

DATE OF DETERMINATION	8 July 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Andrew Hutton, Jim White and James McGregor
APOLOGIES	None
DECLARATIONS OF INTEREST	Stephen Gow declared a conflict of interest as the owner is known to him personally.

Public meeting held via teleconference on 8 July 2020, opened at 2:00 pm and closed at 3:40 pm.

MATTER DETERMINED

PPSNTH-30 – Armidale Regional Council – DA17-2020 at 1060 Grafton Road, Metz – solar farm (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development is permissible in the RU1 zone and is a suitable use of the land in question given that the development site is relatively isolated, adjoins existing electricity generating facilities and has no significant environmental constraints.
2. The proposal satisfies all applicable development standards and guidelines and is consistent with relevant aims and objectives of applicable SEPPs, the Armidale Dumaresq LEP 2012 and the accompanying DCP.
3. With the proposed and amended conditions, the proposal will have no unacceptable impacts on the natural or built environments, including local infrastructure and the road network.
4. The proposal will be socially and economically beneficial as it will provide greater local energy security and supply diversity in a non-polluting manner.
5. For the reasons given above approval of the application is in the public interest.

CONDITIONS




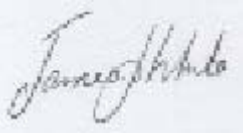

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 1 has been amended to now include parts (a) and (b). Under part (a) a time limit in which the development can operate of 30 years has been included. Under part (b) the schedule of documents and appendices have been included;
- Condition 6 has been amended to require the Applicant to consult with NRAR/Office of Water prior to any works commencing on the site;

- Condition 10 has been amended to include the requirement for a complaints hotline within the CEMP and that the Construction Noise and Vibration Management Plan be consistent with the EPA's *Interim Construction Noise Guidelines*;
- Condition 11 has been amended to include the wording previously under an advisory note dealing with situations in which Aboriginal artefacts are identified during works;
- Condition 19 has been amended to include removal of vegetation within the road reserve along Grafton Road as well as on site;
- Condition 20 has been amended to remove wording in third paragraph under dot points "Where possible and" to now read – "In accordance with the SEE";
- Condition 30, the last sentence of the first paragraph has been amended to now read "*Only works that are non-audible at the property boundary of the subject site are permitted to be undertaken outside these hours*".

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel noted that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Andrew Hutton	 Jim White
 James McGregor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-30 – Armidale Regional Council – DA17-2020
2	PROPOSED DEVELOPMENT	Construct and operate a utility scale 29.9MW solar farm and associated infrastructure
3	STREET ADDRESS	1060 Grafton Road, Metz
4	APPLICANT OWNER	Olive Grove Solar Farm – Ms Jane Ross, Mrs Sarah J Quaife
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 44 – Koala Habitat Protection ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Primary Production and Rural Development) 2019 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Armidale Dumaresq Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Armidale Dumaresq Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 24 June 2020 • Written submissions during public exhibition: nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officers – John Goodall and Michael Flynn ○ On behalf of the applicant – Jane Ross, Richard Seymour, Robert Cawley.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 20 May 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Diane Gray and Simon Murray ○ <u>Council assessment staff</u>: John Goodall • Briefing: 3 July 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Andrew Hutton and Jim White ○ <u>Council assessment staff</u>: John Goodall • Final briefing to discuss council’s recommendation, 3 July 2020, 2pm. Attendees:

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Andrew Hutton, Jim White and James McGregor ○ <u>Council assessment staff</u>: John Goodall and Michael Flynn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

PROPOSED CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-17-2020

SCRIBED CONDITIONS

the purposes of section 4.17(11) of the Act, the following conditions are prescribed conditions of development consent:

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

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

GENERAL CONDITIONS

- 1a. To ensure this development is consistent with the terms of this consent and the documentation submitted in support of the Application, consent for the construction and operation of the Olive Grove Solar Farm is granted for a maximum term of 30 years.

As such, Olive Grove Solar Farm must cease operation 30 years from the date of determination on the Consent Notice, with the site to be decommissioned in accordance with the approved decommissioning plan required under condition 20, all associated infrastructure removed and the site rehabilitated to its original agriculture use, unless prior application is made and approval granted to vary this condition.

- 1b. To ensure this development is consistent with the terms of this consent, the development must take place in accordance with the submitted and approved Statement of Environmental Effects and associated appendices, as listed below, prepared by Eco Logical Australia and their subconsultants and dated 12 February 2020 (bearing the Armidale Regional Council approval stamp); and all other documents submitted with the application, and subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

- Statement of Environmental Effects Project Number 19ARM-13082, Version V1, dated 12 February 2020 by Eco Logical Australia, including the following appendices:

- *Olive Grove Solar Farm Bushfire Risk Analysis – Eco Logical Australia, Project Number 19ARM_15025, Version 2, dated 11 February 2020;*

- *Olive Grove Solar Farm Biodiversity Development Assessment Report (BDAR) – Eco Logical Australia, Project Number 12328, Version V3, dated 11 February 2020;*

- *Olive Grove Solar Farm Preliminary Site Investigation (PSI) – Eco Logical Australia, Project Number 19ARM-13082, Version 0h, dated 10 February 2020;*
- *Aboriginal Heritage Due Diligence Assessment – Olive Grove Solar Farm - Eco Logical Australia, Project Number 19SYD-12937, Version 5, dated 11 February 2020;*
- *Landscape and Visual Impact Assessment (Including Glare Assessment) - Jacobs Group (Australia) Pty Ltd, Project Number IS293400, Final Revision 5.0, dated 11 February 2020;*
- *Olive Grove Solar Farm – Agronomy Report – “Strathaven”, - Matt Foster Agronomist Grazag Australia, dated 27 January 2020;*

Continued:

- *Olive Grove Solar Farm Hydrology Assessment – Eco Logical Australia, Project Number 14822, Version 6, dated 10 February 2020;*
- *Olive Grove Solar Farm Traffic and Transport Assessment (TTA) –Constructive Solutions Pty Ltd, Project Number: 201948, Issue 4, Revision 0, dated 14 January 2020;*
- *Acoustic Assessment – Olive Grove Solar Farm - TTM Consulting, Report Reference:19SYA0045 R01_2, dated 23 January 2020;*

Revised documents and plans submitted by Applicant 9 April 2020 including:

- *Addendum to Olive Grove SEE dated 9 April 2020;*
- *Letter from Applicant dated 9 April 2020 detailing proposed revisions to Olive Grove Solar Farm Development;*
- *Revised Plans 1-3 showing proposed changes to development with the removal of the Olive Grove substation;*

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

2. All Engineering works to be designed by a competent person and carried out in accordance with Council’s Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. With the exception of those trees identified within the Development Envelope /Site itself which are approved for removal, all other existing trees on the site/s are to be retained and protected from damage during work on the site, to maintain the visual amenity of the locality and no buildings are to be constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.
4. Prior to the commencement of construction, the decommissioning of the development or the cessation of operations, the applicant/land owner must notify Armidale Regional Council in writing of the date of commencement, decommissioning or cessation (whichever is relevant).

5. Materials and their finishes/colours of any proposed site building/ panels and arrays/ infrastructure related to the development are to be selected to blend with the surrounding landscape and are not to be reflective in nature, to ensure that they visually integrated with the surrounding environment.
6. First order streams have been identified as being present on the subject site and within the Development Envelope. This consent does not authorise any works within or near these drainage lines.

As such, prior to any works commencing on site, the Applicant is to consult with NRAR/NSW Office of Water and obtain any approvals/licences that are required to be issued in accordance with the provisions of the *Water Management Act 2000*.

ORE RELEASE OF s138 APPROVAL

7. The submission of a detailed Traffic Management Plan and Operational Management Plan are to be provided with a s138 Roads Act application for the approval of the Council, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:
 - Off-street parking for employees, contractors, sub-contractors and visitors to the site.
 - Public parking during construction.
 - Site access for construction vehicles and equipment.
 - Storage and removal strategies for construction wastes.
 - Construction Traffic Management Plan and Operational Traffic Management Plan.
 - Provision of sanitary amenities and ablution facilities for employees.
 - Fire precautions during construction.
 - Dust suppression.
 - Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
 - Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
 - Details of all construction-related signs.
 - Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
 - Location of all public utility facilities and methods of protecting them
 - Any other requirements identified within TfNSW (RMS) response to the proposed development (document number NTH20/00168/01) including but not limited to:
 - Maximum daily traffic flows and any traffic control measures to be implemented to manage this;

- Any transport-related impacts generated by the construction and operational phases of the proposed development are to be addressed in the Traffic Management Plan (TMP) and Operational Management Plan;
- The TMP is to address impacts over the life of the development;
- Consideration for construction, operational and decommissioning phases;
- A weekly vehicle movement schedule identifying expected trip generation;
- Details of the site access location and an relevant road safety considerations;
- An induction process for on-site staff and visitors with regular toolbox meetings;
- A complaint resolution and disciplinary procedure;
- Any community consultation measures proposed for peak periods;
- The TMP is to detail how it is to prohibit left-turns into the site over the life of the development, and advise on where vehicles that approach from the East are required to turn around at an alternate location to approach the site from the West, and that suitable treatments are available to safely facilitate such manoeuvres at the proposed turnaround location;
- Details of any TCP arrangements for deliveries by over mass over dimension vehicles.

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

TCPs will need to take into consideration the existing speed environment, safety of turning and peak hour traffic. A Road Occupancy Licence (ROL) must be obtained from TfNSW prior to the implementation of any traffic control on the classified road.

8. Engineering designs are to be submitted detailing all required works required for the development onto/adjoining/within the classified road, including but not limited to:

- Details of the new direct property access to the classified road, including a rural property access treatment for articulated vehicles, an Austroads basic right-turn (BAR) treatment and complimentary advanced warning signage.
- The rural property access is to be designed to facilitate two-way traffic movements. Detailed design acceptance and relevant TfNSW approvals under the Roads Act 1993 for road works, access works and related works or structures will be subject to the terms of a Works Authorisation Deed (WAD).
- All proposed roadworks on the Grafton Road will require a Works Authorisation Deed (WAD) to be executed with Roads and Maritime Services. Roads and Maritime encourages applicant to commence this process early to avoid any delays.

The detailed design, is to be submitted to the satisfaction of Council via a s138 Roads Act Application, and must be approved before the issue of a Construction Certificate for the development.

Approved works to be completed in accordance with the approval prior to the solar farm construction phase commencing.

RE RELEASE OF CONSTRUCTION CERTIFICATE

9. The Applicant is to prepare and submit a detailed Waste Management Plan (WMP) outlining all waste management principles and practices relevant to the proposed development and to meet the objectives as set out in the SEE, to reduce waste and recover resources.

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

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

Full details are to be provided to the satisfaction of the relevant Certifying Authority prior to the release of a Construction Certificate for the development.

10. In accordance with the SEE, the Applicant is to prepare the following plans for the development:

- Emergency Response Plan (ERP);
- Construction Environmental Management Plan (CEMP), which is to include but not be limited to:

-.... Details of construction activities and their sequencing

- Environmental measures to be implemented for any hazardous materials stored on site to ensure their safe storage and prevent any offsite migration of the materials;
- Details of the storage of any hazardous materials on site;
- A Spill Response Plan (SRP)
- An erosion and sediment control plan;

-....Construction Noise and Vibration Management Plan, which is to be consistent with the EPA's *Interim Construction Noise Guideline*;

- Details and protocols for any on-site refuelling and details of the disposal of any waste oil or petrol and associated containers;
- Details of a publicly available complaints hot line including the name, phone number and email address of the contact person, and description of how complaints received from the public are to be documented, investigated and resolved;
- Details during the construction phase to ensure that there is a qualified ecologist present on site to supervise any clearing works and identify fauna roosting or nesting habitat in accordance with best practice methods to relocate fauna in a sensitive manner. Furthermore, the plan is to incorporate all relevant mitigation measures given in the SEE dealing with clearing.

- Operational Environmental Management Plan (OEMP), which is to include but not be limited to:

- Inspection program following significant storm events, identifying rectification works required to stabilise the site, access roads and all site infrastructure;
- Inspection program to repair/replace faulty panels before they may become hazardous to the environment by way of deterioration/damage to prevent any contamination from occurring either on or off site.

- Biodiversity Management Plan (BMP);
- Bushfire Management Plan (BMP);

- Community Consultation Plan (CCP);

Such Plans are to be submitted to and approved by the relevant certifying authority before the issue of a Construction Certificate and implemented for the life of the development or other relevant period.

11. Given that the subject site may potentially contain items of potential Aboriginal Heritage significance, and that an Aboriginal site has been recorded on the Aboriginal Heritage Information Management System (AHIMS) as being near the land on which the Development Envelope is proposed, consultation is to be undertaken with the relevant Aboriginal stakeholders and OEH.

In this regard, evidence of such consultation being undertaken with the Aboriginal Community, and that OEH/Council are satisfied with the consultation process undertaken, is to be provided to the relevant Certifying Authority prior to the issue of a Construction Certificate.

In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

12. Prior to the issue of a Construction Certificate for the development an easement (minimum 6m in width) is to be registered over that Gara Water main traversing the site. Details to be provide to the satisfaction of the relevant Certifying Authority.
13. The preparation of a detailed Stormwater Plan and Erosion and Sediment Control Plan (ESCP) and accompanying specifications for both the construction phase of the works and also the operation and decommissioning phases, shall be submitted to and approved by the relevant certifying authority before the issue of a Construction Certificate for the development.

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

- Inclusion of the recommendations of the Agronomy Report (Agronomy Report – "Strathaven", GrazAg, 27 January 2020);
- Inclusion of the recommendations of the Hydrology Report (Olive Grove Solar Farm Hydrology Assessment, Eco Logical Australia, February 2020);
- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;

- Details to be implemented to prevent increased runoff and/or sedimentation impacting on any adjoining properties, gullies and drainage lines;
- Details of routine erosion monitoring for the life of the development, including but not limited to the monitoring of any scarring beneath the panel arrays and along access tracks and waterways;
- Regular inspection program;
- Details of measures during decommissioning of the site;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

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

14. The discharge of stormwater is to be controlled to ensure that post-development flows do not exceed pre-development flows. The stormwater solution is to be designed by a suitably qualified engineer to prevent nuisance to adjoining land.

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

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

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

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

16. Details showing compliance with the following requirements are to be submitted and approved by Council's Development Engineer prior to release of any Construction Certificate for the development:

- The array piles/posts are to be installed outside of the proposed Gara trunk water main easement. (Council advises that the panels can however hang over the easements providing confirmation that the panels can be tilted to allow clearance for maintenance to be undertaken within the easement);
- All necessary electrical and conduit cabling can traverse the proposed Gara trunk water main easement providing that cable clearances from the main can be achieved as per Council's Standard Engineering Code;
- Security fences can traverse the proposed Gara trunk water main easement providing that fence poles are installed outside the mains zones of influence; and
- Vehicular tracks can traverse the proposed Gara trunk water main easement providing adequate cover (minimum 750mm) and/or protective measures are incorporated into the track to ensure no additional loading is placed on the trunk water main.

17. A Landscape Management Plan must be prepared for the development incorporating all recommendations within the SEE. Landscaping along the northern boundary of the subject site adjacent to Grafton Road is required to provide adequate screening of the facility when viewed from Grafton Road and public areas.

Additionally, the landscape plan must detail:

- Name and number of species (with preference on the use of native varieties);
- Height of species at planting;
- Height and spread of species at maturity;
- Method of site preparation and maintenance, to ensure likely survival of plant stock;
- Monitoring program to detect and replace dead or unhealthy plant stock;
- Weed management;
- Proposal for landscaping/screening of the site in the event of drought conditions prevailing, which may inhibit the landscaping planting being undertaken from the outset;
- Proposal for ongoing maintenance/watering of plantings to ensure their survival during drought conditions.

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

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

18. Prior to the issue of a Construction Certificate for the development, the Applicant is to submit a detailed excavation/earthworks plan, including but not limited to the panel array area and all ancillary works and include details and location of all stock piles on-site and proposed erosion and sediment controls to be installed to prevent runoff.
19. Prior to the removal of any trees either on the subject site or within the adjoining road reserve along Grafton Road, for the purposes of this development, a detailed vegetation/tree clearing plan (pre-clearing survey) is to be developed by a suitably qualified ecologist and implemented for the life of the development. Such plan is to specify a Vegetation and Tree clearing protocol which is to be enforced for the removal of vegetation and felling of any mature trees on the site and is to include the following requirements:

Pre-clearance Surveys:

Pre-clearing surveys are to be undertaken by a Project Ecologist prior to commencement of any vegetation clearing activities within the Project Site and/or road reserve. The Project Ecologist is to conduct pre-clearing surveys to identify:

- Fauna species likely to be encountered during construction and potential impacts to fauna during vegetation clearing;
- Potential fauna habitat in the Project Site; and
- Preferred locations to relocate fauna species and habitat features that can be retained following construction.
- The plan should include provision in the first instance of an inspection of all trees that are required to be removed, by a qualified ecologist for evidence of residing fauna in hollows or in the tree canopy.
- Pre-clearing surveys are to take place within 1-2 days prior to the commencement of vegetation clearing. The Project Ecologist will mark all potential fauna habitat (e.g. hollow-bearing trees,

nest trees, burrows, etc.) in the development footprint with high visibility tape (e.g. trees, large woody debris and nests).

Vegetation Clearing Protocols:

The following protocols are to be implemented during vegetation clearing:

- A Project Ecologist is to be present on site during all vegetation clearing operations;
- Areas of vegetation outside the development footprint are to be clearly demarcated with high visibility tape to prevent accidental clearing during the construction phase;
- All hollow-bearing trees are to be retained during vegetation clearing and felled three weeks after the initial vegetation clearing phase;
- Vegetation should be cleared in a way that will allow fauna species living in or near the clearing site enough time to move out of the area without additional human intervention;
- No clearing is to occur during the early evening or at night, as this is when fauna species are most likely to be on the move and are more vulnerable to injury;
- The direction of clearing should also ensure that fauna species are directed away from threats such as roads, developed areas or disturbed areas; and

Hollow-bearing Tree Removal Protocols:

Hollow-bearing trees shall be carefully felled under the supervision of the Project Ecologist. The following best practise guidelines are required to be implemented for the development :

- All hollow-bearing trees to be cleared are to be surveyed and marked with high visibility tape prior to clearing;
- Hollow-bearing trees are to be mechanically shaken or agitated prior to felling to encourage any remaining animals to either leave the tree or show themselves and subsequently be removed by the Project Ecologist prior to felling;
- Felling is to involve gently pushing the tree and lowering or felling using a forestry harvester to avoid sudden falling as this is likely to injure wildlife;
- Following felling, hollow-bearing trees are to be systematically checked from the ground by the Project Ecologist for any remaining fauna;
- Felled hollow-bearing trees will be left overnight (i.e. in an adjacent habitat area if required) to allow any undetected fauna further opportunity to escape; and
- If any hollow-bearing tree is found or suspected to contain any native species, the tree is to be left in place for a minimum of two days and, be reinspected no more than two hours prior to felling to ensure that the hollow has been vacated. If following the above measures it is identified that any native species are still found to be utilising the hollows for habitat the Project Ecologist is to develop an appropriate strategy for the safe removal of the species and for its relocation to a suitable alternative habitat clear of the work site.

If any hollow bearing logs/felled trees are considered by the ecologist to be suitable habitat for native species they are to be retained and relocated outside the Development Envelope to within an existing area of undisturbed native vegetation on the site.

Management of Displaced Fauna:

The following requirements will apply to the management of any displaced fauna species during vegetation clearing activities:

- All handling of fauna species is to be conducted by the Project Ecologist;

- In the event that arboreal animals do not move or they cannot be captured because the tree hollow to be removed is too large, too high or its recovery would breach OH&S requirements then the tree will be felled (i.e. in the direction of other tree debris if possible) using the above techniques and animals recovered and relocated to suitable adjacent habitat;
- Animals are to be removed and relocated to the adjacent bushland area prior to felling or the tree shall be sectioned and dismantled under the supervision of the Project Ecologist before relocating the animals;
- Nocturnal fauna species, such as microbats, are to be 'soft released' using bat boxes placed in adjacent habitat;
- Nocturnal fauna species, such as gliders and possums, are to be secured in suitable enclosures and kept in a quiet, dark and cool environment until they can be released into suitable habitat after dark; and

If any injured fauna species are found during the construction period, construction must stop immediately so that the injured animal can be taken to a vet or wildlife carer

20. The site must be decommissioned and restored to its original agriculture state prior to this consent lapsing .

In this regard, the Applicant is to submit to Council a Decommissioning Management Plan (DMP) at least 24 months before this consent lapses. The DMP must describe the procedures and activities to be implemented for the decommissioning of the site. The plan is to include details of, but not be limited to:

- Disconnection from the substation;
- Dismantling and removal of the substation and support buildings;
- Removal of the solar panels, tracking systems, inverters and cables;
- Removal of onsite fences and rehabilitation of tracks unless agreed otherwise with the landowner; and
- Rehabilitation of all disturbed ground.

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

Full details are to be provided to the satisfaction of the relevant Certifying Authority prior to the release of a Construction Certificate for the development.

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

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

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

Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development *	Levy Percentage	Total Contribution	Contribution Rate remains current until first date of next quarter

Section 7.12 Contribution	\$32,670,000	1.0%	\$326,700.00	1.7.2020
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*Proposed cost of carrying out the development less any credits which may apply.

Payment options are detailed after the conditions of this consent.

22. Where required a controlled activity is to be obtained from the relevant authority for any works within proximity to a water body. Such approval is to be obtained prior to the issue of a Construction Certificate and provided to the satisfaction of the relevant Certifying Authority.

23. In accordance with the Biodiversity Development Assessment Report (BDAR) and Addendums prepared by Eco Logical Australia for the development, the class and number of Ecosystem credits as detailed in the tables below, must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire a total of 55 Ecosystem credits as detailed in the tables below, may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of Ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition, must be provided to the Certifying Authority prior to the release of any Construction Certificate.

Ecosystem credits for plant communities types (PCT), ecological communities & threatened species habitat

Zone	Vegetation zone name	Vegetation integrity loss / gain	Area (ha)	Constant	Species sensitivity to gain class (for BRW)	Biodiversity risk weighting	Potential SAIL	Ecosystem credits
Broad-leaved Stringybark shrub/grass open forest of the New England Tableland Bioregion								
1	568_degraded_woodland	39.4	0.5	0.25	High Sensitivity to Potential Gain	1.75		9
2	568_low_condition_grass	10.9	22.9	0.25	Moderate Sensitivity to Potential Gain	1.50		0
							Subtotal	9
Yellow Box - Broad-leaved Stringybark shrubby open forest of the New England Tableland Bioregion								
3	1331_degraded_woodland	19.2	4.7	0.25	High Sensitivity to Potential Gain	2.00	TRUE	45
4	1331_low_condition_grass	9.2	69.2	0.25	Moderate Sensitivity to Potential Gain	1.75	TRUE	0
5	1331_road_easement	19.2	0.0	0.25	High Sensitivity to Potential Gain	2.00	TRUE	1
							Subtotal	46
							Total	55

24. In accordance with the Biodiversity Development Assessment Report and Addendums prepared by Eco Logical Australia for the development, the class and number of Species credits as detailed in the tables below, must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire a total of 45 Species credits as detailed in the tables below, may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of Species credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition, must be provided to the Certifying Authority prior to the release of the Construction Certificate.

Species credits for threatened species

Vegetation zone name	Habitat condition (HC)	Area (ha) / individual (HL)	Constant	Biodiversity risk weighting	Potential SAIL	Species credits
Myotis macropus / Southern Myotis (Fauna)						
1331_degraded_woodland		19.2	0.24	0.25	2 False	2
Subtotal						2

Ninox connivens / Barking Owl (Fauna)						
1331_degraded_woodland		19.2	1.18	0.25	2 False	11
Subtotal						11

Petaurus norfolcensis / Squirrel Glider (Fauna)						
568_degraded_woodland		39.4	0.07	0.25	2 False	1
1331_degraded_woodland		19.2	2.04	0.25	2 False	20
Subtotal						21

Tyto novaehollandiae / Masked Owl (Fauna)						
1331_degraded_woodland		19.2	1.18	0.25	2 False	11
Subtotal						11

CONSTRUCTION

25. Effective dust control measures are to be maintained during the construction phase of the development to maintain public safety/amenity and prevent nuisance dust emissions from associated with construction traffic.

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

26. Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves, specifically installation of property vehicular accesses (driveway cross-over).

The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve, confirming that the works will meet Council's Driveway Handbook and standard drawings, which can be found on Council's website (www.armidaleregional.nsw.gov.au).

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

27. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

28. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) Guidelines on Earthworks for Commercial and Residential Developments. A suitably qualified consultant shall:

- identify the source of the fill and certify that it is free from contamination;

29. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

30. The hours of construction work are to be generally restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1pm on Saturday, to maintain the amenity of the locality. Only works that are non-audible at the property boundary of the subject site are permitted to be undertaken outside these hours.

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

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

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

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

32. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.

33. A further glare assessment is to be undertaken once the panel layout is confirmed, to ensure that the location, siting and angle of the panels on site, does not result in any unacceptable glare for sensitive receptors/adjoining properties.

ORE COMMENCEMENT OF OPERATION

34. Prior to the commencement of the operation of the solar farm, the planting associated with the landscape screen (as approved under Condition 17 of this consent) must be undertaken in accordance with the approved plan, unless otherwise varied and agreed to by Council where drought conditions may inhibit this from occurring.

35. Following construction, the applicant must:
- a) Restore the ground cover of the site as soon as practicable, using suitable species; and
 - b) Maintain ground cover.
36. All security fencing is to incorporate scratch barriers to ensure that fencing containing barbed wire is clamber proof to prevent the potential for entanglement of fauna.

RATIONAL CONDITIONS

37. The developer must ensure:
- a) The internal roads are constructed as all-weather roads;
 - b) There is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - c) All vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - d) Vehicles leaving the site are in a clean condition and do not result in dirt being tracked onto the public road network.
38. The solar farm is to be decommissioned to the satisfaction of Council and the site returned to pre construction agricultural use, once the use has ceased and/or becomes inactive for more than 12 months.
- All decommissioning is to be undertaken in accordance with the approved plan/s unless varied by Council.
39. The ongoing operational phase of the solar farm development is to be undertaken at all times in accordance with all approved and adopted Plans.
40. Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.
41. The developer must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or decommissioning of the development, including weed control.
42. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm. Plant stock must be replaced, whenever necessary, to ensure the screen continues to act as an effective visual barrier.
43. The developer must:

- a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;
- b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- c) not mount any advertising signs or logos on site, except where this is required for safety purposes.

44. The applicant must:

- a) Store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: The storage and handling of flammable and combustible liquids, or its latest version; and
- b) Minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

45. The development is to be provided at all times with a minimum 40,000 litre dedicated water supply for fire fighting purposes.

ADVISING

Note 1

In the event that any relics, being any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance,

are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Regional Council, of the find and await further advice before proceeding with the development.