

# Attachment A: Draft Conditions of Consent 2023/066

## A. GENERAL CONDITIONS

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 08 September 2023;
  - Statement of Environmental Effects, prepared by SLR, dated 1 September 2023, Project No. 630.30572.00000;
  - Response to Request for Additional Information, prepared by Urbis, dated 2 August 2024; and
  - Submitted plans:
    - Prepared by NSW Community Renewables (Gunnedah), dated 31/072024, Drawing No. 001 (Gunnedah Proposed BESS Locality Plan), Drawing No. 002 (BESS Layout Plan 1 of 2), Drawing No. 003 (BESS Layout Plan 2 of 2), Drawing No. 004 (Inverter Preliminary Layout);
  - Supporting Documentation:
    - ST2752UX Datasheet, prepared by Sungrow;
    - PowerTitan-ST2752UX System Manual, Prepared by Sungrow;
    - Gunnedah Solar Farm Regrowth Investigation, prepared by Kleinfelder, dated 09/08/2024, Ref: NCA24P170173;
    - Capital Investment Estimate, prepared by RPS, dated: 31 August 2023, ref: PR10693CIV\_Gunnedah;
    - Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated 4 July 2023;

except as otherwise provided by the conditions of consent.

***Reason: To ensure compliance with application and plans.***

- A2.** To confirm and clarify the terms of this approval, consent is given for the following:
- The installation and operation of a maximum 11MWh, consisting of 4 x Sungrow Power Titan – ST2752UX, Battery Storage System (BESS);
  - Installation of Inverter (12m long, 2.5m wide and 3m high);
  - Operation and Maintenance Shed (O&M) Container.

***Reason: To ensure that the development operation is limited to facilities and systems which have been assessed as part of the development evaluation.***

- A3.** The operation of the approved development must immediately cease 30 years after the date of issuing of an Occupation Certificate.

***Reason: To ensure that the development is consistent with previously approved development on the site and ensure that the development site is available for future development to meet future needs of the community for certain development land.***

- A4.** A Final Decommissioning and Rehabilitation Plan is to be prepared by the Applicant including (but not limited to) the following details:
- a) Proposed method of removal of infrastructure from the site;
  - b) Proposed method of disposal or recycling of BESS, including expected waste volumes and potential location of disposal;
  - c) Method of stabilisation of final land form post-decommissioning; and required site validation and any remediation works to return the site to a satisfactory condition to support small lot primary production development.

The plan is to be provided to Council a minimum of 6 months prior to the date nominate in Condition A3 and be approved in writing by Council's General Manager or Delegate prior to the commencement of the decommissioning and rehabilitation works.

Decommissioning and rehabilitation of the site is to be carried out in accordance with the approved plan within 6 months after the date nominated in Condition A3.

The applicant must provide documentary evidence, prepared by a suitably qualified person confirming that the decommissioning and rehabilitation works have been successfully completed in accordance with the approved plan to the Council within 14 days of completion.

***Reason: To ensure required decommissioning and rehabilitation works are completed.***

- A5.** No permanent structures are to be placed on any easement.

***Reason: To ensure legal requirements.***

- A6.** Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.

***Reason: To ensure visual amenity of the area is maintained.***

- A7.** The Operator shall repair, or pay the full costs associated with the repair of any public infrastructure that is damaged by the developer.

***Reason: To ensure that the community is not responsible for the costs of repair of any damage to public infrastructure.***

- A8.** Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.

***Reason: To ensure compliance with Essential Energy conditions.***

- A9.** Any activities within close proximity to Essential Energy's electricity infrastructure must be undertaken in accordance with the industry guideline currently known as ISSC 200 guideline for the Management of Activities within Electricity Easements and Close to Infrastructure (or its successors). Further approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

***Reason: To ensure compliance with Essential Energy conditions.***

- A10.** 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 ensure compliance with Essential Energy conditions.***

- A11.** It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibility. SafeWork NSW (<https://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 Codes of Practice – Work near Underground Assets.'

***Reason: To ensure compliance with Essential Energy conditions.***

## **B. BEFORE ISSUE OF CONSTRUCTION CERTIFICATE**

- B1.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

***Reason: To comply with statutory requirements.***

- B2.** Prior to the issuing of a Construction certificate, the Developer must pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$66,266.50, revised construction cost may incur a varied levy fee.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

***Reason: To make provision for public amenities and services within the community.***

- B3.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the *Local Government Act 1993* to:
- (a) Carry out stormwater drainage works.

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

***Reason: To ensure environmental health standards are met.***

- B4.** A detailed landscaping plan is to be submitted to and be approved by Council, prior to the issue of a Construction Certificate. The detailed landscaping plan is to include landscaping along the frontage to Black Jack Road and Bushs Lane, where the BESS and other associated infrastructure may be visible from the public reserve, and between the BESS and other associated infrastructure and any residential receiver on adjoining allotments. The landscaping is to establish a suitable visual screen to prevent visibility of the BESS and other associated infrastructure.

The landscaping plan is to indicate the location of number of plant species and is to include species type and pot sizes. All landscape species should be frost and drought tolerant species.

***Reason: To comply with statutory requirements.***

- B5.** Prior to the issue of a Construction Certificate an Emergency and Operational Management Plan is to be submitted to and approved by Gunnedah Shire Council. The Emergency and Operational Management Plan is to include, but not be limited to, the following details:
- a) Procedures to be undertaken in the event of an emergency, such as fire within one of the BESS units. This should include emergency actions to be undertaken by emergency services and the operator of the facility and any notification or action required by the operator to adjoining landholders. These procedures should include evidence of consultation with local emergency services departments.
  - b) List of emergency contact numbers, including an emergency contact number for the operator for neighbouring residents to contact in the event of an emergency. This list should be provided to adjoining land holders and residents and made available to other receivers within close proximity to the site.
  - c) Ongoing operational actions to limit the potential for hazardous events, such as the regular maintenance of the BESS, implantation of fire suppression measures and reducing potential ignition or fuel sources from within the site.
  - d) Barrier systems to be installed in positions to reduce the likelihood of vehicle collision with BESS units.
  - e) Method and measures for providing weather protection to the BESS system, noting that the system general data indicates a 'Degree of Protection' of IP54, which is suitable for indoor use and not suitable for heavy exposure or extreme conditions.
  - f) Waste Management procedures and volumes of waste types expected during construction, operation and decommission. It is noted that waste should not be stored onsite, including any systems that are removed during maintenance of the BESS during the operational life.

***Reason: To ensure that any potential risks or hazards are appropriately considered to ensure appropriate action in the event of a hazard.***

## **C. BEFORE WORK COMMENCES**

- C1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

***Reason: To meet statutory requirements.***

- C2.** Prior to the commencement of building works, the name, address and contact details of the Principal Building contractor shall be provided to Council or Certifying Authority.

***Reason: To ensure compliance.***

- C3.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's 'Gunnedah Development Control Plan 2012'.

***Reason: To ensure erosion and sediment control on the development site.***

## **D. DURING WORK**

- D1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

***Reason: To ensure compliance with approved application and plans.***

- D2.** The storage of all building materials shall be confined within the boundaries of the allotment.

***Reason: To ensure site safety.***

- D3.** Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters to extend beyond the property boundary line.

***Reason: Implementation of Council policy.***

- D4.** Toilet facilities are to be provided at, or in the vicinity of, the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (I). to a public sewer, or
  - (II). if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - (III). if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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

*accredited sewage management facility* means a sewage management facility to which Division 4A of Part 3 of the *Local Government (General) Regulation 2021* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

*approved by the Council* means the subject of an approval in force under Part 2 of the *Local Government (General) Regulation 2021*.

*public sewer* has the same meaning as it has in the *Local Government (General) Regulation 2021*.

*sewage management facility* has the same meaning as it has in the *Local Government (General) Regulation 2021*.

***Reason: To ensure environmental health standards are met.***

- D5.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

- Monday to Friday – 7.00am to 5.00pm;
- Saturday – 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;
- No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the *Protection of the Environment Operations Act 1997*, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

***Reason: To ensure amenity of the neighbourhood is maintained.***

- D6.** If the work involved in the construction or installation of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

***Reason: To ensure site safety.***

- D7.** The erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

***Reason: To ensure compliance with Council's requirements.***

- D8.** The deliberate burning of the building and/or demolition material shall not be permitted.

***Reason: To ensure compliance and safety of workers and general public.***

## **E. BEFORE COMPLETION OF WORK**

- E1.** Occupation/operation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

***Reason: To meet statutory requirements.***

- E2.** Onsite car parking accommodation must be provided for a minimum of one (1) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with *AS 2890 Off Street Parking* for parking space dimensions.

***Reason: To ensure compliance with Council's requirements.***

- E3.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

***Reason: To ensure compliance.***

- E4.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product which has been approved by Council. Parking areas must comply with *AS 2890 – Parking Facilities* and Council's Engineering Guidelines for Subdivisions and Developments, 2013.

***Reason: To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.***

- E5.** Stormwater from the development site must not be concentrated onto adjoining land.

***Reason: To ensure compliance with Council's requirements.***

- E6.** Vehicle access to the development area is to be from Black Jack Road and will require the construction of an entrance driveway from road edge to boundary line.
- a) Entrance driveways shall in all cases be constructed of road base material compacted to a minimum depth of 100mm. If the Council road is sealed then the driveway must be sealed as specified in the Council standard drawing for rural residential vehicular access.
  - b) Construction must not commence until a permit under Section 138 of the *Roads Act 1993* has been granted by Council. This will require sketch drawings showing proposed works – applicants should address AS2890.1-2004 regarding width, gradient, and sight distances.

***Reason: To ensure access is provided and meets appropriate engineering standards.***

## **F. BEFORE THE ISSUE OF A CERTIFICATE**

- F1.** Prior to the issue of an Occupation Certificate, a Rural Addressing number and post shall be applied for through Council and erected at the new vehicle access point off Black Jack Road.

***Reason: To ensure compliance and to ensure the correct property identification.***

- F2.** All landscaping identified on the detailed landscaping plan required by Condition B4, is to be conducted prior to the issue of an Occupation Certificate.

***Reason: To ensure appropriate landscaping is conducted for reduced visual impact of the development.***

- F3.** Prior to the issue of an Occupation Certificate, a public positive covenant under Section 88E of the Conveyancing Act 1919 must be registered on the title to the subject site (lot 2 DP814689 in favour of Council).

The terms of the public positive covenant shall provide that the Proprietor is obligated to ensure that solar farm is decommissioned and any remediation of the subject land at the cessation of operations is in accordance with the requirements of the conditions of this consent, including the Final Decommissioning and Rehabilitation Plan approved pursuant to Condition A4. The covenant is to provide that it must not be released or varied except with the consent of Council.

The terms of the covenant must be approved by the Council prior to lodgement with the NSW Land Registry Services.

***Reason: To ensure that the obligation to carry out decommissioning works is registered to the land title.***

## **G. OCCUPATION AND ONGOING USE**

- G1.** The development must not generate noise, when measured over a 15 minute period (L<sub>Aeq</sub> 15min), which exceeds the following noise levels at each identified time period at:

- Residential/Rural receivers not associated with industrial activity - 43dba L<sub>Aeq</sub>(15min)
- Industrial Developments - 68dba L<sub>Aeq</sub>(15min)

***Reason: To ensure amenity of the neighbourhood is maintained.***

- G2.** All landscaping must be maintained at all times in accordance with the approved landscape plan.

***Reason: To ensure maintenance of landscaping.***

- G3.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

***Reason: To ensure maintenance of car parking areas.***

- G4.** All vehicular movement to and from the site must be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

**Reason: To ensure compliance with Council's requirements.**

- G5.** Details and management actions within the Emergency and Operational Management Plan, required by condition B5 are to be implemented and maintained for the life of the development.

**Reason: To ensure implementation of the Emergency Operational Management Plan.**

## **H. PRESCRIBED CONDITIONS**

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

### **H1. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- (4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date.
- (5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply—
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section— **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

**Reason: To ensure compliance with the statutory requirements.**

### **H2. Erection of signs**

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - (a) showing the name, address and telephone number of the principal certifier for the work, and

- (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be—
- (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- (4) This section does not apply in relation to—
- (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

***Reason: To ensure compliance with the statutory requirements.***

### **H3. Notification of Home Building Act 1989 requirements**

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
- (a) for work that requires a principal contractor to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
  - (b) for work to be carried out by an owner-builder—
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*—the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

***Reason: To ensure compliance with the statutory requirements.***

### **H5. Shoring and adequacy of adjoining property**

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
- (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
  - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if—
- (a) the person having the benefit of the development consent owns the adjoining land, or
  - (b) the owner of the adjoining land gives written consent to the condition not applying.



***Reason: To ensure compliance with the statutory requirements.***