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (2004), or its latest version.

HAZARDS

Fire Safety Study

23. Prior to commencing construction of the battery storage facility, unless the Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study for the development, in consultation with FRNSW and RFS and to the satisfaction of FRNSW and the Secretary. The study must:
- be consistent with the:
 - Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline; and
 - NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
 - describe the final design of the battery storage facility;
 - for the option of a purpose-built Battery Storage building, report the controls adopted and demonstrate consistency with the hazard controls described in the Preliminary Hazard Analysis (Sherpa, 21 August 2022) and New England Solar and Battery Project – *Submissions* Report dated 18 January 2023
 - include reasonable worst-case bush fire scenario to and from the battery storage and the associated bush fire management; and
 - identify measures to eliminate the expansion of any fire incident including:
 - adequate fire safety systems and appropriate water supply;
 - separation and / or compartmentalisation of battery units; and
 - strategies and incident control measures specific to the battery storage design.

Following the Secretary's approval, the Applicant must implement the measures described in the Fire Safety Study.

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

Storage and Handling of Dangerous Goods

24. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- the requirements of all relevant Australian Standards; and
 - the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

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

- 24A. For the option of the purpose-built Battery Storage building, the quantities of dangerous goods stored and handled at the Battery Storage site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP33* at all times

Operating Conditions

25. The Applicant must:

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

Emergency Plan

26. Prior to commissioning operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
- (b) identify the fire risks and controls of the development; and
- (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site.
- (d) include bushfire emergency management planning, including:
 - details of the location, management and maintenance of the Asset Protection Zone;
 - a list of works that should not be carried out during a total fire ban
 - 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; and
 - 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; and
- (e) prior to commencing construction of the Battery Storage:
 - be updated in accordance with the findings of the Fire Safety Study required under Condition 23 of Schedule 3; and
 - include details of how the Battery Storage can be safely isolated in an emergency.

Following approval, the Applicant must implement the Emergency Plan for the duration of the development and following commencement of operations of the battery storage, keep a copy of the Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

WASTE

27. The Applicant must:

- (a) minimise and manage the waste generated by the development in accordance with the EPA's waste hierarchy objectives of avoidance, resource recovery and then disposal;
- (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

ACCOMMODATION AND EMPLOYMENT STRATEGY

28. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council, and to the satisfaction of the Secretary. This strategy must:
- propose a strategy to ensure there is sufficient accommodation for the workforce associated with the development;
 - consider the cumulative impacts associated with other State significant development projects in the area;
 - investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible;
 - 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.

Following the Secretary's approval, the Applicant must implement the Accommodation and Employment Strategy.

DECOMMISSIONING AND REHABILITATION

29. Within 18 months of the cessation of operations, unless the Secretary agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 3.

Table 3: Rehabilitation Objectives

Feature	Objective
Site	<ul style="list-style-type: none">Safe, stable and non-pollutingMinimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar farm infrastructure	<ul style="list-style-type: none">To be decommissioned and removed, unless the Secretary agrees otherwise
Land use	<ul style="list-style-type: none">Restore land capability to pre-existing use (at least Class 3 Land Capability for areas of mapped Biophysical Strategic Agricultural Land)
Community	<ul style="list-style-type: none">Ensure public safety at all times

30. Within 3 years of commencement of operation, the Applicant must prepare a Decommissioning & Rehabilitation Plan for the development which shall be reviewed by the Applicant prior to the cessation of operations, to the satisfaction of the Secretary. The plan must:
- include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 3 above;
 - describe the measures that would be implemented to:
 - decommission the development and rehabilitate the site in accordance with the objectives in Table 3;
 - minimise and manage the waste generated by the decommissioning of the development in accordance with the obligations in condition 27 above; and
 - include a program to monitor and report on the implementation of these measures against the detailed completion criteria.

The Applicant must decommission and rehabilitate the site in accordance with the approved Decommissioning & Rehabilitation Plan.

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. Prior to commencing the development, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the 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:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (e) include:
 - references to any plans approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out in relation to the development.

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

Revision of Strategies, Plans and Programs

2. The Applicant must:
 - (a) update the strategies, plans or programs required under this consent to the satisfaction of the 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 Secretary within 1 month of the:
 - submission of an incident report under condition 7 of Schedule 4;
 - submission of an audit report under condition 9 of Schedule 4; and
 - (c) **review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out works associated with any modification to the conditions of this consent.**

Updating and Staging of Strategies, Plans or Programs

3. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

NOTIFICATIONS

Notification of Department

4. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Secretary in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Applicant must notify the Secretary 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

5. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Secretary, including details on the siting of solar panels and ancillary infrastructure, via the Major Projects website.

Work as Executed Plans

6. 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 Secretary, via the Major Projects website.

COMPLIANCE

Incident Notification

7. The Planning Secretary must be notified in writing via the Major Projects website portal 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 5.

Non-Compliance Notification

8. The Planning Secretary must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.
9. 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 done, or will be, undertaken to address the non-compliance.
10. A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.

INDEPENDENT ENVIRONMENTAL AUDIT

11. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)* to the following frequency:
 - (a) within 3 months of commencing construction; and
 - (b) within 3 months of commencement of operations.
- 11A. Proposed independent auditors be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- 11B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 9 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
- 11C. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:
 - a. review and respond to each Independent Audit Report prepared under condition 7 of Schedule 4 of the consent, or condition 9B of Schedule 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.
- 11D. 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 and site inspection as outlined in

the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Planning Secretary.

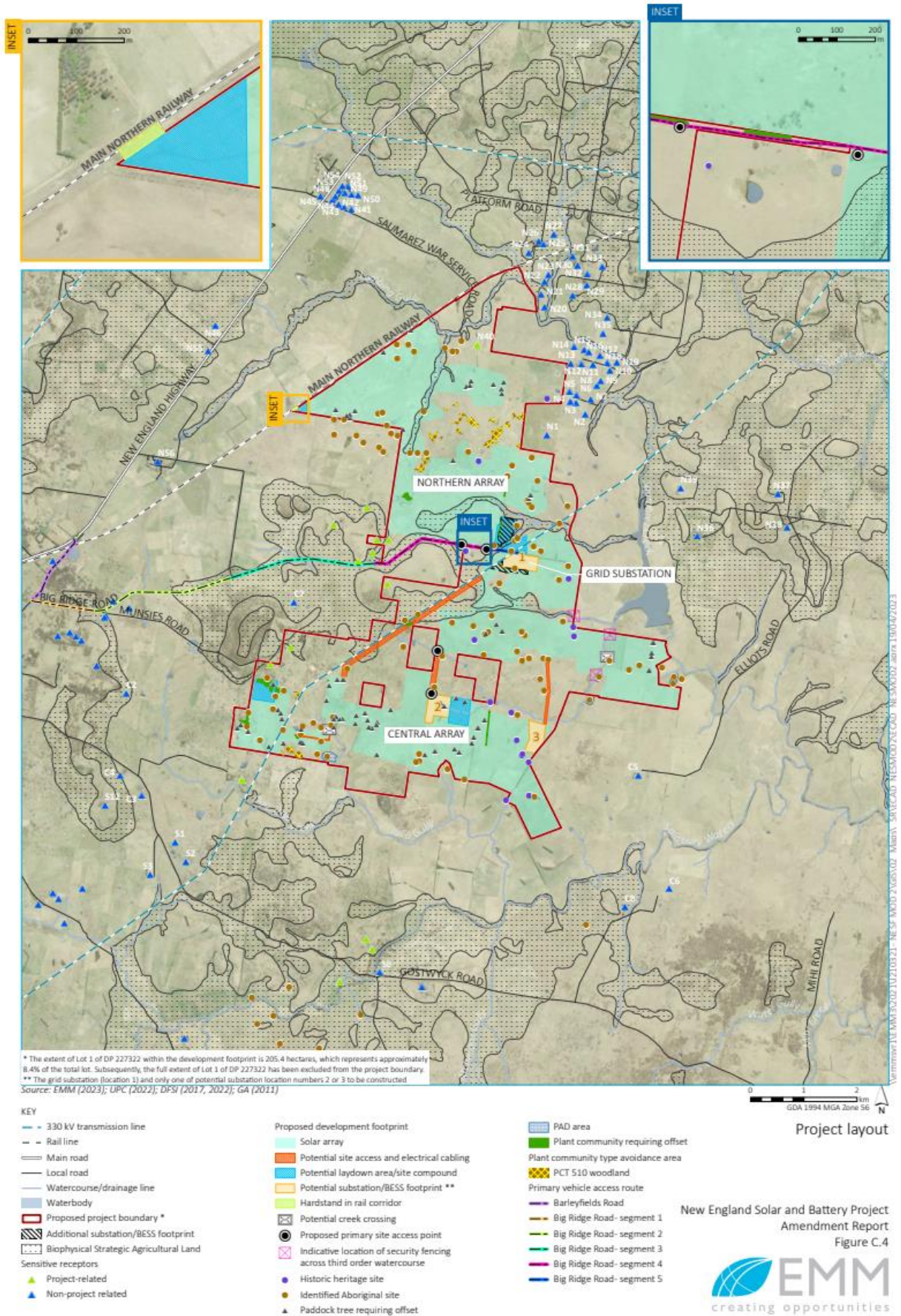
- 11E. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (2020)*, the Planning Secretary may approve a request or ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

12. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
 - the EIS;
 - the final layout plans for the development (Schedule 4, Condition 5);
 - current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;
 - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - how complaints about the development can be made;
 - a complaints register;
 - compliance reports;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
- (b) keep this information up to date.

APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT



APPENDIX 2 SCHEDULE OF LAND

Lot	Deposited Plan (DP)	Lot	Deposited Plan (DP)
2	DP567937	4	DP172594
82	DP755814	B	DP172594
183	DP755827	78	DP755814
154	DP755827	84	DP755814
79	DP755814	83	DP755814
202	DP755814	80	DP755814
109	DP755827	181	DP755827
108	DP755827	182	DP755827
89	DP755827	97	DP755827
103	DP755827	2	DP127777
101	DP755827	1	DP127777
102	DP755827	39	DP755827
90	DP755827	38	DP755827
113	DP755827	5	DP127777
91	DP755827	1	DP405515
111	DP755827	37	DP755827
110	DP755827	296	DP755827
93	DP755827	221	DP755814
92	DP755827	2	DP174053
98	DP755827	1 (part lot)	DP227322
122	DP755827	8	DP173619
123	DP755827	6	DP172594
125	DP755827	21	DP1167870
124	DP755827	23	DP1171290
126	DP755827	24	DP1171290
7004	DP1072093	170	DP755814
4	DP587246	2	DP587246
3	DP109536	204	DP755814
203	DP755814	4	DP1005647
4	DP1016933	300	DP1036398
4	DP1026550	206	DP755814
207	DP755814	24	DP1171290
216	DP755814	201	DP755814
150	DP755827	120	DP755827
112	DP755827	119	DP755827
101	DP1262005	36	DP755827

2	DP127778	1	DP319048
5	DP1254486	3	DP127777
22	DP1286357		

Notes:

- *The project site will also be taken to include any crown land and road reserves contained within the project site*
- *The extent of Lot 1 of DP 227322 within the development footprint is 205.4 hectares, which represents approximately 8.4% of the total lot. Subsequently, the full extent of Lot 1 of DP 227322 has been excluded from the project boundary*

APPENDIX 3 SUBDIVISION PLAN



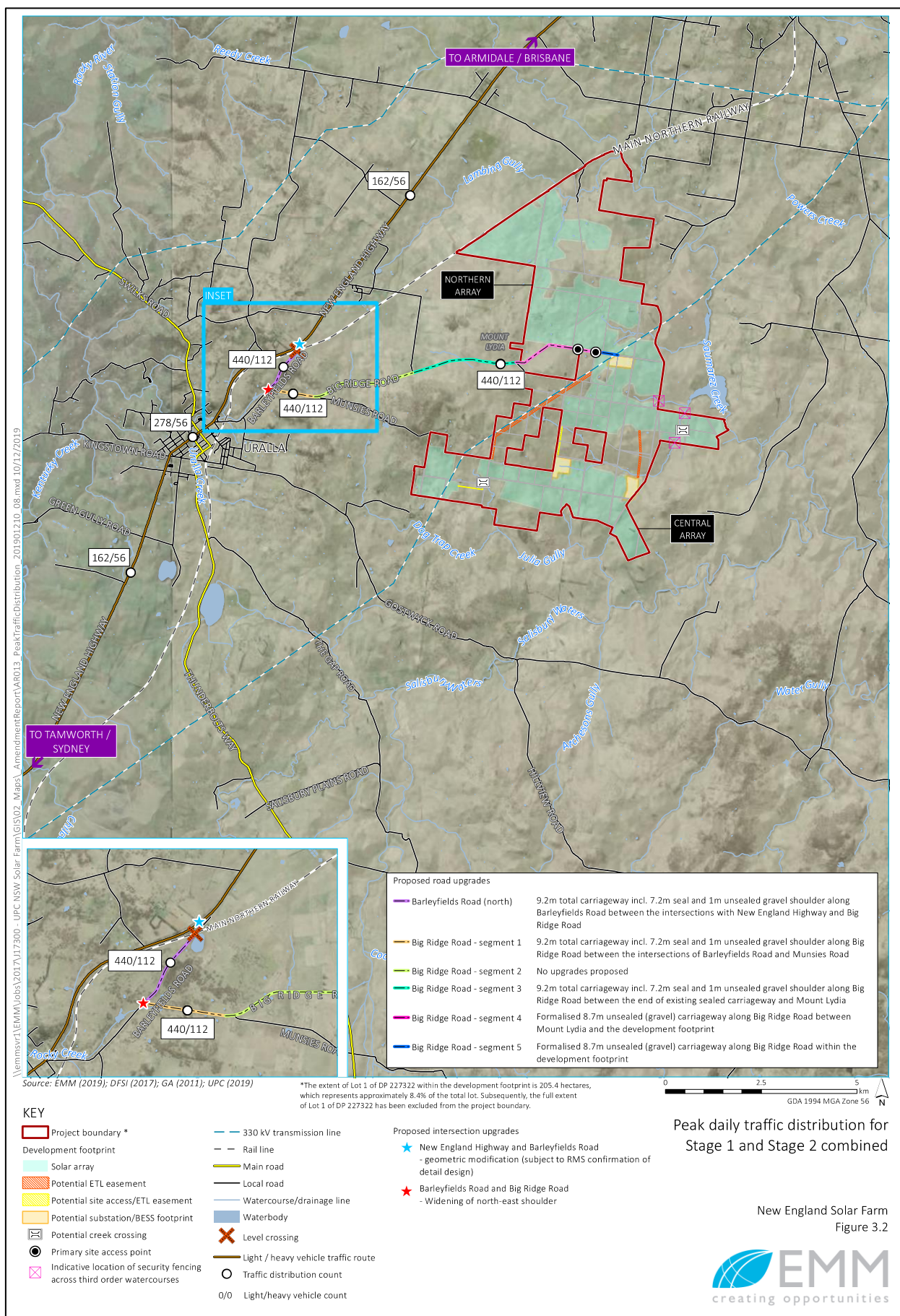
APPENDIX 4

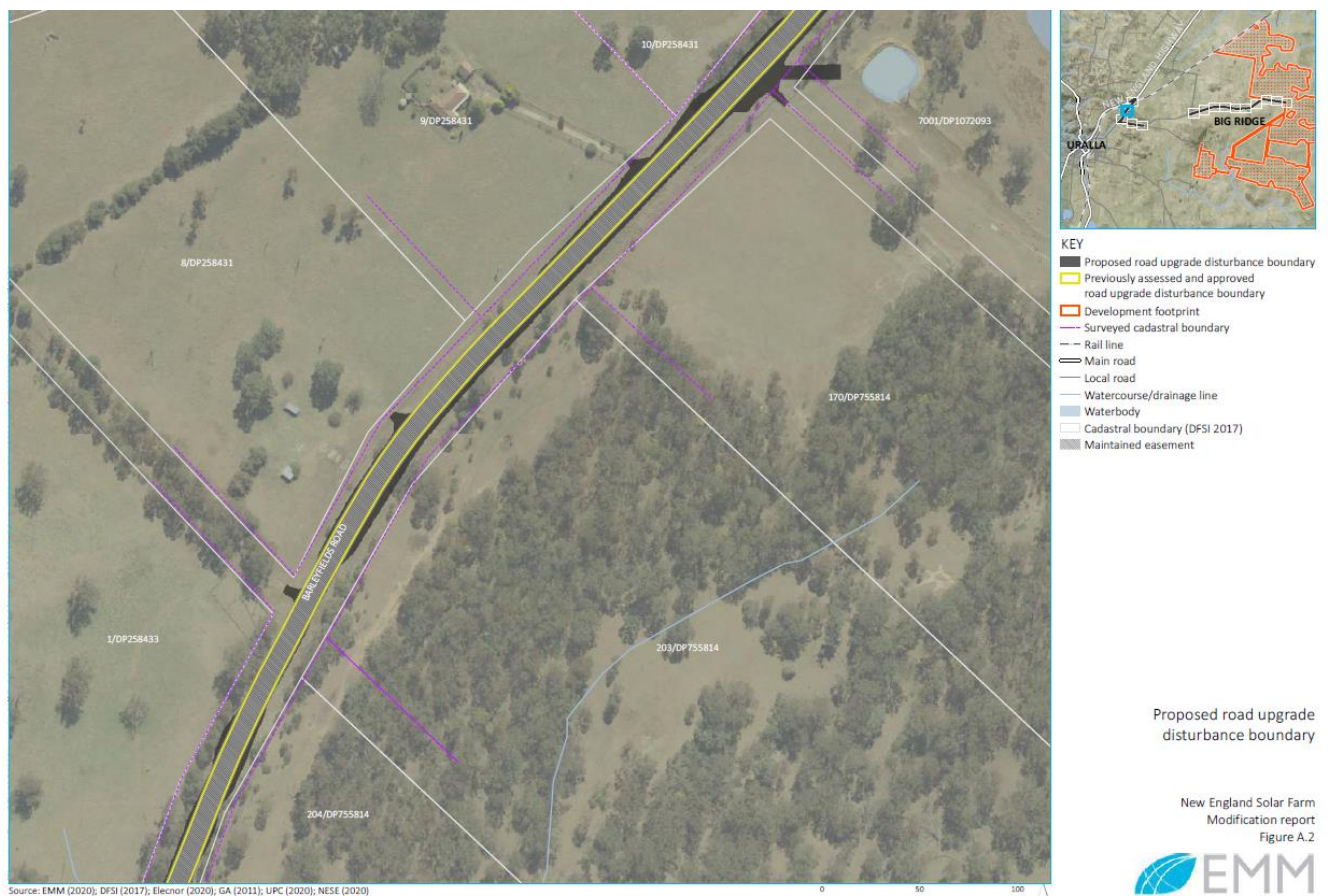
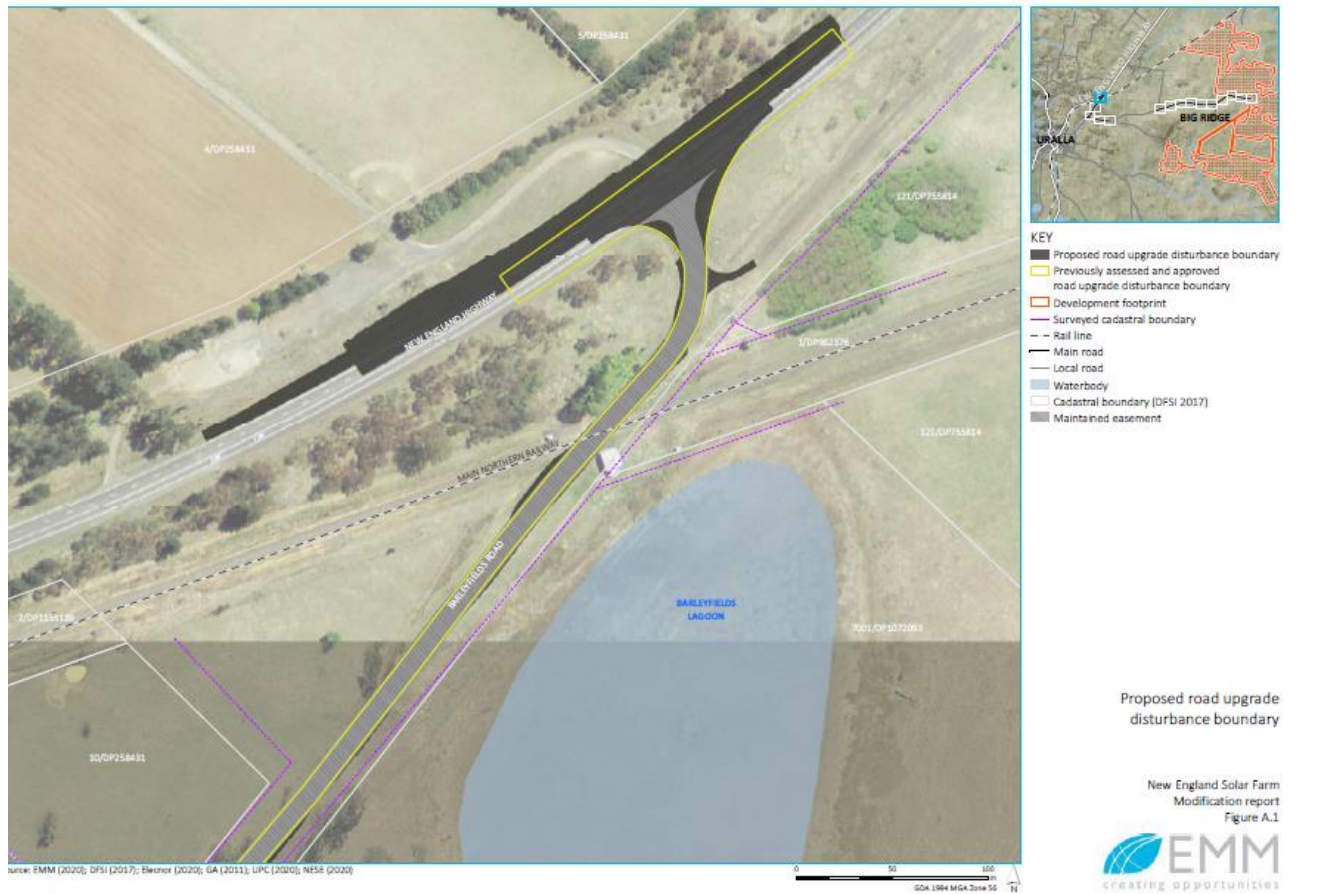
ROAD UPGRADES AND SITE ACCESS

Road	Location ¹	Upgrade Requirements	Timing
New England Highway and Barleyfields Road (north)	Intersection	Channelised Right Turn (CHR) treatment for the largest vehicle assessing the site (excluding over-dimensional vehicles) ²	Prior to construction
Barleyfields Road	Between New England Highway and Big Ridge Road	Seal to a width of 7.2 m with 1 m unsealed shoulders (total carriageway 9.2 m) ²	
Barleyfields Road and Big Ridge Road	Intersection	Basic Left Turn (BAL) treatment to cater for the largest vehicle accessing the site (excluding over-dimensional vehicles) ²	
Big Ridge Road	Segment 1	Seal to a width of 7.2 m with 1 m unsealed shoulders (total carriageway of 9.2 m) ²	
	Segment 3		
	Segment 4	Gravel (unsealed) carriageway to a width of 8.7 m	
	Segment 5		
	Site access points	Rural Property Access Type ²	

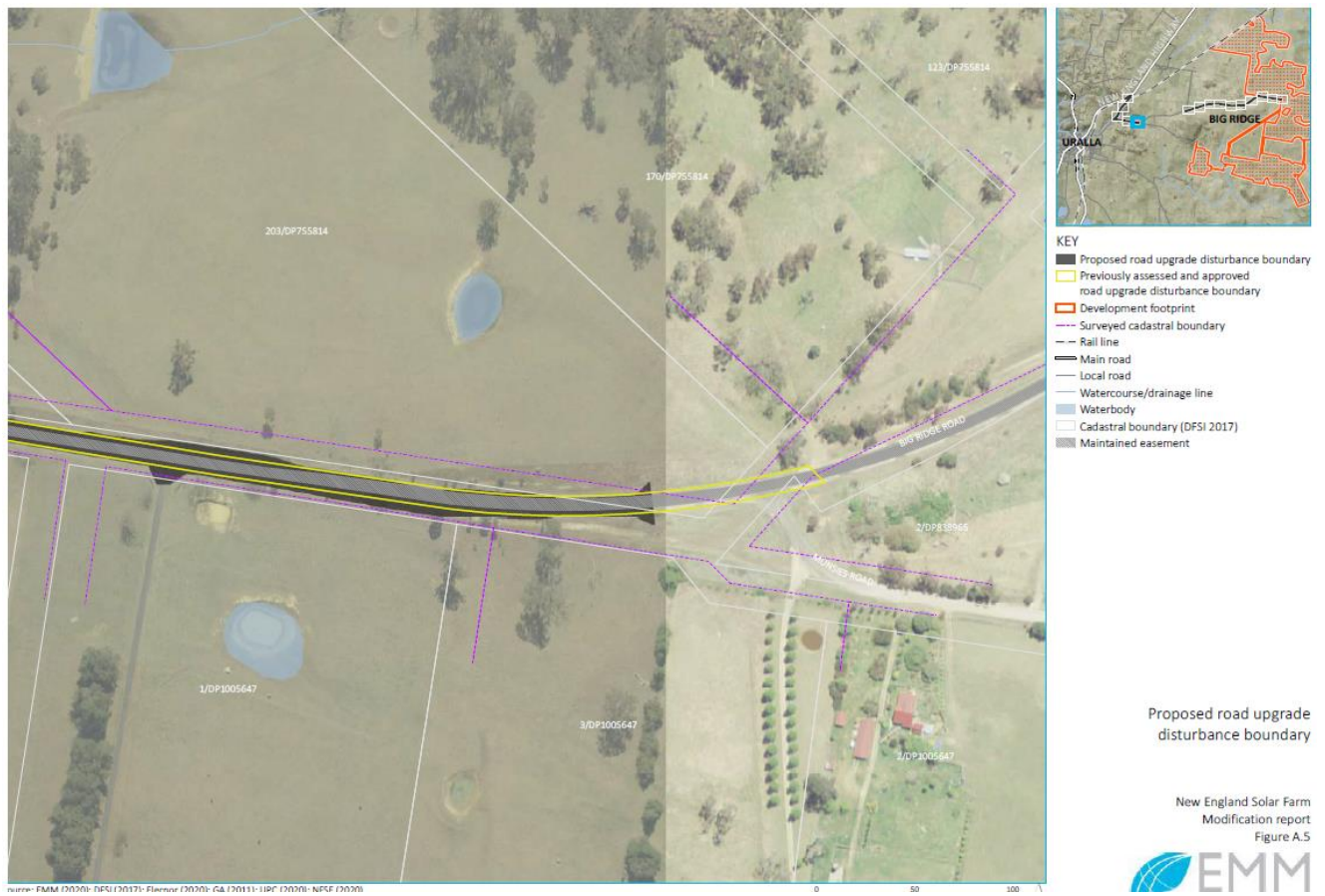
¹ Refer to the figure in Appendix 4 for the location and further details of the road upgrades.

² Upgrades must comply with the Austroads Guide to Road Design (as amended by RMS supplements).



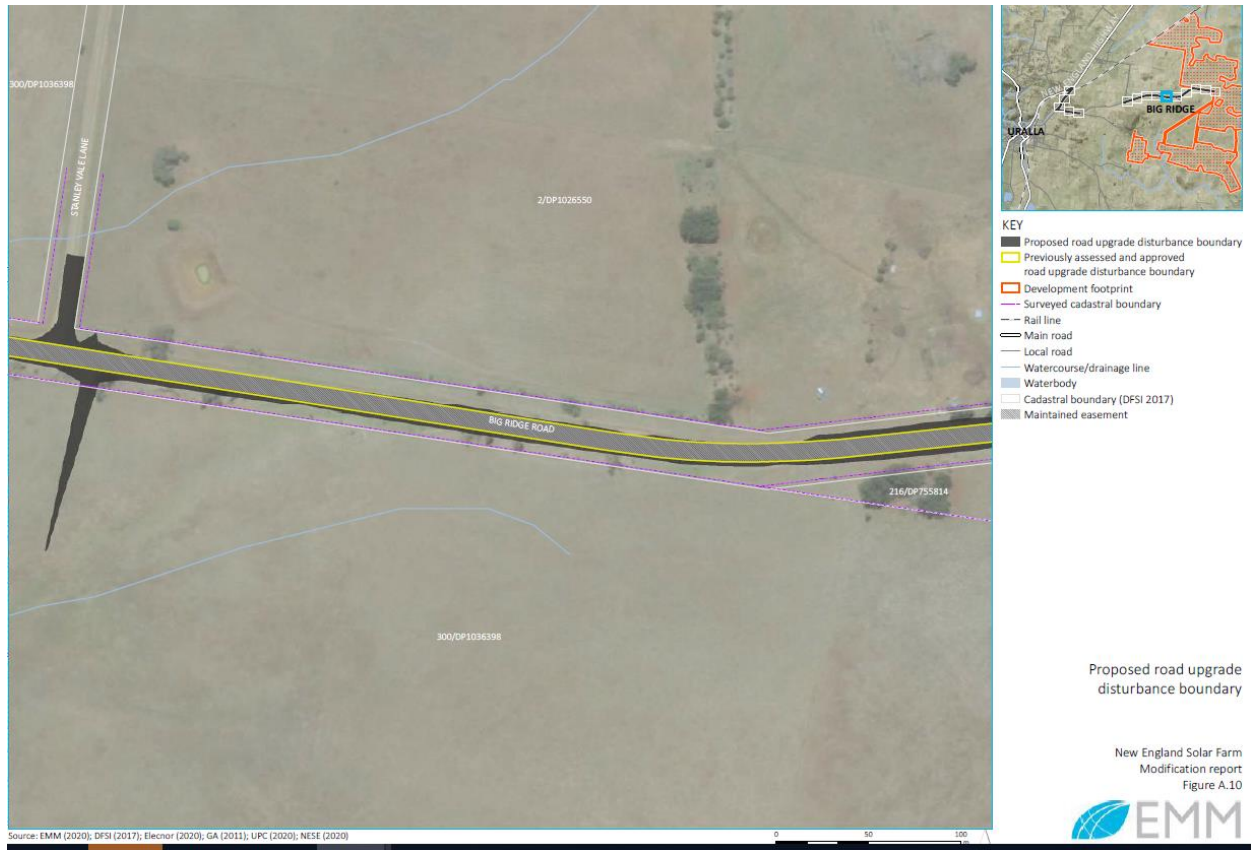


















APPENDIX 5

ABORIGINAL HERITAGE ITEMS

Table 1: Aboriginal heritage items – avoid impacts

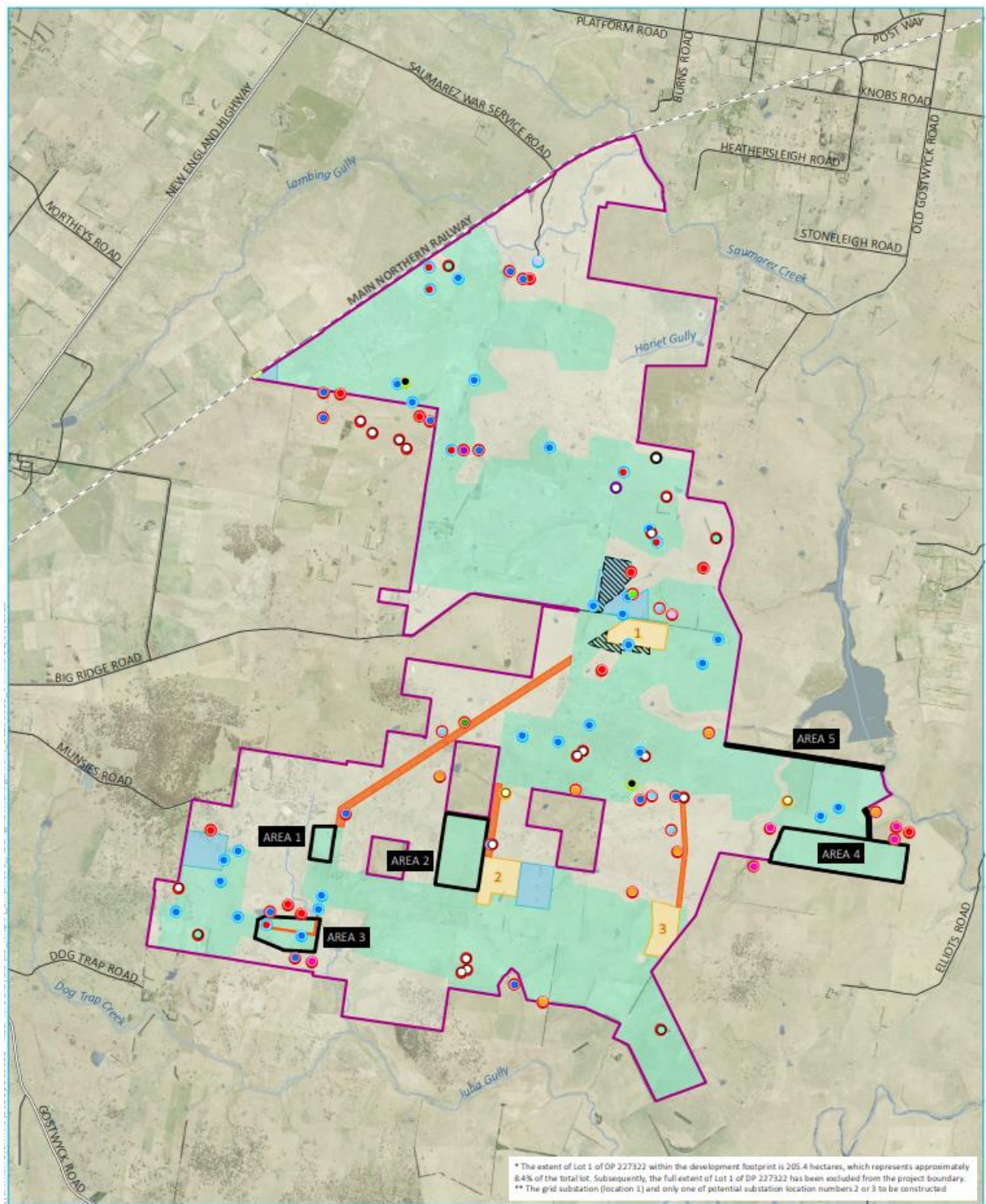
Site		
NE01	NE37	NE73
NE04	NE38	NE77
NE07	NE39	NE78
NE09	NE40	NE79
NE11	NE41	NE80
NE12	NE43	NE83
NE14	NE44	NE84
NE17	NE45	NE86
NE19	NE47	NE87
NE20	NE50	NE93
NE21	NE58	NE94
NE22	NE67	NE95
NE23	NE68	NE96
NE24	NE70*	NE97
NE25	NE71	NE100
NE26	NE72	NE102
NE27*	NE104	NE105
NE106	NE107	NE108
NE109	NE110	NE111
NE112	NE113	NE114
NE115	NE116	NE117
NE118		

* Only items outside the development footprint are to be avoided.

Table 2: Aboriginal heritage items – surface collection salvage

Site		
NE02	NE46	NE74
NE03	NE48	NE75
NE05	NE49	NE76
NE06	NE59	NE82
NE08	NE60	NE88
NE10	NE62	NE89
NE13	NE63	NE90
NE15	NE64	NE91
NE16	NE65	NE92
NE18	NE66	NE98
NE27*	NE69	NE99
NE42	NE70*	NE119
NE20		

* Only items within the development footprint are to be impacted.



Source: EMM (2022); DFSI (2017); GA (2011); UPC (2022)

KEY

- Proposed project boundary *
- Modification area
- Additional substation/ BESS footprint
- Proposed development footprint
- Solar array
- Potential site access and electrical cabling
- Potential laydown area/ site compound
- Potential substation/ BESS footprint **
- Hardstand in rail corridor

Existing environment

- Rail line
- Major road
- Minor road
- Named watercourse
- Waterbody

Management measure

- Avoidance
- Avoid significant area
- Surface collection
- Salvage: remove and relocate
- No management required
- Unmitigated impact (tree has collapsed)

Site type

- Potential archaeological deposit (PAD)
- Artefact scatter
- Artefact scatter, PAD
- Artefact scatter, confirmed deposit, PAD
- Grinding groove
- Grinding groove, PAD
- Grinding groove, artefact scatter, PAD
- Isolated find
- Isolated find, PAD
- Isolated find, confirmed deposit, PAD
- Quarry, artefact scatter, PAD
- Scarred tree
- Not an Aboriginal scar tree

Aboriginal cultural heritage

New England Solar and Battery Project
Amendment Report
Figure C.7



APPENDIX 6

HISTORIC HERITAGE ITEMS

Table 1: Historic heritage items – avoid impacts

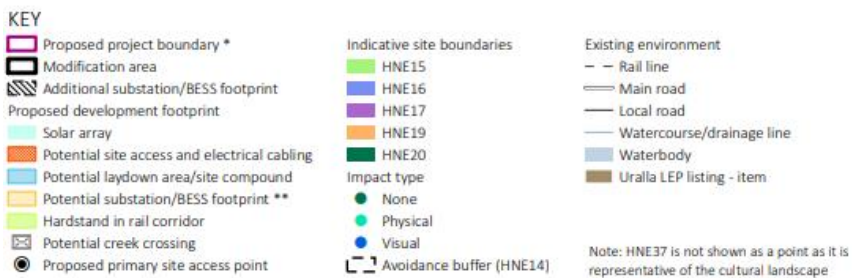
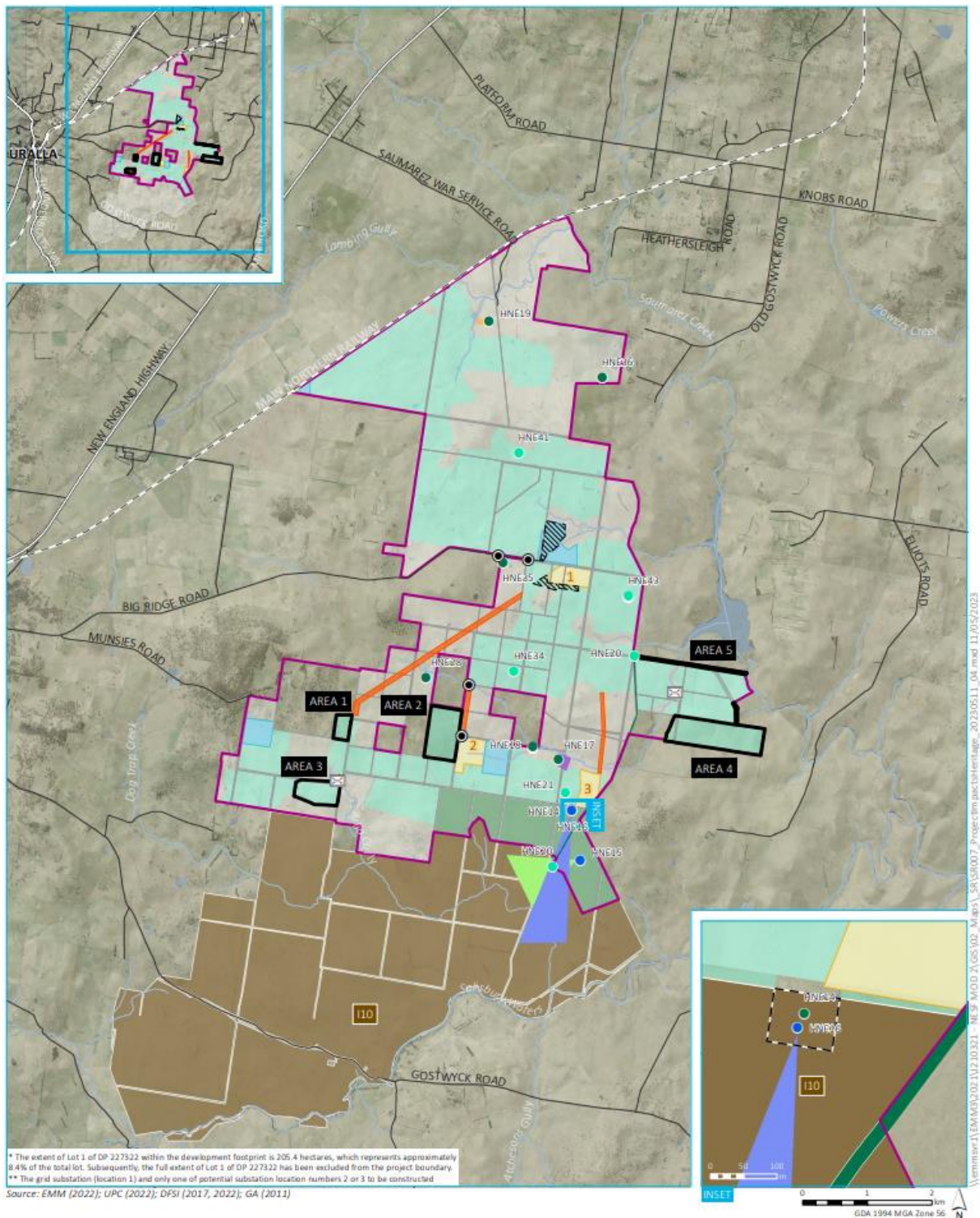
Site		Site	
HNE14	Granite tors	HNE19	Remnant house archaeological site
HNE17	Gostwyck Shepherd's Hut	HNE35	Old Gostwyck platform 3
HNE18	Stockyard	HNE36	Suamarez Hut archaeological site
HNE20	Old Gostwyck Road*	HNE28	Spring Camp house

* Only sections of the road outside the development footprint are to be avoided.

Table 2: Historic heritage items – impacted

Site		Site	
HNE15	View through Gostwyck Station	HNE34	Former stockyards
HNE16	View from granite tors	HNE41	Rows of poplars
HNE21	Former fence line	HNE43	Former fence line
HNE20	Old Gostwyck Road *		

* Only sections of the road within the development footprint are to be impacted.



Project impacts to heritage values

New England Solar and Battery Project
Amendment Report
Figure C.8



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 7 of Schedule 4 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.