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| **CONSENT CONDITIONS – SOLAR FARMS**  SOUTHERN REGIONAL PLANNING PANEL | |

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| PANEL REFERENCE & DA NUMBER | PPSSTH-145 – DA2022/027 |
| PROPOSAL | Electricity Generating Works - establishment and operation of a solar farm |
| ADDRESS | Lots 13, 14, 177 and 178 DP753601 Lot 1 DP783927, Lot 1 DP1084448  101 – 173 Cowcumbla Street, Cootamundra |
| APPLICANT | Flow Power/Utilacor Pty Ltd |
| APPLICATION TYPE | Development Application |

**PART A: GENERAL**

**A1 Approved Plans and Supporting Documentation**

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council’s approved stamp, except where amended by conditions of this consent:

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| --- | --- | --- | --- |
| Statement of Environmental Effects V3, dated May 2022, prepared by Flow Power / Utilacor Pty Ltd | | | |
| The following plans, studies and reports submitted with Development Application Number 2022/027, and prepared by Flow Power (unless otherwise stated): | | | |
| *Drawing,*  *Document, Project No.* | *Version* | *Content* | *Date of plan* |
| 100 | C | Site plan | 9/5/22 |
| F100 | A | Array Layout Plan | 9/5/22 |
| DA\_EL\_SH1 | A | Typical Plans and Elevations - Trackers | 17/1/22 |
| DA\_EL\_SH2 | A | Typical Plans and Elevations – MPVS and RMU | 17/1/22 |
| DA\_EL\_SH5 | A | Typical Plans and Elevations – 40FT Spares Container and Water Tank | 17/1/22 |
| DA\_EL\_SH1 | A | Typical Elevations – Battery Energy Storage System | 17/1/22 |
| C002 | B | Concept – Stormwater Plan | 27/5/22 |
| C003 | B | Concept – Erosion & Sediment Control Plan prepared by MI Engineers | 27/5/22 |
| C004 | B | Concept – Erosion & Sediment Control Plan prepared by MI Engineers | 27/5/22 |
| 22045 | 02 | Glint and Glare Assessment prepared by itp | June 2022 |
| 22GWS-2576 | 0c | Cootamundra Solar Farm Draft Vegetation Management Plan prepared by Eco Logical Australia. | 27/5/22 |
| 3185 | V3.1 | Aboriginal Archaeological Impact Assessment – Cootamundra Solar Farm. | 18/1/22 |
| P522362 | 1 | Cootamundra Solar Farm Project: Battery Energy Storage System (BESS) – Preliminary Hazard Analysis, prepared by aurecon. | 16/8/22 |
| 12569402 | 0 | Cootamundra Solar Farm Accoustic Assessment prepared by GHD. | 27/1/21 |

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

***Advice***

*Where design changes are deemed necessary or desirable for the development and those changes would see works undertaken within 40m of the Muttama Creek bed, a Controlled Activity Approval under the Water Management Act, 2000 would likely be required. In that instance, an amendment to this Consent will be required to be considered by Council and the concurrence of Natural Resources Access Regulator sought as part of that process.*

**A2 Signage**

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is ‘exempt development’ under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Reason: To ensure any signage is assessed in accordance with the planning controls.

**A3 Compliance with the Building Code of Australia**

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

**A4 Lapsing of consent**

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

**A5 Tree Retention and Removal**

Existing trees on the site are to be retained and protected from damage during work.

Reason: To protect trees on the site to be retained.

**PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

**B1 Construction Certificate**

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979.*

**B2 Payment of Security Deposits, Levies and Contributions**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council’s adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

1. **Payment of building and construction industry long service levy - T**he applicant must pay the long service levy of $39620.00 as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provides proof of this payment to the certifier.
2. **Public liability insurance -** Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of $20 million. This insurance is to note Council’s interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
3. **Payment of development contributions** – A total monetary contribution of $113,000.00 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate.
4. This condition is imposed in accordance with the provisions of Cootamundra Gundagai Regional Council Section 7.12 Fixed Development Consent Levy Contributions Plan 2018. A copy of the document is available on Council’s website at www.cgrc.nsw.gov.au or may be inspected at Council’s Administration Building.
5. The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly. Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

Reason: To ensure payments are made in accordance with legislative requirements.

**B3 Other Approvals**

The following approvals are required where relevant:

1. **Roads Act 1993 approval -** The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.
2. **Section 68 of the Local Government Act 1993 –** Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management or installation of a moveable dwelling. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

**B4 Servicing**

In relation to services, the following must be undertaken by the applicant where relevant:

1. **Adequate services** –the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,
2. **Dial before your dig -** the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and underground infrastructure for safety and efficiency.

**B5 Substation Containment**

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

**B9 Stormwater Management**

Stormwater management shall be undertaken in accordance with the approved stormwater plan prepared by C002 MI Engineers dated 27/05/2022.

The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council’s stormwater system.

Reason: To ensure stormwater is appropriately managed on the site.

**B11 Bush fire Management**

Whilst the site is not identified as bush fire prone land, the solar farm shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* prepared by the NSW Rural Fire Service and as outlined in the Statement of Environmental Effects V3 prepared by Flow Power/Utilacor Pty Ltd dated May 2022 including the following:

* A 10m wide Asset Protection Zone (APZ) around the perimeter of the solar array and contained within the boundaries of the subject site. The APZ that would give firefighters a clear and defendable place from which to fight any fire and would be fuel- managed, with regular site maintenance ensuring grass and other vegetation is kept to a safe level, including under the solar array panels themselves.
* Emergency vehicle access off Cowcumbla Street that would allow firefighting vehicles to enter the site. All access gates would be fitted with an 003 fire lock that would be able to be used by emergency services.
* Installation of a minimum 20,000 litre static water supply tank for dedicated firefighting purposes. The tank is proposed to be located at the western portion of the site, adjacent the vehicle hardstand/turning area such that fire vehicles would be able to readily access the water supply. The tank would be fitted with the standard RFS compatible Stortz fitting to allow connection to firefighting vehicles.

Details are to be demonstrated on the Construction Certificate plans.

Reason: To ensure the development complies with the relevant requirements for bushfire management and to protect the safety of occupants on the site.

**B19 Vehicle Access Requirements**

The following vehicle access arrangements must be provided to the site:

1. A new accessway across Council’s road reserve in Cowcumbla Street

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

Where a secondary emergency gate is considered necessary to support a Bushfire Emergency Management Plan for the development, and that access is required to be constructed over Council owned land, or road reserve, the person having the benefit of this consent shall seek the necessary approval from Council for the construction of the access.

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

**B20 Reflection Mitigation Measures**

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

1. Installation of the measures outlined in the Glint and Glare report prepared by itp dated June 2022;
2. Planting and maintenance of a vegetation screen along the all boundaries of the site to reduce the impact of the solar panels on the adjoining properties/road;
3. Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.

Details are to be shown on the Construction Certificate plans.

Reason: To ensure the solar panels do not cause a nuisance, disturbance or hazard to adjoining properties, nearby aircraft and the public using nearby public roads from glint and glare.

**B21 Car Parking**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line marked. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

**B22 Flood Prone Land**

As the site is flood affected, a report shall be provided to certify the following:

1. Any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
2. The building/structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris; and
3. Finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.

Reason: To ensure structural works are safe and built to the relevant specifications.

**B24 Dilapidation report**

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier.]

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the demolition works. The insurance cover shall be a minimum of $10 million.

Reason: To ensure any damage caused by the development is documented prior to works commencing on the site.

**PART C: PRIOR TO WORKS COMMENCING**

**C1 Appointment of Principal Certifying Authority**

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

1. Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
2. Notify Council of their intention to commence building work (at least 2 days’ notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

**C2 Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

1. showing the name, address and telephone number of the principal certifier for the work, and
2. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
3. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

**C3 Tree Protection Measures**

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the Landscape Plan and the Construction Site Management Plan are in place.

Reason: To protect trees which are to be retained prior to work commencing on the site.

**C4 Prior to Demolition of Structures**

A pre clearance survey of buildings to be demolished must be undertaken by a fauna ecologist in the week prior to the demolition. A qualified fauna ecologist must be present during the demolition and must have the appropriate skills and equipment to perform euthanasia if necessary. Immediately prior to demolition partial wall lining shall be removed and walls tapped followed by an observation period of at least one minute to watch for the emergence of any fauna. The tree should be tapped again, followed by a second observation period of at least one minute.

If fauna appear during the observation period, the ecologist should encourage the fauna to relocate. If no fauna appear, the demolition may occur.

Reason: To ensure the development does not adversely impact on biodiversity.

**C5 Care of Native Fauna Found in Structures**

Any uninjured fauna should be relocated to nearby bushland. Any nocturnal fauna should be kept in a suitable cage in a shaded location until dusk, and then released into nearby bushland. If juvenile fauna are discovered in hollows after a tree is felled, they are to be taken into the care of an organisation such as the Native Animal Trust Fund.

Injured fauna should be assessed by the ecologist and euthanised if their injuries are such that the ecologist considers that they are unlikely to survive. If injured fauna are likely to survive, they should be taken to a vet for treatment. After treatment, fauna should be taken to an organisation such as the Native Animal Trust Fund for care until they can be assessed.

Reason: To ensure the development does not adversely impact on biodiversity.

**C6 Implementation of Management Plan Recommendations**

The requirements and recommendations of the following approved management plans must be implemented prior to the commencement of works and maintained at all times during the work:

1. *Aboriginal Archaeological Impact Assessment – Cootamundra Solar Farm*, prepared by OzArk dated 18 January 2022 and addendum dated 2 May 2022.

Reason: To ensure the development does not adversely impact on Aboriginal cultural heritage.

**C7 Toilet Facilities during Construction**

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

1. Be a standard flushing toilet, connected to a public sewer, or
2. If connection to a public sewer is not available, to an on-site effluent disposal  
   system approved by the council, or
3. A portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

**C8 Implementation of the Construction Site Management Plan and Waste Management Plan**

The approved Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan) and the Waste Management Plan must be implemented and maintained prior to, and during, the construction woks on the site until works are completed and all exposed surfaces are landscaped/sealed.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

**C9 Final Plans and Documentation to be Submitted**

Prior to any works commencing on site, the person having the benefit of this consent shall supply to Council for information and/or approval, revised and final copies of the following documentation:

1. A Site Plan showing:
2. the location of the BESS as being outside, or situated above, the 1% AEP flood level, consistent with the recommendations detailed in the Preliminary Hazard Analysis submitted with Development Application 2022/072;
3. the BESS has been located in accordance with a Fire Safety Study recommended by the Preliminary Hazard Assessment submitted with Development Application 2022/072;
4. An Array Layout Plan and Tracker elevation plans showing the solar panels, tracker and combiner boxes being above the 1% AEP flood level, consistent with the recommendations set out in the Preliminary Hazard Analysis submitted with Development Application 2022/072;
5. A Construction Environmental Management Plan, consistent with the NSW Environment Protection Authority’s Industry Guideline EPA 1095/21: Construction Environment Management Plan;
6. Detailed drawings for the construction of the access off Cowcumbla Street;
7. A detailed Stormwater Management Plan for the construction and ongoing operation of the development;
8. A detailed Sediment and Erosion plan for the construction and ongoing operation of the development;
9. A final Vegetation Management Plan, consistent with the Draft plan submitted with Development Application No. 2022/027.

The revised plans and/or documentation to be submitted shall reflect the recommendations included at pages 17 and 18 of the Preliminary Hazard Analysis listed at Condition A1 of this Consent. Details of how those recommendations have been incorporated into the revised designs shall be provided to Council with the revised documentation.

**PART D: DURING WORKS**

**D1 Construction Hours**

The hours of demolition and/or building work shall be limited to the following hours:

1. Monday to Friday: 7:00am to 6:00pm;
2. Saturday: 8:00am to 5:00pm;
3. No Construction on Sundays or Public Holidays.

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council’s approval.

Reason: To ensure the amenity of the area is maintained during construction.

**D2 Compliance with Construction Site Management Plan**

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

1. All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
2. All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
3. During construction, care must be taken to protect Council’s infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
4. Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
5. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

**D3 Waste Management**

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

1. The contact details of the person(s) who removed the waste
2. The waste carrier vehicle registration
3. The date and time of waste collection
4. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
5. The address of the disposal location(s) where the waste was taken
6. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

**D4 Responsibility for Changes to Public Infrastructure**

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure or services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure payment of approved changes to public infrastructure.

**D5 Discovery of Aboriginal Objects**

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

* “relic” means any deposit, artefact, object or material evidence that:

1. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
2. is of State or local heritage significance; and

* “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

**D6 Discovery of Contamination**

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

**D7 Construction Noise**

The recommendations of the Acoustic Assessment listed in Condition A1 of this Consent shall be implemented, including:

1. Incorporation of a noise reduction kit, including a silencer for both the inlet and outlet of the MVPS, into the design, construction and operation of the development; and
2. The positioning of the inlets and outlets of the MVPS and DC units to face in a north/south direction, away from the nearest residential receivers to the east and west.

Certification by the installer, or suitably qualified person, shall be provided to Council, attesting to these measures having been undertaken, and to relevant standards.

Reason: To protect the amenity of the neighbourhood.

**D8 Imported Fill**

While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA’s *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,
2. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

**D9 Critical Stage Inspections**

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2000*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

**D10 Tree Protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of Trees on Development Sites* and any Arborist’s report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

The existing native paddock trees on the subject land (as identified on the approved Site Plan and in the Flora and Fauna Assessment listed at Condition A1 of this Consent):

1. shall not be removed;
2. shall have a minimum 30m buffer zone between them and any above-ground solar farm infrastructure. Where this 30m buffer includes the proposed Asset Protection Zones, fencing may be erected to a point no closer than 20m to the trees;
3. shall have protective measures installed around them during the construction period of the development, with clear signage attached providing direction on the maintenance of the buffer zone;

Reason: To protect trees during construction.

**D11 Native Vegetation**

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

**D13 Clearing for Asset Protection Zones (APZ)**

While building work is being carried out, the applicant must ensure the clearance of vegetation to establish the APZ is confined to within the marked APZ boundary, to the satisfaction of the principal certifier.

Reason: To ensure vegetation clearance during construction is confined within the APZ.

**D14 Water Pollution**

The applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Reason: To ensure the development does not cause any water pollution during construction.

**D15 Demolition Work**

All demolition work shall be carried out in accordance with *Australian Standards AS 2601-1991 Demolition of Structures*, other relevant Australian Standards and the requirements of SafeWork NSW.

Reason: To ensure demolition work is carried out in a safe manner.

**D16 Conditions Provided by Essential Energy**

A safety clearance distance of at least 10 metres (measured horizontally) from the centreline of the overhead powerlines, to the development, is required;

Should the proposed development be altered, Essential Energy is consulted for further comment;

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the [subject] property should be complied with;

Activities undertaken within the location of existing electricity infrastructure located on the property must be undertaken in accordance with the latest industry guideline currently known as ISSC 20, “Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure”.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – *Work near Overhead Power Lines and Code of Practice – Work near Underground Assets*.

**D17 Limits on Construction Season**

To ensure construction works do not negatively impact on the breeding activities of the Superb Parrot species identified in the Flora and Fauna Assessment listed at Condition A1 of this Consent, construction works shall be avoided between September and December (the Superb Parrot breeding season) of any year.

**PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**E1 Occupation Certificate**

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979.*

**E2 Completion of Public Utility Services**

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

**E3 Completion of all Works**

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following

1. Car parking areas and vehicle access points;
2. Fencing;
3. Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed;
4. All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

Reason: To ensure adequate arrangements have been made for the development.

**E4 Landscaping**

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

**E5 Post-Construction Dilapidation Report and Repair of Infrastructure**

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of the principal certifier, detailing whether:

1. any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

**E7 Removal of Waste upon Completion**

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier’s satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored

**E8 Operations Environment Management Plan**

Prior to the issue of an Occupation Certificate, the applicant must make the following additions and/or amendments to the approved Operations Environment Management Plan (OEMP:

1. A copy of the Bush Fire Emergency Management and Operations Plan

Reason: To ensure environmental protection throughout the operation of the development.

**E9 Hazard Reduction Measures**

Prior to the issue of an Occupation Certificate, the applicant must supply certification by a suitably qualified professional that the measures required to be implemented by the Preliminary Hazard Assessment list in Condition A1 of this Consent, have been implemented consistent with the recommendations.

Evidence that an accredited bushfire practitioner has certified that all the required bushfire prevention measures are in place and compliant.

Reason: To ensure that appropriate hazard reduction measures are in place to protect the amenity of the neighbourhood and manage risk to the environment.

**E10 Backtracking Angle of Solar Panels**

Prior to the issue of an Occupation Certificate, the applicant must supply written verification to Council from an appropriate authorised person within the organisation operating the development attesting to the backtracking/rest angle of the solar panel as 4o.

Reason: To ensure potential glare impacts on surrounding receivers is minimised.

**E11 Consolidation of Lots**

Prior to the issue of an Occupation Certificate, the person having the benefit of this consent shall make all necessary arrangements and carry out the necessary legal actions to consolidate Lots 13, 14, 177 and 178 DP753601 and Lot 1 DP783927 into one lot.

Reason: To ensure that the development is contained within a single allotment and meets the deemed to satisfy provisions of the Building Code of Australia in terms of fire spread hazard.

**PART G: OPERATIONAL CONDITIONS**

**G1 Decommission Management Plan**

A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval no later than 12 months prior to the proposed cessation of operations. The objective of this is to restore the land to its pre-existing state suitable for agricultural use. It must include, but not be limited to, the following:

1. Expected timeline for rehabilitation completion;
2. Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
3. Programme of site restoration to return the land back to a suitable state for agricultural purposes; and
4. Details on waste management and recycling of all materials arising from the development.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

**G2 Emergency Management Plan**

The approved Emergency Management Plan (‘EMP’) for the development shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service’s document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

**G3 Operations Environmental Management Plan**

The approved Operations Environmental Management Plan (‘OEMP’) for the development shall be complied with throughout the operation of the development.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

**G4 Vehicle Management**

The premises shall be operated in accordance with the following vehicle management requirements:

1. All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
2. Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
3. The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
4. All vehicular traffic associated with the development must travel to and from the site via Cowcumbla Street and via the approved site entry points.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

**G5 Landscape Screening**

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Following construction, the applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

**G6 Operation of Plant and Equipment**

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is maintained in a proper and efficient condition and operated in a proper and efficient manner.

Reason: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

**G7 External lighting**

Any lighting used on the site in connection with the development is to comply with *AS 4282 – Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

**G8 Minimise Harm to the Environment**

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction, operation or decommissioning of the development, including weed control.

Reason: To minimise harm to the environment.

**G9 Visual Impacts**

The applicant must:

1. Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;
2. Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
3. Not mount any advertising signs or logos on site, except where this is required for safety purposes.

Reason: To minimise the visual impact of the development.

**G10 Storage of Hazardous Materials**

The applicant must store and handle all dangerous and hazardous materials on site in accordance with A*S 1940-2004: The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

**G11 Maintenance of Wastewater and Stormwater Treatment Device**

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems.

**G12 Noise Control During Operation**

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA’s *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

**G13 Waste Materials**

The Applicant must:

1. minimise the waste generated by the development;
2. classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
3. store and handle all waste on site in accordance with its classification;
4. not receive or dispose of any waste on site; and
5. remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

Reason: To protect the environment.