

**NOTICE OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

issued under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

University of New England
C/- Facilities Management Services
UNIVERSITY OF NEW ENGLAND NSW 2351

DEVELOPMENT APPLICATION NO: DA-137-2017

LAND TO BE DEVELOPED

PROPERTY ADDRESS: 303 Cluny Road ARMIDALE NSW 2350

LEGAL DESCRIPTION: Lot 478 in DP755808, Lot 794 in DP755808 and
Lot 796 in DP755808

PROPOSED DEVELOPMENT

(This consent is issued in respect of the following matters)

DEVELOPMENT DESCRIPTION: Solar Farm and Associated Infrastructure

BUILDING CLASSIFICATION: Class 10b

DETERMINATION: Drafted

MADE ON: Drafted

CONSENT TO OPERATE FROM: Drafted

CONSENT TO LAPSE ON:

(If development is not physically commenced by
this date)

CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-137-2017

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

PRESCRIBED CONDITIONS

For the purposes of section 80A (11) of the Act, the following conditions are prescribed condition of development consent:

136A EP&A Regs 2000: Compliance with Building Code of Australia

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).
- (3) In this clause, 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:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

NOTE: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

GENERAL CONDITIONS

1. To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Armidale Regional Council approval stamp); and all other documents submitted with the application, and subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

Plan Drawer	Plan Numbers / Revision	Date
Aurecon	Drawing No. 251025-0000-DRG-EG-0010, Rev. D (Solar Farm Layout)	25/10/2017
Aurecon	Drawing No. 251025-0000-DRG-EG-0011, Rev. A (Property Setbacks)	24/10/2017
Aurecon	Drawing No. 251025-0000-DRG-EG-0045, Rev. A (Development Application Details)	24/10/2017

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. Existing trees on the site are to be retained and protected from damage during work on the site, (with the exception of the nine eucalyptus trees identified for removal on Drawing No. 251025-000-DRG-EG-001, Rev. A, Prepared by Aurecon 24/10/2017), to maintain the visual amenity of the locality and no buildings constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

Approved tree removal shall be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.

4. Prior to the commencement of construction, the decommissioning of the development or the cessation of operations for each stage, the applicant must notify Armidale Regional Council in writing of the date of commencement or cessation (whichever is relevant).

CONDITIONS REQUIRING ACTION BEFORE CONSTRUCTION WORKS COMMENCE

5. The applicant must ensure that all new structures are constructed in accordance with the relevant requirements of the Building Code of Australia. A structural engineer is required to design the footings for all new structures.
6. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *“Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004”*, shall be completed prior to works commencing on the site. The ESCP controls shall be implemented and inspected by a suitably qualified/experienced person prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:
 - Provision for the diversion of run-off around disturbed areas;
 - Location and type of proposed erosion and sediment control measures;
 - Location of and proposed means of stabilisation of site access;
 - Approximate location of site sheds and stockpiles;
 - Proposed staging of construction and ESCP measures;
 - Clearance of sediment traps on a regular basis and after major storms;
 - Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
 - Standard construction drawings for proposed erosion and sediment control measures.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

7. The discharge of stormwater is to be controlled to ensure that post-development flows do not exceed pre-development flows. The stormwater solution is to be designed by a suitably qualified engineer to prevent nuisance to adjoining land.

ADVISING: Approval from the Department of Primary Industries – Water may be required if it is proposed to discharge stormwater directly into the existing waterway which passes through Lots 478 and 796 in DP755808.

8. Prior to works commencing a detailed Construction Management Plan is to be prepared for the site, in consultation with Armidale Regional Council, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all on-site construction and work. This plan shall include, as a minimum, provision for:
 - Off-street parking for employees, contractors, sub-contractors and visitors to the site.
 - Site access for construction vehicles and equipment.
 - Storage and removal strategies for construction wastes.
 - Construction Traffic Management Plan. The plan is to include:
 - Details of the transport route to be used for development-related traffic;
 - The origin, destination, number, loads, weights and lengths, frequency, including

peak and daily traffic volumes and destination of vehicles accessing/exiting the site;

- A protocol for undertaking dilapidation surveys to assess the:
 - existing condition of Clarks Road prior to construction or decommissioning activities; and
 - condition of Clarks Road following construction or decommissioning activities.
- A protocol for the repair of any roads identified in the dilapidation surveys to have been damaged during construction, upgrading or decommissioning works;
- Details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction, upgrading or decommissioning works, including:
 - Temporary traffic controls, including detours and signage;
 - Notifying the local community about development-related traffic impacts;
 - Scheduling of haulage vehicle movements to minimise convoy length or platoons;
 - Responding to any emergency repair or maintenance requirements; and
 - A traffic management system for managing over-dimensional vehicles.
- Provision of sanitary amenities and ablution facilities for employees.
- Fire precautions during construction.
- Dust suppression.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
- Public footpath being protected from any paint spillages or other damage while work is being carried out.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Location of all public utility facilities and methods of protecting them
- Method of support to any excavation adjacent to adjoining properties, or the road reserve.

Following approval, the applicant must implement the plan.

[Page 6 of 11](#)

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9. For all construction work required on Council road reserves (e.g. vehicular footpath crossings, utilities and stormwater work, footpath paving, kerb and gutter etc.), the applicant is to submit an application to Council as the roads authority pursuant to Section 138 of the Roads Act, 1993 and obtain approvals for all such proposed work. These application(s) must be approved prior to works commencing on Council road reserves, to ensure that pedestrian and vehicular safety during construction has been addressed and that the work meets Council's relevant Engineering Code and other design standards for work in road reserves.

The proposal which will involve work/activity over public land, is to be protected by public liability insurance with a minimum cover of \$10 million, or such other amount as may be advised by Council.

10. Prior to works commencing (or any identified koala feed trees being removed), a landscape plan must be prepared in consultation with Armidale Regional Council (including discussions with those who made submissions) which shows:

- a) Planting capable of providing an effective screen to improve the visual amenity for adjoining land to the north. To this end the plan must take into consideration the land topography between Stages 1 and 2 and existing dwellings located at 128 Kirby Road, Armidale and 187 Clarks Road, Armidale; and
- b) Adequate compensation for the removal of nine koala feed trees from within Lot 794 in DP755808. For every one koala feed tree removed, five koala feed trees must be planted.

The landscape plan must detail:

- Name and number of species (with preference on the use of native varieties).
- Height of species at planting.
- Height and spread of species at maturity.
- Method of site preparation and maintenance, to ensure likely survival of plant stock.
- Monitoring program to detect and replace dead or unhealthy plant stock.

Such plan and the preferred option for the visual screening of the development is to be agreed upon during consultation between the Applicant and Council.

11. Obtaining of any necessary approvals from the Department of Primary Industries – Water in relation to works within proximity to the existing waterway located on Lots 478 and 796 in DP755808.

DURING CONSTRUCTION WORKS

12. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. A suitably qualified consultant shall:
- identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).

13. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

14. The hours of building work on the development site are to be restricted to between 7.00am and 6.00pm on Monday to Saturday and only non audible building works are permitted between 8.00am to 1.00pm on Sundays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

15. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

16. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) - Temporary fencing and hoardings and be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

17. The development must be carried out in accordance with Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

BEFORE COMMENCEMENT OF OPERATION

18. Prior to the commencement of the operation of the solar farm, the planting associated with the landscape screen (as approved under Condition 10 of this consent) must be planted in accordance with the approved plan.
19. The undertaking of compensatory planting of koala feed trees, as approved under Condition 10 of this consent. The planting must be undertaken upon removal of the trees, irrespective of whether removal occurs during Stage 1 or 2 works. The required compensatory planting must be undertaken in accordance with the approved plan prior to the commencement of operation. Furthermore, a title restriction must be created and registered on land which compensatory planting is to occur in order to protect the new koala feed trees in-perpetuity.
20. Following construction, the applicant must:
 - a) Restore the ground cover of the site as soon as practicable, using suitable species; and
 - b) Maintain ground cover.
21. All security fencing is to incorporate scratch barriers to ensure that fencing containing barbed wire is clamber proof. This is to prevent the potential entanglement of koalas.

OPERATIONAL CONDITIONS

22. 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) All vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - d) Vehicles leaving the site are in a clean condition and do not result in dirt being tracked onto the public road network.
23. In the event the solar farm is decommissioned, all decommissioning works, including site rehabilitation, are to be undertaken in accordance with the Statement of Environmental Works prepared by Aurecon (Ref. 251025, Rev. 2, 10 August 2017).
24. Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.
25. The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or decommissioning of the development, including weed control.
26. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm. Plant stock must be replaced, whenever necessary, to ensure the screen continues to act as an effective visual barrier.

27. The applicant must:

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

28. The applicant must:

- a) Store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: The storage and handling of flammable and combustible liquids, or its latest version; and
- b) Minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

ADVISING

Note 1

In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Office of Environment and Heritage) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

Note 2

In the event that any relics, being any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance,

are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Regional Council, of the find and await further advice before proceeding with the development.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979: N/A

General terms of other approvals integrated as part of this consent: N/A

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees Council will review the determination under the provisions of Section 82A. *Note: Section 82A of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a Designated Development, Integrated Development or Crown Applications.*

John Goodall

Program Leader – Building and Development

Date: Drafted