

CONDITIONS

- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

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Revision: D

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The development shall adhere to the recommendations of the Aboriginal Archaeological Assessment prepared by OzArk Environmental and Heritage Management for the South Keswick Solar Farm, dated February 2014. This shall include avoiding the Aboriginal artefacts areas as identified in the Assessment and shown on the approved site plan, unless prior approval has been sought.

{Reason: To ensure the protection and preservation of Aboriginal sites and artefacts}

- (3) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

- (4) All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the *Department of Environment and Climate Change - Waste Classification Guidelines*. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.

{Reason: Council requirement to require compliance with the POEO Act}

- (5) Should the development utilise oil filled transformers, these transformers shall be accommodated within an appropriately bunded compound or self bunded storage systems. This bunded area must be capable of containing 25% of the total volume stored plus the volume of the largest container.

{Reason: Council requirement to prevent the pollution}

- (6) Construction work shall only be carried out within the following time:

Monday to Friday: 7 am to 6 pm
Saturday: 8 am to 1 pm
Sunday and public holidays: No construction work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

- (7) Noise from the development (L_{Aeq}) shall not exceed the background (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.
{Reason: Council requirement to prevent the generation of a noise nuisance}

- (8) Prior to the issue of any Construction Certificate for this development, the intersection of Sheraton Road with the proposed entry/exit to the development site shall be upgraded by and at full cost to the developer with construction of a Type BAR/BAL intersection.

The ingress/egress to the development (ie the BAL component) is to be constructed as a bitumen sealed culverted access and is to be of sufficient width so as to accommodate two-way traffic flow based upon the turning swept paths of 'design single unit truck/bus 12.5 m' (utilising the Austroads design templates, with a turning speed of 5-15 km/hr) with such design width to ensure that at no stages will a truck/bus be required to cross over onto the wrong side of Sheraton Road when either entering or exiting the proposed development.

All works required to fulfil the above condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction standards, with detailed engineering design plans being submitted to, and approved prior to any construction works commencing.

Any proposed access gate(s) are to be set-back a minimum of 15 metres from the Sheraton Road boundary alignment.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of this condition, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of any Construction Certificate for this proposed development.

{Reason: To provide a satisfactory means of entry/exit to the proposed development}

- (9) Under no circumstances are any construction works or activities to commence on or within the road reserve area until such time as a 'Road Opening Application' has been lodged with and approved by Council. As part of the proposed works encroach onto the Sheraton Road (and/or road) areas, a separate 'Road Opening Application' (Section 138 Application under the Roads Act 1993) will be required to be made to Council's Technical Services Division, plus payment of any appropriate fee(s).
{Reason: Implementation of Council's Policy and Section 138 of the Roads Act}

- (10) Any alterations to the road or road shoulder shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards.
{Reason: Implementation of Council policy}

- (11) Vehicular access from the Sheraton Road property entrance to the development shall be located within the Right of Carriageway (ROW) as shown on the approved subdivision plan as approved by Council (SC15-568). Such plan is currently with the NSW Land and Property Information awaiting registration (dealing number 1220433).

The underground Mega Volt line extension from the development to Sheraton Road shall also be located within the ROW.

Should the developer wish to provide access and Mega Volt line location outside of the existing ROW, a suitable easement shall be registered prior to construction works for the access and Mega Volt line commencing. Evidence of registration of such easement shall be provided to Council prior to these works commencing.

{Reason: To ensure the development has legal access from the public roadway}

- (12) Prior to the completion of construction of the site maintenance building, a suitable vehicle parking area shall be provided adjacent to the building as per the approved site plan.

{Reason: To ensure suitable parking arrangements are provided for the development}

- (13) The person having the benefit of this Development Consent, if not carrying out the work as an owner-builder, must unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act 1979}

- (14) Prior to works commencing the Applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;
- (b) The name of the principal contractor for the building work and a telephone number on which that person may be contacted outside of working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building work and not be removed until the work has been completed.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation 2000}

- (15) The sanitary drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation 2005 and the requirements of Council as the delegated regulatory authority.

{Reason: Statutory and Council requirement}

- (16) The sanitary drainage associated with the proposed Site Maintenance building requires the separate approval of Council prior to being installed. In this regard a Sewage Management Facility Application form is available from Council, and must be completed and returned to Council with all associated design, installation details and fees. No drainage must be installed until Council has approved the proposed treatment and disposal method for the site and issued an approval to install the intended sewage management facility.

{Reason: Council and statutory requirement of Section 68 Local Government Act 1993}

- (17) All sanitary plumbing and drainage work associated with the sewage management facility shall be carried out by a licensed plumber and drainer.

{Reason: Council requirement to ensure installation is performed by an appropriately qualified person}

- (18) The top of the Site Maintenance building's overflow (relief) gully shall be a minimum 150 mm below the building's lowest sanitary fixture.

The building's overflow (relief) gully shall also:

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
- (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area.

{Reason: Statutory requirement}

- (19) Any hot water delivered to the outlet of the site maintenance building's hand-basin shall not exceed 50°C.

{Reason: Statutory requirement of Plumbing and Drainage Act}

- (20) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

- (21) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under EP&A Act}

- (22) The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to permit such inspections to be performed. When requesting an inspection please quote Council's reference number (located in the top left hand corner of this page).

Advanced notification for an inspection should be made by emailing enviroadmin@dubbo.nsw.gov.au or by telephoning Council's Environmental Services Division on 6801 4612.

- Internal and external sanitary plumbing and drainage under hydraulic test.
- The development's sewage management facility installation and disposal field.
- Final inspection of the installed sanitary fixtures and sewage management facility upon the building's completion prior to its occupation or use.

{Reason: Statutory provision and Council requirement being the sewage regulatory authority}

(23) The site maintenance building's roof water shall be discharged to either:

- At least 3 m clear of the building without detriment to any adjoining structures; or
- A rain water collection tank for water use within the building or for firefighting purposes (see condition 26). Overflow from the tank shall be also be discharged at least 3 metres clear of the building and without detriment to any adjoining structures.

{Reason: To ensure appropriate drainage disposal without adverse impact}

(24) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

(25) An Asset Protection Zone (APZ) of minimum width of 10 metres shall be provided around the Site Maintenance building, transformer compound and the outside perimeter of the PV modules. The APZ shall be provided and maintained in accordance with the requirements of the "Planning for Bush Fire Protection 2006" guidelines for the life of the subject development.

Such APZ may be implemented as 'managed land' where by the required minimum width of 10 metres is provided as one or a combination of the following:

- (a) The existing grassland vegetation is maintained in a low fuel condition by regularly mowing to achieve a nominal height no greater than 100 mm; and/or
- (b) Maintained lawns.

The APZ shall be established prior to the issue of the buildings Occupation Certificate(s).

{Reason: Council requirement in consideration of the Planning for Bush Fire Protection 2006 guidelines to assist in the protection of the development's infrastructure from grassland fires}

(26) The water storage tank servicing the proposed Site Maintenance building shall have a minimum storage of 10,000 litres of water. The water storage tank shall meet the following requirements:

- (a) For an under-ground storage tank:
 - (i) Unobstructed access provided directly to the storage for fire-fighting appliances;
 - (ii) A hardened surface for truck access is provided within 4 m of the access hole;
 - (iii) An access hole of at least 200 mm provided in the lid of the storage tank;
- (b) For an above-ground storage tank:

- (i) A 65 mm Storz outlet with a metal gate or ball valve and blanking cap provided at the lowest possible point;



- (ii) The tank is to be of concrete or metal construction (plastic or fibreglass is not acceptable);
- (iii) The tank and its Storz outlet must be located so that it is accessible by fire-fighting units and personnel;
- (c) All above-ground water piping external to the building to be metal, including taps; and
- (d) The water pressure pump(s) is to be shielded from direct heat and flame contact.
{Reason: Requirement of 'Planning for Bush Fire Protection 2006' guidelines for adequate water supply for fire-fighting}
- (27) Landscaping with a minimum mature height of three (3) metres utilising deep rooted, water tolerant, native plant species endemic to the Dubbo local area shall be provided around the perimeter of the development as shown on the stamped approved plans, and maintained for the life of the project. Council's Parks and Landcare Division should be consulted on the type of species chosen.

Such landscaping shall at a minimum be undertaken progressively in stages to correlate with the construction of adjacent solar panel(s). In this regard, landscaping shall be completed prior to the issue of the Occupation Certificate for the adjacent solar panel(s).
{Reason: To improve the amenity of the development and to minimise the impact of glare to neighbouring property and roadways}

- (28) A separate application for any proposed onsite advertising/signage shall be submitted to Council if such signage does not comply with Part 2, Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
{Reason: To ensure onsite advertising/signage is appropriate for the site and the locality}
- (29) The developer shall ensure the mitigation measures as outlined on page 34 of the Statement of Environmental Effects are undertaken during construction and operation of the development to ensure the continued protection of local flora and fauna.
{Reason: To ensure local flora and fauna is protected in accordance with that proposed}
- (30) Prior to the issue of an Occupation Certificate, a suitable easement shall be provided for the overhead powerlines located within the property to serve the existing dwelling. Evidence of registration of such easement with the NSW Land Property Information shall be provided to Council prior to the issue of an Occupation Certificate.
{Reason: Requirement of Essential Energy to ensure legal access to the electricity supply on the property}

NOTES:

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of the proposed structures.
- (2) The proposed structures shall not be occupied or used until the appointed Principal Certifying Authority (PCA) has first issued an Occupation Certificate.
- (3) If Council is engaged to act as the Certifying Authority for the Construction Certificate application(s) the following shall be included with such application(s):

Site Maintenance Building

- (a) Type and location of required portable fire extinguishers;
- (b) Specifications detailing the proposed building's compliance with the relevant provisions of Section J *Energy Efficiency* of the BCA;
- (c) Details demonstrating the provision of disabled access to and within the subject Site Maintenance building as required by the BCA and Access Code; (if deemed-to-satisfy solution utilised); or otherwise any exemption relied upon under clause D3.4, or an alternative solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
- (d) Details demonstrating that a continuous accessible path of travel for disabled persons is provided from the allotment boundary at a point of entry from Sheraton Road, to the doorway at the entrance floor and through the principle pedestrian entrance of the Site Maintenance building (if deemed-to-satisfy solution utilised). Otherwise, details of any exemption relied upon under clause D3.4, or an alternative solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;

- (e) Details demonstrating the provision of a unisex disabled accessible toilet to the Site Maintenance building (if deemed-to-satisfy solution utilised); or otherwise any exemption relied upon under clause D3.4, or an alternative solution prepared under Part A0 of the BCA to address the applicable Performance Requirements under the BCA and Access Code;
- (f) Plans indicating compliance with AS 1428.1-2009 as adopted by the BCA and Access Code with respect to the applicable design of the Site Maintenance building and any required disabled accessible sanitary compartment. Attention should also be given to the following aspects under the BCA and AS 1428.1-2009, and be appropriately detailed where required, in any submitted plans/specifications:
 - Doors having a clear unobstructed width of at least 850 mm (clause 13.2, AS 1428.1). Note: designers should take particular care with respect to the nominal door width that is specified, as council has observed some 920 mm doors fail to achieve compliance;
 - Door controls (clause 13.5, AS 1428.1);
 - Luminance contrast at doorways (clause 13.1, AS 1428.1);
 - Luminance contrast to vision strips on glazed doors and side panels (clause 6.6, AS 1428.1);
 - Luminance contrast to toilet seats (clause 15.2.3, AS 1428.1);
 - Floor and ground surfaces having tolerances as specified under section 7, AS 1428.1;
 - Tactile ground surface indicators (TGSIs) under BCA clause 3.8 and provided with a luminance contrast as specified under clause 2.2 of AS/NZS 1428.4.1;
 - Signage as specified under section 8 AS1428.1 and BCA clause D3.6;
 - Electrical switches (clause 14.2, AS 1428.1);
- (g) Occupancy calculations for the proposed building;
- (h) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian Standards that the design complies with, including its design wind load parameters and site reactivity classification and design;
- (i) Submission of a list of all proposed essential fire safety measures applicable to the building; and
- (j) Details of the water storage tank servicing the Site Maintenance building.

PV Module Structures

- (k) All structural details including specifications and design drawings and statement(s)/certificate(s) by the design engineer stipulating the Australian Standards that the module support structure and footing design complies with, including its design wind load parameters.

- (4) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

- (5) The development shall be carried out in accordance with Essential Energy's correspondence dated 31 May 2016 (copy attached).

RIGHT OF REVIEW AND APPEAL:

Right of Review: Section 82A of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

Note: Pursuant to s82A(4) a Council is not obligated to accede to a request for review.

Right of Appeal: Section 97 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six months after the date on which you receive this Notice.