

CONSENT CONDITIONS
NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-122 – DA2022/0017
PROPOSAL	Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure
ADDRESS	LOT: 104 DP: 755475 [262 Caloola Road, Boggabri NSW 2382]
APPLICANT	ITP Development
APPLICATION TYPE	Development Application

PART A: GENERAL

A1 Approved Plans and Supporting Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

- **Development Plans:** Prepared by ITP Renewables,

TITLE	DRAWING NO.	REVISION	DATE
Location Plan	BB11A-G-0400	3	05/01/2022
General Arrangement Plan	BB11A-G-2100	4	05/01/2022
Site Elevations	BB11A-G-2200	2	05/01/2022
Inverter Footing Details	BB11A-C-4300	2	05/01/2022
BESS Footing Details	BB11A-C-4310	2	05/01/2022
Fencing Details	BB11A-C-5300	2	05/01/2022
Gate Details	BB11A-C-5301	2	05/01/2022
Access Path Details	BB11A-C-6300	2	05/01/2022
Landscape Details	BB11A-C-7300	2	05/01/2022
Nextracker Array Details	BB11A-E-3400	2	05/01/2022
Inverter Station Details	BB11A-E-4300	2	05/01/2022
BESS Station Details	BB11A-E-5300	2	05/01/2022
DC-DC Skid Details	BB11A-E-5310	2	05/01/2022

- **Statement of Environmental Effects:** Prepared by Zenith Town Planning, Project No. 0121, Dated 17 August 2021;
- **Landscape character & Visual Impact Assessment:** Prepared by Six Hills Group, Dated 13 August 2021;
- **Glint and Glare Assessment:** Prepared by ITP Renewables, Version 1, Dated 23 June 2021;
- **Water Assessment:** Prepared by Golder Associates Pty Ltd, Dated 13 July 2021;
- **Waterfront Land Approvals Technical Assessment:** Project No. 18105488-TM-023-Rev0;

- **Biodiversity Inspection Report:** Prepared by Red-Gum Environmental Consulting, Dated 17 March 2021;
- **Noise Assessment:** Prepared by Muller Acoustic Consulting Pty Ltd, Document ID MAC18078117RP1, Dated 29 June 2021;
- **Traffic Impact Assessment Report:** Prepared by Price Merrett Consulting, Project reference: F8619, Version 3, Dated 13 August 2021;
- **Waste and Decommissioning Assessment:** Prepared by ITP Renewables, Revision 1, Dated 15 June 2021; and,
- **Fire Assessment:** Prepared by ITP Renewables, Revision 1, Dated 6 July 2021.

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason:

To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

A2 Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Reason:

To ensure any signage is assessed in accordance with the planning controls.

A3 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. 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 construction certificate.

Reason:

Prescribed Condition under Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

A4 Lapsing of consent

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason:

To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*.

A5 Tree Retention and Removal

Any tree removal will require approval from Council and must be carried out by an appropriately qualified person to avoid any risk to life or damage to property and must have with adequate public liability insurance.

Reason:

To protect trees on the site to be retained.

A6 Electrical Infrastructure

Any development in proximity to Essential Energy's electrical infrastructure shall comply with the latest industry guideline, currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Reason:

To ensure safety and the management of risk.

A7 Car Parking

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and *AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line marked. Details are to be provided with the Construction Certificate application.

Reason:

To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

A8 Vegetation Screening

Native plants that are endemic to the Narrabri district must be selected for the vegetation screen as per approved Landscape Plan prepared by ITP Renewables and dated 05/01/2022. Narrabri Shire Council should be consulted to determine appropriate plant species.

Reason:

To mitigate impacts on the landscape and visual amenity.

PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason:

To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

B2 Payment of Levies and Contributions

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provides proof of this payment to the certifier.
- (b) **Payment of development contributions** - the developer shall pay a levy as applicable at the time of payment, relative to the total project value, in accordance with the *Narrabri Shire Section 7.12 – Fixed Development Consent Levies Contributions Plan 2011* and Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The current levy payable is as follows:

Proposed cost of development	Percentage Contribution (%)
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5%
More than \$200,000	1%

Reason:

To ensure relevant fees, levies and contributions are paid which address the increased demand for public amenities and services within the community.

B3 Environmental Management Plan

An Environmental Management Plan (EMP) is to be prepared and submitted for approval by Council/Accredited Certifier. The Plan must be implemented during the construction and operational phases of the solar electricity system and must include (but are not limited to) the range of mitigation measures as outlined in the approval documents.

A copy of the EMP shall be made available to members of the public upon request.

Reason:

To require details of measures that will protect the public and the surrounding

B4 Communications plan

A Communications Plan, in accordance with the approved Landscape character & Visual Impact Assessment, Glint & Glare Assessment, Water Assessment, Biodiversity Inspection Report, Noise Assessment, Traffic Impact Assessment Report, Fire Assessment, is to be prepared and submitted for approval by Council/Accredited Certifier. The Communications Plan shall include:

- i. the stages and processes for construction and operation of the solar farm;
- ii. a complaints management procedure and contact number; and,

shall be provided to residences and community members in the vicinity of the site.

Reason:

To confirm the terms of Council's consent and ensure that potential impacts are mitigated.

B5 Waste Management Plan

A Waste Management Plan (WMP) is to be prepared by a consultant suitably qualified and experienced in the preparation of WMPs, to ensure waste from the construction and operation phases of the development is appropriately managed to not cause pollution and to ensure waste is managed in accordance with the hierarchy of avoid, recovery and disposal. The WMP is to be submitted to and approved by Council prior to the issue of any Construction Certificate.

Reason:

To minimise waste and to protect the amenity and environment from the effects of waste.

B6 Stormwater Management Plan

Stormwater Management Plans is to be prepared and submitted to Council's Infrastructure Delivery Department for review and approval.

Reason:

To ensure stormwater is appropriately managed on the site.

B7 Access

A 'Request for Rural Driveway Inspection' form is required to be approved by Council, prior to the issue of a Construction Certificate. The vehicle crossing is to be constructed in accordance with Council's Standard Drawing and relevant Policies.

Reason:

To ensure that the correct approvals are in place.

PART C: PRIOR TO WORKS COMMENCING

C1 Appointment of Principal Certifying Authority

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason:

To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

C2 Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier 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 or demolition work is being carried out, but must be removed when the work has been completed.

Reason:

Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

C3 Toilet facilities

Toilet facilities are to be provided at, or in the vicinity of the 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.

Reason:

To provide appropriate on-site amenities during demolition and construction work.

C4 Electrical Infrastructure

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).

Reason:

To meet statutory requirements.

C5 Implementation of Biodiversity Report Recommendations

The recommendations of the Biodiversity Inspection Report completed by Red-Gum Environmental Consulting dated 17 March 2021 must be implemented prior to the commencement of works and maintained at all times during the work, including the following:

- a) Construction limits and exclusion zones clearly identified prior to work;
- b) A visual inspection is conducted by environmental staff before construction commences to identify any areas of site that might be supporting native fauna;
- c) Vehicle movements around the site will be restricted to the construction footprint and away from any existing planted trees and flagging exclusion fencing to be installed;

- d) Soil disturbance by vehicle and pedestrian access is to be kept to a minimum outside the construction footprint; and,
- e) Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.

Reason:

To ensure the development does not adversely impact on biodiversity

C6 Structural Engineers Certification

Certification from an appropriately qualified and practicing structural engineer is to be provided to the Certifying Authority, certifying the structural adequacy in accordance with the relevant Australian Standards of all reinforced concrete work, structural beams, columns & other structural members including structural drawings. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

Reason:

To ensure structural works are safe and built to the relevant specifications.

PART D: DURING WORKS

D1 Construction Hours

The hours of demolition and/or building work shall be limited to the following hours:

- (a) Monday to Friday: 07:00 am to 05:00 pm;
- (b) Saturday: 08:00 am to 01:00 pm;
- (c) No Construction on Sundays or Public Holidays.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

Reason:

To ensure the amenity of the area is maintained during construction.

D2 Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason:

To ensure payment of approved changes to public infrastructure.

D3 Compliance with Environmental Management Plan and Waste Management Plan

The requirements of the approved Environmental Management Plan and Waste Management Plan must be complied with and maintained for the duration of the approved works.

Reason:

To ensure the required site management measures are implemented during construction.

D4 Discovery of Aboriginal Objects

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means 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; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason:

To ensure the protection of objects of potential significance during works.

D5 Discovery of Contamination

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason:

To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D6 Imported Fill

While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason:

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

D7 Critical Stage Inspections

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2000*.

Reason:

To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

D8 Native Vegetation

There must be no removal or disturbance of native vegetation outside of the approved development footprint, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason:

To ensure vegetation is maintained on the site.

D9 Waste

Any demolition or building waste is to be removed to a suitably licenced waste management facility. All associated fees are to be paid. Consideration should be given to the separation of recyclable and reusable materials.

Note: Narrabri Waste Management Facility is the only licensed site in the shire. Shire Transfer Stations do not receive either commercial waste or Solar PV panel waste.

Reason:

To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

D10 Water Pollution

The applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Reason: To ensure the development does not cause any water pollution during construction.

PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

E1 Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason:

To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

E2 Access

A vehicle crossing from the edge of the seal on Caloola Road to the property boundary shall be constructed at the full cost of the Developer. The vehicle crossing is to be constructed in accordance with Council's requirements and shall be completed prior to the issue of an Occupation Certificate.

Reason:

To ensure that suitable access is provided to the development site.

E3 Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason:

To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

E4 Repair of Infrastructure

Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Reason:

To ensure any damage to public infrastructure is rectified.

E5 Landscaping

All landscaping required by the approved Landscape Plan must be completed prior to the issue of an Occupation Certificate.

Reason:

To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

E6 Structural adequacy

Certification from an appropriately qualified and practicing structural engineer that the structure(s) have been constructed in accordance with the approved plans and structural certification prior to the issue of an Occupation Certificate.

Reason:

To ensure the development has been constructed in accordance with the conditions of this consent and in accordance with the relevant Australian Standards and requirements.

E7 Drainage works

All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Reason:

To ensure adequate arrangements have been made for the collection, conveyance, storage and discharge of stormwater on the site.

E8 Decommission and Remediation of Land

Prior to the issue of any Occupation Certificate, the Applicant must ensure that there is a notation registered on the subject land (LOT: 104 DP: 755475) ensuring that the solar farm is required to be decommissioned and the subject lands remediated at the cessation of operations in accordance with the development consent (DA2022/0017). Any such notation must be approved by Narrabri Shire Council prior to lodgement with the NSW Land Registry Services.

Reason:

Site remediation.

PART F: OPERATIONAL CONDITIONS

F1 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer. Following construction, the applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

Reason:

To ensure the provision of a landscape screen to reduce the visual impact of the development.

F2 External lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external

lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason:

To protect the amenity of the surrounding area.

F3 Minimise Harm to the Environment

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction, operation or decommissioning of the development, including weed control.

Reason:

To minimise harm to the environment.

F4 Visual Impacts

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 practicable with the surrounding landscape; and,
- c) Not mount any advertising signs or logos on site, except where this is required for safety purposes.

Reason:

To minimise the visual impact of the development.

F5 Potential Contamination

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 Environment Protection Authority (EPA) must also be notified to report a potential pollution event.

Reason:

To ensure that the proposed development does not cause adverse environmental impacts.

F6 Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver. The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

Reason:

To protect the amenity of the area while the solar farm is in operation.

F7 Waste materials

All solid waste from construction and operation of the development shall be assessed, classified and disposed of in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014. All hazardous building materials must be disposed of in accordance with the relevant statutory requirements.

Reason:

To protect the environment.

F8 Essential Energy

Essential Energy's padlocks must be installed on the gates.

Reason:

To ensure that Essential Energy has 24 hour unimpeded access to the powerlines on the property.

PART G: DECOMMISSIONING / POST OPERATIONS

G1 Decommission Management Plan

A Decommission Management Plan is required to be submitted to Council twelve (12) months prior to decommissioning occurring.

All decommissioning works, including site rehabilitation are to be undertaken in accordance with the approved Decommissioning Plan. Waste from solar panels must be recycled where possible.

Reason:

To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

ADVICE

1. The Applicant is to advise Council at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.
2. The installation of a vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.
3. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
4. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the properties should be complied with.
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.