

APPENDIX 2

DRAFT CONDITIONS OF CONSENT DA 20/2017

General

1. The design, construction, layout and management of the proposed development is to comply with the following documents;
 - i) Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017, Ref 2016.276 prepared by KMH Environmental.
 - ii) Plan dated 12/4/2017 Ref PEA-15-116-320, Project: Leeton PV Plant, Part: System Layout, Drawing Title: PV Array Layout.
2. All building works shall be carried out in accordance with the Building Code of Australia.
3. Temporary use structures shall be placed on-site in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Division 3, Subdivision 3.
4. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 7:00am to 4:00pm except as noted in Clause 'b'

- a) No work is permitted on Sundays and Public Holidays
 - b) No work is permitted on Saturdays when a public holiday is adjacent to that weekend, construction industry awarded rostered days off or on Construction industry shutdown long weekends.
5. All shipping containers installed on-site and used as permanent means of storage shall comply with the following:
 - i) Containers must not be located over water, wastewater or stormwater mains or dedicated drainage easements.
 - ii) Containers must not be located over gas lines or underground power lines.
 - iii) Setbacks to overhead power lines must comply with the requirements of the relevant electricity authority.
 - iv) Containers must be screened from the streetscape by suitable vegetation or other appropriate screening.
 - v) Containers must be painted a neutral colour to blend with the surrounding natural environment and built structures.
 - vi) Containers must be placed on flat, solid ground. Any associated earthworks (cut & fill) must be in accordance with Subdivision 15 – 'Earthworks and retaining walls' of Division 1 of the Codes SEPP.
 - vii) Containers must not be stacked.
 - viii) Containers must not contain sanitary facilities.

- ix) Containers must not be used to store contaminated or hazardous materials.
6. The development is to be managed to ensure that post development drainage flow rates must not exceed pre-development flow rates.
- All surface drainage water is to be managed via existing drainage points into Murrumbidgee Irrigation Ltd drainage assets. Murrumbidgee Irrigation Ltd have advised that all allotments created from Farm 2157 have one common drainage point of no more than 225mm for all blocks.
7. A Decommissioning Plan is to be submitted to Council within eighteen (18) months from the issue of the Occupational Certificate and is to include the matters listed under B6 of Section 5.2.3 Mitigation Measures – Construction and Decommissioning on page 36 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.
8. The development is to be provided with a water supply appropriate to the operation of the development and use of the site.
9. The development is to be provided with electricity supply appropriate to the operation of the development and use of the site.
10. The existing trees located along the southern boundary with Grevillia Road are to remain and be incorporated into the vegetation screening area.
11. The development is to comply with any requirements NSW Planning for Bush Fire Guidelines (NSW Rural Fire Service 2006) and be implemented in accordance with Section 5.11.3 Mitigation Measures – Bushfire on page 56 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.

Pre-construction/Prior to the Issue of a Construction Certificate

12. No activity is to be carried out on site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and/or
 - b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
13. All Construction Certificates for building/development works are to be issued by a Principal Certifying Authority appointed by the proponent prior to the commencement of any building works.
- The Principal Certifying Authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.
14. Prior to the issue of any Construction Certificate a practicing structural engineers design and certification of the solar panel steel framework shall be submitted to the Certifying Authority.
15. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

16. Site security and public access is to comply with the NSW WorkCover publication titled, 'Site Security and Public Access onto Housing Construction Sites' and all site security and public access measures are to be installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

17. A sign is required to be erected in a prominent position on the work site on which building work is being carried out. The sign shall indicate:

- a) The name, address and telephone number of the Principal Certifying Authority for the work;
- b) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.

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

18. Temporary closet accommodation are to be provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or a temporary connection, by a licensed plumber and drainer, to Council's sewer where available.

19. The following Critical Stage Inspections are required to be carried out by the Principal Certifying Authority to enable the issue of an Occupation Certificate:

- a) After each building/development work has been completed and prior to any occupation certificate being issued in relation to the building work.

48 hours prior notice for all of the above inspections (where applicable) shall be given.

20. A Construction Environmental Management Plan is to be submitted to Council prior to the issue of any Construction Certificate and is to include the matters listed in Section 5 the document known as Leeton Solar Farm Statement of Environmental Effects, Photon Energy, dated February 2017 prepared by KMH Environmental and is to include the following plans;

- i) A Ecological Works Method Statement to include the matters listed under B4 of Section 5.2.3 Mitigation Measures – Construction and Decommissioning on page 36 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.
- ii) An Operational Environmental Management Plan to include the matters listed under B1, B2, B3 and B4, of Section 5.2.3 Mitigation Measures – Construction and Decommissioning on page 36 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.
- iii) The Operational Management Plan is also to provide protocols to lessen the potential to cause disturbance threatened birds within the Fivebough Wetlands though the creation of any vibration, noise or lighting.
- iv) A Noise Management Plan to include the matters listed under N1, N2 and N3 of Section 5.3.4 Mitigation Measures – Construction and Decommissioning on page

44 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.

- v) An Erosion and Sediment Control Plan to include the matters listed under S1, S3, S4, S5, S6 and S7 of Section 5.4.3 Mitigation Measures – Construction and Decommissioning on page 46 and matters listed under SWW2, SGW3, SGW4 and SGW5 of Section 5.9.3 on page 52 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.

The Plan is also to address the remediation through establishment of suitable vegetation of any bare ground resulting from land forming or construction activities.

No soil materials from the site are permitted to be tracked onto Fivebough Road by vehicles leaving the site. Should this occur measures are to be implemented to remove any dust/mud from Fivebough Road deposited by vehicles leaving the site.

- vi) A Construction Traffic Management Plan to include the matters listed under T1, T2 and T3 of Section 5.5.3 Mitigation Measures – Construction and Decommissioning on page 47 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.

The Construction Traffic Management Plan is to also include the following matters;

- a) Accesses shall be located and maintained so as to comply with the required Safe Intersection Sight Distance (SISD) in either direction or in accordance with the Austroads Publications as amended by the RTA supplements for the prevailing speed limit. The intended method of compliance with this requirement shall be submitted to Council for approval prior to issue of any Construction Certificate.
- b) A 'Rural' type vehicular access is to be provided for the development off Fivebough Rd. This will require construction of a new access for the allotment or the widening and upgrading of the existing access to the allotment in accordance with Council's Specification for 'Construction of Rural Type Access'.
- c) Any access gate and associated fencing shall be located at least the length of the design vehicle plus four (4) metres from the edge of the carriageway or at the property boundary, whichever is the greater. Details are required prior to the issue of any Construction Certificate
- d) Prior to any Construction Certificate being issued details of off street car parking associated with the construction/decommission phase of the development is to be provided.
 - a) A minimum of Twenty (20) spaces for Staff Parking and a minimum of Two (2) for Visting Parking are to be provide.: Two (2) spaces minimum.

Any parking required in excess of this are to be catered for on site.

- e) The developer is to provide sufficient area on site for loading and unloading of vehicles which will also allow for turning paths of servicing vehicles.
- f) The proposed development shall provide and maintain sufficient area on site to allow for the storage of all vehicles intending to access the site. At no time

shall vehicles be required to queue on Fivebough Road. Details are required prior to the issue of any Construction Certificate.

- g) The developer is to provide a manoeuvring area of adequate size for the design vehicle so that ingress to the site and egress from the site is in a forward direction. Details are required prior to the issue of any Construction Certificate.
 - h) An approval from Council pursuant to Section 138 of the Roads Act 1993 to carry out work, construct/alter vehicle crossovers and the installation of kerb and gutter and concrete footpath or any other structures within the road reserve for this development is required prior to issue of any Construction Certificate. This application must be accompanied by engineering design plans, reports, calculations and any other relevant documents.
 - i) All development works undertaken on public land or assets must be done so by suitably experienced contractors acceptable to Council. They must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
 - j) Any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.
 - k) All works undertaken in carrying out the development shall comply with Work Health and Safety Act 2011 and Regulations and Safe Work NSW Guidelines codes of practice as well as Safe Work Australia. Traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3 and the RMS current version of the Traffic Control at Worksites manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.
- vii) A Waste Management Plan to include the measures listed under Section 5.10.3 Mitigation Measures – Construction and Decommissioning on page 54 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.
21. The management of any Aboriginal object identified on the site whilst undertaking the Construction or Decommissioning stage to comply with the protocols listed under Section 5.7.3 Mitigation Measures – Construction and Decommissioning on page 49 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.
22. The management of any non Aboriginal object identified on the site whilst undertaking the Construction or Decommissioning stage to comply with the protocols listed under Section 5.8.3 Mitigation Measures – Construction and Decommissioning on page 50 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.
23. During construction air quality is to be maintained and monitored in accordance with the protocols specified under Section 5.12.3 Mitigation Measures – Construction and Decommissioning on page 57 of the document known as Leeton Solar Farm Statement

of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental.

Prior to Issue of Occupation Certificate

24. An Operational Environmental Management Plan is to be submitted to Council prior to the issue of an Occupation Certificate and is to include the matters listed under B7 and B8 of Section 6.3 Summary of Mitigation Measures on page 62 of the document known as Leeton Solar Farm Statement of Environmental Effects Photon Energy, dated February 2017 prepared by KMH Environmental and is to also include the following Plans;

- i) A Fauna Monitoring Plan that establishes strategies for the monitoring, management and mitigation of potential impact of the development on fauna. The Plan is to record the monitoring of any fauna strike events resulting in the injury or death of any fauna, any increase in numbers of fauna frequenting the site, any event on the site that has the potential to impact fauna and a record of any action employed on the site to deter or protect fauna.

A copy of these records is to be lodged annually to LSC for the life of the development.

The Fauna Plan is to establish protocols that are to be implemented should an event occur that involves injury or death to any threatened or endangered fauna species. The protocols are to establish the requirement for the immediate reporting of such an event to LSC and the NSW Office of Environment and Heritage, a report detailing any possible mitigating factors (changes in climate, environment or operation) and the range of mitigation measures proposed to be taken to deter future events involving any threatened or endangered fauna species.

- ii) A Waste Management Plan for the management of all solid and liquid wastes generated by the development during its operational stage.
- iii) A Noxious Weeds Management Plan for the management of noxious weeds on the site of the proposed development.

25. Photon Energy, or the owner of the development at the time, to undertake all necessary mitigation measures, such as a minimum 1.8 metre high colourbond fence consistent with typical fencing in a residential development, should these works be necessary to maintain a suitable visual aspect from the following existing allotments in the event that these allotments are subject to future residential development;

Lot 638	DP 704408
Lot 1	DP 858247
Lot 2	DP 858247
Lot 2	DP 832791

26. In accordance with Leeton Shire Council Section 94A Fixed Levy Plan a development contribution of \$240,000 applies to this development.

Payment of this development contribution is to be paid to Council either;

In full prior to the issue of the Occupation Certificate, or
In accordance with a signed Voluntary Planning Agreement, prepared by Photon Energy, that is submitted and agreed to by both LSC and Photon Energy before the Occupation Certificate is issued, under which Photon Energy is required to pay an minimum annual monetary contribution for a maximum period of time so that at the cessation of the agreement a minimum amount of \$240,000 has been paid to LSC.

Any Voluntary Planning Agreement is to be prepared in accordance with the requirements of Part 4 Division 6, Subdivision 2 of the Environmental Planning and Assessment Act 1979 and Clause 2.13 of the Leeton Shire Council Section 94A Fixed Levy Plan.

27. A Landscape Management Plan is required to be submitted for the establishment of a vegetation screening border to be established immediately adjacent to the full length of the western and southern boundaries. The vegetation screening border is to be a minimum of 3m, consisting of dense at a suitable density to effectively screen the development from the west and southern aspects. The selected plantings are to include suitable quick growing, non deciduous plants that have maximum mature height of 3-4m. The plan is to include details on any proposed watering systems, maintenance, replacement of dead trees etc. The developer will be required to establish the vegetation screening plantings along the full length of the western and southern boundaries prior to the issue of an Occupation Certificate and will be required to maintain the vegetation screen for the life of the development.

Should the site also be used for the grazing of sheep for the control of weeds and long grass, the vegetation screening border is to be protected from gazing by the sheep to prevent the vegetation border from being reduced.

The Landscape Management Plan is to also incorporate measures to further address any visual impacts from the development once established to the following properties and areas that may be required in addition to the above landscaping requirements, should the visual impacts of the development warrant future visual mitigation works;

145 Fivebough Road Leeton.

95 Grevillia Street Leeton.

124 Grevillia Street Leeton.

To vehicle traffic along Fivebough Road.

28. Prior to any Occupation Certificate being issued the gated access to Grevillia St shall be fenced across so that it prohibits vehicular access from this location. This access is not to be used during construction activities.