

Attachment A – Draft Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

A1. Staged Construction

This development consent recognises the following construction stages as shown on drawing no. 23043-G-2100, revision 3, prepared by itp Renewables dated 4 Oct 2023:

Stage 1: 11,200 solar panels, a central inverter, HV kiosk, security fencing, internal access road, 20 space temporary construction car park, laydown area, slab for any future BESS, underground cabling, power poles.

Stage 2: an additional 1,750 solar panels and a BESS subject to condition A3 below for each of the five (5) rows of solar panels.

A2. 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
General Arrangement Plan	23043-G-2100	3	Itp Renewables	4/10/23
Array Framing Details	23043-M-2300	1	Itp Renewables	3/1/2024
Fencing Details	23043-C-5300	1	Itp Renewables	3/1/2024
Gate Details	23043-C-5310	1	Itp Renewables	5/1/2024
Site Elevations	23043-G-2200	1	Itp Renewables	3/1/2024
Location Plan	23043-G-0400	5	Itp Renewables	13/3/2024
Easement Detail Plan	23043-G-2120	1	Itp Renewables	2/4/2024
Access Road Crossing Plan	23043-G-2130	1	Itp Renewables	2/4/2024
Underground Trench Sections	23043-E-7200	1	Itp Renewables	2/4/2024
AC SLD	23043-E-1100	2	Itp Renewables	25/8/2023
Aboriginal Cultural Heritage Assessment Report	4145	V3	OzArk	5/3/2024
Preliminary Site Investigation	AU213008068	3	RPS AAP Consulting	4/4/2024
Surface Water Assessment	1928-01-B	0	WRM	25/1/2024
Property Report			NSW Planning Portal	18/10/2023
Extensive search – Site list report	747640		AHIMS Web Services	24/1/2023
Screening Assessment	AV-J-231034	1	Advitech	23/10/2023
Glint and Glare Assessment	22024		Environmental Ethos	17/10/2023

Preliminary Hazard Analysis	RCE-24149	0	Riskcon Engineering	31/5/2024
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In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

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

A3. Battery Energy Storage System (BESS)

The installation of a BESS may only consist of either a Li-Ion BESS with up to 2.5MW discharge capacity and a storage capacity of up to 5MWh or a vanadium redox flow battery with up to 1.5MW discharge capacity and a storage capacity of up to 12MWh. The BESS is to be located as shown on the General Arrangement Plan approved at condition A2. A redox flow BESS must be tested in accordance with UL9540A and installed in accordance with manufacturer and UL9540A report recommended clearances based on testing. UL testing information is to be made available to the certifying authority.

Reason: The Preliminary Hazard Analysis prepared by Riskcon Engineering indicated that hazard risks are acceptable based on a vanadium redox flow battery of certain specifications outlined at page 6. The SEE also provides BESS specifications at page 8 that form the basis of the Screening Assessment prepared by Advitech for a Li-Ion BESS. No evidence has been provided to demonstrate the safety of any BESS for this site other than those specified in the condition above.

A4. Dwelling occupancy

The two dwellings located adjacent to the eastern boundary of the development site are to remain permanently unoccupied until such time as they are demolished in accordance with condition E2.

Reason: Demolition is required as satisfactory evidence has not been provided to demonstrate negligible risk to human life for any future residents of these dwellings (located approximately 80m to the east of the development site) from the proposed Li-Ion BESS. The application has indicated that these dwellings are vacant and will remain so. This condition emphasises the importance of this, in terms of risk management.

A5. 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.

A6. Compliance with the Building Code of Australia

All building work must 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.

A7. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

A8. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council guidelines and relevant authorities' specifications.

A9. Lapsing of consent

In accordance with section 4.53 of the *Environmental Planning and Assessment Act 1979*, this consent is valid for a period of five (5) years from the date of the Notice of Determination.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

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

A10. Requirements of Transgrid

The following conditions have been imposed by Transgrid:

- (a) Metallic fencing must be earthed. For more information, please refer to "Transgrid Fencing Guidelines".
- (b) The cable must be at least 30 metres from any part of the transmission line structure or supporting guy.
- (c) Warning /tracer tape must be non-metallic within the transmission line easement.

- (d) Below-ground services within the easement must be capable of withstanding the weight of maintenance vehicles (43 tonne).
- (e) Non-metallic Service markers are required at entry and exit of the easement and any change in direction.
- (f) Cable joint pits shall not be within the easement or 30 metres of a structure.
- (g) The proponent must consider the effect of earth potential rise and induction and implement appropriate mitigation measures.
- (h) If any services are to be proposed to be situated within the easement or where travel is required by Transgrid maintenance vehicles, it must be ensured that the trench backfill can safely withstand the 43-tonne load capacity of maintenance trucks without causing damage to any pipes/conduits and services.

Additional Notes:

1. During the construction phase, Transgrid should not be restricted from undertaking regular maintenance and inspection activities. After the works, access to the Transmission Line / structures shall always be available for Transgrid's plant and personnel.
2. Any machinery operating within Transgrid's easement shall be at least 22 metres away from Transmission Line structures or supporting guys and not exceed 4.3 metres in height.
3. The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel, or any other construction material.
4. If any services are to be proposed to be situated within the easement or where travel is required by Transgrid maintenance vehicles, it must be ensured that the trench backfill can safely withstand the 43-tonne load capacity of maintenance trucks without causing damage to any pipes/conduits and services.
5. All fence and gate earthing must be installed in accordance with Transgrid Fencing Guidelines.
6. Any fencing installed on the easement must not exceed 2.5 metres in height.
7. Metal gates should be earthed by bonding across the hinges to the fence (in the case of a wire or other metal fence), or by suitable earthing arrangements at the gate post for fences of wooden construction.
8. Each separate strand of wire or metal fence/panel should be effectively earthed at the edge of the easement, wherever the fence passes in or out of the easement area, and at any end of the fence located within the easement area.
9. The easement shall not be used for temporary storage of construction spoil, topsoil, gravel, or any other construction materials.
10. Any slopes for where travel is required by Transgrid's heavy maintenance vehicles must not have a grade steeper than 1:6 (1:8 or less is preferred) – to be considered for proposed batter.

Reason: To ensure compliance with section 2.48(2) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work for each Stage, you will need a Construction Certificate for building works (in accordance with section 6.7(1) of the *Environmental Planning and Assessment Act 1979*) issued by Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

B1. Payment of Security Deposits, Levies and Contributions

The following payments must be made prior to the issue of the Construction Certificate.

- (a) **Payment of building and construction industry long service levy** - The applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provide proof of this payment to the certifier.
- (b) **Payment of development contributions**

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and Council's [Section 7.12 Fixed Development Consent Levies Contributions Plan 2011](#), this development requires the payment of a section 7.12 contribution. The section 7.12 contribution is required towards the provision of public amenities and services in accordance with Council's adopted Contributions Plan.

Total payment for Stage 1 shall be **\$91,454.25** (1% of the proposed cost of carrying out Stage 1 of the development). In accordance with Council's Contributions Plan 2011, the total payment amount will be indexed by the Consumer Price Index, applicable at the date of payment.

Total payment for Stage 2 shall be **\$162,000** (1% of the proposed cost of carrying out Stage 2 of the development). In accordance with Council's Contributions Plan 2011, the total payment amount will be indexed by the Consumer Price Index, applicable at the date of payment.

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

B2. Other Approvals

The following approvals are required prior to the issue of a Construction Certificate for Stage 1:

- (a) **Roads Act 1993 approval** – Prior to the issue of a Construction Certificate, a section 138 Roads Act application, including payment of fees, shall be lodged with Council, as the Roads Authority for any works required within a public road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc), pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped plans and Council specifications.

- (b) **Section 68 of the Local Government Act 1993** – evidence shall be provided to demonstrate that approval from the relevant stormwater authority under section 68 of the Local Government Act 1993 has been obtained for stormwater drainage works.
- (c) **Section 90 of the National Parks and Wildlife Act 1974** - an Aboriginal Heritage Impact Permit is required to permit impact to archaeological sites 1, 2, 6, 7 and 8 identified in the approved Aboriginal Cultural Heritage Assessment listed in condition A2.

Reason: To ensure all work complies with relevant legislation.

B3. 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,

Details shall be provided with the Construction Certificate application for Stage 1.

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

B4. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared to address both Stages 1 and 2 in accordance with “Landcom’s Blue Book” for sedimentation and erosion control plan by a suitably qualified person and must be submitted to the Principal Certifier.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

B5. Stormwater Management Plan

Prior to the issue of any Construction Certificate for Stage1, fully detailed engineering drawings and specifications must be submitted to and approved by Council’s Director Infrastructure Delivery (as the water authority) for the provision of a stormwater management system that addresses both Stages 1 and 2.

The Drawings and specifications are to be prepared by a Chartered Professional Engineer and are to be designed in accordance with:

- (a) AS3500.3- Stormwater Drainage
- (b) Narrabri Shire Council Design Specifications
- (c) Identify overland flow paths

- (d) Identify surface drainage and catchment areas
- (e) Pit size and type
- (g) Pit details
- (g) Submit a longitudinal section which must include:
 - (i) Chainages to stormwater pits
 - (ii) Existing and proposed surface levels
 - (iii) Pipe invert levels
 - (iv) Depth to invert
 - (v) Pipe size, material and class
 - (vi) Pipe grades
 - (vii) Location of other service crossings

Reason: To ensure the appropriate management of stormwater.

B6. Internal Driveways and Car Parking

Prior to the issue of a construction Certificate for Stage 1, a detailed design for the internal driveways and car parking spaces including pavement (unsealed gravel) design shall be prepared by a suitably qualified person and submitted to the Principal Certifier.

Reason: To ensure provision of proper vehicle access facilities.

B7. External Lighting – advisory only as not shown on plans

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. Where relevant, details are to be shown on the Construction Certificate plans for the relevant stage.

Reason: To protect the amenity of the surrounding area.

Prior to Commencement of Works

C1. Appointment of Principal Certifier

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

- (a) Appoint a Principal Certifier and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council, and the Principle Certifying Authority if not the 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. Erection of signs

A sign must be erected in a prominent position on the site stating:

- (a) 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.

The 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.

Note - Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A).

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

C3. Erosion and Sediment Control Plan

Erosion and sediment control measures as per the approved Erosion and Sediment Control Plan shall be installed prior to the commencement of works.

Reason: To ensure that sediment does not leave the site as a result of the construction of the development.

C4. Construction Management Plan (CMP)

Prior to the commencement of work for each Stage, a Construction Management Plan is to be prepared by suitably qualified professionals and submitted to Council for approval detailing arrangements during the construction of the development. The CMP is to include the mitigation measures recommended in the supporting technical studies listed under condition A2 above and include, but not be limited to, the following:

(a) Construction Traffic Management Plan (TMP)

A Construction Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval prior to the commencement of work. The TMP must comply with the requirements of Transport for New South Wales Traffic Control at Work Sites Technical Manual (TCAWS Manual), Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3), and Austroads' Guide to Temporary Traffic Management (AGTTM).

The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained throughout the duration of the construction. All inspections of the

TMP and collection of records must comply with the requirements of the TCAWS Manual.

(b) Waste Management Plan

This is to include (as a minimum):

- (i) Measures to reduce and segregate waste;
- (ii) identify all waste (including excavation, demolition and construction waste material) that will be generated by the development during construction, and
- (iii) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - reused on-site and off-site, and
 - recycled on-site and off-site, and
 - disposed of off-site, and
- (iii) if waste material is to be disposed of, reused or recycled off-site - specify the contractor who will be transporting the material and the licensed waste management facility or recycling outlet to which the material will be taken.

Waste Management measures are to be in accordance with best practice and regulatory standards.

(c) Material stockpiling/storage

This is to include (as a minimum):

- (i) further details of the nature/use of this area and any mitigation measures deemed necessary by the relevant experts to minimise any potential harm to the environment or persons as a result of the construction/siting of this area, the storage of goods (including any dangerous goods) and use of the area.

(d) Protection of Aboriginal Cultural Heritage

This is to include (as a minimum):

- (i) Recommended measures to ensure the protection of Aboriginal Archaeological sites 3, 4 and 5 (as identified in the approved Aboriginal Cultural Heritage Assessment at condition A2) during construction.
- (ii) Temporary hi-vis fencing erected along the eastern edge of Merrygowen Creek (where it adjoins the site boundary) to prevent disturbance of the creek during the construction period.

(e) Complaint management and contingency measures.

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

The approved CMP must be implemented and maintained prior to, and during, the construction until works are completed.

C5. Vehicle Access, internal driveway and car parking construction

Prior to the commencement of Stage 1 work all internal driveways, 20 parking spaces and manoeuvring areas shall be fully constructed (unsealed gravel) in accordance with this consent and industry-based practice.

Reason: To ensure provision of proper vehicle access facilities.

C6. Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction for each stage at the rate of one (1) toilet for every twenty (20) persons or part of 20 persons employed/working on the site. Toilet facilities must be provided and functioning **prior to the commencement of work** and maintained in working order during the construction phase.

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.

During Construction

D1. Construction Hours

All excavation, construction, upgrading and decommissioning activities/works shall be limited to the following hours:

- (a) Monday to Sunday: 7:00am to 6:00pm;
- (b) No work is to be undertaken Public Holidays.

Unless otherwise approved within the Construction 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. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours. The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

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

D2. Compliance with Construction Management Plan

The requirements of the approved Construction Management Plans 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 by Council.
- (c) Protection measures shall be maintained in a state of good and safe condition throughout the duration of works.
- (d) 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.

D3. Waste Management

While building work or demolition 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.

D4. 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.

D5. Discovery of Aboriginal Objects

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking excavation, demolition or building work, the proponent must:

- (a) Not further harm the object.
- (b) Immediately cease all work at the particular location.
- (c) Secure the area so as to avoid further harm to the Aboriginal object.
- (d) Notify the Department of Planning, Housing and Infrastructure as soon as practical on ph. 131555, providing any details of the Aboriginal object and its location.
- (e) Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and contact the NSW Police and the Department of Planning, Housing and Infrastructure.

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

D6. Discovery of other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately, and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

D7. 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 works are to cease immediately, Council is to be notified and a suitably qualified person appointed to further assess the site in order that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of Council and/or other relevant 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.

D8. Construction Noise

The building work must comply with the *Interim Construction Noise Guideline* (2009) prepared by the NSW Department of Environment and Climate Change.

Reason: To protect the amenity of the neighbourhood.

D9. Imported and exported soil

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.

D10. Critical Stage Inspections

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

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

D11. 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.

D12. 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, to the satisfaction of the principal certifier.

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

D13. Installation of electrical equipment

Critical solar panel and electrical infrastructure must be positioned a minimum of 150mm above ground level as recommended in the Surface Water Assessment prepared by WRM, 25 January 2024.

Prior to the issue of the Occupation Certificate

E1. Occupation Certificate

For each Stage, occupation and operation of the solar farm is not to occur until all work has been completed, all conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier pursuant to section 6.10 of the *Environmental Planning and Assessment Act 1979*. Where Council is not the Principal Certifier, a copy is to be submitted to Council.

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

E2. Prior to the issue of an Occupation Certificate for Stage 1, the two dwelling houses located adjacent to the eastern boundary of the development site are to be completely demolished and all demolition waste disposed of in accordance with the Waste Management Plan approved under condition C4(b).

Reason: Demolition is required as satisfactory evidence has not been provided to demonstrate negligible risk to human life for any future residents of these dwellings (located approximately 80m to the east of the development site) from the proposed Li-lon BESS. These dwellings are in the same ownership as the solar farm site and the applicant has agreed in writing to imposition of this condition to appropriately manage hazard risks.

E3. 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 for each Stage including, but not limited to, the following

- (a) Vehicle access points, the internal access road and revegetation of temporary construction car parking spaces and the construction laydown area;
- (b) Security fencing;
- (c) An APZ;
- (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 the ground cover during operation of the solar farm.

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

E4. 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.

E5. Installation of stormwater infrastructure

Prior to the issue of the relevant Occupation Certificate, the stormwater drainage works shall be fully constructed as per approved plans and specifications.

Reason: To ensure appropriate stormwater drainage infrastructure is provided to new development.

E6. S138 Roads Act Approval

Prior to the issue of an Occupation Certificate for Stage 1, the Principal Certifier shall ensure that all works associated with a s138 Roads Act approval have been inspected and signed off by Council.

E7. Easements and Covenants

Prior to the issue of an Occupation Certificate for Stage 1, 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) Any easements/covenants or restrictions required by the provision of electricity supply cables to Essential Energy/Transgrid infrastructure; and
- (b) A notation registered on the subject land (Lot 21 DP754940) ensuring that the solar farm is required to be decommissioned and the subject lands remediated at the cessation of operations in accordance an approved Decommission Management Plan under condition F8 of the development consent (DA2024/0067). Any such notation must be approved by Narrabri Shire Council prior to lodgement with the NSW Land Registry Services. Both decommissioning, remediation and the notation on title are to occur at no cost to Council.

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

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

E8. Removal of Waste upon Completion

Before the issue of the relevant 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

Operational Conditions

F1. Amenity

The operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

F2. Storage of Hazardous Materials

The applicant must store and handle flammable and combustible liquids on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. Any other dangerous goods classes stored on site shall be in accordance with their applicable standards (i.e. corrosive substances in accordance with AS3780:2023, etc.). 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. Any spillage of dangerous or hazardous materials must be recorded and notified to Council. In the event of a major spillage, the NSW Environmental Protection Agency must also be notified in regard to a pollution event.

Reason: To minimise harm to the environment.

F3. Noise Control During Operation

Any noise generated from the operation of the solar farm during normal operation, repairs or upgrading work, 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.

F4. 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.

F5. Access Maintenance

The property owner remains responsible for the upkeep and maintenance of the accessway and associated facilities for the lifetime of the proposed development.

F6. Vehicle Management

The premises shall be operated in accordance with the following vehicle management requirements for the lifetime of the development:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site
- (b) All vehicles must enter and leave the site a forward direction.
- (c) 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.
- (d) 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.
- (e) Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".
- (f) The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.
- (g) The maximum truck size permitted to access the site is a 19 metre semi-trailer.
- (h) All vehicular traffic associated with the development must travel to and from the site via the Maules Creek coal mine access road and access via Leards Forest Road is only to be utilised for bushfire or flooding emergency purposes.

- (i) Vehicles are not to enter or exit the site using the emergency access gate off Leards Forest Road, except during a flood or bush fire emergency. Land in the vicinity of the emergency access gate is to be kept clear at all times. A sign is to be erected on the gate to the emergency access point stating, "Flood and Bushfire Emergency Access Only" and indicating the location of the main entrance.

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.

F7. Parking Maintenance

The property owner remains responsible for the upkeep and maintenance of the car parking, vehicle maneuvering areas and associated facilities for the lifetime of the proposed development.

F8. Decommission Management Plan

A Decommission Management Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval no later than 12 months prior to the end of the operational life of the solar farm (i.e. 34 years from the date of the Occupation Certificate) or no later than 6 months prior to the proposed cessation of operations should the solar farm cease operations in less than 35 years. The Plan shall identify the rehabilitation measures that will be implemented post development to return the land to its pre-development state. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities. The Plan must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Removal from the site of all solar panels, above and below ground infrastructure, fencing, all footings and any other structures or infrastructure relating the approved development. Only landscaping may remain;
- (c) Programme of site restoration to return the land to its previous condition prior to use as a solar farm. Restoration works are to include, but not be limited to:
 - (i) Filling with clean soil all holes in the ground resulting from the removal of footings and underground infrastructure (including cabling);
 - (ii) Laser levelling the site; and
 - (iii) Suitable revegetation of any areas of exposed earth.
- (d) Following removal of the BESS and its footings, site restoration shall include a contamination report prepared by a suitably qualified person to identify whether the ground in and around the location of the BESS is contaminated. Should contamination be found, remediation is to occur to restore the soil to a condition suitable for agricultural purposes;
- (e) Details on waste management aimed at maximising the recycling or reuse of all

materials arising from the development; and

- (f) Mitigation measures to reduce traffic, dust and noise impacts during the decommissioning phase.

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.

Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Essential Energy provides the following advice

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- 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;
- 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); and
- It is also 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.

(2) Aboriginal Heritage Impact Permit

An Aboriginal Heritage Impact Permit (AHIP), under National Parks and Wildlife Act 1974, is required to be obtained to harm Aboriginal objects or places. An AHIP must be obtained prior to any work commencing on the site.