

Appendix B – Recommended Conditions of Consent

PRIOR TO WORK COMMENCING

Construction Certificate

- 1) The approved development which is the subject of this development consent must not be commenced until:
 - a) A construction certificate has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
 - b) The person having the benefit of the development consent has;
 - i) Appointed a Principal Certifying Authority for the building work, and
 - ii) Notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
 - c) The principal certifying authority has, no later than 2 days before the building work commences;
 - i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii) Notified 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, and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) Notified the Principal Certifying Authority of any such appointment, and
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.

Toilet Facilities

- 2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected to a public sewer, or
 - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - d) If connection to a public sewer is not practicable, portable toilets which are installed securely, with a lockable door, lighting and ventilation.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Site Signage

- 3) The Proponent must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
- a) The name, address and telephone number of the principal certifying authority for the work, and
 - b) 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) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

Erosion and Sediment Control

- 4) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the “Blue Book” Managing Urban Stormwater – Soils and Construction (Landcom 2004). THE ESCP is to be implemented prior to the commencement of any construction works.

Complaints

- 5) Prior to the commencement of construction activities associated with the development, the Proponent shall arrange for:
- a) A toll free number operating twenty four (24) hours seven (7) days per week for the purpose of receiving any complaints from member of the public; and
 - b) A postal address where written complaints can be lodged.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Contributions

- 9) a) In accordance with Section 7.12 of the *Environmental Planning and Assessment Act* 1979 and the Tamworth Regional Council Section 94A Development Contributions Plan 2013, \$84,9828.96 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

\$C_{PY}	Is the amount of the contribution at the date of Payment
\$C_{DC}	Is the amount of the contribution as set out in this development consent
CPI_{PY}	Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
CPI_{DC}	Is the Consumer Price Index (Sydney - All Groups) for the financial year at the

date of this development consent

- c) The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Landscape Management

- 13) The Proponent must implement a Landscape Management Plan (LMP) for the development, as approved by Council or the Principal Certifying Authority prior to issue of any Construction Certificate. This Plan must:
 - a) Provide continuous vegetative screening within the site, between the access road and the solar panel modules and the eastern boundary. The vegetative screening is to be provided for the length of the access road and the solar compound. The LMP is to describe in detail how the development site will be landscaped, including the location, species and maturity of all planting;
 - b) Incorporate appropriate mounding and landforms where required to ensure adequate site screening; and
 - c) Detail proposed irrigation systems.

Stormwater Management

- 6) Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained prior to issue of any Construction Certificate:
 - a) Carry out stormwater work

A stormwater servicing strategy for the development site shall be prepared to accompany the application in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments.

Traffic and Access

- 7) Approval pursuant to Section 138 of the Roads Act 1993 from Tamworth Regional Council, (as the Local Roads Authority), is required for all works carried out within the Dampier Street road reserve, and must be obtained prior to issue of any Construction Certificate. The following information must be submitted with the application:
 - a) Engineering designs prepared in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments;
 - b) A Safety in Design report in accordance with section 1.4.2 of Council's Engineering Design Minimum Standards for Subdivisions and Developments;
 - c) Pavement design;
 - d) Certification in accordance with Annexure A at section 1.11 of the current version of Council's Engineering Design Minimum Standards for Subdivisions and Developments;

- e) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RMS' manual - "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS 1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by Certifier and a copy sent to RMS accreditation, a copy of which is to be submitted with the plan;
- f) Public liability insurance cover to a minimum value of \$20 million. The policy shall specifically indemnify Council from claims arising from the execution of the works, save for any direct act or omission by Council, its servants or agents which gives rise to any such claim; and
- g) A Traffic Management Plan.

Construction and Environmental Management

- 8) The Proponent must prepare and implement a Construction Environmental Management Plan (CEMP) for the development. This plan should be prepared in consultation with Council and must:
 - a) Describe the proposed construction works;
 - b) Outline the proposed construction work program;
 - c) Identify all the relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
 - d) Set standards and performance measures for each of the relevant environmental matters associated with the construction work;
 - e) Describe what actions and measures will be implemented to mitigate the potential impacts of the construction works, and to ensure these works will comply with the relevant standards and performance measures;
 - f) Include an operations and maintenance plan which addresses evacuation procedures in the event of a flood;
 - g) Describe how noise impacts will be managed;
 - h) Describe in detail what measures and procedures will be implemented to:
 - i) Manage construction traffic,
 - ii) Mitigate any potential dust impacts,
 - iii) Register and respond to complaints during the construction period,
 - iv) Ensure the work health and safety of construction workers,
 - v) Respond to any emergencies, and
 - vi) Respond to discovery of any items of indigenous or non-indigenous heritage significance during site works.
 - i) Explain how the environmental performance of the construction works will be monitored, and what actions will be taken if any non compliance is detected; and
 - j) Describe the role, responsibility, authority accountability, and reporting of key personnel involved in the construction of the development.

The Construction Environmental Management Plan shall be approved by the Council, the relevant consent authority or the Principal Certifying Authority prior to issue of any Construction Certificate.

Reflection Barrier

- 9) In accordance with the Reflective and Illumination Glare Analysis Report prepared by SLR Global and dated December 2018, and as shown in Figure 16, the Proponent is to either:
- a) Erect a 1.5 metre high solid vertical barrier is to be constructed along the eastern boundary of the site (Lot 1 DP 1234850); or
 - b) Plant and maintain a vegetation barrier involving a continuous line of landscaping, 1.5 metres in height of a suitable plant species which provides adequate screening.

Details of the barrier, including the location and length are to be submitted for the approval of Council or the Principal Certifying Authority prior to the issue of any Construction Certificate.

GENERAL

- 10) Development shall take place in accordance with the attached endorsed plans and documentation:
- a) Architectural Plans prepared by SBA Architects, Drawing No's: DA100 Revision 4 Location Plan and 3D View dated 12.12.2018, DA200 Revision 7 Site/Location Plan dated 14.03.2019, DA300 Revision 4 Panel Details dated 12.12.2018, DA400 Revision 1 Equipment/Fence Details dated 14.03.2019 and DA500 Revision 1 Notification Plan dated 04.04.2019.
 - b) Statement of Environmental Effects prepared by Elton Consulting Pty Ltd dated 04 April 2019.
 - c) Reflective and Illumination Glare Report prepared by SLR Consulting Australia Pty Ltd dated December 2018.
- 11) The development must be carried out generally in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 12) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979
- 13) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 14) To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.

- 15) The development shall be sited and constructed in accordance with the approved site plan. No portion of any proposed structures including any fences or gates shall encroach upon an adjoining property or the road reserve area.
- 16) The recommendations of the Biodiversity Development Assessment Report prepared by Travers Bushfire and Ecology, dated 19/03/2019 must be adopted. In this regard:

To minimise adverse ecological impacts, the following mitigation measures must be implemented:

- a) Sediment and erosion control measures in accordance with Managing Urban Storm water: Soils and Construction (Landcom 2004) to minimise impact of possible sedimentation to local drainage lines.
- b) Control and eradication of invasive ecological weeds should be undertaken to prevent further invasion by these species. High threat weed species listed within the NSW BC Act (2016) such as Canary Island Date Palm, White Poplar, Weeping Willow, Khaki Weed, Mediterranean Turnip, Saffron Thistle and Coolatai Grass were observed within the study area.
- c) A Vegetation Management Plan (VMP) be produced to ensure that any proposed revegetation areas within the site address the potential to expand the extent of PCT 84 along drainage lines or within the riparian corridor associated with the Wallamore Anabranh and to control or eradicate high threat and environmental weeds which are required to be controlled in accordance with the NSW Biosecurity Act (2015).

DURING CONSTRUCTION WORKS

General

- 17) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises, otherwise 7.00am to 5.00pm.

The Proponent shall be responsible to instruct and control any sub-contractors regarding the hours of work.

- 18) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 19) All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC).

- 20) Any damage caused to Council infrastructure during 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 Council's infrastructure.
- 21) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- 22) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

Identification Survey

- 23) An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the solar panels and fencing is generally sited in accordance with the approved site plan.

Heritage

- 24) If during the course of construction the Proponent becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the NSW Heritage Act 1977. Relevant works shall not recommence until written authorisation has been issued.
- 25) If during the course of construction the Proponent becomes aware of any previously unidentified significant Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the Office of Environment and Heritage informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Office of Environment and Heritage advising otherwise is received by the Proponent.

Flood Protection

- 26) Any electrical infrastructure including the solar panels shall be set above 1:100 ARI (average recurrent interval) flood level.

For clarity, this condition does not relate to underground power reticulation where cables are housed in conduits.

Traffic, Parking and Access

- 27) All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.
- 28) All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.
- 29) The internal driveways and parking areas are to be constructed with a base course of adequate depth to accommodate the anticipated vehicle loadings over its design life

(including construction traffic). The wearing course of any access driveway shall consist of dust suppressing road base.

- 30) All internal driveways, parking and turn around areas shall be designed to comply with Australian Standard 2890.1-2004 'Off-street car parking'.
- 31) In accordance with the Traffic Impact Assessment Report prepared by Barnson, and dated 04/03/2019
 - a) The existing gravel driveway and access road must be upgraded; and
 - b) All access to the site must be from the south and exit via the east (left in left out).

Allotment Filling

- 32) All allotment filling that is required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.

Inspections

- 33) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

DURING OPERATION

Dust Prevention

- 34) The Proponent shall construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions attributable to the project occur during operation and construction, the Proponent shall implement the dust mitigation measures identified in the approved CEMP and SEMP, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.
- 35) Any product used for dust mitigation or cleaning of the solar panels must be declared to the Council prior to use to ensure that no soil or ground water contamination risks are associated with the product.

Weed and Pest Management

- 36) The property must be maintained to prevent the harbourage of pest and the risk of fire. The property must meet the obligations of the Biosecurity Act 2015 in managing declared pest animal and plant species, and comply with the minimum standards of fire prevention maintenance as legislated by the Local Government Act 1993.
- 37) The Proponent 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.

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

Potential Contamination

- 38) Any dielectric fluid used must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environmental Protection Agency must also be notified in regards to a pollution event.
- 39) The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
 - a) All relevant Australian Standards;
 - b) A minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) The EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management. In the event of an inconsistency between requirements listed from a) to c), the most stringent requirement shall prevail to the extent of the inconsistency

Waste Management

- 40) The Proponent shall ensure that no green waste is burnt on site during the life of the project.
- 41) Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site.
- 42) The Proponent shall maximise the reuse and/or recycling of waste materials generated on site, to minimise the need for treatment or disposal of those materials outside the site.
- 43) The Proponent shall ensure that all liquid and/or non-liquid waste generated on the site is assessed and classified in accordance with Waste Classification Guidelines (EPA, November 2014), or any future guideline that may supersede that document and where removed from the site is only directed to a waste management facility lawfully permitted to accept the materials.

Stormwater Management

- 44) The Proponent shall ensure that the development will not result in the diversion of overland surface waters onto adjoining properties and where necessary construct appropriate surface drainage systems in accordance with the approved stormwater strategy.
- 45) Following any flood event, the site shall be inspected and maintained to ensure no debris is present.

Noise

- 46) Any noise generated from the operation of the development must not be intrusive or offensive as defined by the Protection of the Environment Operations Act 1997.

PRIOR TO COMMENCEMENT OF OPERATIONS

- 47) The occupation or use of the whole or any part of the development must not commence unless an occupation certificate has been issued in relation to the whole or part.

PRIOR TO THE RELEASE OF AN OCCUPATION CERTIFICATE

- 48) For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.
- 49) Easements including any right of carriageway for utilities, roads and services, including stormwater, in favour of the lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property.
- 50) All landscaping works undertaken shall be monitored and maintained at regular intervals to ensure their effectiveness. Landscaping works shall be maintained throughout the life of the development. All irrigation systems and required landscaping shall be installed prior to issue of an Occupation Certificate.
- 51) A Site Environmental Management Plan (SEMP) shall be submitted to Council for endorsement prior to the issue of any Occupation Certificate. The SEMP shall address, at minimum, the following issues:
- a) Operation
 - i) Noise management;
 - ii) Dust management;
 - iii) Weed and vermin management;
 - iv) Land management including vegetation management;
 - v) Flooding and debris issues; and
 - vi) Written notification to Council that decommissioning is to take place.

DECOMMISSIONING / POST OPERATIONS DECOMMISSIONING

- 52) Within 18 months of the site being decommissioned, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with relevant landowners, unless the site is being retained for future development purposes. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Council, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator. All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Council.