

DATE OF DETERMINATION	27 August 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Julie Savet Ward, Jim White and James McGregor
APOLOGIES	None
DECLARATIONS OF INTEREST	Stephen Gow declared a conflict of interest. As a local resident Mr Gow is personally acquainted with some of the objectors to this development application. Two of the applicant's representatives, Mr Muller and Mr Grimwood, worked for firms where Paul Mitchell was the CEO. Mr Mitchell has had no professional association with the former for approximately 10 years and the latter for over 20 years. His past associations with these representatives will not influence his opinions on this application.

Public meeting held at via teleconference on 27 August 2020, opened at 3pm and closed at 4:30pm.

MATTER DETERMINED

PPSNTH-20 – Armidale – DA-164-2019 at 347 Dangarsleigh Rd, Armidale – solar farm (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings as listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is permissible under the Infrastructure SEPP and is consistent with relevant aims of the Armidale Dumaresq LEP and the RU4 zone and satisfies relevant guidelines in the Armidale Dumaresq DCP.

2. The site of the proposed development is suitable for the intended use. It is large (65ha), generally visually isolated, adequately separated from neighbouring residences, has good solar exposure and proximity to electricity transmission lines.
3. The proposal will have minor and no unacceptable impacts on its broader immediate environment, including to heritage items and scenic qualities. Its overall environmental impacts will be beneficial as it will provide non-polluting and more affordable electricity equivalent to the annual needs of approximately 2,150 households.
4. The proposal will have positive socio-economic effects. During the construction phase it will provide approximately 50 jobs and during operations it will contribute to a more affordable electricity supply.
5. The proposal will provide additional funding to improve maintenance of the heritage values of Palmerston House and grounds.
6. The panel has carefully considered all issues raised in submissions and believes that all concerns have been addressed either by the siting and design of the proposal and/or by conditions to be imposed. Consequently, there are no residual issues that warrant refusal of the application.
7. The proposal is consistent with ESD principles and important strategic plans including the NSW Climate Change Policy Framework and the New England North West Regional Plan 2036 as well as Australia's commitment to the Paris Agreement.
8. For the reasons given above approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 8: Original advisory note made a condition and amended so that the applicable area is Armidale rather than NSW.
- Condition 9: added dealing with electricity supply authority requirements.
- Condition 13: amended to make Council responsible for approval of management plans rather than the certifier.
- Condition 17: as above with respect to the Landscaping Plan and addition of the need for this plan to include landscaping along the southern boundary of the development site.
- Condition 18: As above with respect to the Conservation Management Plan and addition of the need for the plan to include details of the intended care and maintenance activities.

The approved conditions are attached at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Community consultation
- Suitability of site
- Inconsistent with character of locality
- Public benefit
- Loss of agricultural land
- Impact on value of local properties
- Impact on local environment
- Heritage impact
- Access safety

- Visual impact
- Potential for expansion of the facility
- Decommissioning and waste management
- Potential for soil contamination and erosion.

The panel considered that concerns raised by the community had been adequately addressed in the assessment report and that no new issues requiring additional assessment had been raised during the public meeting. The panel noted that in addressing these issues two new conditions were added and three conditions were amended to broaden their scope.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Julie Savet Ward	 Jim White
 James McGregor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-20 – Armidale – DA-164-2019
2	PROPOSED DEVELOPMENT	5MW Solar Farm
3	STREET ADDRESS	347 Dangarsleigh Rd, Armidale
4	APPLICANT OWNER	ITP Development Pty Ltd Baroona Properties Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 44 – Koala Habitat Protection - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Primary Production and Rural Development) 2019 - State Environmental Planning Policy (State and Regional Development) 2011 - Armidale Dumaresq Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Armidale Dumaresq Development Control Plan 2012 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 19 August 2020 - Written submissions during public exhibition: 14 - Verbal submissions at the public meeting: - Graham Wilson, Huntly Gordon, Judith Grieve - Council assessment officer – John Goodall - On behalf of the applicant – Allen Grimwood
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Final Council briefing to discuss council's recommendation, 27 August 2020, 2pm. Attendees: <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Julie Savet Ward, Jim White and James McGregor <u>Council assessment staff</u>: John Goodall and Michael Flynn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

PREScribed CONDITIONS

136A EP&A Regs 2000: Compliance with Building Code of Australia

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

GENERAL CONDITIONS

1. To ensure this development is consistent with the terms of this consent, the development must take place in accordance with the submitted and approved plans, Statement of Environmental Effects and associated appendices, as listed below, (bearing the Armidale Regional Council approval stamp); and all other documents submitted with the application, and subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

- Plans drawn by ITP Renewables as listed below:

Plan Title	Plan Number	Revision	Date
Location Plan	ARM1B-G-040	1	21/10/19
General Arrangement Plan	ARM1B-G-210	2	22/5/20
Site Elevation Plan	ARM1B-C-130	2	22/5/20
Site Detail Information Plan	ARM1B-C-131	2	22/5/20
Inverter Station Footing Detail Plan	ARM1B-C-430	1	21/10/19
Typical Fencing Detail Plan	ARM1B-C-530	1	21/10/19
Access Road Detail Plan	ARM1B-C-631	1	21/10/19
Typical Array Detail Plan	ARM1B-E-341	2	22/5/20
Typical Inverter Station Detail Plan	ARM1B-E-430	1	21/10/19

- Statement of Environmental Effects prepared by Zenith Town Planning, Project number – 1419, dated 8 November 2019;
- Aboriginal Cultural Heritage Assessment prepared by Iwatta Aboriginal Corporation, dated 5 November 2019;
- Traffic Impact Assessment prepared by New England Surveying & Engineering, Job Reference: 20190601; Revision: C, dated September 2019;
- Statement of Heritage Impact prepared by Zenith Town Planning, Project number -1419, dated 8 November 2019;
- Waste Assessment prepared by ITP Renewables, Project No: Armidale 1B, Revision 1, dated 5 September 2019;

- Noise Assessment prepared by Muller Acoustic Consulting Pty Ltd, Document ID: MAC180781—06RP1, dated 3 September 2019;
- Water Assessment prepared by ITP Renewables, Project No: ARM1, Revision 2, dated 14 October 2019;
- Glint and Glare Assessment prepared by ITP Renewables, Project No: Armidale 1B, revision 2, dated 13 September 2019;
- Response to further information request prepared by Zenith Town Planning, dated 15 April 2020;
- Landscape Character & Visual Impact Assessment prepared by Zenith Town Planning, Project No:1419, Revision B, dated 4 May 2020.

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. Existing trees on the site/s and adjoining road reserves are to be retained and protected from damage during all work on the site, to maintain the visual amenity of the locality and no buildings are to be constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.
4. Prior to the commencement of construction, the decommissioning of the development or the cessation of operations, the applicant/land owner must notify Armidale Regional Council in writing of the date of commencement, decommissioning or cessation (whichever is relevant).
5. Materials and their finishes/colours of any proposed site building/ panels and arrays/ infrastructure related to the development are to be selected to blend with the surrounding landscape and are not to be reflective in nature, to ensure that they visually integrated with the surrounding environment.
6. First order streams have been identified as being present on the subject site within the Development Envelope. This consent does not authorise any works within or near these drainage lines.

As such, prior to any works commencing on site, the Applicant is to consult with NRAR/NSW Office of Water and obtain any approvals/licences that are required to be issued in accordance with the provisions of the Water Management Act 2000.
7. In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the *National Parks and Wildlife Act 1974* must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant

shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

8. In the event that any relics, being any deposit, artefact, object or material evidence that:
- (a) relates to the settlement of the area that comprises the Armidale locality, being of European Heritage value, and
 - (b) is of State or local heritage significance,
- are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Regional Council, of the find and await further advice before proceeding with the development.
9. Prior to any works commencing on site, the Applicant is to liaise with Essential Energy and address all relevant requirements of the Authority including but not limited to:
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties must be complied with.*
 - *Satisfactory arrangements must be made with Essential Energy with respect to the proposed solar farm, which will form part of the development. It is the Applicant's responsibility to enter into the required Connections Agreement/s and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions.*
 - *No solar farm infrastructure is to be located in Essential Energy's easements, that is:*
 - *20 metres for the 11kV overhead powerline, 10 metres either side of the powerline.*
 - *If any proposed roads or any other proposed works change the ground levels within Essential Energy's easement areas, the Applicant must provide confirmation to Essential Energy that ground clearances are maintained as per Essential Energy's design manual.*
 - *If part of the 11kV overhead powerline is to be re-located to underground, then no works can occur in this area until the existing overhead powerline has been disconnected and removed. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au. If this undergrounding is installed, then an easement area 2 metres wide needs to be maintained. Also, nothing can be installed or constructed over the top of the underground easement.*
 - *Essential Energy will require 24 hour access to the site. The Applicant will need to provide gate/s, at the location/s specified by Essential Energy. Such gate/s will have an Essential Energy lock attached to each gate/s. Note that depending on the ability to access its existing assets, Essential Energy may require multiple access points.*
 - *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).*
 - *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.*

BEFORE RELEASE OF s138 APPROVAL

10. The submission of a detailed Construction Traffic and Operational Management Plan is to be provided with a s138 Roads Act application for the approval of the Council, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- The Traffic Management Plan is to address impacts over the life of the development including but not limited to;
 - Consideration for construction, operational and decommissioning phases;
 - A weekly vehicle movement schedule identifying expected trip generation;
 - Details of the site access location and an relevant road safety considerations;
 - An induction process for on-site staff and visitors with regular toolbox meetings;
 - A complaint resolution and disciplinary procedure;
 - Any community consultation measures proposed for peak periods;
 - Restrictions to the type and size of delivery vehicles entering the site, specifically no vehicle greater than 12.5m in length (single unit truck/bus as per Austroads Design Vehicles and Turning Path Templates Guide, 2013);
 - Restriction on delivery vehicles utilising the primary access only.
 - The required load splitting and where splitting is to occur;
 - The proposed route to site from the New England highway that delivery vehicles will take;
 - Any proposed dust suppression measures required along the chosen route;
 - Delineation of access points and restrictions associated with these accesses including:
 - o Delivery vehicles are to enter/leave site via the primary access only;
 - o All other vehicles are to enter the site via the secondary access; and
 - o No right-turn out (left-turn exit only) from the secondary access and how it is to be enforced.
 - Required traffic signage;
 - Off-street parking for employees, contractors, sub-contractors and visitors to the site;
 - Public parking during construction;
- Storage and removal strategies for construction wastes;
- Provision of sanitary amenities and ablution facilities for employees;
- Fire precautions during construction;
- Other dust suppression measures that may be applicable during the construction phase;
- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site;
- Details of all construction-related signs;
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings;
- Location of all public utility facilities and methods of protecting them ;

Advising: Any Traffic Control Plan/s (TCPs) are to manage peak periods or events during the construction and decommission phases of the development. Any TCPs are to be certified and implemented by suitably qualified persons in accordance with the current Traffic Control at Worksites Manual.

TCPs will need to take into consideration the existing speed environment, safety of turning and peak hour traffic.

11. The secondary access is to be upgraded to meet Council's rural style driveway crossover with a sealed surface (bitumen or concrete) for the section of driveway within the Dangarsleigh Road reserve.

Approval is to be granted through a s138 application. Works to be completed prior to construction works commencing onsite.

12. Re-shaping of the verge on the development side of Dangarsleigh Road south of the Primary access (as indicated in the recommendations of the Traffic Impact Assessment prepared by New England Surveying and Engineering dated September 2019), is to be undertaken to improve driver sighting of north-bound vehicles when exiting the primary access.

Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves.

Works described are to be completed prior to construction works commencing onsite.

Advising: the activity is to be protected by public liability insurance with a minimum cover of \$20 million.

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

13. In accordance with the SEE, the Applicant is to prepare the following Plans for the development:

- Waste Management Plan (WMP) outlining all waste management principles and practices relevant to the proposed development, to reduce waste and recover resources.

The Plan must implement best practice measures during all activity on site for the life of the development, to ensure that all waste products such as but not limited to, cardboard, packaging/wrapping, plastics, panels and/or any other infrastructure related to the development is sorted and recycled to minimise recycled materials from being disposed with other bulk waste to landfill and identify opportunities to maximise reuse.

In this regard, the Plan must demonstrate procedures to be implemented to ensure that waste products are separated and recycled at the appropriate facilities.

- Construction Noise and Vibration Management Plan, which is to be consistent with the EPA *Interim Construction Noise Guidelines* and control and minimise noise emissions arising from the works in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual;
- Construction Environmental Management Plan (CEMP), which is to include, but not limited to:
 - Details of construction activities and their sequencing;
 - Details of the storage of any hazardous materials on site and any environmental measures to be implemented to ensure their safe storage and prevent any offsite migration of the materials;
 - A Spill Response Plan (SRP)
 - Details and protocols for any on-site refuelling and details of the disposal of any waste oil or petrol and associated containers;
 - Details of a publicly available complaints hot line including the name, phone number and email address of the contact person and description of how complaints received from the public are to be documented, investigated and resolved;
- Operational Environmental Management Plan (OEMP), which is to include but not limited to:
 - Inspection program following significant storm events, identifying rectification works required to stabilise the site, access roads and all site infrastructure;
 - Inspection program to repair/replace faulty panels before they may become hazardous to the environment by way of deterioration/damage to prevent any contamination from occurring either on or off site.
- Bushfire Management Plan (BMP);

Such Plans are to be submitted to and approved by Council before the issue of a Construction Certificate and implemented for the life of the development.

14. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works shall be submitted to and approved by the relevant certifying authority before the issue of a Construction Certificate for the development.

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

15. The discharge of stormwater is to be controlled to ensure that post-development flows do not exceed pre-development flows. The stormwater solution is to be designed by a suitably qualified engineer to prevent nuisance to adjoining land. Details to be provided to the satisfaction of the relevant Certifying Authority prior to the release of a Construction Certificate,

ADVISING: Approval from the Department of Primary Industries – Water/NRAR may be required if it is proposed to discharge stormwater directly into an existing waterway.

16. An all-weather, nuisance-free surface for construction and maintenance vehicles is to be provided throughout the site, including parking areas and driveways.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012.

Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

17. Given the deciduous nature of the existing hawthorn hedge, additional landscaping is to be undertaken along the western and northern extent of the Development Envelope to provide improved screening of the solar arrays throughout the year and also along the southern boundary of the Development Site to provide improved screening of the arrays when viewed from within the immediate grounds surrounding 'Palmerston'.

In this regard, a Landscape Plan must be prepared for the development which will provide adequate screening of the facility when mature. The landscape area should be a minimum width of between 4-5 metres and be capable of growing to a mature height over 3.5 metres.

Additionally, the landscape plan must detail:

- Name and number proposed species (with preference on the use of native varieties);
- Height of species at planting;
- Height and spread of species at maturity;
- Method of site preparation and maintenance, to ensure likely survival of plant stock;
- Monitoring program to detect and replace dead or unhealthy plant stock;
- Weed management;
- Proposal for landscaping/screening of the site in the event of drought conditions prevailing, which may inhibit the landscaping planting being undertaken from the outset;
- Proposal for ongoing maintenance/watering of plantings to ensure their survival during drought conditions.
- Proposed landscaping along the southern edge of the Development Site to provide additional screening to the north when viewed from within Lot 192 DP 66672, so as to further minimise visual impacts on the greater curtilage area of 'Palmerston'.

Furthermore, the landscape plan must provide full details of the ongoing care and maintenance of the existing hawthorn hedge around the full extent of Lot 494 DP 66672 and Lot 2 DP 569410, so as to provide adequate ongoing screening of the solar farm when viewed from adjoining land. Such plan is to also detail ongoing replacement plantings of the hawthorn hedge to ensure the preservation of this important element of the heritage listing for the life of the development.

Such plan is to be provided to the satisfaction of Council prior to the release of a Construction Certificate for the development.

Landscaping/screening required under this consent, is to be undertaken in accordance with the approved plan prior to the operational phase of the development commencing.

18. In consideration of the heritage significance of the subject site and to ensure the ongoing preservation of not only Palmerston but also the outbuildings and grounds, a Conservation Management Plan (CMP) is to be prepared for the property including curtilage area, in consultation with a suitably qualified heritage consultant.

The CMP is to establish a strategy for the ongoing management of the heritage assets that exist on the property and provide details for the care and maintenance of the hawthorn hedge and additional landscaping required under this consent.

Such Plan is to be submitted to the satisfaction of Council prior to the release of the Construction Certificate.

19. Approval is required from Council for any of the following activities pursuant to Chapter 7, Section 68 of the Local Government Act 1993:

- Installation, alteration, or operation of an on-site waste water management system,

Approval must be obtained prior to the issue of a Construction Certificate for the development.

20. Prior to the issue of a Construction Certificate for the development, the Applicant is to submit a detailed excavation/earthworks plan, including but not limited to the panel array area and all ancillary works and include details and location of all stock piles on-site and proposed erosion and sediment controls to be installed to prevent runoff.
21. The development must be decommissioned and the site restored to its original agriculture use following decommissioning, or at the end of the lease, or the end of the approved term of the development, depending on which of these events occurs at the earliest date.

In this regard, the Applicant is to submit a Decommissioning Management Plan (DMP) outlining all procedures and activities to be implemented for the decommissioning of the site. The plan is to include details of, but not limited to:

- Removal of the solar panels, tracking systems, inverters and cables;
- Removal of onsite tracks and fences unless agreed otherwise with the landowner; and
- Reinstatement of all disturbed ground.

The plan must also include measures and opportunities to maximise the recycling of all products/materials at the end of their life, to ensure that they are appropriately disposed of responsibly and reuse is maximised while waste is minimised.

The DMP is to be provided to and approved by the relevant Certifying Authority prior to the release of a Construction Certificate for the development.

22. Council's potable water supply is not to be utilised by the development for any works associated with the construction and installation of the solar farm (road construction, footings construction, installation and wash down and any other ancillary works) for the duration of the construction period whilst the Local Government Area is on Level 4 or Level 5 water restrictions.

The applicant is to provide detail on where it will supply its water supply for construction purposes to the relevant certifying authority prior to release of a Construction Certificate for the development.

23. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate.

The contribution is current as at the date of this consent and is levied in accordance with the Armidale Regional Council Section 7.12 Contributions Plan 2018, adopted on 1 November 2018, which may be viewed during office hours at Council's Customer Service Centres, 135 Rusden St, Armidale, or 158 Bradley Street, Guyra and on Council's website www.armidaleregional.nsw.gov.au.

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development *	Levy Percentage	Total Contribution	Contribution Rate remains current until <i>first date of next quarter</i> .
Section 7.12 Contribution	\$6,600,000	1.0%	\$66,000.00	1.10.2020

*Proposed cost of carrying out the development less any credits which may apply.

Payment options are detailed after the conditions of this consent.

DURING CONSTRUCTION

24. Traffic warning signs are to be erected at each approach to the Dangarsleigh Road accesses indicating construction vehicles entering/leaving the site. Signs are to be installed prior to works commencing onsite and are to remain for the duration of the construction period for the development.
- Signage type and locations (and any other proposed road signage) are to be presented to the Local Traffic Committee for comment prior to signs being installed.
25. Effective dust control measures are to be maintained during the construction phase of the development to maintain public safety/amenity and prevent nuisance dust emissions from associated with construction traffic.
- ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.*
26. Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves, specifically installation of property vehicular accesses (driveway cross-over).
- The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve, confirming that the works will meet Council's Driveway Handbook and standard drawings, which can be found on Council's website (www.armidaleregional.nsw.gov.au).
- Advising: the activity is to be protected by public liability insurance with a minimum cover of \$20 million.*
27. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
28. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) Guidelines on Earthworks for Commercial and Residential Developments. A suitably qualified consultant shall:
- identify the source of the fill and certify that it is free from contamination;
29. Toilet facilities are to be provided at, or in the vicinity of the work 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.
30. The hours of construction work are to be generally restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1pm on Saturday, to maintain the amenity of the locality. Only works that are non audible at the property boundary of the subject site are permitted to be undertaken outside these hours.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

31. The development must be carried out in accordance with Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

32. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.
33. A further glint and glare assessment is to be undertaken once the panel layout is confirmed, to ensure that the location, siting and angle of the panels on site, does not result in any unacceptable glint and/or glare on sensitive receptors/adjoining properties.

BEFORE COMMENCEMENT OF OPERATION

34. Prior to the commencement of the operation of the solar farm, the planting associated with the landscape screen (as approved under Condition 15 of this consent) must be undertaken in accordance with the approved plan, unless otherwise varied and agreed to by Council where drought conditions may inhibit this from occurring.
35. Following construction, the applicant must:
 - a) Restore the ground cover of the site as soon as practicable, using suitable species; and
 - b) Maintain ground cover.
36. All security fencing is to incorporate scratch barriers to ensure that fencing containing barbed wire is clamber proof to prevent the potential for entanglement of any fauna.
37. In accordance with the recommendations of the submitted acoustic report, a further noise validation monitoring assessment is to be undertaken by a suitable qualified acoustic consultant prior to the operational phase of the development, to demonstrate and confirm that all operational noise from the development will satisfy relevant noise criteria/guidelines at all surrounding sensitive receivers.

OPERATIONAL CONDITIONS

38. The developer must ensure:

- a) The internal roads are constructed as all-weather roads;
- b) There is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- c) All vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- d) Vehicles leaving the site are in a clean condition and do not result in dirt being tracked onto the public road network.

39. The solar farm is to be decommissioned to the satisfaction of Council and the site returned to pre construction agricultural use, once the use has ceased and/or becomes inactive for more than 12 months.
- All decommissioning is to be undertaken in accordance with the approved plan/s unless varied by Council.
40. The ongoing operational phase of the solar farm development is to be undertaken at all times in accordance with all approved and adopted Plans.
41. Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.
42. The developer must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or decommissioning of the development, including weed control.
43. On-going monitoring of the health and performance of the visual plant screen during the life/ operation of the solar farm. Plant stock must be replaced, whenever necessary, to ensure the screen continues to act as an effective visual barrier.
44. The developer 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 possible with the surrounding landscape; and
 - c) not mount any advertising signs or logos on site, except where this is required for safety purposes.
45. The applicant must:
- a) Store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: The storage and handling of flammable and combustible liquids, or its latest version; and
 - b) Minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.
46. The development is to be provided at all times with a minimum 40,000 litre dedicated water supply for fire fighting purposes.
47. Construction and delivery vehicles NO GREATER THAN 12.5m in length (single unit truck/bus as per Austroads Design Vehicles and Turning Path Templates Guide, 2013), are to enter the development site and are only to enter and leave the site via the primary access as per the approved plans for the duration of the development.
48. No vehicle is to leave the site in a north-bound direction (No right-turn exit) from the secondary access at any time for the duration of the development

