

## **APPENDIX 1 – DRAFT CONDITIONS OF CONSENT**

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### **SCHEDULE B ADMINISTRATIVE CONDITIONS**

#### **Development Description**

1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule A.

#### **Development in Accordance with Plans**

2. The Applicant shall carry out the development generally in accordance with the:
  - a) Statement of Environment Effects dated April 2018; and
  - b) Environmental Planning and Assessment Act and Environmental Planning Instruments (where applicable), the Local Government Act, the Plumbing and Drainage Act and other applicable statutory codes or legislation
  - c) Following drawings, except for any modifications:
    - i) Which are Exempt' or Complying Development;
    - ii) Otherwise provided by the conditions of this consent.

<b>Drawings prepared by SMK Consultants</b>			
Drawing No.	Revision	Name of Plan	Date
		Site Plan	

#### **Inconsistency Between Documents**

3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of any inconsistency. However, conditions of this approval prevail over endorsed plans and documents. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

#### **Limits of Approval**

4. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

## **SCHEDULE C**

### **PERFORMANCE CONDITIONS**

#### **BEFORE COMMENCEMENT OF WORKS**

##### **Construction certificate required**

5. Prior to commencement of any works, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate all relevant conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any works.

*(Reason: Statutory requirement)*

##### **Utility Services**

6. Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

*(Reason: Protection of infrastructure)*

#### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

##### **Section 7.12 Development Contributions**

7. In accordance with Division 7.1 of Part 7 of the Act, the Applicant shall pay the following section 7.12 (formerly section 94A) monetary contributions:
- a) \$60,000.00, being 1% of the cost of carrying out the development as determined by the Council in accordance with Act and Regulations
  - b) The contribution shall be paid in the form of cash or bank cheque, made out to Moree Plains Shire Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
  - c) The contributions will be adjusted in accordance with the requirements of the Moree Plains Development Contributions Plan 2006.

*(Reason: To contribute to the overall level of public services needed as a result of new developments)*

##### **Prescribed conditions of development consent**

8. In accordance with the Act, the following conditions are prescribed for development that involves building work:
- a) That the work must be carried out in accordance with the requirements of the National Construction Code,
  - b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of

that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

*(Reason: Statutory requirement)*

### **Long Service Levy**

9. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

*(Reason: Statutory requirement)*

### **Footing System Requirements - General**

10. The Applicant shall provide the Certifying Authority with detailed design drawings for the footing system certified by a practising structural engineer as compliant with the relevant sections of Part 3.2 'Footings and Slabs' of the BCA prior to the issue of a Construction Certificate.

The footing system shall be designed for an 'E-D' (Extremely reactive clay sites which can experience extreme deep-seated ground movement from moisture changes) class site in accordance with Part 3.2.4 'Site classification' of the BCA unless accompanied by a detailed Site Classification Report from an appropriately qualified and accredited professional.

*(Reason: Structural safety)*

### **Structural Adequacy Certificate**

11. The Applicant shall provide the Certifying Authority with certification from a practicing structural or civil engineer with relevant experience in flooding that the proposed development can withstand the expected flood velocities, including scour, debris and buoyancy forces prior to the issue of a Construction Certificate.

*(Reason: Structural safety and floodplain risk management)*

12. All sensitive equipment and the solar panels shall be located a minimum of 350mm above the Probable Maximum Flood (PMF).

*(Reason: Floodplain risk management)*

### **Flood compatible materials**

13. Materials used for structural and operational purposes and located below the PMF must be capable of resisting damage, deterioration, corrosion or decay taking into account the likely time the material would be in contact with flood water and the likely time it would take for the material to subsequently dry out.

*(Reason: Floodplain risk management)*

*Note: Materials used for structural purposes include loadbearing columns, bracing members, structural connections, fasteners, wall framing members and the like. Operational purposes include wiring, control devices and the like.*

### **Site Environmental Management Plan**

14. A site environmental management plan (SEMP) shall be submitted to Council for endorsement prior to the issue of a Construction Certificate. The SEMP shall address, at minimum, the following issues:
- a) Construction:
    - i) Disposal of wastes (noting any potential limitations on cross-border waste disposal)
    - ii) Source and type of any imported fill
    - iii) Dust management
    - iv) Erosion and sedimentation controls
  - b) Operation:
    - i) Noise management
    - ii) Dust management
    - iii) Weed and vermin management
    - iv) Land management including vegetation management
    - v) Flooding and debris issues
    - vi) Proposed methods of remediation at the cessation of the development
  - c) Post-Development
    - i) Monitoring and mitigation measures for future rehabilitation remedial actions

*(Reason: Environmental protection)*

### **Fence Design**

15. The security fence design shall incorporate the following features:
- a) The lower section of the fence and gates from ground level to at least the height of the 1% AEP event shall remain open, with the exception of steel bars which may be installed at spacings of 200mm;
  - b) Chain mesh fencing material may be installed above the heights of the requirements of sub-clause a) above, to the preferred design height, with a minimum mesh diamond size of 100mm;
  - c) Details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

*(Reason: Floodplain risk management)*

## **Public road condition**

16.

- a) The applicant shall undertake a dilapidation report on Kentucky Road prior to the issue of a Construction Certificate. The dilapidation report shall be produced by an independent road assessor with input from a local resident representative and Moree Plains Shire Council.
- b) Any required works needed to facilitate construction access shall be undertaken prior to construction commencement while any works required to bring the road to the same or better standard than pre-construction shall be conducted post construction and verified by the independent road assessor.
- c) The applicant shall contact NSW Crown Lands to make any necessary arrangements for any works.
- d) Any works needed are to be at the sole cost of the proponent.

*(Reason: Public road maintenance)*

*Note: Council can provide advice on appropriate reporting/auditing methodologies for gravel road assessment as they are not commonly assessed.*

## **DURING CONSTRUCTION**

### **Erosion and Sediment Control**

17. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

*(Reason: Environmental protection)*

### **Toilet facilities**

18. 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:

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

*(Reason: Health and amenity)*

### **Approved Plans to be on-site**

19. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

*(Reason: To ensure compliance with approved plans)*

### **Site Notice**

20. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) Showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) 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
  - c) Stating that unauthorised entry to the work site is prohibited.

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

*(Reason: Statutory requirement)*

### **Maintenance of site**

- 21.
- a) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
  - b) Waste materials must be disposed of at a waste management facility.
  - c) The work site must be left clear of waste and debris at the completion of the works.

*(Reason: To ensure that building and any other site works are undertaken in a manner which will be non-disruptive to the local area.)*

### **Source and content of imported fill**

22. The person responsible for importing fill to the site shall provide validation by way of a statutory declaration confirming the source and content of the fill to ensure that it is suitable for the proposed land use and free from contamination. Details are to be provided to Council prior to the pouring of any slab or footings.

*(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)*

### **Requirements for General Utilities – flood hazard areas**

- 23.
- a) Utilities and related equipment must not be placed below the PMF unless they have been designed specifically to cope with flood water inundation.
  - b) Buried systems must be placed at a depth sufficient to prevent damage due to scour and erosion during the PMF
  - c) Exposed systems must be designed to withstand the flood related actions (buoyancy, flow, debris and wave).

*(Reason: Floodplain risk management)*

### **Requirements for Electrical Utilities – flood hazard areas**

24. Unless the electrical supply authority determines otherwise-
- a) Electrical switches must be placed above the PMF
  - b) Electrical conduits and cables installed below the PMF must be waterproof or placed in waterproof enclosures.

*(Reason: Floodplain risk management)*

### **BEFORE OCCUPATION CERTIFICATE**

#### **Occupation certificate required**

25. Occupation or use of the whole or any part of a new building shall not commence unless an occupation certificate has been issued by the Certifying Authority. The final occupation certificate shall not be issued until such time as all relevant conditions of the development consent have been complied with.

*(Reason: Statutory requirement)*

#### **Road Addressing**

26. The applicant shall apply to Council for written confirmation of the allocated road address for the development. These allocated road address shall be displayed at the property in accordance with the requirements of AS/NZS 4819 – Geographic information – Rural and urban addressing.

*(Reason: Statutory requirement)*

#### **Public Road Condition**

27. The applicant shall be responsible for restoring Kentucky Road to its previous condition or better following the construction of the proposed solar farm development. Restoration works require the concurrence of NSW Crown Lands prior to commencement.

*(Reason: Public road maintenance)*

#### **Post-development remediation**

28. The applicant shall make payment of a remediation bond or bank guarantee, payable annually for the life of the development so that the bond or value of the bank guarantee equals the remediation cost at the end of the design life. The remediation bond shall be costed in today's dollar value and indexed over the design life using the Consumer Price Index (CPI). The applicant shall submit a fully costed remediation assessment to Council prior to the issue of an Occupation Certificate.

The bond is to be held in a trust account and would be released by the Council on the satisfactory remediation of the land in accordance with the approved remediation plan. Any bank guarantee is to be made out irrevocably to Moree Plains Shire Council, and would be released by Council on the satisfactory remediation of the land. At the discretion of the Council, a bond may be replaced by a bank guarantee.

*(Reason: Site remediation)*

## **ONGOING USE OF THE DEVELOPMENT / LAND**

### **Loading and Unloading**

29. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.

*(Reason: Safety and amenity)*

### **Obligation to minimise harm to the environment**

30. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Development.

*(Reason: Environmental protection)*

### **Operation of plant and equipment**

31. The Applicant shall ensure that all plant and equipment used for the Development is:

- a) Maintained in a proper and efficient condition; and
- b) Operated in a proper and efficient manner.

*(Reason: Neighbourhood amenity)*

### **Dust Management**

32. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated during the construction, operation and decommissioning of the Development.

*(Reason: Environmental protection and neighbourhood amenity)*

### **Pest, Vermin & Noxious Weed Management**

33. The Applicant shall:

- a) Implement suitable measures to manage pests, vermin and declared noxious weeds on site; and
- b) Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, including grassfire hazard, or cause the loss of amenity in surrounding area.

*Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.*

*(Reason: Environmental protection)*

### **Overland water flows**

34. The applicant shall ensure that the development will not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems.

*(Reason: Health and amenity)*



## **Bushfire Protection**

35. The development shall maintain a 10m APZ, which will comprise of 10m of Inner Protection Area (IPA).

The APZ shall be maintained to ensure fuel load is minimised, through measures such as mowing and spraying of grasses and weeds. The APZ must be maintained within the boundaries of the development property (i.e. within Lot 1, DP 1236244) in accordance with the NSW Rural Fire Service document 'Planning for Bush Fire Protection 2006'.

*(Reason: Protection from bushfire)*

## **AT COMPLETION OF USE OF THE DEVELOPMENT / LAND**

### **Post-development remediation**

36. As part of the Site Environmental Management Plan (SEMP), a Rehabilitation and Decommissioning/Closure Plan must be prepared and submitted for approval by Council. The plan must include rehabilitation objectives and strategies, including:
- a) Description of the design criteria of the final landuse and landform;
  - b) Indicators to guide the return of the land back to agricultural production;
  - c) Expected timeline for the rehabilitation program;
  - d) Management controls regarding decommissioning and removal of all solar arrays,
  - e) Above and below ground infrastructure and any structures or infrastructure relating to the solar energy works, upon cease of solar energy works;
  - f) A commitment to remove all solar farm infrastructure including materials located below the land surface.

All works shall follow the same management principles outlined in the SEMP.

*(Reason: Site remediation)*