



## CONSENT CONDITIONS

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-301 – 10.2024.79.1
<b>PROPOSAL</b>	Establishment of a 5MW Solar PV Electricity Generation Works with Associated Infrastructure (Battery Energy Storage System)
<b>ADDRESS</b>	Lots 134 and 130, DP 751009, Borah Creek Road Quirindi 2343
<b>APPLICANT</b>	EDP Australia Pty Ltd C/o- Ms Jou Jong
<b>APPLICATION TYPE</b>	Regionally Significant Development

#### PART A: GENERAL

##### A1 Approved Plans and Supporting Documentation

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

Plan/Report Title	Reference No	Revision	Prepared by	Date
Statement of Environmental Effects Report	Project 0523	A	Zenith Town Planning	3 May 2024
Biodiversity Inspection Report	-	1	Red-Gum Environmental Consulting	13 December 2023
Development Application Drawing Pack	-	4	edp Renewables	6 February 2025
Fire and Hazard Assessment	-	3	itp Development Pty Ltd	1 May 2024
Glint and Glare Assessment	23073	2	itp Renewables	11 January 2024
Solar Farm Fact Sheet and FAQs	-	1	itp Development Pty Ltd	Undated

Noise Assessment	MAC180781-24RP1V1	1	Muller Acoustic Consulting	12 January 2024
Traffic Impact Assessment Report	K1058	2	Price Merrett Consulting	22 February 2024
Visual Impact Assessment	Project 0523	A	Zenith Town Planning	19 April 2024
Waste and Decommissioning Assessment	-	3	itp Development Pty Ltd	31 January 2024
Water Assessment	-	2	itp Renewables	9 January 2024
Aboriginal Cultural Heritage Assessment	-	1	Nungaroo Local Aboriginal Land Council	22 January 2025

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.

## A2 Report Recommendations

The development must be constructed, operated and decommissioned in accordance with the following approved specialist reports including their recommendations:

Plan/Report Title (incl Reference, date, author)	Stage
Biodiversity Inspection Report 13 December 2023 Red-Gum Environmental Consulting Pty Ltd	<ul style="list-style-type: none"> <li>• Pre-construction</li> <li>• Construction</li> <li>• Operation</li> <li>• Post-operation</li> </ul>
Noise Assessment MAC180781-24RP1V1 12 January 2024 Muller Acoustic Consulting Pty Ltd	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Operation</li> </ul>
Water Assessment 9 January 2024 itp Renewables	<ul style="list-style-type: none"> <li>• Pre-construction</li> <li>• Construction</li> <li>• Operation</li> <li>• Post-operation</li> </ul>
Glare and Glint Assessment 23073 11 January 2024 itp Renewables	<ul style="list-style-type: none"> <li>• Operation</li> </ul>
Fire and Hazard Assessment 1 May 2024 itp Development Pty Ltd	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Operation</li> </ul>
Visual Impact Assessment 0523 19 April 2024 Zenith Town Planning Pty Ltd	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Operation</li> </ul>

Traffic Impact Assessment Report K1058 22 February 2024 Price Merrett Consulting Pty Ltd	<ul style="list-style-type: none"> <li>• Pre-construction</li> <li>• Construction</li> </ul>
Waste and Decommissioning Assessment 11 January 2024 itp Development Pty Ltd	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Post-operation</li> </ul>
Statement of Environmental Effects Report 0523 3 May 2024 Zenith Town Planning Pty Ltd	<ul style="list-style-type: none"> <li>• Pre-construction</li> <li>• Construction</li> <li>• Operation</li> <li>• Post-operation</li> </ul>
Aboriginal Heritage Impact Assessment 22 January 2025 Nangaroo local Aboriginal Land Council	<ul style="list-style-type: none"> <li>• Pre-construction</li> <li>• Construction</li> <li>• Operation</li> <li>• Post-operation</li> </ul>
Landscape Plan 6 February 2025 edp Renewables	<ul style="list-style-type: none"> <li>• Pre-construction</li> <li>• Construction</li> <li>• Operation</li> </ul>

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

### A3 Visual Mitigation Measures

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

#### *Pre-construction*

- (a) Carry out additional consultation with affected residents to inform the need for offsite mitigation, prior to the commencement of construction;

#### *Construction*

- (b) Planting be undertaken as soon as practicable in the construction process;
- (c) Dust be managed in response to visual cues and areas of soil disturbance rehabilitated progressively or immediately post-construction;
- (d) Use of non-reflective and earthy coloured materials (e.g. green, beige or muted wheat) where possible;
- (e) Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.
- (f) Medium density vegetation screening planted within six (6) months of commencement of construction, 1-2 rows deep, comprising of varying native species and advanced (sapling) plants. Planting and maintenance of a vegetation screen within Lot 130, DP 751009 and adjacent to the following boundaries as depicted on the proposed landscaping plan (Plan Number C6301, Revision 4): -
  - (i) Western boundary - for entire length of boundary;
  - (ii) Northern boundary - for a distance of 150 metres; and
  - (iii) Southern boundary - for a distance of 50 metres.

### *Operation*

- (g) Ongoing maintenance of ground cover and vegetation screening, minimise traffic movements and outdoor lighting.

Reason: To minimise visual impacts from the solar farm on the adjoining properties / road.

#### **A4 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.

#### **A5 Compliance with the Building Code of Australia**

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

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

#### **A6 Lapsing of Consent**

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

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

#### **A7 Tree Retention**

Existing trees on the site are to be retained and protected from damage during work, as outlined in the approved Landscape Plan (Plan Number C6301, Revision 4) prepared by *edp Renewables* and dated 6 February 2025.

Reason: To protect trees on the site to be retained.

#### **A8 Decommissioning**

The land must be returned to its pre-existing condition (prior to use as a solar farm) and all solar farm infrastructure removed once the project is decommissioned. The land must be rehabilitated and restored, including the pre-existing land and soil capability class if previously used for agricultural purposes. 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.

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

## A9 NSW Rural Fire Service

Where the site is identified as bush fire prone land, the solar farm shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* and conditions by the NSW Rural Fire Service as follows: -

### *General Conditions*

- (a) A Fire Management Plan (FMP) shall be prepared for the Battery Energy Storage System BESS development. The FMP shall be prepared in consultation with NSW RFS Liverpool Plains Fire Control Centre. The FMP shall include:
- 24-hour emergency contact details including alternative telephone contact;
  - Site infrastructure plan; and
  - Firefighting operations plan including methods and resources to manage and extinguish Battery Fires.

### *Asset Protection Zones (APZ)*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (b) The Solar Array and BESS development footprint are to be managed as an Asset Protection Zone in accordance with Appendix 4 of 'Planning for Bush Fire Protection 2019'.
- (c) To allow for emergency service personnel to undertake property protection activities, a 10 metre defendable space (APZ) that permits unobstructed vehicle access is to be provided around the perimeter of the Solar Array and BESS development including associated infrastructure.

### *Access - Property Access*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (d) Property access roads to the development shall comply with the following requirements of Table 7.4a of 'Planning for Bush Fire Protection 2019':
- (i) property access roads are two-wheel drive, all-weather roads;
  - (ii) the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
  - (iii) there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
  - (iv) minimum 4m carriageway width;
  - (v) property access must provide a suitable turning area in accordance with Appendix 3;
  - (vi) curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
  - (vii) the minimum distance between inner and outer curves is 6m; and
  - (viii) the cross fall is not more than 10 degrees.

### *Water supply and utilities*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (e) A 20,000 Litre water supply (tank) fitted with a 65mm storz fitting shall be located adjoining the internal property access road within the required APZ. Access to the storz connection point shall not be impeded.

Reason: To ensure the development complies with the relevant requirements for bushfire management and ensure compliance with *Section 4.47(3) of the Environmental Planning and Assessment Act 1979* and the conditions of Government agencies.

#### **A10 Essential Energy**

The solar farm shall comply with the conditions by Essential Energy as follows:

- (a) Essential Energy must be consulted for further comment, should the proposed development be modified, due to the potential safety risks.
- (b) The proponent must comply with any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the subject property.
- (c) Any activities in proximity to electrical infrastructure must be undertaken in accordance with the industry guideline known as *ISSC 20 Guideline for the Management of Activities with Electricity Easements and Close to Infrastructure*.

Reason: To ensure compliance with Section 4.47(3) of the *Environmental Planning and Assessment Act 1979* and the conditions of Government agencies.

#### **A11 Access**

All works shall be undertaken in accordance with *Council's Engineering Guidelines for Development and Subdivision Works, adopted September 2006*, and Council's Vehicle Crossings Policy.

Reason: To ensure safe, practical, and legal vehicle access is provided to the site.

#### **A12 Biodiversity Measures**

To ensure the impacts to biodiversity are minimised the solar farm shall comply with the conditions as follows:-

- (a) Construction limits and exclusion zones are to be clearly identified prior to work;
- (b) A visual inspection is to be conducted by environmental staff before construction commences to identify any areas of the site that might be supporting native fauna;
- (c) Vehicle movements around the site are to be restricted to the construction footprint and away from any existing native trees bordering the site with flagging exclusion fencing to be installed;
- (d) Soil disturbance by vehicle and pedestrian access is to be kept to a minimum outside the construction footprint; and
- (e) Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.

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

## **A13 Risk Management**

To ensure risk is minimised the following shall be implemented for the solar farm:-

- (a) Installing reliable, automated monitoring and control systems, with an alarm and shutdown response capability,
- (b) Taking reasonable and safe measures to prevent the risks of external heat effects in the event of a bushfire,
- (c) Designing appropriate separation and isolation between battery cubicles, and between the BESS and other infrastructure, in accordance with the manufacturer's recommendations, and including gravel set-off areas around the facility,
- (d) Compliance with all applicable Australian codes and standards,
- (e) Preparation of a BESS-specific fire response plan, in conjunction with the NSW Rural Fire Service,
- (f) Installing an adequate automatic fire suppression system integrated into the detection and control system,
- (g) Disposal (and where possible, recycling) of any potentially hazardous material in accordance with the best international practices available at that time, and
- (h) Fuels and pesticides/herbicides in use at the site will be stored at the laydown area in appropriately bunded areas designed in accordance with AS1940-2004.

Reason: To minimise risk from the solar farm and ensure the development does not adversely impact on adjoining properties.

## **PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

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### **B1 Construction Certificate**

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

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

### **B2 Payment of Security Deposits, Levies and Contributions**

The fees listed below must be paid in accordance with the conditions of this consent and Liverpool Plains Shire Council's adopted Fees and Charges Schedule applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provide proof of this payment to the certifier.
- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
- (c) **Payment of development contributions** - A total monetary contribution of 1% of the cost of the development (incl. gst) is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate.
  - (i) This condition is imposed in accordance with the provisions of Liverpool Plains Section 7.12 Contribution Plan 2023. A copy of the document is available on Council's website at [www.liverpoolplains.nsw.gov.au](http://www.liverpoolplains.nsw.gov.au) or may be inspected at Council's Administration Building.
  - (ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly. Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

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

### **B3 Construction Site Management Plan**

Prior to the issue of a Construction Certificate, the applicant must provide a Construction Site Management Plan (CSMP) for approval by the 'Principal Certifier' / Council incorporating the following:

- 1) Sediment and Erosion Control Plan;
- 2) Construction Traffic Management Plan (CTMP);
- 3) Waste Management Plan;
- 4) Operations Environmental Management Plan
- 5) Fire Emergency Management Plan

The CSMP should be developed in consultation with Council and, at a minimum, include the following information: -

- (a) Description of the proposed construction works and work program;
- (b) Identification of relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
- (c) Set standards and performance measures for each of the relevant environmental matters associated with construction work;
- (d) Description of what actions and measures will be implemented to mitigate the potential impacts of the construction works and ensure such works will comply



- with the relevant standards and performance measures;
- (e) Description of what measures and procedures will be implemented to:
    - i. Manage construction traffic;
    - ii. Register and respond to complaints during construction works;
    - iii. Mitigate any potential environmental impacts, including but not limited to noise, flora and fauna, dust, stormwater and visual impacts;
    - iv. Respond to the discovery of any items of indigenous or non-indigenous heritage significance. This shall incorporate the recommendations from the Aboriginal Cultural Heritage Assessment prepared by the Nungaroo Aboriginal Land Council (dated 22 January 2024);
    - v. Respond to emergencies, including bushfire and flooding events; and,
    - vi. Ensure the health and safety of construction workers.
  - (f) Explanation of how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected; and,
  - (g) Description of the role, responsibility, authority accountability, and reporting of key personnel involved in the construction of the development.

Note: The CTMP will need to provide details on manoeuvrability for a B-double vehicle 26 metres right-hand-turn into Porters Lane and left-hand-turn onto Borah Creek Road and demonstrate mitigation strategies.

Note: The abovementioned CSMP shall be implemented during the construction stage as detailed in Condition D2.

Reason: To require details of measures that will protect the public and the surrounding environment during site works and construction.

#### **B4 Operations Environmental Management Plan**

Prior to the issue of a Construction Certificate, the applicant must provide an Operations Environmental Management Plan (OEMP) to the principal certifier / Council for approval and, at a minimum, include the mitigation measures detailed in the Statement of Environmental Effects Report prepared by Zenith Town Planning 3 May 2024.

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

#### **B5 Internal Access and Parking**

Prior to the issue of a Construction Certificate, the Applicant shall submit suitable plans and details regarding the internal access road, stormwater drainage across the road and off-street carpark to Council for review and approval. All parking areas are to consist of the same material as the internal access road.

Reason: To ensure compliance with the approved application.

#### **B6 Other Approvals**

The following approvals are required where relevant:

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

- (b) **Section 68 of the Local Government Act 1993** - Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

## **B7 Servicing**

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

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

Details shall be provided with the Construction Certificate application.

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

## **B8 Transformer and High battery Energy Storage System (BESS) Containment**

The Transformers and High Battery Energy Storage System (BESS) shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

## **B9 Stormwater Management**

Stormwater management shall be undertaken in accordance with the mitigation measures detailed in the Statement of Environmental Effects prepared by *Zenith Town Planning*, dated 3 May 2024.

The development must not result in the diversion of overland surface waters onto adjoining properties or roads.

Note: A Section 68 activity approval must be issued by Council under the *Local Government Act 1993* to carry out stormwater drainage work, if required.

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

## **B10 Nest Boxes**

If any hollow bearing trees are removed, nest boxes must be installed at a ratio of at least 2 boxes per hollow. Nest boxes must be installed in mature trees on the lot outside the Asset Protection Zone. Evidence that this has occurred must be provided to Council’s Ecologist for approval prior to the issue of a Construction Certificate.

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

## **B11 Temporary Marking of Asset protection Zone**

Evidence that boundaries of the Asset Protection Zone have been marked using temporary protective fencing or brightly coloured tape must be provided to Council's Ecologist prior to the issue of a Construction Certificate.

Reason: To ensure the asset protection zone does not encroach into any significant vegetation.

## **B12 Vehicle Access Requirements**

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council/Transport for NSW standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

## **B13 External Lighting**

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

Reason: To protect the amenity of the surrounding area.

## **B14 Car Parking**

All driveways, access ramps, vehicular crossings shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1-2004: *Parking Facilities – Off-street Car Parking* and AS 2890.2:2018 - *Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and consist of the same material as the proposed internal access road. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, and vehicular crossings complies with the relevant Australian Standards.

## **B15 Dilapidation report**

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report, in consultation with Council, and to the satisfaction of the Principal Certifier. The report must determine the extent/scope of the surveys, detailing the structural condition of Borah Creek Road and Porters Lane. The dilapidation report must also detail lineal road distance and identify public assets or land Council reasonably deemed necessary.

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

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

## **PART C: PRIOR TO WORKS COMMENCING**

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### **C1 Appointment of Principal Certifying Authority**

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

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

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

### **C2 Community Consultation**

Prior to the commencement of works, and in accordance with the recommendations contained in the Noise, Biodiversity, Visual, Water, Waste and Decommissioning and Traffic Assessments, the Applicant shall carry out proactive community consultation and notification in advance of any service, utility interruptions and traffic changes. The Applicant shall also consult with affected landholders to advise the mitigation strategy regarding visual impacts.

Reason: To confirm the terms of Council's consent and ensure that potential impacts are mitigated.

### **C2 Signs on site**

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

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

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

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

### **C3 Tree Protection Measures**

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the Landscape Plan and the Construction Site Management Plan are in place.

Reason: To protect trees which are to be retained prior to work commencing on the site.

## **C7 Toilet Facilities during Construction**

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

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

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

## **C8 Implementation of the Construction Site Management Plan and Waste Management Plan**

The approved Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan) and the Waste Management Plan must be implemented and maintained prior to, and during, the construction works on the site until works are completed and all exposed surfaces are landscaped/sealed.

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.

## **PART D: DURING WORKS**

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### **D1 Construction Hours**

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

- (a) Monday to Friday: 7.00 am to 4.00 pm;
- (b) Saturday: 8.00 am to 1.00 pm; and
- (c) No Construction on Sundays or Public Holidays.

Unless otherwise approved within the Construction Site 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.

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

### **D2 Construction Site Management Plan**

In accordance with the Noise, Biodiversity, Visual, Water, Waste and Decommissioning and Traffic assessments approved as a part of this development consent, the following mitigation measures must be implemented during construction and included in the CSMP:

- a) Erosion and sediment control:
  - i. Avoid stockpiling material adjacent to native vegetation, but instead use areas that are already cleared or disturbed;
  - ii. Regular inspection and maintenance of erosion and sediment control measures, particularly following rainfall events to ensure their ongoing functionality; and,
  - iii. The immediate removal offsite of any excavated materials.
- b) Dust control:
  - i. Setting maximum speed limits for all traffic within the site;
  - ii. Use of a water tanker or similar to spray unsealed areas;
  - iii. Progressively rehabilitate disturbed soils to reduce views of bare soils; and,
  - iv. Application of dust suppressants in response to visuals cues and use of covers on soil stockpiles.
- c) Chemical spills:
  - i. All chemicals must be kept in clearly marked bunded areas;
  - ii. Regularly inspect vehicles and plant for leakage of fuel or oil; and,
  - iii. No re-fuelling, washing or maintenance of vehicles and plant is to be undertaken within 20m of natural drainage lines;
- d) Vegetation protection:
  - i. Areas of vegetation outside the development footprint are to be clearly defined to prevent accidental clearing or damage to vegetation.
- e) Weed management:
  - i. All vehicles should be cleaned prior to entering the site to prevent the introduction of new weed species.
- f) Community:
  - i. Implement a Code of Conduct for contractors encouraging positive behaviour and expectations when interacting with the local community; and,
  - ii. Implement disciplinary processes for breaches in the Code of Conduct or other anti-social behaviour.
- g) Noise:
  - i. Where possible, use localised mobile screens or construction hoarding around plant;
  - ii. A construction noise management protocol to minimise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community;
  - iii. Operating plant in a conservative manner (no over-revving);
  - iv. Utilise the quietest possible machinery where practicable;
  - v. Utilise a broadband reverse alarm in lieu of traditional high frequency type reverse alarm;
  - vi. Provide toolbox meetings, training and education for personnel on site during construction;
  - vii. Place signage at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site; and,
  - viii. Utilise project-related community consultation forums to notify residences within proximity of the site about the progress of the Project, upcoming potentially noise generating works, its duration and nature, and complaint procedures.

Reason: To mitigate potential impacts during construction.

### **D3 Compliance with Construction Site Management Plan**

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

- (a) All practicable measures shall be undertaken to prevent and minimise harm to

the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.

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

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

#### **D4 Waste Container**

A site rubbish container shall be established and maintained for the duration of construction works.

Reason: To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

#### **D5 Waste Management**

While building work, demolition or vegetation removal is being carried out, the Principal Certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

## **D6 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.

## **D7 Discovery of Aboriginal Objects**

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW and the Nungaroo Local Aboriginal Lands Council (Nungaroo LALC) in respect of a relic and notify the Secretary of the Department of Planning and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Any objects discovered during excavation, is to be recorded and salvaged under the care and control of the Nungaroo LALC. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

In this condition:

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

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

## **D8 Discovery of Contamination**

Should any unexpected contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

## **D9 Construction Noise**

While building work is being carried out, and where a noise and vibration management plan as part of the is approved under this consent as part of the Construction Site Management Plan, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

Reason: To protect the amenity of the neighbourhood.



#### **D10 Imported Fill**

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

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

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

#### **D11 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 2021*.

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

#### **D12 Tree Protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of Trees on Development Sites* and any Arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

#### **D13 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.

#### **D14 Clearing of Development Footprint**

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

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

## **D15 Clearing for Asset Protection Zones (APZ)**

The applicant must ensure the clearing of vegetation to establish the APZ is confined to within the marked APZ boundary and is consistent with the Landscape Plan and Bushfire Report, to the satisfaction of the principal certifier.

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

## **D16 Internal Road and Carpark**

During works, a carpark that complies with AS 2890.1 within the construction laydown area for a minimum of twenty-four (24) spaces, to accommodate all vehicle types, and an internal access road shall be provided on the site. The carpark and internal access road can be constructed from near dustless road pavement material of sufficient depth to carry the expected loading of vehicles travelling to and from the site. Additionally, at the completion of construction, the access road shall be constructed in accordance with the requirements of *Planning for Bushfire Protection 2019* and Council's Engineering Guidelines.

Reason: To ensure compliance with the provisions under the *Liverpool Plains Shire Council Development Control Plan 2012* and the approved documentation.

## **PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

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### **E1 Occupation Certificate**

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied, an inspection carried out by Council and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

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

### **E2 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.

### **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 including, but not limited to, the following

- (a) Car parking areas and vehicle access points;
- (b) Fencing;

- (c) Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed;
- (d) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

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

#### **E4 Landscaping**

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

#### **E5 Landscaping Bond**

Prior to the issue of an Occupation Certificate, a landscaping bond of \$20,000 shall be paid to Council, in a form acceptable to the Council. The bond shall be held by Council for at least twelve (12) months following the issue of the Occupation Certificate and will be released upon submission of a report by a professionally qualified landscape architect or arborist, confirming the success of the landscaping and its probability of long-term survival with the maintenance required under this consent.

Reason: To confirm the terms of Council's consent and ensure that visual impacts are mitigated.

#### **E6 Post-Construction Dilapidation Report and Repair of Infrastructure**

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report in consultation with Council, which must include a photographic survey, and feature lineal road distance, to the satisfaction of the Principal Certifier, detailing whether:

- (a) Borah Creek Road and Porters Lane have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier).

Reason: To identify damage to public road resulting from building work on the development site.

## **E8 Removal of Waste upon Completion**

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved Waste Management Plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

## **E9 Section 138 Approval**

Any conditions contained within the Section 138 approval of the *Roads Act 1993* must be completed, inspected and approved by Council.

Reason: To ensure compliance with relevant legislative requirements under the *Roads Act 1993*.

## **PART F: OPERATIONAL CONDITIONS**

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### **F1 Continued Operations**

The following requirements shall be adhered to throughout the operation of the development approved by this consent:

- (a) Internal unsealed pavement areas to all vehicular parking, manoeuvring, loading and unloading areas as well as environmental control measures, are to be maintained such that whilst in use, the development does not generate excessive dust or vehicles exiting the site do not track sediment onto the public road;
- (b) The ground cover beneath the solar panel arrays shall be maintained to reduce dust and rehabilitated to reduce views of bare soil as far as practicable;
- (c) Dust impacts, including those arising from winds and traffic movements, shall be minimised and mitigated as far as practicable. Any product used for dust mitigation or cleaning must be declared to Council prior to use to ensure that no soil or groundwater contamination risks are associated with the product.

Reason: To confirm the terms of Council's consent.

### **F2 Decommission Management Plan**

A Decommissioning 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 proposed cessation of operations. It must include, but not be limited to, the following:

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

- (d) Details on waste management and recycling of all materials arising from the development.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

### **F3 Fire Emergency Management Plan**

The approved Emergency Management Plan ('FEMP') for the development shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

### **F4 Operations Environmental Management Plan**

The approved Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the development.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

### **F5 Vehicle Management**

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

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site. A minimum of two (2) parking spaces must be constructed from near dustless road pavement material of sufficient depth to carry the expected loading of vehicles travelling to and from the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (d) The maximum size truck permitted to access the site is a B-double of 26 metres in length.
- (e) All vehicular traffic associated with the development must travel to and from the site via Porters Lane and via the approved site entry points.
- (f) Driveway improvements are required for wet weather operation, including surfacing with additional gravel.

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.

## **F6 Landscape Screening**

The planting associated with the landscape screen as outlined on the approved Landscape Plan (Plan Number C6301, Revision 4) must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

## **F7 Operation of Plant and Equipment**

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is maintained in a proper and efficient condition and operated in a proper and efficient manner.

Reason: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

## **F8 External lighting**

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

Reason: To protect the amenity of the surrounding area.

## **F9 Storage of Hazardous Materials**

The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

## **F10 Noise Control During Operation**

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations, if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation and meet statutory requirements.

## **F11 Bushfire Risk**

Utilities, landscaping and access arrangements are to comply with '*Planning for Bush Fire Protection 2019*'.

Reason: To ensure compliance and to locate gas and electricity so as not to contribute to the risk of fire to a building.

## **F12 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.

## **F13 Weed and Pest Management**

The property must be maintained to prevent the harbourage of pest and the risk of fire. The property must meet the obligations of the *Biosecurity Act 2015* in managing declared pest animal and plant species and comply with the minimum standards of fire prevention maintenance as legislated by the *Local Government Act 1993*.

Reason: To preserve the amenity of the site and ensure that environmental standards are met.

## **F14 Potential Contamination**

Any dielectric fluid associated with the High Battery Energy Storage System (BESS) used must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environment Protection Authority (EPA) must also be notified to report a potential pollution event.

Reason: To ensure that the proposed development does not cause adverse environmental impacts.