

**Prior to Work Commencing**

*Construction Certificate*

- 1) The approved development which is the subject of this development consent must not be commenced until:
  - a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
  - b) The person having the benefit of the development consent has;
    - i) Appointed a Principal Certifying Authority for the building work, and
    - ii) Notified the Principal Certifying Authority that the person will carry out the building work as an owner-builder, if that is the case, and;
  - c) The principal certifying authority has, no later than 2 days before the building work commences;
    - i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
    - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
    - ii) Notified the Principal Certifying Authority of any such appointment, and
    - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
    - iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.

*Toilet Facilities*

- 2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
  - a) Must be a standard flushing toilet, and
  - b) Must be connected to a public sewer, or
  - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
  - d) If connection to a public sewer is not practicable, portable toilets which are installed securely, with a lockable door, lighting and ventilation.

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

*Site Signage*

- 3) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:

- a) The name, address and telephone number of the principal certifying authority for the work, and
- b) 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) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed

#### *Public Liability Insurance*

- 4) The contractors engaged on the development shall maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.

#### *Erosion and Sediment Control*

- 5) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater – Soils and Construction (Landcom, 2004). Erosion and sedimentation controls are to be put in place to limit offsite movement of soils into Greenhatch Creek. The ESCP is to be implemented prior to the commencement of any construction works.

#### *Heritage*

- 6) Evidence shall be provided to Tamworth Regional Council that all on-site personnel are made aware of all Aboriginal sites on the property and their obligations under the NSW National Parks and Wildlife Act 1974, which may be implemented through a heritage induction.

#### *Access*

- 7) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Tamworth Regional Council for approval. Where the TMP is of a level of complexity that TCP's are required, the TCP's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.

The TMP must include, but not necessarily be limited to, the following;

- Consideration for construction, operational and decommissioning phases.
- A weekly vehicle movement schedule identifying expected trip generation.
- Details of the site access location and relevant road safety considerations.
- An induction process for onsite staff and visitors with regular toolbox meetings.
- A complaint resolution and disciplinary procedure.
- Any community consultation measures proposed for peak periods

- Detail appropriate safety measures to minimise delay for vehicles entering the property and to effectively manage any project related traffic needing to enter and exit the site.
- 8) A Road Occupancy Licence (ROL) must be obtained from TfNSW prior to the implementation of any traffic control on the classified road. Any future roadwork on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and TfNSW Supplements.
- 9) Prior to commencing works to construct the proposed access road that will require access through the rail corridor, the Applicant must apply to John Holland Rail and enter into a licence agreement with Transport Asset Holding Entity as the landowner. Access to the rail corridor is prohibited at any time unless otherwise permitted in writing by Transport for NSW or its agent who manages the CRN.

|                                                           |
|-----------------------------------------------------------|
| <b>Prior to the release of a Construction Certificate</b> |
|-----------------------------------------------------------|

*Development Contributions*

- 10) a) In accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013, **\$73,077.18** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

- \$C<sub>PY</sub>** Is the amount of the contribution at the date of Payment
- \$C<sub>DC</sub>** Is the amount of the contribution as set out in this development consent
- CPI<sub>PY</sub>** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI<sub>DC</sub>** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent
- c) The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

**It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.**

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

### *Stormwater Management*

- 11) A stormwater servicing strategy for the development site shall be prepared and submitted to Council for approval in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments Version 1 March 2019.

The stormwater servicing strategy for this development must also include calculations and associated commentary for the following:-

- (i) Stormwater detention for the range of 1:1 to 1:100 year ARI events to reduce the developed flows to predeveloped flows;
- (ii) Conveyance of flows from the lowpoint trapped between the access track and the railway embankment;
- (iii) Minor stormwater network including the conveyance and discharge to Greenhatch Creek;
- (iv) Q100 overland flow paths, and;
- (v) The potential impacts of flooding associated with Greenhatch Creek

### *Access and Traffic Management*

- 12) An approval pursuant to section 138 of the Roads Act 1993, must be obtained from Council to carry out works within the road reserve. Tamworth Regional Council and Transport for NSW shall be consulted with respect to a Section 138 concurrence for all works on Manilla Road..

### *Heritage*

- 13) The locations of Aboriginal sites (HN-MA-A01 and HN-MA-A02) are to be marked as no-go zones and a minimum 10m exclusion buffer area from the Aboriginal sites are to be marked on all construction plans prior to issuing a Construction Certificate.

### *Management Plans*

- 14) The following management plans shall be prepared by a suitably qualified consultant in accordance with the mitigation and management measures recommended in the endorsed supporting documents referenced in condition 21 and implemented throughout the construction phase and operation of the facility;
- a) Construction Environmental Management Plan;
  - b) Operational Environmental Management Plan;
  - c) Noise Management Plan;
  - d) Waste Management Plan;
  - e) Weed Management Plan;
  - f) Vegetation Management Plan;
  - g) Soil & Water Management Plan; and

All required management plans are to be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004). The Management Plans must be prepared by a suitably qualified person and submitted to and approved by the relevant certifying

authority before the issue of a Construction Certificate and implemented/adopted for the life of the development.

*Rail Corridor*

- 15) Prior to the issue of any Construction Certificate involving works of penetration of ground to a depth of at least 2m below ground level (existing) on land in, above or adjacent to (within 25m measured horizontally) the relevant rail corridor, the Applicant shall consult with JHR and/or TfNSW regarding the relevant documentation to be submitted and obtain written endorsement from JHR and or/TfNSW for the relevant construction stage.

A summary report for the relevant construction stage shall also be provided to JHR and/or TfNSW to demonstrate that the submitted documentation has satisfied the relevant conditions. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until receiving written confirmation from JHR and/or TfNSW that the relevant conditions have been complied with.

- 16) Prior to issue of the first construction certificate, the Applicant shall provide the following to JHR and/or TfNSW for review and endorsement:
- (i) Final geotechnical and structural report / drawings. Geotechnical reports should include any potential impact on the rail corridor;
  - (ii) Final construction methodology, including any staging of the works, with construction details pertaining to structural support during excavation or ground penetration;
  - (iii) Risk Assessment/Management Plan and Safe Work Method Statements detailing any impacts on the rail corridor in respect of the proposed development;
  - (iv) Details of the vibration and movement monitoring system that will be in place before excavation commences; and
  - (v) Detailed survey plan.
- 17) Prior to the issue of the relevant Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services and facilities. Persons performing the service search shall use equipment that will not have an impact on rail services and signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the Applicant must discuss with JHR and/or TfNSW as to whether these services and facilities could be affected by the works proposed or if they are to be relocated or incorporated within the site.
- 18) Prior to the issue of the relevant Construction Certificate, the Applicant should provide to JHR and/or TfNSW with details of the discharge from the hardstand and the on-site detention basin for endorsement.
- 19) Prior to issue of the relevant Construction Certificate, the Applicant is required to submit an application to install the boundary fences to JHR for its endorsement and for TfNSW's approval.
- 20) Prior to the issue of the relevant Construction Certificate, the Applicant shall liaise with JHR and/or TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The Applicant is to submit to JHR all relevant documentation as requested by JHR and/or TfNSW and obtain written endorsement from JHR and/or TfNSW.

**General**

- 21) Development shall take place in accordance with the attached endorsed plans and documentation:
- a) Solar Farm General Arrangement prepared by Balance Service Group, Drawing No. 2219-G-GAD-02-1, Revision F dated 19 May 2020;
  - b) Lot Boundary prepared by Balance Service Group, Drawing No. 2219-G-GAD-03-1, Revision B dated 19 May 2020;
  - c) Site Elevation Detail and Typical Fencing Elevation prepared by Balance Service Group, Drawing No. 2219-G-DET-01-1 and 2219-C-DET-02-1, Revision B dated 11 March 2020
  - d) Access Road Details, prepared by Balance Service Group, Drawing No. 2219-C-GN-03-1, Revision C dated 16 March 2020
  - e) PV Tracking Cros Section Detail prepared by Balance Service Group, Drawing No. 2219-E-DET-01-1, Revision C dated 19 May 2020
  - f) Power Conversion Unit Detail Sheet 1 and Sheet 2 prepared by Balance Service Group, Drawing No. 2219-E-DET-02-1, Revision B dated 16 May 2020, and Drawing No. 2219-E-DET-02-2, Revision B dated 11 May 2020
  - g) Shed Pad Details prepared by Balance Service Group, Drawing No. 2140-C-DET-05-1, Revision 1 dated 10 April 2020
  - h) Landscape Plan prepared by Mara Consulting Pty Ltd, Drawing No. 1968, Revision C, Sheets L01-L03 dated 27 March 2020
  - i) Stormwater Management Plan, prepared by DRB, dated 23 March 2020.
  - j) Ecological Assessment Report, prepared by Anderson Environment & Planning, dated March 2020.
  - k) Traffic Impact Assessment, prepared by Intersect Traffic, dated March 2020.
  - l) Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated March 2020.
  - m) Aboriginal Due Diligence Assessment Report, prepared by Heritage Now, dated 19 March 2020.
  - n) Visual Impact Assessment, prepared by Mara Consulting, dated 25 March 2020
  - o) Reflectivity Glare Assessment, prepared by SLR, dated March 2020
  - p) Waste Management Plan, prepared by KDC, dated March 2020
  - q) Flood Impact Assessment, prepared by Torrent Consulting, dated 24 March 2020
  - r) Social Impact Statement, prepared by Mara Consulting, dated 30 March 2020

The mitigation and management measures recommended in the endorsed supporting documents, must be implemented throughout the construction phase and operation of the facility.

- 22) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 23) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 24) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to

occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

- 25) The development shall be sited and constructed in accordance with the approved site plan. No portion of any proposed structures including any fences or gates shall encroach upon an adjoining property or the road reserve area.

#### *Lighting*

- 26) To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.

#### *Noise*

- 27) Any noise generated from the operation of the development must not be intrusive or offensive as defined by the Protection of the Environment Operations Act 1997.

#### *Dust Prevention*

- 28) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

#### *Potential Contamination*

- 29) Any product used for dust mitigation or cleaning of the solar panels must be declared to the Council prior to use to ensure that no soil or ground water contamination risks are associated with the product.
- 30) Any dielectric fluid 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 Environmental Protection Agency must also be notified in regards to a pollution event.
- 31) The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
- a) All relevant Australian Standards;
  - b) A minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - c) The EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management. In the event of an inconsistency between requirements listed from a) to c), the most stringent requirement shall prevail to the extent of the inconsistency.

#### *Stormwater*

- 32) Runoff from all hardstand and other impervious areas shall be captured on site and conveyed to the approved point of discharge in accordance with the current version of the Engineering Design Minimum Standards for Subdivisions and Developments Version 1 March 2019.
- 33) Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-
- (i) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
  - (ii) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
  - (iii) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
  - (iv) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- 34) The approved point of discharge for the development site is defined as the existing Greenhatch Creek watercourse at the north western corner of the property.

*Advisory Note: Greenhatch Creek is a natural watercourse. Any works in the associated riparian zone will trigger the need for an NRAR Controlled Activity Permit.*

#### *Internal Driveways and Parking Areas*

- 35) All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading.
- 36) All parking areas, shall be designed to comply with Australian Standard 2890.1-2004 'Off-street car parking'.

#### *Rail Corridor*

- 37) The security of fencing along the rail corridor is essential to prevent unauthorised entry and ensure safety. In the event that the applicant requires to repair or replace the boundary fencing in order to suit its proposed development, the applicant will be required to repair or replace and maintain the boundary fencing during construction and operation in accordance with relevant engineering standards of John Holland Rail (JHR) who has been appointed to manage the Country Regional Network (CRN).
- 38) Prior to repair and replacement of the boundary fence along the rail corridor, the Applicant will be required to submit an application to JHR for its endorsement and for approval by Transport Asset Holding Entity (TAHE). A survey must be done by a registered surveyor to define the common boundary along the rail corridor and to obtain approval from TAHE as the landowner of the rail corridor to the definition of the common boundary.
- 39) The Applicant must submit an application to JHR for approval of TAHE prior to any use of cranes and equipment in the air space over the rail corridor.



- 40) The Applicant is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>) and that any works are undertaken by a qualified Protection Officer (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>).
- 41) The use of cranes and equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.
- 42) The design of lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Transport for NSW (TfNSW) and JHR.
- 43) Access to the rail corridor is strictly prohibited unless otherwise permitted in writing during construction and operation. The applicant is required to ensure the design and/or location of the level crossing enable the landowner of Lot A DP442930 to access the western side of the Lot and no additional level crossing will be granted on this Lot for the Landowner.
- 44) The Applicant shall consult with, as required:
  - a) Essential Energy;
  - b) Natural gas company; and
  - c) A telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

#### *Essential Energy*

- 45) Minimum safety clearance requirements and minimum safe distance requirements (fixed height vehicles must be maintained at all times for the proposed driveway access and/or exit into the property, as such access will pass under Essential Energy's existing overhead powerlines located on the Manilla Road street frontage of the property. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- 46) Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system/farm which will form part of the development. It is the Applicant's responsibility to enter into the required Connections Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email [networkconnections@essentialenergy.com.au](mailto:networkconnections@essentialenergy.com.au).
- 47) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities

within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure

- 48) Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- 49) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

*Decommissioning and Rehabilitation*

- 50) Within 18 months of the cessation of operation, unless Council agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of Council. This rehabilitation must comply with the objective in Table 1.

*Table 1: Rehabilitation Objectives*

| Feature                   | Objective                                                                                                                                                                 |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site                      | <ul style="list-style-type: none"><li>• Safe, stable and non-polluting</li><li>• Minimise the visual impact of any of the above ground ancillary infrastructure</li></ul> |
| Solar farm infrastructure | <ul style="list-style-type: none"><li>• To be decommissioned and removed, unless Council agrees otherwise</li></ul>                                                       |
| Land use                  | <ul style="list-style-type: none"><li>• Restore land capability to pre-existing use</li></ul>                                                                             |
| Community                 | <ul style="list-style-type: none"><li>• Ensure public safety at all times</li></ul>                                                                                       |

**During Construction or Works**

*General*

- 51) Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

**Monday to Friday - 7.00am to 5.00pm;**

**Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;**

**No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises, otherwise 7.00am to 5.00pm.**

The Proponent shall be responsible to instruct and control any sub-contractors regarding the hours of work.

- 52) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-

General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.

- 53) All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC).
- 54) Any damage caused to Council infrastructure during in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 55) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.

#### *Identification Survey*

- 56) An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the site boundaries and Aboriginal sites are accurately identified in accordance with the approved site plan.

#### *Access, Parking and Traffic Management*

- 57) The approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.
- 58) A new rural access off Manilla Road shall be constructed in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments Version 1 March 2019, at the location shown on the drawings provided with the Development Application and shall comply with the following:-
  - a) The crossover be constructed in accordance with Council Standard Drawing number RD010 dated March 2019;
  - b) The alignment of the vehicle crossover across the verge shall be at right angles to Manilla Road, and;
  - c) The vehicle crossover shall be of adequate thickness to accommodate heavy vehicle loading.

*Advisory Note: The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.*

- 59) Where the secondary property access to the existing cattle yards is to be retained, then it must be upgraded in accordance with Council Standard Drawing number RD010 dated March 2019.

*Advisory Note: Alternatively, consideration could be given to establishing internal connections from the primary property access to service the use associated with the secondary access, thus no upgrade would be required.*

#### *Heritage*

- 60) During construction, all Aboriginal sites and a minimum 10m exclusion buffer area from the Aboriginal sites shall be demarcated with temporary fencing or visual markers to prevent inadvertent impact.
- 61) Site officer representing Tamworth Local Aboriginal Land Council and the Gomeroi Traditional Owners are to be notified of the commencement of construction works and invited to attend the site at commencement of construction to identify if further investigations are required to be undertaken in accordance with the NSW Heritage Act 1977 if ground is disturbed particularly (but not limited to) along the access track, machinery and material lay down area and the locations of the solar pan structures
- 62) If any previously unidentified heritage object(s) are discovered during the course of construction, all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the NSW Heritage Act 1977. Relevant works shall not recommence until written authorisation has been issued.
- 63) If any previously unidentified significant Aboriginal object(s) are discovered during the course of construction, all work likely to affect the object(s) shall cease immediately and the informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Office of Environment and Heritage advising otherwise is received by the Proponent.

#### *Flooding*

- 64) All electrical infrastructure and buildings must have a finished floor level above the 1% AEP flood level as identified in the Flood Impact Assessment, prepared by Torrent Consulting, dated 24 March 2020.
- 65) Access to the site shall be prohibited following the issuing of a severe weather or flood warning by the Bureau of Meteorology. This shall be included in the Operational Environmental Management Plan.

#### *Biodiversity*

- 66) The hollow-bearing stag to be retained shall be fenced and a buffer zone is to be established around it.

#### *Allotment Filling*

- 67) To the extent that this consent permits filling of the site such fill must be virgin excavated natural material ("VENM").

VENM includes clay, gravel, sand, soil and rock that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.

### *Inspections*

- 68) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

#### **Prior to Commencement of Operation**

- 69) The occupation or use of the whole or any part of the development must not commence unless an occupation certificate has been issued in relation to the whole or part of the development.

#### **Prior to the release of an Occupation Certificate**

- 70) All landscaping works undertaken shall be monitored and maintained at regular intervals to ensure their effectiveness. Landscaping works shall be maintained throughout the life of the development. All irrigation system, if required, and landscaping shall be installed prior to issue of an Occupation Certificate.

#### **Continued Operations**

- 71) All vehicle movements into and out of the development site shall be in a forward direction.
- 72) To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.
- 73) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 74) The sealing of vehicle crossovers shall be maintained at all times.
- 75) Within 3 months of the commencement of operations, the Applicant must commission a noise validation monitoring assessment to quantify emissions from the site and to confirm emission meet relevant criteria. This must be submitted to the Director of Planning and Compliance for approval once completed.