

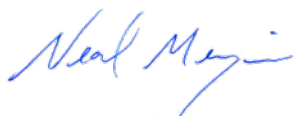
# Development Consent

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

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

These conditions are required to:

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



Neal Menzies (Chair)  
Member of the Commission



Suellen Fitzgerald  
Member of the Commission



Michael Wright  
Member of the Commission

Sydney

27 May 2025

### SCHEDULE 1

**Application Number:** SSD 46543209

**Applicant:** ESCO SOLAR FARM 9 PTY LTD AS TRUSTEE FOR THE ESCO SOLAR FARM 9 TRUST

**Consent Authority:** Independent Planning Commission of NSW

**Land:** See Appendix 2

**Development:** Muswellbrook Solar Farm

## TABLE OF CONTENTS

<b>SCHEDULE 1</b>	<b>1</b>
<b>DEFINITIONS</b>	<b>3</b>
<b>SCHEDULE 2</b>	<b>5</b>
<b>PART A ADMINISTRATIVE CONDITIONS</b>	<b>5</b>
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Battery Storage Restriction	5
Upgrading of Solar Panels and Ancillary Infrastructure	5
Structural Adequacy	5
Demolition	5
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
Applicability of Guidelines	6
Compliance	6
Evidence of Consultation	6
Community Enhancement	6
<b>PART B ENVIRONMENTAL CONDITIONS</b>	<b>7</b>
Transport	7
Landscaping	9
Biodiversity	9
Amenity	10
Heritage	12
Soil and Water	12
Hazards	13
Site Facilities	15
Waste	15
Accommodation and Employment Strategy	15
Decommissioning and Rehabilitation	15
<b>PART C ENVIRONMENTAL MANAGEMENT AND REPORTING</b>	<b>17</b>
Environmental Management	17
Notifications	17
Independent Environmental Audit	18
Access to Information	18
<b>APPENDIX 1: DEVELOPMENT LAYOUT</b>	<b>20</b>
<b>APPENDIX 2: SCHEDULE OF LANDS</b>	<b>21</b>
<b>APPENDIX 3: GENERAL TERMS OF APPLICANT'S VPA OFFER</b>	<b>22</b>
<b>APPENDIX 4: ROAD UPGRADES AND SITE ACCESS</b>	<b>23</b>
<b>APPENDIX 5: HERITAGE ITEMS</b>	<b>28</b>
<b>APPENDIX 6: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS</b>	<b>31</b>

## 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	ESCO SOLAR FARM 9 PTY LTD AS TRUSTEE FOR THE ESCO SOLAR FARM 9 TRUST, or any person who seeks to carry out the development approved under this consent
BAR	Basic Right Turn
Battery storage	Large scale energy storage system
BCS	Biodiversity, Conservation and Science Group within the NSW DCCEEW
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Commissioning	The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing
Conditions of this consent	Conditions contained in Schedules 1 and 2 inclusive
Consent authority	Independent Planning Commission of NSW
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Council	Muswellbrook Shire 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 (including its appendices) for Muswellbrook Solar Farm dated July 2023, the Submissions Report dated February 2024 and the additional information provided to the Department by the Applicant dated 12 June 2024, 25 June 2024, 19 July 2024, 22 July 2024, 9 August 2024, 26 August 2024, 10 September 2024, 10 October 2024, 21 October 2024, 13 November 2024, 11 December 2024, 13 December 2024, the 'Additional and Appropriate Measures' letter dated 25 June 2024 and Preliminary Site Investigation, dated 7 May 2025.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW Environment Protection Authority
Existing transmission line	The transmission line operated by Ausgrid identified as the 132kV 95M transmission line.
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heavy vehicle	As defined by the Heavy Vehicle National Law, (NSW), but excluding light and medium rigid trucks and buses not more than 8 tonnes and with not more than 2 axles
Heavy vehicle requiring escort	Any vehicle that requires a pilot vehicle and/or escort vehicle, as defined by the <i>National Heavy Vehicle Regulator's NSW Class 1 Load Carrying Vehicle Operator's Guide</i>
Heritage NSW	Heritage NSW Group within the NSW DCCEEW
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance Is harm that:
Material harm	<ul style="list-style-type: none"> <li>involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a</li> </ul>

substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or

- results in actual 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).

*Note: This definition excludes “harm” that is either authorised under this consent or any other statutory approval.*

*Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements*

Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
MW	Megawatt
MWh	Megawatt-hour
Non-associated residence	A dwelling in existence at the date of this consent which is not associated with the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
NSW DCCEEW	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
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
RAP	Registered Aboriginal Party
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	NSW Rural Fire Service
Shuttle Bus	Any bus not more than 8 tonnes and with not more than 2 axles
Site	As shown in Appendix 1 and listed in Appendix 2
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles laydown areas and parking spaces
TfNSW	Transport for New South Wales
Upgrading	The replacement of solar panels and ancillary infrastructure on site (excluding maintenance) in accordance with the conditions of this consent
Vehicle movement	One vehicle entering and leaving the site
VPA	Voluntary Planning Agreement
Water Group	Water Group within NSW DCCEEW

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

#### BATTERY STORAGE RESTRICTION

- A5. Unless the Planning Secretary agrees otherwise, the battery storage associated with the development must not exceed a total delivery capacity and storage capacity of 135 MW / 270 MWh.

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

#### UPGRADING OF SOLAR PANELS AND ANCILLARY INFRASTRUCTURE

- A6. The Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to the Planning Secretary incorporating the proposed upgrades.

#### STRUCTURAL ADEQUACY

- A7. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the *National Construction Code*.

##### Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.
- EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

#### DEMOLITION

- A8. The Applicant must ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

A9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

*Note: This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.*

## **OPERATION OF PLANT AND EQUIPMENT**

A10. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## **APPLICABILITY OF GUIDELINES**

A11. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **COMPLIANCE**

A12. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **EVIDENCE OF CONSULTATION**

A13. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **COMMUNITY ENHANCEMENT**

A14. Prior to commencing construction, unless the Planning Secretary agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms of the agreement between the Applicant and Muswellbrook Shire Council dated 12 June 2024, which are summarised in Appendix 3.

## PART B ENVIRONMENTAL CONDITIONS

### TRANSPORT

#### Heavy Vehicles Requiring Escort and Vehicle Restrictions

- B1. The Applicant must ensure that:
- (a) the development does not generate more than:
    - (i) 90 heavy vehicle movements a day (a maximum of 13 heavy vehicle movements per hour) during construction, upgrading or decommissioning;
    - (ii) 10 light vehicle movements, 2 shuttle bus movements and 2 heavy vehicle movements accessing Sandy Creek Road per hour during construction, upgrading or decommissioning; and
    - (iii) 4 movements of heavy vehicles requiring escort during construction, upgrading and decommissioning; and
  - (b) no construction traffic will access Sandy Creek Road between 7.30 am to 8.30 am and 3.45 pm to 4.45 pm during NSW school terms; and
  - (c) length of any vehicles (excluding heavy vehicles requiring escort) used for the development does not exceed:
    - (i) 26 metres for Muscle Creek Road; and
    - (ii) 19 metres for Sandy Creek Road,
- unless the Planning Secretary agrees otherwise.
- B2. The Applicant must keep accurate records of the number of heavy vehicles requiring escort and heavy vehicles entering or leaving the site each day for the duration of the project.

#### Access Route

- B3. Unless otherwise agreed by the Planning Secretary, all heavy vehicles and heavy vehicles requiring escort associated with the development must travel to and from the site via:
- (a) New England Highway and Muscle Creek Road; and
  - (b) New England Highway (to and from the south only) and Sandy Creek Road (excluding heavy vehicles requiring escort),
- as identified in Figure 3 of Appendix 4 for heavy vehicles, and Figure 4 of Appendix 4 for heavy vehicles requiring escort.

#### Site Access

- B4. All vehicles associated with the development must enter and exit the site via:
- (a) the site access point off Muscle Creek Road; or
  - (b) the site access point off Sandy Creek Road (excluding heavy vehicles requiring escort);
- as identified in Figure 2 of Appendix 4.

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

#### Road Upgrades

- B5. Unless the Planning Secretary agrees otherwise, prior to commencing construction, the Applicant must complete the road upgrades as detailed in Table 1 and Figure 1 of Appendix 4 of this consent.

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

#### Road Upgrades: Heavy Vehicles Requiring Escort

- B6. Prior to the use of heavy vehicles requiring escort on the public road network, all relevant approvals must be obtained and implemented (including for any road upgrades that may be required from point of origin to the site access points off Muscle Creek Road).

#### Road Maintenance

- B7. The Applicant must:
- (a) undertake an independent dilapidation survey which records the condition of the road pavement, drainage structures and other road related infrastructure, and assesses the:
    - (i) condition of Sandy Creek Road on the access route, following the upgrade undertaken in accordance with condition B5 and prior to construction, upgrading and decommissioning activities;

- (ii) condition of Muscle Creek Road on the access route, prior to construction, upgrading and decommissioning activities; and
- (iii) condition of Sandy Creek Road and Muscle Creek Road, between the New England Highway and the site access point, following the completion of construction, upgrading and decommissioning activities;
- (b) repair and/or make good any development-related damage to Sandy Creek Road and/or Muscle Creek Road (including road drainage infrastructure) identified in dilapidation surveys during construction, upgrading or decommissioning works in consultation with the relevant road authority.

If there is a dispute about road repair between the Applicant and the relevant roads authority, then either party may refer the matter to the Planning Secretary for resolution.

### **Operating Conditions**

B8. The Applicant must ensure:

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

### **Traffic Management Plan**

B9. Prior to commencing the road upgrades identified in condition B5 of this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with TfNSW and Muswellbrook Shire Council and to the satisfaction of the Planning Secretary. This plan must include:

- (a) details of the transport route to be used for development-related traffic;
- (b) details of the road upgrade works required by condition B5 of this consent, including a schedule for the road upgrades and extent of the proposed work area;
- (c) a reconciliation table to demonstrate all traffic-related management measures and recommendations identified in the EIS have been included in the plan;
- (d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
  - (i) details of the dilapidation surveys required by condition B7 of this consent;
  - (ii) temporary traffic controls, including detours and signage;
  - (iii) notifying the local community about project-related traffic impacts;
  - (iv) procedures for receiving and addressing complaints from the community about development -related traffic;
  - (v) minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network;
  - (vi) minimising potential cumulative traffic impacts with other projects in the area during construction, upgrading or decommissioning works;
  - (vii) minimising dirt tracked onto the public road network from development -related traffic;
  - (viii) measures for managing light vehicle peak numbers, including employee shuttle bus service, carpooling or ride sharing by employees;
  - (ix) details and volume of the employee shuttle bus service, including pick-up and drop-off points and associated parking arrangements for construction workers, and measures to ensure employee use of this service;
  - (x) scheduling of heavy vehicle movements to minimise convoy length or platoons, and to minimise conflict with light vehicles;
  - (xi) responding to local climate conditions that may affect road safety such as fog, dust, wet weather;
  - (xii) responding to any emergency repair or maintenance requirements;
  - (xiii) a traffic management system for managing heavy vehicles requiring escort; and
  - (xiv) a traffic management protocol for heavy vehicle movements turning right in and left out at the New England Highway and Sandy Creek Road intersection.
- (e) a driver's code of conduct that addresses:
  - (i) driver fatigue;
  - (ii) procedures to ensure that drivers, including employees, contractors and sub-contractors using private vehicles adhere to the designated transport routes and speed limits; and
  - (iii) procedures to ensure that drivers implement safe driving practices;



- (f) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan; and
- (g) a flood response plan detailing procedures and options for safe access to and from site in the event of flooding.

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

## LANDSCAPING

### Land Management

- B10. The Applicant must maintain the agricultural land capability of the site, including:
- (a) establishing the ground cover of the site within 3 months following the completion of any construction or upgrading;
  - (b) properly maintaining the ground cover with appropriate perennial species and weed management over the life of the development; and
  - (c) maintaining grazing within the development footprint, where practicable, over the life of the development,
- unless the Planning Secretary agrees otherwise.

## BIODIVERSITY

### Vegetation Clearance

- B11. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

### Biodiversity Offsets

- B12. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2. The retirement of these credits must be carried out in accordance with the NSW *Biodiversity Offsets Scheme* and can be achieved by:
- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
  - (b) making payments into an offset fund that has been developed by the NSW Government; and/or
  - (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

**Table 1 | Ecosystem Credit Requirements**

Vegetation Community	PCT ID	Credits Required
Rough-Barked Apple - red gum - Yellow Box woodland	281	754
Narrow-leaved Ironbark - Grey Box grassy woodland	1691	232
Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest	1603	622
Blakely's Red Gum - Narrow-leaved Ironbark - Rough-barked Apple shrubby woodland	1607	21

**Table 2 | Species Credit Requirements**

Species	Credits Required
Pine Donkey Orchid population in the Muswellbrook local government area ( <i>Diuris tricolor</i> – endangered population)	278
<i>Cymbidium canaliculatum</i> population in the Hunter Catchment ( <i>Cymbidium canaliculatum</i> -endangered population)	2
Large-eared pied bat ( <i>Chalinolobus dwyeri</i> )	111
Southern Myotis ( <i>Myotis Macropus</i> )	159
Brush-tailed Phascogale ( <i>Phascogale tapoatafa</i> )	452
Squirrel glider ( <i>Petaurus norfolcensis</i> )	829
Striped Legless Lizard ( <i>Delma Impar</i> )	656

*Note: The Delma Impar species credit requirement may be met by credits generated from the broader Delma impar species complex, inclusive of Delma Vescolineata (Hunter Valley Delma).*

- B13. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired.

## Biodiversity Management Plan

B14. Prior to carrying out any development that could directly or indirectly impact biodiversity values, the Applicant must prepare a Biodiversity Management Plan for the development in consultation with BCS, and to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in accordance with the *Biodiversity Development Assessment Report* (dated 16 February 2024);
- (b) include a description of the measures that would be implemented for:
  - (i) protecting vegetation and fauna habitat outside the approved disturbance areas;
  - (ii) managing and enhancing the remnant vegetation and fauna habitat on site;
  - (iii) maintaining and improving the condition and extent of PCT 281 (provided all relevant approvals are in place), including regular reporting on the effectiveness of these measures to BCS, in accordance with the applicant's letter dated 25 June 2024;
  - (iv) minimising clearing and avoiding unnecessary disturbance of vegetation that is associated with the construction and operation of the development, including retention of hollow bearing trees within the development footprint where possible;
  - (v) minimising the impacts to fauna on site and implementing fauna management protocols;
  - (vi) protection of downstream aquatic habitat including key fish habitat through exclusion zones and revegetation;
  - (vii) rehabilitating and revegetating temporary disturbance areas with native species that are appropriate to the site's ecology and conditions, including PCT 281;
  - (viii) 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
  - (ix) controlling weeds, feral pests and pathogens;
- (c) include a program to monitor and report on the effectiveness of mitigation measures and report to BCS following each annual reporting window;
- (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise options to be implemented if additional threatened species are discovered on site; and
- (e) include details of who would be responsible for monitoring, reviewing and implementing the plan.

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

## AMENITY

### Construction, Upgrading and Decommissioning Hours

B15. Unless the Planning Secretary agrees otherwise, the Applicant must only undertake road upgrades, construction, upgrading, commissioning or decommissioning activities on site between:

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

### Exceptions to Construction Hours

B16. The following activities may be carried out outside the hours specified in condition B15:

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

### Variation of Construction Hours

B17. The hours of construction activities specified in condition B15 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction must be:

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

## Noise

B18. The Applicant must:

- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009) or its latest version; and
- (b) take all reasonable and feasible steps to minimise operational noise and ensure that the noise generated by the operation of the development does not exceed the noise limits in Table 3, to be determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residences, unless the Planning Secretary agrees otherwise.

**Table 3 | Operational Noise Limit Requirements**

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L <sub>Aeq</sub> (15min)	L <sub>Aeq</sub> (15min)	L <sub>Aeq</sub> (15min)	L <sub>Afmax</sub>
Non-associated residences	40	35	35	52

B19. Unless the Planning Secretary agrees otherwise, within 3 months of the commencement of operation, the Applicant must prepare and submit a Noise Monitoring Report for the development to the satisfaction of the Planning Secretary. The Noise Monitoring Report must:

- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant;
- (b) demonstrate that noise monitoring:
  - (i) has been carried out in accordance with the procedures in the *Noise Policy for Industry* (EPA, 2017); and
  - (ii) includes monitoring during the day, evening and night periods during operational, temperature and meteorological conditions that would represent typical worst-case scenarios where reasonable and feasible; and
- (c) include:
  - (i) 1/3 octave data and calculated sound power levels along with a discussion of any excessive annoying characteristics and directionality;
  - (ii) an analysis of compliance with the noise limits specified in condition B18 at R7, R8, R9, R96, R97, R98 and R99;
  - (iii) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and
  - (iv) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B18 at R7, R8, R9, R96, R97, R98 and R99 at all times.

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

## Dust

B20. The Applicant must minimise the dust generated by the development, including measures ensuring:

- (a) activities are carried out on site in a manner that minimises dust generation, including emission of windblown and/or traffic generated dust;
- (b) development-related vehicles leaving the site:
  - (i) have any loads covered; and
  - (ii) minimise dirt being tracked onto the public road network; and
- (c) water is sprayed on unsealed roads within the site when practicable and appropriate.

## Visual

B21. The Applicant must:

- (a) unless the Planning Secretary agrees otherwise, limit the angle of solar panel backtracking in accordance with the scenario set out within the additional information provided by the Applicant to the Department dated 21 October 2024;
- (b) minimise the off-site visual impacts of the development, including the potential for any glare or reflection (including existing and future road users, and to the Muswellbrook Bypass, per the RTS LVIA Muswellbrook Bypass glare assessment dated 19 February 2024);
- (c) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- (d) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes,

unless the Planning Secretary agrees otherwise.

## Lighting

B22. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
  - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
  - (ii) does not shine above the horizontal; and
  - (iii) complies with *Australian Standard/New Zealand Standard AS/NZS 4282:2023 – Control of Obtrusive Effects of Outdoor Lighting* or their latest versions.

## HERITAGE

### Protection of Aboriginal Cultural Heritage

B23. The Applicant must ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items identified in Table 1 of Appendix 5, or any heritage items located outside the approved development footprint.

### Aboriginal Cultural Heritage Management Plan

B24. Prior to commencing construction, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary in writing;
- (b) be prepared in consultation with RAPs and reviewed by Heritage NSW;
- (c) include a description of the measures that would be implemented for:
  - (i) protecting the Aboriginal heritage item identified in Table 1 of Appendix 5 of this consent, including fencing off the Aboriginal heritage item prior to carrying out any development that could directly or indirectly impact the heritage items;
  - (ii) implementing all reasonable and feasible measures to avoid and/or minimise harm to Aboriginal objects/sites identified in Table 2 of Appendix 5 of this consent;
  - (iii) development of a surface collection and salvage methodology for the relevant Aboriginal objects and sites listed in Table 3 of Appendix 5 of this consent. The methodology must include provision for avoidance of harm and/or additional consultation with RAPs and Heritage NSW regarding the management of sites identified during salvage excavation that exceed the expected level of significance identified in the project Aboriginal Cultural Heritage Assessment Report;
  - (iv) participation by the RAPs in any salvage works that will be undertaken;
  - (v) a contingency plan and reporting procedure if:
    - heritage items outside the approved development footprint are damaged;
    - previously unidentified heritage items are found; or
    - Aboriginal skeletal material is discovered;
  - (vi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
  - (vii) 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 Planning Secretary's approval, the Applicant must implement the Heritage Management Plan.

## SOIL AND WATER

### Water Supply

B25. 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

- B26. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

## Operating Conditions

- B27. The Applicant must:

- (a) minimise erosion and control sediment generation;
- (e) ensure any solar panels, ancillary infrastructure and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) and the *Managing Urban Stormwater: Soils and construction - Volume 2A* manual (Landcom, 2008), or their latest versions;
- (b) 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;
- (c) ensure the solar panels and ancillary infrastructure do not cause any increased water being diverted off the site or alter hydrology off site;
- (d) ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site;
- (e) ensure all works within waterfront land is undertaken in accordance with *Guidelines for Controlled Activities on Waterfront Land*; and
- (f) ensure all activities on waterfront land are constructed in accordance with the *Guidelines for Controlled Activities on Waterfront Land*, *Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (NSW Fisheries 2003) and the *Policy and Guidelines for Fish Habitat and Conservation and Management* (NSW Fisheries, 2013) unless Water Group agrees otherwise.

## Soil and Water Management Plan

- B28. Prior to commencing construction, the Applicant must prepare a Soil and Water Management Plan for the development in consultation with DPI Fisheries, BCS and Water Group. This plan must:
- (a) be prepared by suitably qualified and experienced persons;
  - (b) include a description of the measures that would be implemented to ensure that the objectives of condition B27 (a) – (f) above are achieved;
  - (c) include a program to monitor and report on the effectiveness of these measures;
  - (d) include details of who would be responsible for monitoring, reviewing and implementing the plan, and timeframes for completion of actions; and
  - (e) include a detailed design of the diversion channel and bund with reference to *Guidelines for Controlled Activities on Waterfront Land*

The Applicant must implement the Soil and Water Management Plan.

## HAZARDS

### Fire Safety Study

- B29. At least one month prior to commencing construction of the battery storage facility, and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary.

Construction of the battery storage facility and associated footings/foundations (except for construction of those preliminary works that are outside the scope of the hazard studies) must not commence until the Fire Safety Study meets the requirements of FRNSW and approval has been given by the Planning Secretary. The study must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline* and FRNSW *Fire Safety Guideline Technical Information – Large scale external lithium-ion battery energy storage systems – Fire safety study considerations*;
- (b) describe the final design of the battery storage facility;
- (c) include reasonable worst-case fire scenario to and from the battery storage and the associated fire management; and
- (d) identify measures to eliminate the expansion of any fire incident including:
  - (i) adequate fire safety systems and appropriate water supply;
  - (ii) separation and / or compartmentalisation of battery units; and

- (iii) strategies and incident control measures specific to the battery storage design.

Following approval, the Applicant must implement the measures described in the Fire Safety Study

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

### Storage and Handling of Dangerous Materials

B30. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

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

### Operating Conditions

B31. The Applicant must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development:
  - (i) complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* (or equivalent) and *Standards for Asset Protection Zones*; and
  - (ii) is suitably equipped to respond to any fires on site including provision of a 50,000 – 80,000 litre water supply tank(s) to be strategically located in consultation with NSW RFS, to allow for permanent emergency supply and ease of access, fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection;
- (c) ensure that the development, including battery storage area:
  - (i) includes a minimum 10 metre defensible space around the perimeter that permits unobstructed vehicle access assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
  - (ii) is managed as an asset protection zone (including the defensible space);
- (d) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (e) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

### Emergency Plan

B32. Prior to commencing construction, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development and a copy of the plan is to be provided to the local Fire Control Centre and FRNSW. The plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition B29 of Schedule 2;
- (b) be consistent with Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (c) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
- (d) identify the fire risks and hazards and detailed measures for the development to prevent fires igniting;
- (e) include availability of fire suppression equipment, access and water;
- (f) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (g) include fire and bushfire emergency management planning, including:
  - (i) details of the location, management and maintenance of the Asset Protection Zone;
  - (ii) a list of works that must not be carried out during a total fire ban;
  - (iii) details of how RFS would be notified, and procedures that would be implemented in the event that:
    - there is a fire on-site or in the vicinity of the site;
    - there are any activities on site that would have the potential to ignite surrounding vegetation; or
    - there are any proposed activities to be carried out during a bushfire danger period;
- (h) detail specific response measures in the case of flood or fire to ensure human and site safety;
- (i) describe the specific emergency exit routes to be used in the case of flood or fire; and

- (j) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019), to the satisfaction of FRNSW.

B33. The Applicant must:

- (a) implement the Emergency Plan and Emergency Services Information Package for the duration of the development; and
- (b) following commencement of commissioning of the battery storage, keep two copies of the Emergency Plan and Emergency Services Information Package on-site in a prominent position adjacent to the site entry points at all times.

## **SITE FACILITIES**

B34. Prior to commencing construction, the Applicant must ensure that one (1) toilet for every twenty (20) persons (or part thereof) working on the site is provided within/at the development's operations and maintenance facility. The Applicant must ensure any required onsite effluent disposal and management approval(s) from Council are obtained prior to installation and associated works.

## **WASTE**

B35. The Applicant must:

- (a) prepare and implement a Waste Management Plan prior to commencing construction which must:
  - (i) be prepared in consultation with Council and Energy Corporation NSW;
  - (ii) be consistent with the EIS;
  - (iii) identify opportunities to maximise recycling of solar panel related waste;
  - (iv) identify appropriately licensed waste and resource management facilities at which waste disposal and recycling will take place;
  - (v) identify the location and method of storing lithium-ion batteries if immediate recycling is not possible; and
  - (vi) include a description of the measures that will be implemented to ensure that the objectives of condition B35(b)-(f) below are achieved;
- (b) minimise the waste generated by the development;
- (c) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (d) store and handle all waste on site in accordance with its classification;
- (e) not receive or dispose of any waste on site; and
- (f) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

## **ACCOMMODATION AND EMPLOYMENT STRATEGY**

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

- (a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development, including during periods of high demand;
- (c) consider the cumulative impacts associated with other State significant development projects in the area and identify any opportunities for the co-location of worker accommodation with other major energy projects;
- (c) investigate options for prioritising the employment and training of local workers and First Nations people for the construction and operation of the development, where feasible;
- (d) include a local procurement strategy; and
- (e) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencement of construction, and implement the plan throughout construction.

## **DECOMMISSIONING AND REHABILITATION**

B37. Within 3 years of the commencement of operation, the Applicant must prepare a Decommissioning and Rehabilitation Plan. The Plan shall be updated by the Applicant at a minimum 15 years into the operation of the project, and within 5 years prior to decommissioning. The Plan must:

- (a) be prepared in consultation with Council;
- (d) be prepared consistent with relevant local and State strategic land use planning documents applicable to the site;
- (b) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in

**Table 4** below; and

- (c) describe the measures that would be implemented to:
- (i) decommission the development and rehabilitate the site in accordance with the objectives in **Table 4**;
  - (ii) minimise and manage the waste generated by the decommissioning of the development;
  - (iii) identify any site contamination issues arising as a result of the development (if any) and how this contamination will be remediated, including details of any approvals which may be required;
  - (iv) include a program to monitor and report on the implementation of these measures against the detailed completion criteria;
  - (v) ensure best practice is employed in respect of utilising available recycling technologies;
  - (vi) identify opportunities to maximise recycling of solar panel related waste; and
  - (vii) identify the location and method of sorting lithium-ion batteries if immediate recycling is not possible.

B38. 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. Rehabilitation must be consistent with the Decommissioning and Rehabilitation Plan prepared in accordance with Condition B37 and comply with the objectives in **Table 4**.

**Table 4 | Rehabilitation Objectives**

<b>Feature</b>	<b>Objective</b>
Site	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting.</li> <li>• Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use.</li> </ul>
Solar farm and ancillary infrastructure	<ul style="list-style-type: none"> <li>• All infrastructure including above and below ground to be decommissioned, unless the Planning Secretary agrees otherwise.</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• Restore land capability to pre-existing productive capacity.</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure public safety at all times.</li> </ul>



## **PART C ENVIRONMENTAL MANAGEMENT AND REPORTING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Environmental Management Strategy**

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

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

#### **Revision of Strategies, Plans and Programs**

- C2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Planning Secretary within 1 month of the:
    - (i) submission of an incident report under condition C10 of Schedule 2;
    - (ii) submission of an audit report under condition C13 of Schedule 2; or
    - (iii) any modification to the conditions of this consent.

#### **Updating and Staging of Strategies, Plans or Programs**

- C3. With the approval of the Planning Secretary, the development may be staged and the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C4. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C5. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.
- C6. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

### **NOTIFICATIONS**

#### **Notification of Department**

- C7. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the

cessation of operations, the Applicant must notify the Department in writing via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

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

### **Final Layout Plans**

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

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

### **Work as Executed Plans**

- C9. Prior to commencing operations or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development showing comparison to the final layout plans to the Department via the Major Projects website.

### **Incident Notification**

- C10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an incident;
  - (c) a description of what immediate steps were taken in relation to the incident; and
  - (d) identifying a contact person for further communication regarding the incident.
- C11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 6 (Incident Notification and Reporting Requirements).

### **Non-Compliance Notification**

- C12. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

*Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

### **INDEPENDENT ENVIRONMENTAL AUDIT**

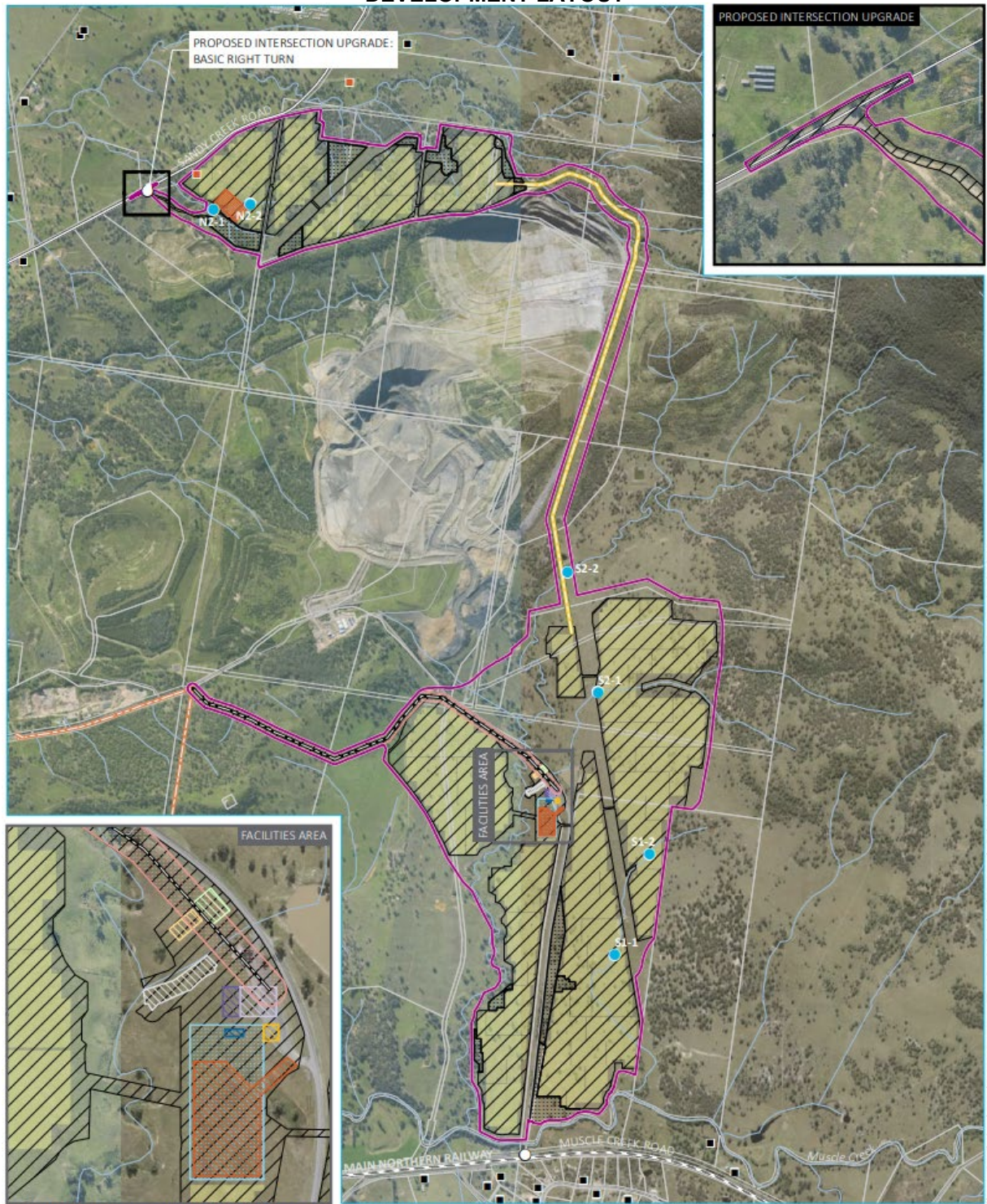
- C13. Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website

### **ACCESS TO INFORMATION**

- C14. The Applicant must:
- (a) make the following information publicly available on its website as relevant to the stage of the development:
    - (i) the EIS;
    - (ii) the final layout plans for the development;
    - (iii) current statutory approvals for the development;
    - (iv) approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan);
    - (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
    - (vi) a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
    - (vii) how complaints about the development can be made;
    - (viii) a complaints register;
    - (ix) compliance reports;
    - (x) any independent environmental audit, and the Applicant's response to the recommendations

- in any audit; and
- (xi) any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

## APPENDIX 1: DEVELOPMENT LAYOUT



### KEY

- |   |   |                           |
|---|---|---------------------------|
| Project area  | Existing transmission line (132 kV)       | Diversion channel         |
| Site access   | BESS (Battery Energy Storage System)      | Existing environment      |
| Potential watercourse crossing                        | BESS Collection Station                   | Rail line                 |
| Associated dwellings                                  | Car Park                                  | Major road                |
| Dwellings not associated with the project within 5 km | Connection internal north to south buffer | Minor road                |
| Development footprint                                 | 132 kV connection to 95M buffer           | Watercourse/drainage line |
| Indicative panel layout                               | Laydown                                   | Cadastral boundary        |
| Biodiversity exclusion area                           | O&M                                       |                           |
| Connection route                                      | SF Collection Station                     |                           |
| 132 kV connection to 95M                              | Switchyard                                |                           |
| Internal connection route (33 kV)                     | Transformer Substation                    |                           |

### Overview of project

Muswellbrook Solar Farm  
Submissions Report  
Figure 1.2



**APPENDIX 2:  
SCHEDULE OF LANDS**

Lot Number	Deposited Plan (DP)
61	1113302
101	1148216
19	16352
1	184481
6	26760
2	
5	
3	571355
1	
682	611756
1	614842
2	
71	629631
1	723294
57	752484
58	
59	
60	
97	
39	793463
40	
1	1004305

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

**APPENDIX 3:**  
**GENERAL TERMS OF APPLICANT'S VPA OFFER**

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

<b><i>Council</i></b>	<b><i>Payment Details</i></b>
Muswellbrook Shire Council	A monetary contribution, the greater of \$850/MWac or as per any finalised Benefit Sharing Guideline under the Department's Energy Policy Framework, installed, paid annually, and adjusted for consumer price index.

## APPENDIX 4: ROAD UPGRADES AND SITE ACCESS

**Table 1 | Road Upgrades**

Road	Location	Upgrade Requirements
Sandy Creek Road	Sandy Creek Road and Northern Site Access intersection	<p>Works as shown in Figure 1 Appendix 4 below.</p> <p>A Basic right turn (BAR) treatment is required along Sandy Creek Road at the intersection with the Northern Site Access point.</p> <p>Site access to be upgraded to allow for 26m B-double trucks to access the northern section of the project area.</p> <p><i>Note: Use of the northern site access by 26m B-double trucks is not approved by this consent. Please refer to Condition B1(c)(ii).</i></p> <p><i>The Applicant must also acquire any necessary approvals from the National Heavy Vehicle Regulator (or their predecessors) to allow vehicles up to 26m in length on Sandy Creek Road.</i></p>

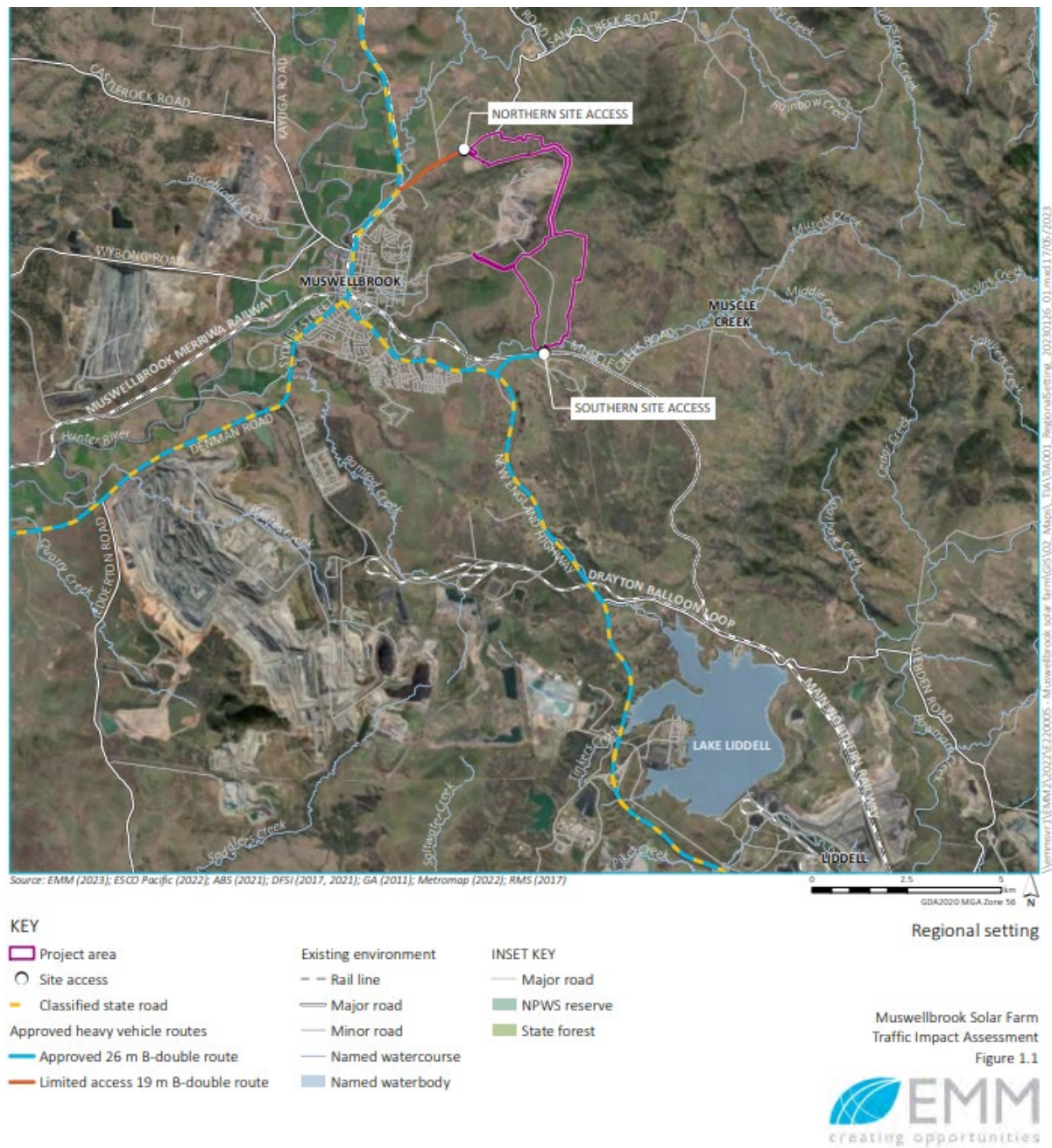


Figure 1 | Sandy Creek Road/Northern Site Access Road Intersection Upgrade





**Figure 2 | Site Access Points**



**Figure 3 | Heavy Vehicle Access Route**



**KEY**

- Project area
- Major road
- Named waterbody
- Proposed transport route
- Newcastle (from Port of Newcastle to project area)
- Sydney (from Port Botany to project area)

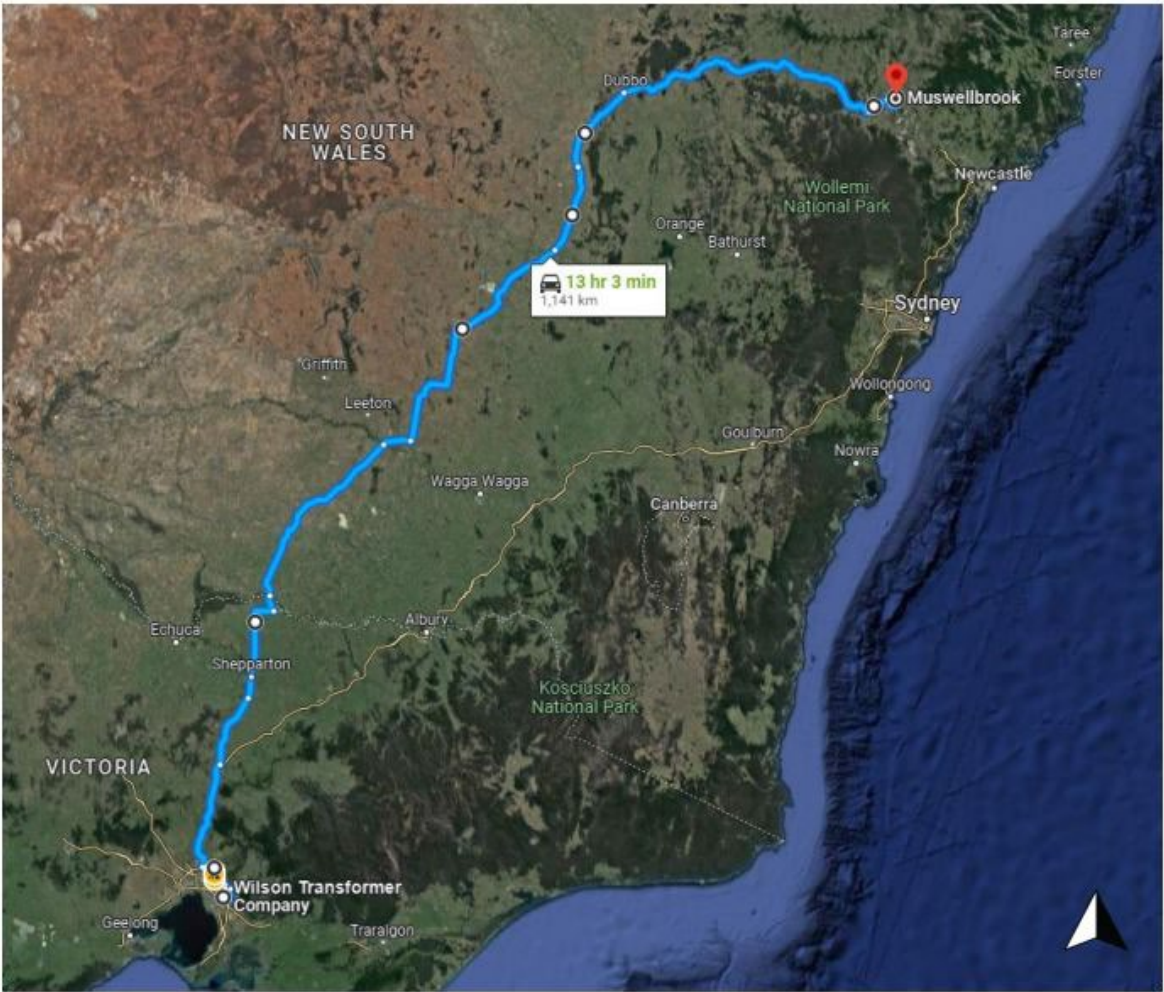
Proposed transport routes

Muswellbrook Solar Farm  
Environmental Impact Statement  
Figure 3.3





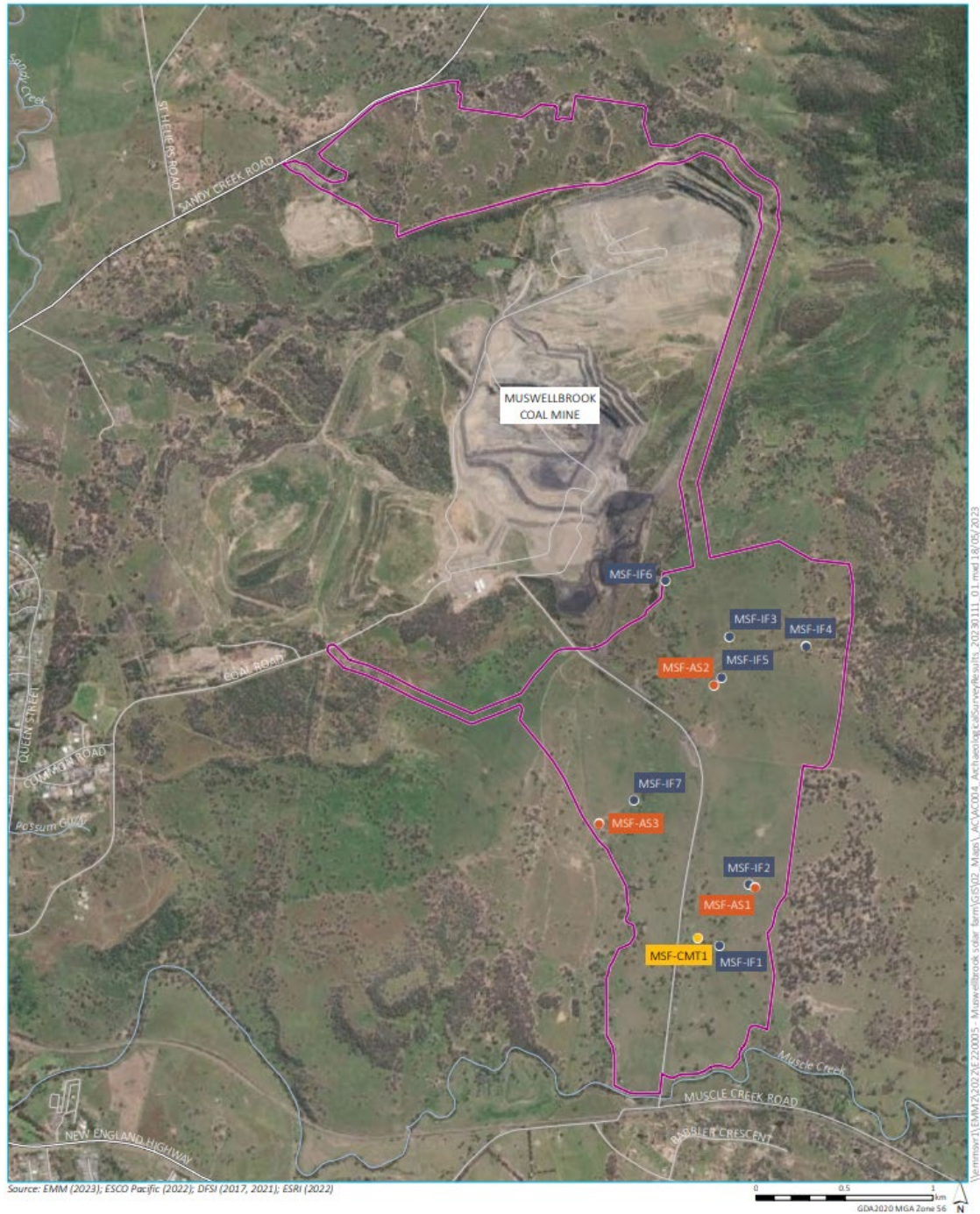
Figure 4 | OSOM Route



Source: Google Maps

OSOM route from Wilson Transformer Company to the site

## APPENDIX 5: HERITAGE ITEMS



### KEY

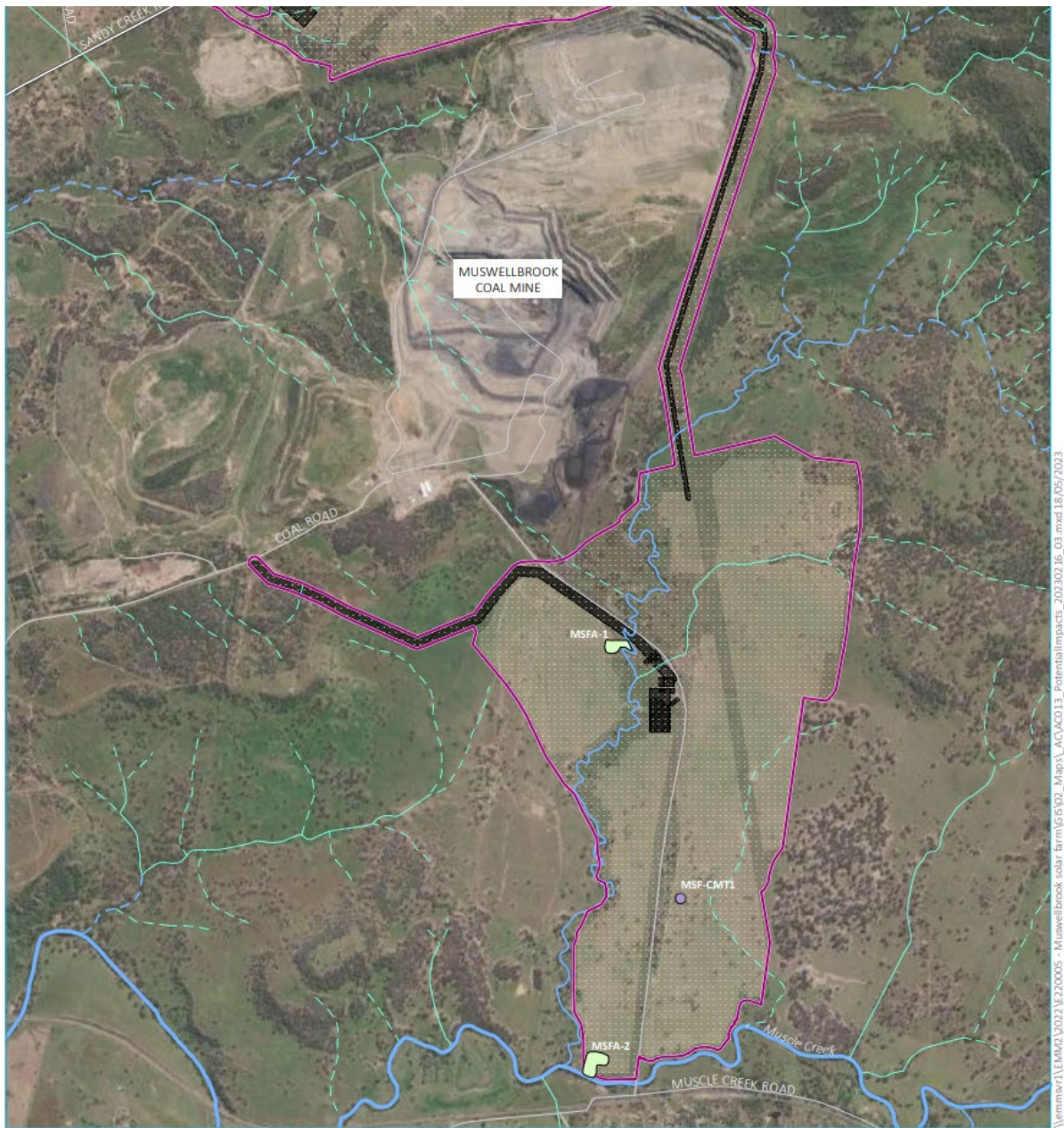
- |   |  |
|---|--|
| <span style="border: 2px solid pink; padding: 2px;"> </span> Project area | <span style="color: grey;">—</span> Existing environment |
| <span style="color: orange;">●</span> Artefact scatter                    | <span style="color: grey;">—</span> Major road           |
| <span style="color: yellow;">●</span> Culturally modified tree            | <span style="color: grey;">—</span> Minor road           |
| <span style="color: blue;">●</span> Isolated find                         | <span style="color: grey;">—</span> Named watercourse    |

### Archaeological survey results

Muswellbrook Solar Farm  
Aboriginal Cultural Heritage Assessment  
Figure 6.2







Source: EMM (2023); ESCO Pacific (2022); DFSI (2017, 2021); ESRI (2022)

#### KEY

- Project area
- Solar array footprint
- Project elements
- Background scatter
- Potentially impacted site

#### Existing environment

- Major road
- Minor road

#### Strahler stream order

- 1st order
- 2nd order
- 3rd order
- 4th order
- 5th order

Potential impacts

Muswellbrook Solar Farm  
Aboriginal Cultural Heritage Assessment  
Figure 9.1



**Table 1 | Aboriginal heritage items – avoid impacts**

AHIMS ID	Item/AHIMS ID
37-2-6575	MSF-CMT1

**Table 2 | Aboriginal Heritage items – avoid or minimise in accordance with ACHAR**

AHIMS ID	Item/AHIMS ID
37-2-6564	MSF-BS1 (including MSF-IF1-7 inclusive, MSF-AS1-3 inclusive, MW-OS-3, MW-IF-1 and Part of Muscle Creek within Project Area)
37-2-1841	
37-2-1845	
37-2-0139	

**Table 3 | Aboriginal Heritage items - avoid, minimise and/or salvage per ACHAR**

Item	Item
37-2-6565	MSF-FA1
37-2-6574	MSF-FA2

**APPENDIX 6:  
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

**INCIDENT NOTIFICATION REQUIREMENTS**

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Applicant became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the incident;
  - (e) a summary of the incident;
  - (f) outcomes of an incident investigation, including identification of the cause of the incident;
  - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.