



CONSENT CONDITIONS – SOLAR FARMS

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	[PAN-322491] – [DA2023/026]
PROPOSAL	Private Electricity Generating Works (Solar Farm) 12 Megawatts, Substation, 153 Lot Community Title Subdivision, Vegetation Removal, Earthworks, and Security Fencing.
ADDRESS	Lot 24 DP 1235089 - 131 Quia Road GUNNEDAH
APPLICANT	David Walker – Premise Australia
APPLICATION TYPE	Local Development

PART A: GENERAL CONDITIONS

A1 Approved Plans and Supporting Documentation

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

Plan/Report Title	Reference No	Revision	Prepared by	Date
Pre-Lodgement Application Form	PAN-322491		David Walker	
Statement of Environmental Effects – In Support of Development Application	SEE	001A	Premise	13 April 2023
Response to Request for Additional Information Letter	221311_LE T_001A.docx		Premise Australia Pty Ltd	16 November 2023
Response to Request for Additional Information Letter	221311_LE T_002A		Premise Australia Pty Ltd	01 March 2024
Response to Request for Additional Information Letter	221311		Premise Australia Pty Ltd	09 March 2024
Drawing No.: E05 (Substation General Layout),	2750	B	Ekstica,	4 September 2018
Drawing No.s: 01D_TP01 to 01D_TP11 (Title Sheet, Site locality, Current Lot Layout,		D	Premise	27 February 2024

Proposed Community Title Subdivision Plan and Module Layout, Proposed Solar Module & Lot Layout, Proposed Fencing Plan, Proposed Fencing Details, Proposed Substation / Compound Plan, Erosion & Sediment Control Plan, Erosion & Sediment Control Diagrams, Substation General Layout—By Others (Substation General Layout plan prepared by Eksitica dated 4 September 2018), and Proposed Solar Panels Detail.				
Waste Management Plan	221311/RE P	. 001B		1 March 2024
Report - Capital Investment Value Estimate	den.863		Denary Quantity Surveying	13 November 2023
Aboriginal Heritage Information Management System	Gunnedah Stage 3 – Client ID:772258		AHIMS Web Services (AWS)	13 April 2023
Fill Material Validation, Gunnedah Solar Farm and Industrial Subdivision, Quia Road, Prepared for Ironbark Energy	214358_RE P _009.docx			December 2017
Laboratory Analysis Report, Asbestos Identification Report			Regional EnviroScience, Hazardous Materials Laboratory and Consultancy	
Draft Decommissioning Management Plan	221311/RE P	001A	PREMISE	16 November 2023

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

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

A2 Terms of the Approval

To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:

- Construction of a maximum 153 solar array modules, by the completion of the following works:
 - Construction of a 12 MW solar energy generation facility, with an operation life of 25 years.
 - Construction of an electrical substation and all associated infrastructure including, transformers, inverters, wiring, perimeter fencing and internal access roads.
 - Rehabilitation of solar electrical generation facility at end of 25-year operational life and removal of all above ground infrastructure, including surrendering of community title lots.
- Community Title Subdivision creating 153 Community Title allotments (community title lots created over each solar array module).
- Generation of no more than 12 megawatt (MW) per annum.
- Construction of boundary fence around Electrical Generation Works (Solar Farm) and substation.
- Decommissioning of all solar arrays, above and below ground infrastructure and electrical substation and any other structures or infrastructure relating to solar generation works, upon cease of operational life of solar generation works in accordance with the rehabilitation plan required by condition B2 of this determination.

Reason: To ensure compliance with application and plans.

A3 Terms of the Operations

To confirm and clarify the terms of this approval, development consent is not granted for the operation of the proposed Electrical Generation Works (Solar Farm) for a period greater than 25 years from the commencement of electrical generating operations.

The developer is required to advise Council of the commencement date of operation of the electrical generation works approved under this consent. Council will then provide written confirmation of the lapsing date for electrical generation works under this development consent.

Reason: To ensure compliance with application and plans.

A4 Terms of Decommissioning

At the completion of the 25 years lifespan of the development the site is to be returned to a standard that would support the industrial use of the site, and as outlined in the approved Statement of Environmental Effects and Site Decommission and Rehabilitation Plan prepared in accordance with Condition G1. Decommission and Rehabilitation works are to be completed within 6 months of the completion of the 25 year operational life specified in Condition A3.

Documentary evidence is to be provided to Council from a suitably qualified person to confirm that the development has been successfully decommissioned to a standard to support the industrial use of the land in accordance with this requirement.

Reason: To ensure required rehabilitation works are completed.

A5 Stormwater

Runoff from rainfall events up to and including the 5-year ARI event must be contained within a piped or channelised system of adequate size to accommodate post development stormwater flows. Flows greater than the 5-year ARI event up to and including the 100-year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

A6 Stormwater from the development site must not be concentrated onto adjoining land. Stormwater runoff from the proposed development shall be directed to the drainage channel located within the site.

Reason: To ensure compliance with Council's requirements.

A7 Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and the compaction test results.

Reason: To ensure compliance with Council's requirements.

A8 Excavated material from the site is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line. The placement of fill to support the kerb and gutter is not included in this condition.

Reason: Implementation of Council policy.

A9 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.

A10 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

PART B: BEFORE ISSUING CONSTRUCTION CERTIFICATE

B1 Construction Certificate

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

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

B2 Prior to the issue of a Construction Certificate a Site Decommission and Rehabilitation Plan is to be provided to and approved by Gunnedah Shire Council.

The Site Decommission and Rehabilitation Plan is to include but not be limited to:

- Proposed method of removal of infrastructure from the site;
- Proposed method of disposal of solar panels, including expected waste volumes and potential location of disposal; and
- Method of stabilisation of final landform, post decommission.

Reason: To ensure appropriate consideration is made for decommissioning and rehabilitation of the development site.

B3 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 Gunnedah Shire Council's Fees and Charges 2023/2024 applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy of \$36,610.56 as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provides proof of this payment to the certifier.
- (b) **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.
- (c) **Payment of development contributions** – A total monetary contribution must 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.
 - (i) This condition is imposed in accordance with the provisions of Gunnedah Shire Council Section 94A Contributions Plan January 2013. A copy of the document is available on Council's website at or may be inspected at Council's Administration Building.

- (ii) 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.
- (iii) Revised construction cost may incur a varied levy fee.

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

B4 Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) is to be prepared and submitted to Council for review and approval prior to the issue of a Construction Certificate. This plan shall include but not be limited to:

- (i) Identifying critical life cycle events of target species and detail timing of vegetation clearing to ensure no impacts to these target faunas occur.
- (ii) measures to avoid noise encroachment on adjacent habitats, such as avoiding night works as much as possible and directing lights away from vegetation.
- (iii) Identify tree protection zones (TPZ) around retained trees for management for the duration of construction in accordance with Australian Standard 4970-2009 – Protection of trees on development site.
- (iv) A Soil and Water management Plan (SWMP)
- (v) sediment and dust control measures to prevent indirect impacts to retained vegetation including an adaptive dust monitoring programs to control air quality, daily monitoring of dust generated by construction activities with all activities relating to the proposal would be undertaken with the objective of preventing visible dust emissions from the development site.
- (vi) vehicle hygiene protocols

Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by Council in writing prior to the issue of a Construction Certificate. This plan shall be implemented throughout the construction phase of the solar farm.

Reason: To ensure compliance with approved application and plans.

B5 Landscape Plan

Prior to the issue of a Construction Certificate, the applicant must provide a Landscape Plan. The Landscaping Plan is to include:

A) A minimum three (3) metre wide landscaping buffer around the exterior perimeter of the solar development and the electrical generation works substation. Vegetation should be staggered to create a more effective vegetation barrier. Details of proposed tree species, height at maturity and proposed pot size are to be submitted to Council.

Note. Suitable vegetation species should incorporate low maintenance, drought, and frost tolerant species, suitable for the climatic conditions of the region.

Reason: To ensure adequate landscaping to minimise visual impacts.

B6 Prior to the issue of a Construction Certificate, details of Electrical Substation must be submitted to Council for review and approval. The Electrical Substation plan must include:

- a) Elevations of the Substation and its relative height from natural Ground Level
- b) Roofing materials should be non-reflective where roof pitch is greater than 17 degrees or visible from a public road.

Reason: To ensure compliance with application and plans.

B7 Material used as fill within the site must be free of contaminants. A report is to be submitted to Council prior to the issue of a Construction Certificate, providing details of fill including source of fill and potential contaminants within sourced soil.

Reason: To ensure sourced fill does not contain any potential contaminants.

B8 Other Approvals

The following approvals are required where relevant:

- (a) **Roads Act 1993 approval** - The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.

Reason: To ensure all work complies with relevant legislation.

B9 Servicing

In relation to services, the following must be undertaken by the applicant where relevant:

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,
- (b) **Dial before your dig** - the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and underground infrastructure for safety and efficiency.

B10 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.

B11 Stormwater Management

Prior to the issue of a Construction Certificate a Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to Council for assessment and approval.

The Stormwater Management Plan is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater can be intercepted, drained, and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Any proposed works (e.g., diversion banks, drains etc) must be designed in accordance with Australian Rainfall and Runoff to cater for the 1 in 20-year storm.

Reason: To ensure satisfactory drainage whilst ensuring that the surface water is not diverted onto adjoining properties.

B12 The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.

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

B13 Prior to the issue of a Construction Certificate an updated Waste Management Plan is to be submitted and approved by Council in relation to the waste generated during the construction and future decommission and rehabilitation of the Electricity Generation Works. The Waste Management Plan is to include, but not be limited to:

- a) The type of waste generated and its classification, in accordance with Environmental Protection Authority's Waste Classification.
- b) Quantities of waste and recycled products to be generated during the construction, operation, and decommission stages. These should be addressed as separate quantities. The quantities should be addressed independently.
- c) Address waste management and handling procedures for all waste generated onsite and identify appropriate waste disposal methods and facilities.

Reason: To ensure compliance with approved application and plans.

- B14** Prior to the issue of a Construction Certificate a Construction Traffic Management Plan (CTMP) is to be submitted and approved by Council in relation to construction of the development. Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by Council in writing prior to the issue of a Construction Certificate.

Reason: To ensure compliance with approved application and plans.

- B15** Prior to issue of a Construction Certificate a Bush Fire Emergency Management and Operations Plan is to be submitted and approved by Council in reference to Section 8.3 of the *Planning for Bush Fire Protection 2019*. The management plan should identify all relevant risks and mitigation measures associated with the construction and operation of the solar farm. This should include:

- Detailed measures to prevent or mitigate fires igniting.
- Work that should not be carried out during total fire bans;
- Availability of fire-suppression equipment;
- Access and water;
- Storage and maintenance of fuels and other flammable materials;
- Notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
- Appropriate bush fire emergency management planning.

Reason: To ensure compliance with *Rural Fires Act 1997*.

B16 Vegetation Management Plan

Prior to the issue of a Construction Certificate, the applicant must prepare, submit to Council and obtain approval for a Vegetation Management Plan ('VMP') for the area to be landscaped comprising the area described as Lot 24 DP 1235089, 131 Quia Road Gunnedah.

The VMP must be prepared by a suitably qualified and experienced Ecologist and must be for a minimum of (five) years. The primary objective of the plan must be weed management, regeneration of native vegetation and if necessary, replanting. Implementation of the VMP must commence immediately following issue of a Construction Certificate. In preparing and implementing the VMP the following criteria must be addressed:

- (a) A suitably qualified and experienced professional bush regeneration contractor must be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel).
- (b) A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation and extent of dominant weed infestations.

- (c) A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided.
- (d) A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works. All primary weed control must be undertaken in the first year following commencement of the VMP, with secondary weed control undertaken in the second year following commencement of the VMP. Maintenance weed control must continue for the duration of the VMP. If natural regeneration has not occurred within one (1) year of implementation of the VMP then replanting must occur. Replanting density is to be 1 tree per 10m² and 1 shrub or small tree per 5m². A minimum of 90% survival rate of plantings is required, with replacement planting to occur if required to achieve this.
- (e) The location and type of fencing or other suitable method of restricting access of livestock into the area to which the VMP applies must be identified if livestock are to be kept on the lot.
- (f) Photo monitoring points, details of plant survival, occurrence of natural regeneration and weed density must be used as part of the monitoring of the area and included in each monitoring report.
- (g) Monitoring reports on the progress of the VMP must be submitted to and approved by Council's Ecologist once every six (6) months for the duration of the VMP.

Reason: To ensure the development does not adversely impact on biodiversity.

B17 Vehicle Access Requirements

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

- (a) Council's requirements for site access as per Condition A9

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.

B18 Visual Mitigation Measures

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

- (a) Planting and maintenance of a vegetation screen along the Ross Road / Quia Road boundary of the site to reduce the impact of the solar panels on the adjoining properties/road;
- (b) 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.

B19 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.

B20 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 and loading / unloading areas for the operation of the solar farm are to be provided on an all-weather surface, line marked and signposted. 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.

B21 Subdivision Works Certificate

Engineering drawings and specifications for the construction and installation of all subdivision works shall be submitted to Council for approval prior to the issue of a Subdivision Works Certificate.

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

B22 Dilapidation report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier.

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the demolition works. The insurance cover shall be a minimum of \$10 million.

Reason: To ensure any damage caused by the development is documented prior to works commencing on the site.

PART C: BEFORE WORKS COMMENCES

C1 Appointment of Principal Certifying Authority

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

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

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

C2 Signs on site

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

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

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

C3 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.

C4 Prior to the commencement of building works a "Peg Survey Report" indicating the location of the external boundary of the proposed electrical generation works (Solar Farm), is to be supplied to Council confirming the position of all structures, relative to the lot boundaries of proposed Lot 22 of Development Consent No. 2015/062.004. All structures, services and landscaping must be located within the area designated by this proposed allotment.

Reason: To ensure that the resulting development occurs within the boundaries of the approved and activate Development Consent and no structures occur over lot boundaries.

C5 Pursuant to Section 49 of the Electricity Supply Act 1995, the energy service provider may require structures that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. It is essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person's completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

- a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- b) Any activities in proximity to electrical infrastructure must be 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;
- c) 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Reason: To ensure SafeWork practices are followed.

C6 The redundant low voltage powerline identified on Current Lot Layout Plan, Prepared by Premise, dated 27/2/24, Drawing No.01D_TP02, reference 221311, revision D, is to be decommissioned and removed from site. All works are to be undertaken in accordance with Section 49 of the *Electricity Supply Act 1995*.

Reason: To ensure compliance with Essential Energy Requirements.

C7 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:

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

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

- C8** Prior to the commencement of any other works to the development, a vehicle access from Ross Road must be constructed and will require the construction of an entrance driveway from road edge to boundary line.
- a) The driveway must be reinforced concrete as specified in the relevant Council standard drawing.
 - b) Construction must not commence until a permit under Section 138 of the *Roads Act 1993* has been granted by Council. This will require engineering 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.

PART D: DURING WORKS

- 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** The approved 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.

- D4** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

D5 Construction Hours

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

- (a) Monday to Friday: 7:00am to 5:00pm;
- (b) Saturday: 8:00am to 1:00pm if audible on other residential premises, otherwise, 7:00am to 5:00pm;
- (c) No Construction on Sundays or Public Holidays.

Unless otherwise approved within the Construction Environmental 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.

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 the amenity of the area is maintained during construction.

D6 Compliance with Construction Environmental Management Plan

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

- (a) 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.
- (b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- (c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- (e) 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.

D7 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:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection

- (d) 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
- (e) The address of the disposal location(s) where the waste was taken
- (f) 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.

D8 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.

D9 Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning 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 Climate Change, Energy, the Environment and Water.

In this condition:

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

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

D10 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.

D11 Construction Noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

D12 Imported Fill

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

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

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

D13 Critical Stage Inspections

Building work must be inspected on the occasions set out in Section 61 (Critical Stage Inspections for Building Work) under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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

D14 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 Environmental 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.

D15 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.

D16 Clearing of Development Footprint

Vegetation must be cleared from the periphery of vegetated areas first, progressing from South to North, to enable resident fauna to relocate to adjacent areas to be retained for conservation purposes. A suitably qualified and experienced ecologist must be present during the clearance of any significant areas of vegetation to ensure that any native fauna present are able to be appropriately cared for. Habitat features removed from the area cleared (hollow-logs, hollow limbs) must be salvaged and relocated to the retained vegetation areas.

Reason: To ensure the development does not adversely impact on biodiversity.

D17 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.

D18 Demolition Work

All demolition work shall be carried out in accordance with *Australian Standards AS 2601-1991 Demolition of Structures*, other relevant Australian Standards and the requirements of SafeWork NSW.

Reason: To ensure demolition work is carried out in a safe manner.

PART E: BEFORE COMPLETION OF WORKS

- E1** 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.

- E2** The southern side of Ross Road and Quia Road and the eastern side of Black Jack Road must be constructed for the entire development site frontage. All roads must include the installation of kerb and guttering, and road shoulder. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development 2013.

Reason: To ensure adequate road, kerb and guttering construction is undertaken.

- E3** Onsite car parking accommodation shall be provided for a minimum of one (1) vehicle within the development area, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. 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.

PART F: PRIOR TO ISSUE OF CERTIFICATE

F1 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*.

F2 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.

F3 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

- (a) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed;
- (d) 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.

F4 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.

F5 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:

- (a) 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) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

F6 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:

- (a) Section 88B Instrument for the Right of Carriage Way and electrical transmission to substation.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments.

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

F7 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

F8 Operations Environment Management Plan

Prior to the issue of an Occupation Certificate, the applicant must submit to Council for review and approval, an Operational Environment Management Plan (OEMP). The OEMP must include procedures, reporting and the allocation of responsibilities designed to minimise environmental impacts during the operational life of the development.

Reason: To ensure environmental protection throughout the operation of the development.

F9 Subdivision Certificate Application

A Subdivision Certificate application is required following completion of the subdivision works outlined in this consent. A final plan of survey prepared by a registered surveyor must be submitted for endorsement by Council with the application for a Subdivision Certificate.

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

F10 An application for a Subdivision Certificate and payment of the subdivision fee applicable at the time shall be lodged with Council.

Note: The application fee is adopted under the Council's 2023/2024 Operational Plan. Revised fees adopted in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

F11 Prior to the issue of a Subdivision Certificate for the Community Title Subdivision, the developer is to submit to Council a copy of the Final Community Management Statement.

Reason: To ensure that the Community Management Statement is prepared.

F12 Works-as-Executed Drawings

Works-as-executed drawings ('WAE') are to be provided which outline all constructed subdivision works. The drawings shall be certified by a registered surveyor or a chartered professional Civil Engineer. An electronic copy of the WAE in dwg format shall also be provided prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council's requirements and that there is an adequate record of community infrastructure.

F13 Engineering Guidelines for Subdivision

The applicant must comply with Council's Engineering Guidelines for Subdivisions.

Reason: To ensure the development complies with Council's subdivision controls.

F14 Compliance with Subdivision Conditions

The applicant must demonstrate compliance with all the conditions of this development consent that, by its terms, are required to be complied with before a subdivision certificate may be issued in relation to the land, including any necessary easement and/or restrictions.

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

G1 Site Decommission and Rehabilitation Plan

A Site Decommissioning and Rehabilitation Plan must be provided to and be approved by Council (or relevant approval authority) generally consistent with the Site Decommissioning and Rehabilitation Plan 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:

- (a) Expected timeline for rehabilitation completion;
- (b) Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
- (c) Programme of site restoration to return the land is returned to its previous state prior to use as a solar farm, with the retention of landscaping; and
- (d) 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.

G2 Emergency Management Plan

The approved Emergency Management Plan ('EMP') for the development 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.

G3 Vehicle Management

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

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) 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.
- (c) 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.

G4 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.

G5 Operation of Plant and Equipment

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is 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.

G6 External lighting

Any lighting used on the site in connection with the development is to comply with *AS 4282 – Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

G7 Storage of Hazardous Materials

The applicant must store and handle all dangerous and hazardous materials on site in accordance with *AS 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.

G8 Maintenance of Wastewater and Stormwater Treatment Device

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

Reason: To protect sewerage and stormwater systems.

G9 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.

G10 Waste Materials

The Applicant must:

- (a) minimise the waste generated by the development;
- (b) 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);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) 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.

G11 Asset Protection Zone Development Area

At all times the entire solar array development footprint is to be managed as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason: To ensure compliance and fire safety of Building.

G12 All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- G13** The sealing to all internal driveways, vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- G14** The proposed substation shall not be used as a Commercial or Industrial Premises without the prior written consent of Council.

Reason: To ensure compliance.

- G15** The development shall not generate noise, when measured over a 15-minute period (LAEQ 15min), which exceeds the following noise levels at the most affected nearby residential receivers:

- 65dba, during daylight hours (7:00am - 6:00pm Monday to Saturday; or 8:00am to 6:00pm on Sundays and Public Holidays).
- 55dba, during evening hours (6:00pm to 10:00pm).
- 50dba, during night hours (10:00pm - 7:00am Monday to Saturday, and 10:00pm - 8:00am Sundays & Public Holidays).

Reason: To ensure compliance with the NSW EPA's Industrial Noise Policy.

PART 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 the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (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*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.

- (2) This clause does not apply—
 - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

H2. Erection of signs

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any 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 any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.