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| **CONSENT CONDITIONS – SOLAR FARMS**NORTHERN REGIONAL PLANNING PANEL |

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| PANEL REFERENCE & DA NUMBER | PPSNTH-194 – Moree Panel – DA2023/6  |
| PROPOSAL  | Construction of a 4.99MW solar farm and associated plant, fencing and landscaping.  |
| ADDRESS | Lot 2 DP 773238 No. 1957 Carnarvon Highway, Ashley and Lot 3 DP 773238 No. 2761 Carnarvon Highway, Ashley(also known as 338 Windmill Road, Garah)  |
| APPLICANT | OGP Group, trading as The Trustee for Oil Gas Power International Services Unit Trust |
| APPLICATION TYPE  | Regionally Significant Development Application |

**PART A: GENERAL**

1. **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:

| **Plan/Report Title** | **Reference No** | **Rev** | **Prepared by** | **Date** |
| --- | --- | --- | --- | --- |
| **Design Plans** |
| **Location Plan** | **25402-ENG-GA-0001** | **A** | **OGP Group** | **07/12/22** |
| **Site Plan** | **25402-ENG-GA-0002** | **A** | **OGP Group** | **07/12/22** |
| **Inverter Detail** | **25402-ENG-GA-0003** | **A** | **OGP Group** | **07/12/22** |
| **Inverter Single Line Diagram** | **25402-ELE-SLD-0006** | **A** | **OGP Group** | **10/11/22** |
| **Flow Battery Plan** | **25402-ENG-GA-0004** | **A** | **OGP Group** | **08/11/22** |
| **Lithium Battery Plan** | **25402-ENG-GA-0005** | **A** | **OGP Group** | **07/12/22** |
| **Substation Plan** | **25402-ENG-GA-0006** | **A** | **OGP Group** | **07/12/22** |
| **HV Kiosk Details**  | **25402-ENG-GA-0007** | **A** | **OGP Group** | **07/12/22** |
| **Transformer Details** | **25402-ENG-GA-0008** | **A** | **OGP Group** | **07/12/22** |
| **Storage Maintenance Shed Plan** | **25402-ENG-GA-0009** | **A** | **OGP Group** | **07/12/22** |
| **1P Tracker Option Details** | **25402-ENG-GA-00010** | **A** | **OGP Group** | **07/12/22** |
| **2P Tracker Option Details** | **25402-ENG-GA-00011** | **A** | **OGP Group** | **07/12/22** |
| **Temporary Construction & Laydown Area**  | **25402-ENG-GA-00012** | **A** | **OGP Group**  | **07/12/22** |
| **Fence Detail Sheet 1**  | **25402-CSE-DTL-0001-01** | **A** | **OGP Group** | **07/12/22** |
| **Fence Detail Sheet 2**  | **25402-CSE-DTL-0001-02** | **A** | **OGP Group** | **07/12/22** |
| **Landscape Drawings**  |

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| --- | --- | --- | --- | --- |
| **Concept Landscape Plan** | **1B** |  | **RPS Group P/L** | **22/12/2022** |

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| --- |
| **Civil Engineering Drawings** |
| **Cover Sheet, Site Locality & Drawing List** | **C01.01** | **1** | **Northrop Consulting Engineers P/L** | **13/12/2022** |
| **Stormwater & Sec Management Plan** | **C02.01** | **1** | **Northrop Consulting Engineers P/L** | **13/12/2022** |
| **Civil Details** | **C03.01** | **1** | **Northrop Consulting Engineers P/L** | **13/12/2022** |
| **Report** |
| **Statement of Environmental Effects**  | **AU213007178** | **2** | **RPS APP Consulting Pty Ltd** | **17/04/2023** |

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.

1. **Report Recommendations**

The development must be constructed and operated in accordance with the approved specialist reports including the following key recommendations:

|  |  |  |
| --- | --- | --- |
| **Plans/Reports**  | **Recommendations** | **Stage**  |
| ‘*SEPP Resilience and Hazards Assessment’* prepared by Advitech Pty Ltd 16/12/2022 | A Preliminary Hazard Analysis (PHA) to be undertaken prior to any Redox flow batteries be installed. | 1 & 2 |
| ‘*Surface Water Assessment Report’* prepared by Northrop Consulting Engineers Pty Ltd, dated 16/12/2022, Rev A. | Sediment/erosion control and site runoff control measures be implemented as recommended. | 1 & 2 |

1. **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.

1. **Compliance with the National Construction Code**

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *National Construction Code* / *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**: To ensure the building work complies with the National Construction Code.

1. **Structural Adequacy**

The applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the NCC.

*Notes: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the propped building works.*

1. **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.*

1. **Tree Retention and additional planting**

Existing trees on the site are to be retained and protected from damage during work, in particular the existing koala feed trees to the south of the solar panel arrays. This does not apply to any trees required to be removed to provide the required asset protection zone (APZ).

Additional screen planting is to be provided in accordance with the approved Landscape Plan prepared by RPS Group, and dated 22/12/2023 and the SEE prepared by RPS APP Consulting Pty Ltd, and dated 17/04/2023.

The tree and shrubs selected for the proposed screening to the east and north of the solar farm indicated on the ‘Concept Landscape Design Plan’, shall be in accordance with the list of ‘Sample Plant Species’ contained in Appendix 3 of the Moree Plains DCP 2013.

All landscaping is to be completed prior to the operation of the solar farm and maintained in good health for the life of the facility.

**Reason:** To protect trees on the site to be retained and provide visual screening of the development.

1. **Staging**

The programming of the installation of solar panels for each stage is to be scheduled to avoid the peak ginning season to mitigate traffic conflicts between the two operations.

**Reason:** To mitigate traffic conflicts.

1. **Waste Management**

A Waste Management Plan is to be prepared and lodged in consultation with Council’s Environmental Health Officer prior to the issue of a Construction Certificate regarding the potential for development waste to be disposed of at the Moree Waste Management Facility.

**Reason:**Environmental protection, health and amenity.

1. **Decommissioning**

The land must be returned to its pre-existing condition (prior to use as a solar farm) and all solar farm infrastructure removed once the project is decommissioned. This does not include trees planted. The land must be rehabilitated and restored, including the pre-existing land and soil capability class if previously used for agricultural purposes. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the ‘host landowner’ that that clearly outlines alternate responsibilities.

**Reason:** To ensure that plant is removed to avoid potentially hazardous chemical spills from the Bess systems, and the land is rehabilitated.

1. **Requirements of Government Agencies**

The following conditions have been imposed by government agencies:

1. **Essential Energy**

The beneficiary of this consent is to ensure that:-

1. The main solar farm is clear of Essential Energy's existing infrastructure.
2. The temporary offices and hardstand area are clear of the powerline by 10.0 metres.
3. Any roadways going under the powerline meet the required clearances for a trafficable area.
4. The construction workers meet SafeWork clearance requirements when working near powerlines; if they are using the hardstand area to manoeuvre vehicles and unload items etc. they must understand their requirements
5. Essential Energy is consulted for further comment if the proposed development changes, ;
6. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with;
7. Any activities in proximity to electrical infrastructure are undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
8. Prior to carrying out any works, a “Dial Before You Dig” enquiry is undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
9. All person/s completing any works around powerlines 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.

**Reason**: To maintain the safety of workers and others in and around the site, and, to protect electricity infrastructure.

1. **NSW Rural Fire Service**
2. A Fire Management Plan (**FMP**) shall be prepared in consultation with NSW RFS Moree Plains Fire Control Centre. The FMP shall include:
	* + 24 hour emergency contact details including alternative telephone contact;
		+ Site infrastructure plan;
		+ Fire fighting water supply plan;
		+ Site access and internal road plan;
		+ Construction of Asset Protection Zones (**APZ**) and their continued maintenance;
		+ Location of hazards (Physical, Chemical and Electrical) that will impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
		+ Such additional matters as required by the NSW RFS District Office (FMP review and updates).
3. To allow for emergency service personnel to undertake property protection activities, a 10 metre defendable space ‘Asset Protection Zone’ (**APZ**) that permits unobstructed vehicle access is to be provided around the perimeter of each of the solar array development sites including associated infrastructure.
4. The entire solar array development footprint to be managed as an Asset Protection Zone in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019.
5. A 20,000 litre water supply (tank) fitted with a 65mm storz fitting shall be located adjoining the internal property access road within the required APZ.

**Reason** 1 - 4:- The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. **Transport for NSW**
2. The applicant is to develop a Traffic Management Plan and Code of Conduct, to provide traffic mitigation measures to address the cumulative traffic impacts, during the peak of the construction phases of the development and to ensure that construction phases do not coincide with the cotton ginning season for the existing Midkin Cotton Gin.

**Reason:** To mitigate any traffic impacts between traffic associated with the construction of the Solar Farm and Heavy vehicle traffic associated with cotton ginning operations.

**PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

1. **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.*

1. **Payment of Security Deposits, 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).

1. **Payment of building and construction industry long service levy - T**he applicant must pay the long service levy of $17,705 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.
2. **Public liability insurance -** Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of $20 million. This insurance is to note Council’s interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
3. **Payment of development contributions** – A total monetary contribution of a) $70,818.15 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate.
4. This condition is imposed in accordance with the provisions of Moree Plains Development Contributions Plan 2006 (as amended on 7 January 2016). A copy of the document is available on Council’s website or may be inspected at Council’s Administration Building.
5. The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly. Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

**Reason:** To ensure payments are made in accordance with legislative requirements.

1. **Substation Containment**

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

**Reason**: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

1. **Stormwater Management**

Stormwater management shall be undertaken in accordance with the approved stormwater plan prepared by Surface Water Assessment Report’ prepared by Northrop Consulting Engineers Pty Ltd, dated 16/12/2022, Rev A.

The development must not result in the diversion of overland surface waters onto adjoining properties.

**Reason**: To ensure stormwater is appropriately managed on the site.

1. **Vehicle Access Requirements**

 The following vehicle access arrangements must be provided to the site:

1. Council’s requirements for site access

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council/Transport for NSW standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

 **Reason**: To ensure safe, practical and legal vehicle access is provided to the site.

1. **Visual Mitigation Measures**

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

1. Planting and maintenance of a vegetation screen along the northern and eastern boundaries of the site to reduce the impact of the solar panels on the adjoining properties and Carnarvon Highway;
2. Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.

Details are to be shown on the Construction Certificate plans.

**Reason:** To minimise visual impacts from the solar farm.

1. **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. Details are to be shown on the Construction Certificate plans.

**Reason**: To protect the amenity of the surrounding area.

1. **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 a minimum of 10 car parking spaces are to be provided. 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.

**PART C: PRIOR TO WORKS COMMENCING**

1. **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:

1. Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
2. 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*.

1. **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:

1. Showing the name, address and telephone number of the principal certifier for the work, and
2. 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
3. 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.

1. **Tree Protection Measures**

Before the commencement of any site or building work, the principal certifier must ensure that any measures for tree protection detailed in the Landscape Plan and the Construction Site Management Plan are in place.

**Reason**: To protect trees which are to be retained prior to work commencing on the site.

1. **Toilet Facilities during Construction**

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:

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

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

1. **Implementation of the Construction Site Management Plan and Waste Management Plan**

A Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan) and the Waste Management Plan must be prepared to the satisfaction of the Certifier prior to the issue of the construction certificate and then implemented and maintained prior to, and during, the construction woks on the site until works are completed and all exposed surfaces are landscaped/sealed.

**Reason**: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

1. **Utility Services**

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.

1. **Approval from National Heavy Vehicle Regulator Engineering Department**

The applicant shall lodge a Load Carrying Permit for Local Roads Application with National Heavy Vehicle Regulator (NHVR) and the approval shall be obtained prior to the commencement of any work.

**Reasons:** Legislative Requirement.

1. **Footing System Requirements – Outbuildings of Clad Framed Construction**
2. Applicant shall provide the Certifying Authority with detailed design drawings for the footing system certified by a practicing 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.
3. The footing system shall be designed for an ‘H2-D’ (Highly reactive clay sites, which may experience very high 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.

*Note:*

*In accordance with AS 2870 an ‘Outbuilding’ is a detached building such as a carport, private garage, shed or similar structure.*

*Outbuildings of clad framed construction may use footing systems appropriate for one class of reactivity less severe than for a main building.*

*In accordance with AS 2870 ‘Clad frame’ is timber or metal frame construction with the exterior wall clad with timber or sheet material not sensitive to minor movements and includes substructure masonry walls up to 1.5 m high.*

**Reason**: Structural safety)

**PART D: DURING WORKS**

1. **Erosion and Sediment Control**

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

**Reason**: Environmental protection.

1. **Approved Plans to be On-site**

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.

1. **Dust Management**

The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the development.

**Reason**: Environmental protection and neighbourhood amenity.

1. **Construction Hours**

The hours of building work shall be limited to the following hours:

1. Monday to Friday: 7am to 6pm;
2. Saturday/Sunday: 7am to 6pm;
3. No Construction on Public Holidays.

Unless otherwise approved within the 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.

1. **Compliance with Construction Site Management Plan**

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

1. All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
2. All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
3. During construction, care must be taken to protect Council’s infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
4. Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
5. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

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

1. **Waste Management**

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

1. The contact details of the person(s) who removed the waste
2. The waste carrier vehicle registration
3. The date and time of waste collection
4. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
5. The address of the disposal location(s) where the waste was taken
6. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

**Reason**: To require records to be provided, during construction, documenting that waste is appropriately handled.

1. **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 or services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

**Reason**: To ensure payment of approved changes to public infrastructure.

1. **Discovery of Aboriginal Objects**

While excavation 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 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 and Environment.

In this condition:

1. “relic” means any deposit, artefact, object or material evidence that:
2. Relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
3. Is of State or local heritage significance; and
4. “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.

1. **Discovery of Contamination**

Should any unexpected 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.

1. **Construction Noise**

The building work must comply with the National Policy for Industry 2017 and the

Interim Construction Noise Guideline.

**Reason**: To protect the amenity of the neighbourhood.

1. **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:

1. 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,
2. 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.

1. **Critical Stage Inspections**

Building work must be inspected on the occasions set out for critical stage inspections for building work under the *Environmental Planning and Assessment Regulation 2021*.

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

1. **Tree Protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of Trees on Development Sites* and any Arborist’s report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

**Reason**: To protect trees during construction.

1. **Native Vegetation**

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

**Reason**: To ensure vegetation is maintained on the site.

1. **Clearing for Asset Protection Zones (APZ)**

The applicant must ensure the clearing of vegetation to establish the APZ is confined to within the marked APZ boundary and is consistent with the Landscape Plan and bushfire Report, to the satisfaction of the principal certifier.

**Reason**: To ensure vegetation clearance during construction is confined within the APZ.

**PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

1. **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.*

1. **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.

1. **Completion of all Works**

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following

1. Car parking areas and vehicle access points;
2. Fencing;
3. Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed;
4. 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.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

**Reason**: To ensure adequate arrangements have been made for the development.

1. **Landscaping**

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, 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.

1. **Post-Construction Dilapidation Report and Repair of Infrastructure**

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of the principal certifier, detailing whether:

1. Any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier).

**Reason**: To identify damage to any roads or infrastructure resulting from building work on the development site.

1. **Easements and Covenants**

Prior to the issue of an Occupation Certificate, the following easements and/or restrictions created under the *Conveyancing Act 1919* must be registered on the title of the land with the NSW Land Registry Services:

1. Any easements/covenants or restrictions required by the provision of electricity supply cables to the Midkin Gin and/or Essential Energy’s infrastructure; and
2. A positive covenant requiring decommissioning, rehabilitation and restoration within six (6) months following end of life of the project and for this to occur at no cost to Council.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments. Moree Plains Shire Council is to be clearly identified as the authority empowered to modify, vary or release the terms of the encumbrances on title.

**Reason:** To ensure the development provides the necessary easements and restrictions on the land title.

1. **Removal of Waste upon Completion**

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier’s satisfaction.

**Reason**: To ensure waste material is appropriately disposed or satisfactorily stored

**PART F: OPERATIONAL CONDITIONS**

1. **Decommission Management Plan**

A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the s.88B Positive Covenant for review and approval no later than 12 months prior to the proposed cessation of operations. It must include, but not be limited to, the following:

1. Expected timeline for rehabilitation completion;
2. Decommissioning of all solar panels, battery energy storage system (BESS), above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development;
3. Programme of site restoration to return the land to its previous state prior to use as a solar farm, with the retention of landscaping; and
4. Details on waste management and recycling of all materials arising from the development.

**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.

1. **Emergency Management Plans**

The Emergency Management Plans (‘EMP’) for the development (Spill and Contamination Response Plan/Bushfire Management Plan) shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service’s document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

**Reason**: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

1. **Operations Environmental Management Plan**

An Operations Environmental Management Plan (‘OEMP’) for the development shall be prepared and complied with throughout the operation of the development.

**Reason:** To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

1. **Vehicle Management**

The premises shall be operated in accordance with the following vehicle management requirements:

1. All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site in a forward direction.
2. Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
3. The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.

**Reason:** To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

1. **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.

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

1. **Operation of Plant and Equipment**

All plant and equipment used on the site or in connection with the development is to be maintained in a proper and efficient condition and operated in a proper and efficient manner.

**Reason**: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

1. **Storage of Hazardous Materials**

All dangerous and hazardous materials on site must be stored and handled in accordance with A*S 1940-2004: The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

**Reason**: To minimise harm to the environment.

1. **Maintenance of Wastewater and Stormwater Treatment Device**

During occupation and ongoing use of the solar farm, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are to be regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

**Reason**: To protect sewerage and stormwater systems.

1. **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.

1. **Waste Materials**

The Applicant must:

1. Minimise the waste generated by the development;
2. Classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
3. Store and handle all waste on site in accordance with its classification;
4. Not receive or dispose of any waste on site; and
5. Remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

**Reason**: To protect the environment.

**ADVISORY NOTES**

**Other Approvals and Permits**

1. The Applicant is solely responsible for obtaining any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993.*

**Responsibility for other Consents / Agreements**

1. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

**Disability Discrimination Act**

1. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the National Construction Code which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

***Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

1. The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister. This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**Site Contamination issues During Construction**

1. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

**Covenants**

1. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.

**Dial Before You Dig**

1. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

***Telecommunications Act 1997 (Commonwealth)***

1. Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on Phone Number 1800810443.

**General**

1. Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date except where a condition specifies a limit to the duration of the consent.