

Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I grant 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 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.

Clay Preshaw
Executive Director
Energy, Resources and Industry Assessments

Sydney

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 10452
Applicant:	ACEN Australia Pty Ltd (ACN 616 856 672) (formerly UPC Renewables Australia Pty Ltd and formerly operating as UPC\AC Renewables Australia)
Consent Authority:	Minister for Planning and Public Spaces
Land:	See Appendix 2
Development:	Stubbo Solar Farm

Red type represents Modification 1 (SSD-10452-Mod-1)

CONSOLIDATED CONSENT

Application Number	Determination Date	Decider	Modification Description
SSD-10452-Mod-1	24/05/2024	Director	Change to the access road location and an associated adjustment to the project boundary

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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 substation, switchyard, permanent offices, battery storage and site compounds, electricity transmission lines and internal roads.
Applicant	ACEN Australia Pty Ltd (ACN 616 856 672) (formerly UPC Renewables Australia Pty Ltd and formerly operating as UPCVAC Renewables Australia) , or any person who seeks to carry out the development approved under this consent
BAL	Basic Left Turn
BAR	Basic Right Turn
Battery storage	Large scale energy storage system
BCS	Biodiversity, Conservation and Science Group of NSW DCCEEW
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in Schedules 1 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	Mid-Western 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 Stubbo Solar Farm dated December 2020, the Response to Submissions Report dated June 2021, the Amendment Report dated June 2021, the additional information letter dated June 2021, the Biodiversity Development Assessment Report Addendum report dated June 2021 and the Stubbo Solar Farm Modification report (SSD-10452-Mod-1). <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
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 NSW	Heritage NSW Group within NSW DCCEEW
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
MW	Megawatt
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
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	Rural Fire Service
Planning 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 New South Wales
Upgrading	The augmentation and/or replacement of solar panels and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement
Water Group	Water Group within NSW DCCEEW

SCHEDULE 2**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 any modifications**; 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 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.

UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

5. 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

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

10. The Applicant may subdivide land comprising the site for the purposes of carrying out the development, to create separate freehold titles in accordance with one of the two options identified in Appendix 4, the EIS and the requirements of the EP&A Act, EP&A Regulation, *Conveyancing Act 1919* (NSW) and the NSW Land Registration Services (or its successor).

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.*

COMMUNITY ENHANCEMENT

11. Prior to commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must enter into a VPA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the letter of offer dated 27 May 2021, summarised in Appendix 3.

SCHEDULE 3**ENVIRONMENTAL CONDITIONS – GENERAL****BATTERIES****Battery Storage Restriction**

1. The battery storage facility or system associated with the development must not exceed a total delivery capacity of 200 MW.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage facility or system in the future.

TRANSPORT**Over-Dimensional and Heavy Vehicle Restrictions**

2. The Applicant must ensure that the:
 - (a) development does not generate more than:
 - 60 heavy vehicle movements a day during construction, upgrading and decommissioning;
 - 20 over-dimensional vehicle movements during construction, upgrading and decommissioning;and
 - 5 heavy vehicle movements a day during operations;on the public road network; and
 - (b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 26 metres, unless the Planning Secretary agrees otherwise.
3. 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

4. All over-dimensional and heavy vehicles associated with the development must travel to and from the site via Golden Highway, Ulan Road, Cope Road and Blue Springs Road as identified in Appendix 1 and Appendix 5.

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.

Site Access

5. All vehicles associated with the development must enter and exit the site via the preferred site access point off Blue Springs Road, as identified in Appendix 1 and Appendix 5.
6. If the applicant cannot secure access via the preferred site access point detailed in condition 5 of Schedule 3 of this consent, all vehicles associated with the development must enter and exit the site via the alternative site access point off Blue Springs Road, as identified in Appendix 1 and Appendix 5.
7. The site access point off Barneys Reef Road may only be used for emergency purposes.

Road Upgrades

8. Unless the Planning Secretary agrees otherwise, prior to commencing construction the Applicant must upgrade:
 - (a) the selected access point off Blue Springs Road, as identified in Appendix 1 and Appendix 5, in accordance with Council requirements;
 - (b) Blue Springs Road from the Cope Road up to a minimum 100 m beyond the selected site access point, as identified in Appendix 5; and
 - (c) the intersection of Cope Road and Blue Springs Road with BAR and BAL treatments to be sealed, designed and constructed for 100 km/h speed environment, able to accommodate the largest vehicle using the intersection, match existing road levels and not interfere with existing road drainage, identified in Appendix 5.

Unless the relevant roads authority agrees otherwise, these upgrades must comply with the *Austrroads Guide to Road Design* (as amended by TfNSW supplements), and be carried out to the satisfaction of the relevant roads authority.

Road Maintenance

9. The Applicant must:
- (a) undertake an independent dilapidation survey to assess the:
 - existing condition of Ulan Road, Cope Road and Blue Springs Road on the transport route, prior to construction, upgrading or decommissioning works; and
 - condition of Ulan Road, Cope Road and Blue Springs Road on the transport route, following construction, upgrading or decommissioning works;
 - (b) repair Ulan Road, Cope Road and Blue Springs Road on the transport route if dilapidation surveys identify that the road has been damaged during construction, upgrading or decommissioning works;
- in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary.

If there is a dispute about the repair of Ulan Road, Cope Road and Blue Springs Road between the applicant and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision on the matter must be final and binding on both parties.

Operating Conditions

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

Traffic Management Plan

11. Prior to commencing road upgrades, 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:
- (a) details of the transport route to be used for all development-related traffic;
 - (b) details of the road upgrade works required by condition 8 of Schedule 3 of this consent;
 - (c) 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 7 of Schedule 3 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;
 - minimising potential cumulative traffic impacts with other projects in the area, including during construction, upgrading or decommissioning works;
 - minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network (measures also required during operation of the project);
 - minimising dirt tracked onto the public road network from development-related traffic;
 - details of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to encourage employee use of this service;
 - encouraging car-pooling or ride sharing by employees;
 - 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;
 - monthly monitoring for, and responding to, any emergency repair and/or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
 - (d) a driver's code of conduct that addresses:
 - travelling speeds;
 - driver fatigue;
 - procedures to ensure that drivers adhere to the designated transport routes and speed limits; and
 - procedures to ensure that drivers implement safe driving practices;
 - (e) 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.

LAND MANAGEMENT

12. The Applicant must maintain the agricultural land capability of the site, including:
- (a) establishing the 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 practicable, unless the Planning Secretary agrees otherwise.

BIODIVERSITY

Vegetation Clearance

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

Biodiversity Offsets

14. In accordance with the timing in Table 1, the Applicant must retire biodiversity credits of a number and class specified in Table 2 and Table 3 below, unless the Planning 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:

- (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; or
- (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 1: Timing for retirement of biodiversity credits

Project element	Timing
Road Upgrades	Prior to commencing road upgrades
Project Site	Prior to commencing construction

Table 2: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required	
		Road Upgrades	Project Site
Western Grey Box – cypress pine shrub grass shrub tall woodland	81	40	-
White Box grassy woodland	266	1	-
Rough-Barked Apple – Red gum – Yellow box woodland	281	89	354
Slaty Gum woodland (Moderate – good)	1177	19	-
Narrow-leaved Ironbark – Red Stringybark – Black pine woodland	1770	-	2

Table 3: Species Credit Requirements

Species Credit Species	Credits Required	
	Road Upgrades	Project Site
Acacia ausfeldii (<i>Ausfeld's Wattle</i>)	152	-
Diuris tricolor (<i>Pine Donkey Orchid</i>)	114	-
Grevillea wilkinsonii (<i>Tumut Grevillea</i>)	229	-
Small Purple-pea (<i>Swainsona recta</i>)	152	-
Silky Swainson-pea (<i>Swainsona sericea</i>)	152	-
Major Mitchell's Cockatoo (<i>Lophochroa leadbeateri</i>)	152	-
Gang-gang Cockatoo (<i>Callocephalon fimbriatum</i>)	152	-
Glossy Black-Cockatoo (<i>Calyptorhynchus lathami</i>)	152	-
Sloane's Froglet (<i>Crinia sloanei</i>)	114	-
Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)	152	-
Powerful Owl (<i>Ninox strenua</i>)	152	-
Barking Owl (<i>Ninox connivens</i>)	152	279
Superb Parrot (<i>Polytelis swainsonii</i>)	152	-
Masked Owl (<i>Tyto novaehollandiae</i>)	152	-

Biodiversity Management Plan

15. Prior to commencing road upgrades, 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) include a description of the measures and timeframes 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, feral pests and pathogens;
 - (b) include a program to monitor and report on the effectiveness of mitigation measures; and
 - (c) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

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

16. Unless the Planning Secretary agrees otherwise, the Applicant may only undertake road upgrades, construction, upgrading or decommissioning activities 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 Planning 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

17. The Applicant must:
- (a) 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; and
 - (b) ensure that the noise generated by the operation of the development during the night does not exceed 35 dB(A) $L_{Aeq,15min}$ to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residence.

Dust

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

Visual

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

Lighting

20. 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*, and the *Dark Sky Planning Guidelines* (DPE 2018) or its latest versions.

HERITAGE

Protection of Heritage Items

21. 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 6 or any Aboriginal heritage items located outside the approved development footprint.
22. Prior to carrying out any development that could directly or indirectly impact the heritage item identified in Table 2 of Appendix 6, 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 items referred to in this condition are shown in the figure in Appendix 6.

Heritage Management Plan

23. Prior to carrying out any development that could directly or indirectly impact the heritage items identified in Appendix 6, 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;
 - (b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
 - (c) include a description of the measures that would be implemented for:
 - protecting the Aboriginal heritage items identified in Table 1 of Appendix 6 or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to carrying out any development that could directly or indirectly impact the heritage items identified in Table 2 of Appendix 6;
 - salvaging and relocating the Aboriginal heritage items located within the approved development footprint, and as identified in Table 2 of Appendix 6;
 - 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; and
 - (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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

SOIL AND WATER

Water Supply

24. 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

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

Operating Conditions

26. The Applicant must:
 - (a) minimise erosion and control sediment generation;
 - (b) ensure any solar panels and ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
 - (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 all works are undertaken in accordance with the following, unless DPIE Water agrees otherwise:
- *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version; and
 - *Policy and Guidelines for Fish Habitat Conservation and Management* (2013), or its latest version.

Soil and Water Management Plan

27. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with DPIE Water. This plan must:
- (a) demonstrate how the project will meet conditions 25 and 26(a) to (d); and
- (b) include details of the soil erosion control measures including sediment basins.

The Applicant must implement the Soil and Water Management Plan for construction upgrading, operation and/or decommissioning of the development.

HAZARDS

Fire Safety Study

28. Prior to commencing construction of the battery storage facility, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary. The study must:
- (a) be consistent with the:
- Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*;
 - NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
 - relevant Australian Standards and International Guidelines; and
- (b) describe the final design of the battery storage facility.

Following completion of the Study, the Applicant must implement the measures described in the Fire Safety Study.

Storage and Handling of Dangerous Goods

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

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

Operating Conditions

30. 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 20 metres defensible space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - manages the defensible 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 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to an 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

31. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development and provide a copy of the plan to the local Fire Control Centre. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry point at all times. The plan must:
- (a) 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)*;
- (b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
- (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;

- (d) list works that should not be carried out during a total fire ban
- (e) include availability of fire suppression equipment, access and water;
- (f) include procedures for the storage and maintenance of any flammable materials;
- (g) notification of the local RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation proposed to be carried out during a bushfire danger period to ensure whether conditions are appropriate
- (h) 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;
- (i) include a figure showing site infrastructure, Asset Protection Zone and the on-site water supply tank;
- (j) include location of hazards (physical, chemical and electrical) that may impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- (k) include details of the location, management and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;
- (l) include bushfire emergency management planning; and
- (m) include details of the 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
- (n) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.

The Applicant must implement the Emergency Plan for the duration of the development.

WASTE

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

ACCOMMODATION AND EMPLOYMENT STRATEGY

33. 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 Planning Secretary. This strategy must:
- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
 - (b) consider the cumulative impacts associated with other State significant development projects in the area and tourism activity;
 - (c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and
 - (d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

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

DECOMMISSIONING AND REHABILITATION

34. 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 4.

Table 4: 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 infrastructure	<ul style="list-style-type: none"> • To be decommissioned and removed, unless the Planning Secretary agrees otherwise
Land use	<ul style="list-style-type: none"> • Restore land capability to pre-existing use
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

SCHEDULE 4**ENVIRONMENTAL MANAGEMENT AND REPORTING****ENVIRONMENTAL MANAGEMENT****Environmental Management Strategy**

1. 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:
 - 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 Planning 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 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:
 - submission of an incident report under condition 7 of Schedule 4;
 - submission of an audit report under condition 9 of Schedule 4; or
 - any modification to the conditions of this consent.

Updating and Staging of Strategies, Plans or Programs

3. With the approval of the Planning 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 Planning Secretary for approval.

With the agreement of the Planning 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 Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

Final Layout Plans

5. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Department via the Major Projects website, showing comparison to the approved layout and 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 showing comparison to the approved final layout plans to the Department via the Major Projects website.

Incident Notification

7. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 7.

Non-Compliance Notification

8. 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.
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, 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 non-compliance.

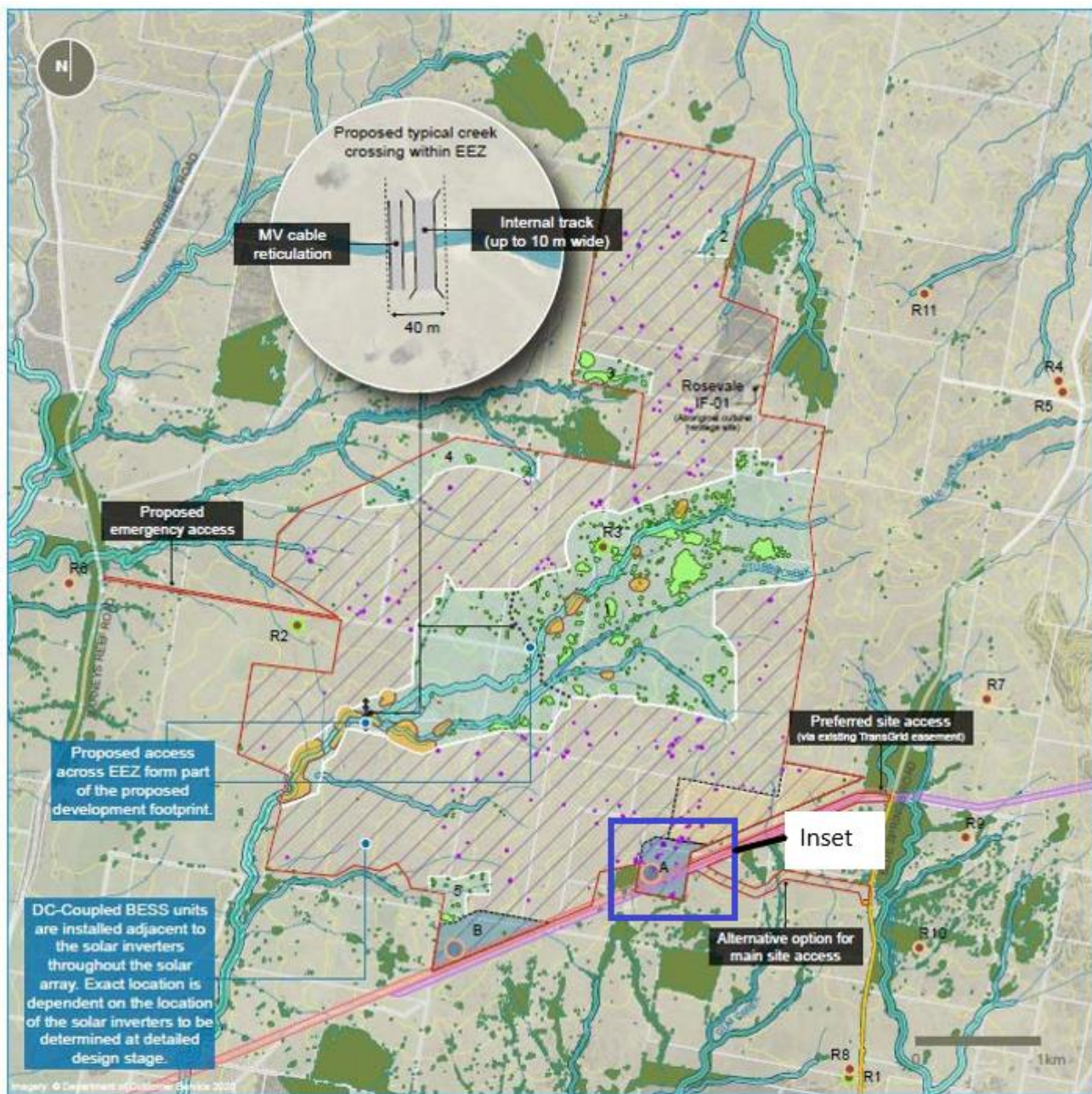
INDEPENDENT ENVIRONMENTAL AUDIT

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.
12. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
13. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
14. 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 11 of Schedule 4 of this consent, or condition 13 of Schedule 4 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.
15. 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.
16. 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

17. 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;
 - 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;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Planning Secretary; and
 - (b) keep this information up to date.

**APPENDIX 1:
GENERAL LAYOUT OF DEVELOPMENT**

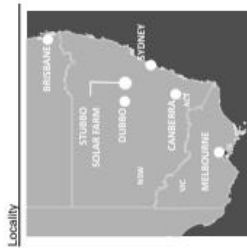


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1:45,000

Key

- | | | |
|--|----------------------------------|---|
| Project boundary | Proposed development footprint | Sensitive receivers: Associated |
| Temporary construction ancillary facilities (site compound, laydown area and car park) | Environmental exclusion zones | Sensitive receivers: Non-associated |
| Proposed operational infrastructure area including substation, operational facility and BESS (option A or B) | Indicative access across EEZ | Vegetation to be removed |
| Connection point to the NEM (option A or B) | 330kV transmission line easement | Native vegetation to be retained |
| Road upgrade design | 66kV transmission line easement | Native vegetation not impacted by the project |
| | Road | Riparian buffer |
| | Creek | Aboriginal cultural heritage sites including buffer |

- Legend**
- Switchyard subdivision as agreed with Transgrid
 - Indicative Switchyard Design
 - Substation
 - Proposed Access Road Footprint
 - Approved Access Road Footprint
 - Construction Laydown Area
 - Proposed Project Boundary Modification
 - Current Project Boundary
 - Cadastral Boundary
- Existing Transmission Line**
- Voltage**
- 330 kV
- Notes**
1. Project features shown are preliminary and subject to change.



Project
Stubbio Solar
 Renewable Energy from ACEN

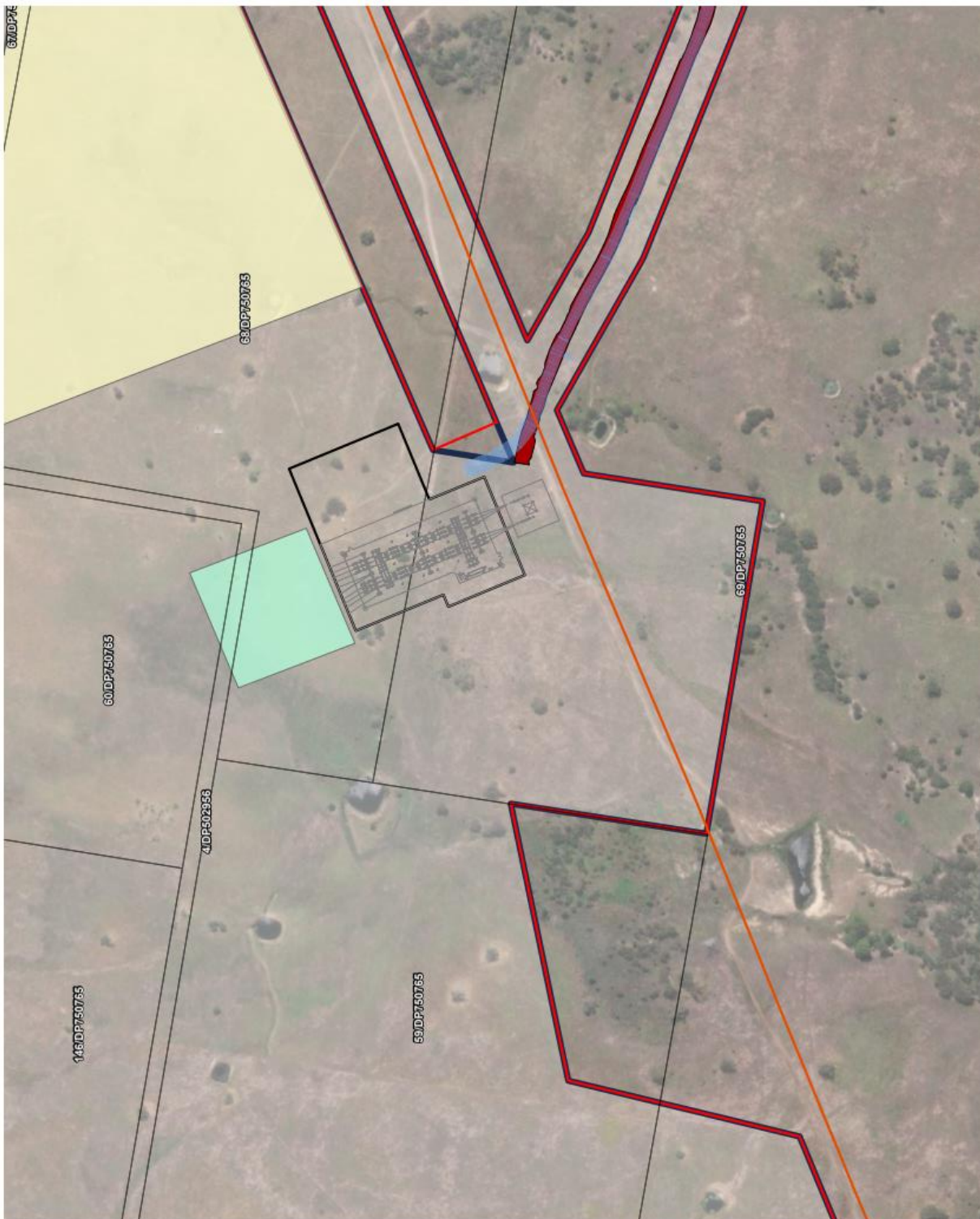
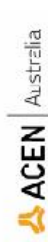
Title
 Stubbio Solar
 Proposed Project Boundary
 Modification

Drawing No.
 5134-PP03

Date
 28/07/2023



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 GDA2020 MGA Zone 55



Inset: Modification 1 Access road realignment

**APPENDIX 2:
SCHEDULE OF LANDS**

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
11	217391
14	
19	
20	
22	
55	750765
59	
60	
67	
68	
69	
78	
80	
86	
146	
22	750761
24	
69	
9	217381
10	
1	525593
2	
4	502956
5	
4	113406
5	
8	217382
24	502960
1	1018333
120	840082
74	750765
16	1210629
14	248716

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

**APPENDIX 3:
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.

<i>Council</i>	<i>Payment Details</i>
Mid-Western Regional Council	Lump sum payment of \$100,000 to be paid to Council during construction and prior to operation of the development. Additionally, an annual contribution of \$300 per MW to Council for the life of the project, towards community projects identified in Council's Community Plan / Delivery Program.

**APPENDIX 4:
SUBDIVISION PLAN**

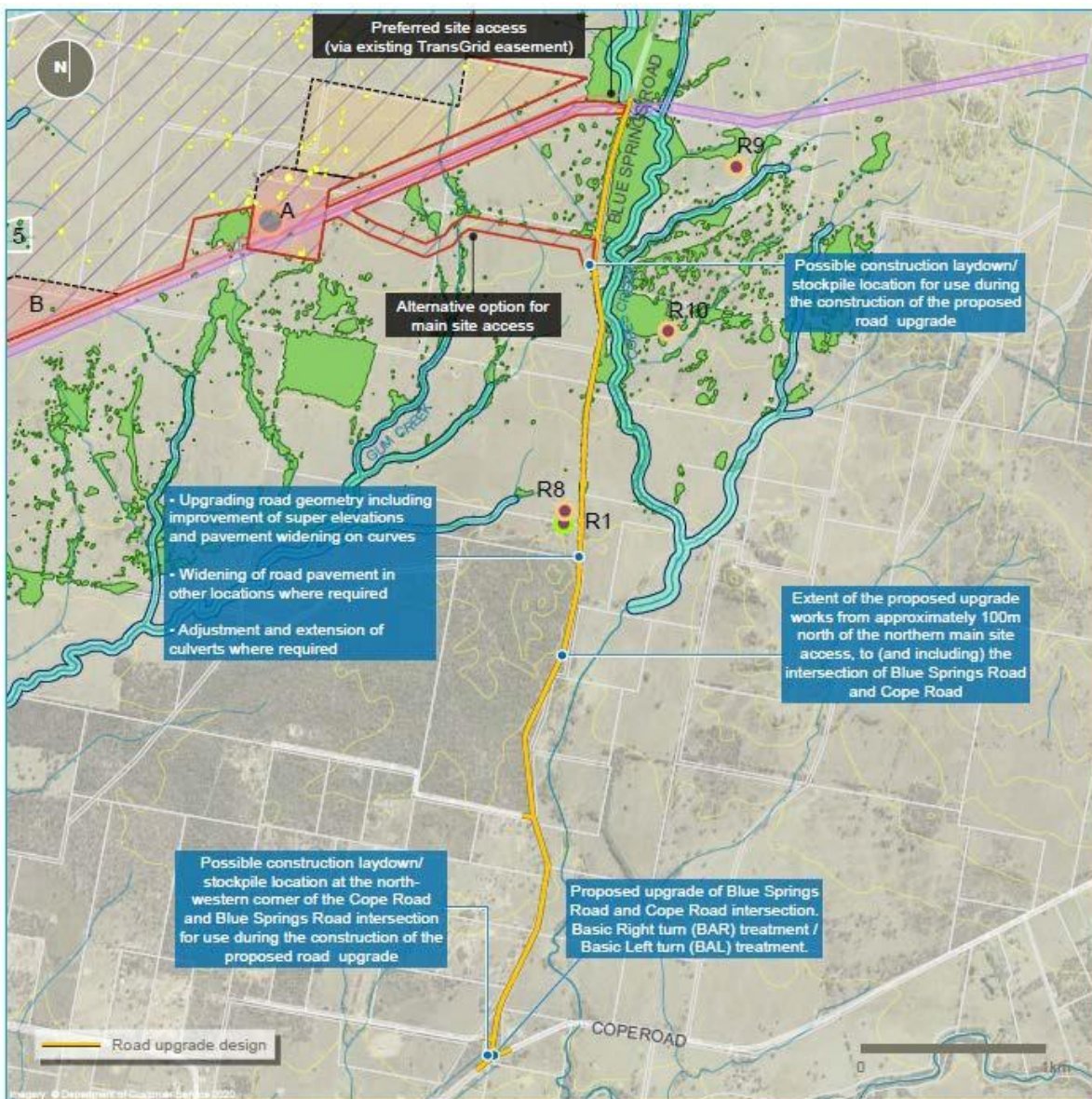


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Key

- | | | |
|--|----------------------------------|---|
| Project boundary | Proposed development footprint | Sensitive receivers: Associated |
| Temporary construction ancillary facilities (site compound, laydown area and car park) | Environmental exclusion zones | Sensitive receivers: Non-associated |
| Proposed operational infrastructure area including substation, operational facility and BESS | Indicative access across EEZ | Vegetation to be removed |
| Connection point to the NEM (option A or B) | 330kV transmission line easement | Native vegetation to be retained |
| Road upgrade design | 66kV transmission line easement | Riparian buffer |
| | Road | Aboriginal cultural heritage sites including buffer |
| | Creek | |

**APPENDIX 5:
ROAD UPGRADES AND SITE ACCESS**



PANHANDLE AUSTRALIA - GIS MAP No. 33001015_GIS_P002_AmenityImpact | Road Upgrade - WA | 08/2023

A4
1:31,224

Key

- | | | |
|--|----------------------------------|---|
| Project boundary | Proposed development footprint | Sensitive receivers: Associated |
| Temporary construction ancillary facilities (site compound, laydown area and car park) | Environmental exclusion zones | Sensitive receivers: Non-associated |
| Proposed operational infrastructure area including substation, operational facility and BESS | Indicative access across EEZ | Vegetation to be removed |
| Connection point to the NEM (option A or B) | 330kV transmission line easement | Native vegetation to be retained |
| | 66kV transmission line easement | Riparian buffer |
| | Road | Aboriginal cultural heritage sites including buffer |
| | Creek | |

As amended by *Modified General Layout of Option A Operational Infrastructure Area (SSD 10452 Mod 1)*:

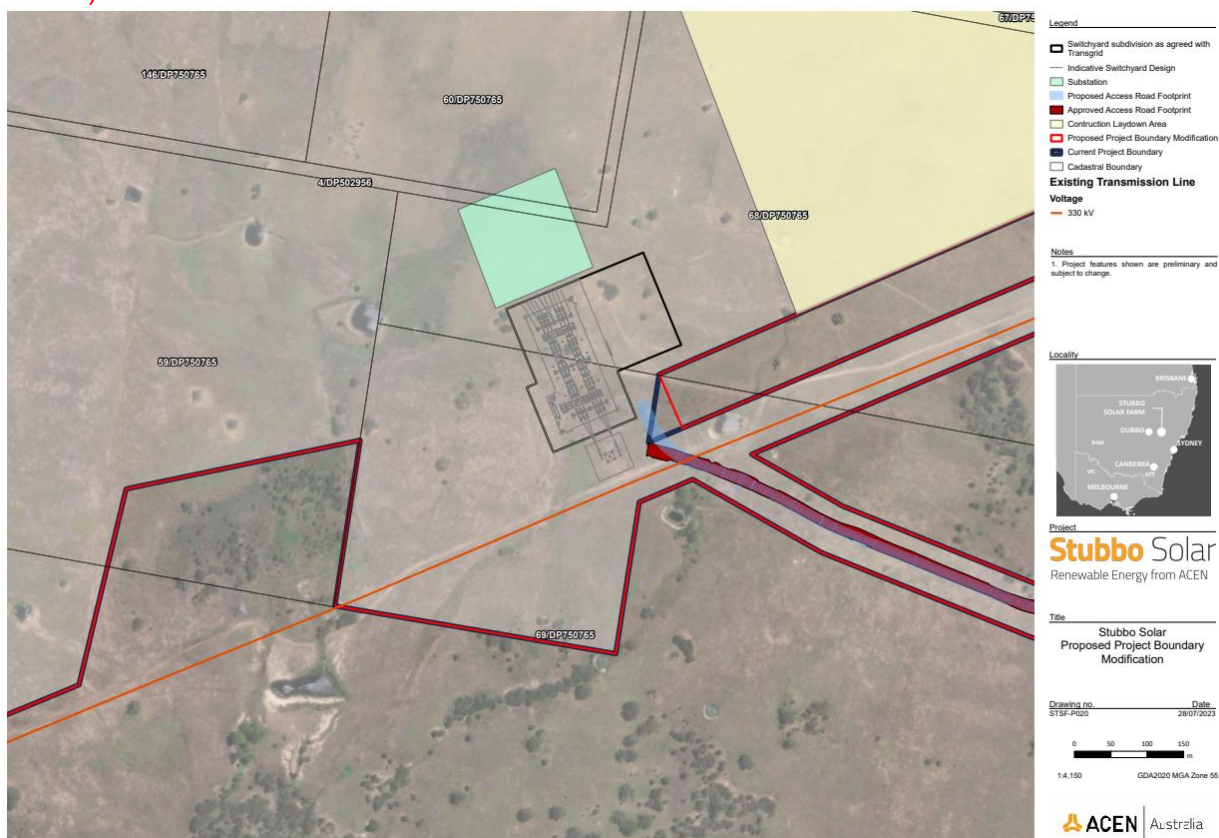


Table 1: Road upgrades

Road	Location	Upgrade requirements	Timing
Blue Springs Road	Site access point	<ul style="list-style-type: none"> Access treatment to the satisfaction of Council. 	Prior to construction
Blue Springs Road	From Cope Road up to a minimum 100 m beyond the selected site access point	<ul style="list-style-type: none"> Upgrading road geometry including improvement of super elevations and pavement widening on curves. Widening of road pavement in other locations where required. Development of one of two site access points (main or alternative). Adjustment and extension of culverts where required. 	
Blue Springs Road and Cope Road	Intersection	<ul style="list-style-type: none"> Basic Right turn (BAR) treatment Basic Left turn (BAL) treatment Intersection to be sealed with asphalt / bitumen treatment 	

Notes:

- Unless the relevant roads authority agrees otherwise, 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 Proponent is required to obtain consent under section 138 of the Roads Act 1993 from the relevant road authority prior to commencing the road upgrades.
- Figures in Appendix 5 are indicative only. Detailed design drawings are to be submitted to the relevant road authority prior to commencement of commencing road upgrades.

**APPENDIX 6:
ABORIGINAL HERITAGE ITEMS**

Table 1: Aboriginal heritage items – avoid impacts

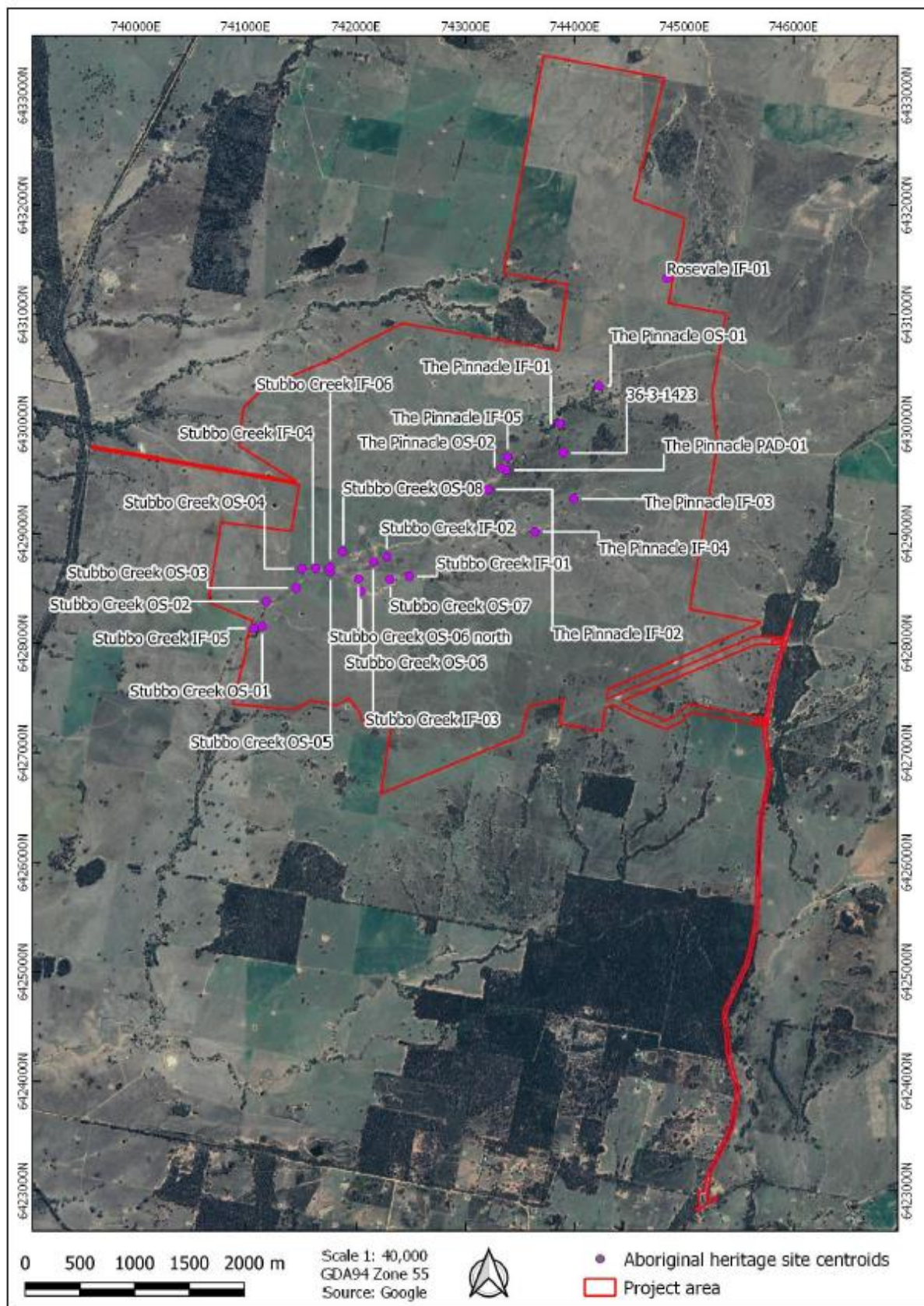
<i>Item name</i>	<i>Item name</i>
Stubbo Creek IF-01 (Isolated Artefact)	Stubbo Creek OS-02 (Artefact Scatter and PAD)
Stubbo Creek IF-02 (Isolated Artefact)	Stubbo Creek OS-03 (Artefact Scatter)
Stubbo Creek IF-03 (Isolated Artefact)	Stubbo Creek OS-04 (Artefact Scatter and PAD)
Stubbo Creek IF-04 (Isolated Artefact)	Stubbo Creek OS-05 (Artefact Scatter and PAD)
Stubbo Creek IF-05 (Isolated Artefact)	Stubbo Creek OS-06 (Artefact Scatter and PAD)
Stubbo Creek IF-06 (Isolated Artefact)	Stubbo Creek OS-07 (Artefact Scatter and PAD)
The Pinnacle IF-01 (Isolated Artefact and PAD)	Stubbo Creek OS-08 (Artefact Scatter and PAD)
The Pinnacle IF-02 (Isolated Artefact and PAD)	The Pinnacle OS-01 (Artefact Scatter)
The Pinnacle IF-03 (Isolated Artefact)	The Pinnacle OS-02 (Artefact Scatter and PAD)
The Pinnacle IF-04 (Isolated Artefact and PAD)	The Pinnacle PAD-01 (PAD)
The Pinnacle IF-05 (Isolated Artefact)	TRE 21 (Scarred Tree)
Stubbo Creek OS-01 (Artefact Scatter and PAD)	IF 23 (Artefact Scatter and PAD)

** Refer to the Figure in this Appendix to identify items*

Table 2: Aboriginal heritage items – salvage

<i>Item name</i>	<i>Degree of Impact</i>
Rosevale IF-01 (Isolated Artefact)	Whole

** Only items located within the development footprint are to be salvaged (refer to the Figure in this Appendix to identify items)*



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.