

DATE OF DETERMINATION	29 March 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 March 2021.

MATTER DETERMINED

PPSNTH-35 – Tamworth – DA2020-0419 at Country Rd, Westdale – solar PV Electricity Generation Plant (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

1. The proposed use is permissible in the RU4 zone, is consistent with relevant zone objectives and actions given in the New England North West Regional Plan and satisfies all relevant development standards and guidelines.
2. The site is suitable for the intended use because it has good access to electricity transmission lines and the local road network, is largely free of land use and environmental constraints, and the proposal will be compatible with its surrounds.
3. The proposal, subject to the conditions imposed, will have no unacceptable impacts on the natural or built environments including neighbouring land uses.
4. The proposal will increase the availability of competitively priced electricity generated from a renewable and non-polluting source; as such, it will have broader social and environmental benefits.
5. The panel has carefully considered all issues raised in public submissions and considers that they have been addressed by either safeguards incorporated into the proposal or conditions imposed and that there are no residual issues warranting refusal of the application.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

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

- Amend condition 2) to delete reference to landscaping plans;
- Amend condition 4) to include the word “conditions”;

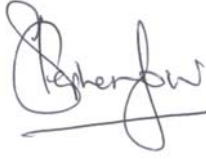
- Amend condition 12) to correct a spelling error;
- Amend condition 14) to include the wording “responsibility for ongoing maintenance”;
- Add condition 15) to require a s138 approval for potential upgrade works to existing vehicle crossing;
- Amend Condition 21) to include additional information regarding mitigation measures in supplementary reports and to clarify that all management plans will be publicly available upon request;
- Amend Condition 22) to include additional information for landscape management plan;
- Amend condition 53) to reference correct Lot/DP;
- Delete original condition 55) which required noise validation assessment.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Impacts on local land values
- Visual amenity
- Noise impacts
- Temperature increase at neighbouring dwellings
- Decommissioning of the development

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed addressing visual amenity and noise issues, and requiring appropriate decommissioning at the end of the project’s life.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Stephen Bartlett
 James Treloar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-35 – Tamworth – DA2020-0419
2	PROPOSED DEVELOPMENT	Construction and use of a 5MW solar farm and associated infrastructure
3	STREET ADDRESS	Country Rd, Westdale (Lot 211 DP 1069964)
4	APPLICANT/OWNER	DG Property Management Pty Ltd Tamworth Regional Council (landowner)
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Koala Habitat Protection) 2020 - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (State and Regional Development) 2011 - New England North West Regional Plan 2036 - Tamworth Regional Blueprint 100 - Tamworth Local Environmental Plan 2010 - Draft environmental planning instruments: Nil - Development control plans: - Tamworth Development Control Plan 2010 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 17 March 2021 - Written submissions during public exhibition: two (2)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: - Stephen Gow: 20 March 2021 - James Treloar: 19 March 2021 - Final briefing to discuss council's recommendation: 24 March 2021 <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett <u>Council assessment staff</u>: Mitch Gillogly and Sam Lobsey - Applicant Briefing: 24 March 2021 <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, James Treloar and Stephen Bartlett <u>Council assessment staff</u>: Mitch Gillogly and Sam Lobsey <u>Applicant representatives</u>: Patrick Quinlan, Jeremy Every, Shane Humphreys and Rachel Pettitt

		<u>Note:</u> Applicant briefing was requested to respond to the recommendation in the council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2																																															
SCHEDULE B ADMINISTRATIVE CONDITIONS Development Description 1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule A. Development in Accordance with Plans 2. The Applicant shall carry out the development generally in accordance with the: a) Statement of Environment Effects dated April 2020 by KDC; and b) Environmental Planning and Assessment Act and Environmental Planning Instruments (where applicable), the Local Government Act, the Plumbing and Drainage Act and other applicable statutory codes or legislation c) Following drawings, except for any modifications: i) Which are Exempt' or Complying Development; ii) Otherwise provided by the conditions of this consent. <table border="1"> <thead> <tr> <th colspan="4">Drawings prepared by Rina Consulting</th></tr> <tr> <th>Drawing No.</th><th>Revision</th><th>Name of Plan</th><th>Date</th></tr> </thead> <tbody> <tr> <td>ST-1</td><td>3</td><td>Location Plan</td><td>14/07/20</td></tr> <tr> <td>ST-2</td><td>5</td><td>Solar farm general arrangements</td><td>21/07/20</td></tr> <tr> <td>ST-3</td><td>3</td><td>Key site details</td><td>14/07/20</td></tr> <tr> <td>ST-4 1/2</td><td>4</td><td>Civil plan</td><td>15/07/20</td></tr> <tr> <td>ST-4 2/2</td><td>3</td><td>Civil Plan</td><td>14/07/20</td></tr> <tr> <td>ST-5</td><td>2</td><td>Tracker details</td><td>11/03/20</td></tr> <tr> <td>ST-6</td><td>2</td><td>Power conversion unit (PCU) details</td><td>11/03/20</td></tr> <tr> <td>ST-7</td><td>2</td><td>Access roads and driveways</td><td>11/03/20</td></tr> <tr> <td>ST-8</td><td>2</td><td>Security fencing details</td><td>11/03/20</td></tr> </tbody> </table> Supporting Document Recommendations 3. All recommendations made within specialist reports and supporting documents to the Statement of Environmental Effects shall be implemented as part of the development. Inconsistency Between Documents				Drawings prepared by Rina Consulting				Drawing No.	Revision	Name of Plan	Date	ST-1	3	Location Plan	14/07/20	ST-2	5	Solar farm general arrangements	21/07/20	ST-3	3	Key site details	14/07/20	ST-4 1/2	4	Civil plan	15/07/20	ST-4 2/2	3	Civil Plan	14/07/20	ST-5	2	Tracker details	11/03/20	ST-6	2	Power conversion unit (PCU) details	11/03/20	ST-7	2	Access roads and driveways	11/03/20	ST-8	2	Security fencing details	11/03/20
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4. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of any inconsistency. However, conditions of this approval prevail over endorsed plans and documents. Where there is an inconsistency between approved elevations and plans, the conditions prevail.

Limits of Approval

5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

SCHEDULE C

PERFORMANCE CONDITIONS

BEFORE COMMENCEMENT OF WORKS

Construction Certificate Required

6. Prior to commencement of any works, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate all relevant conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any works.

(Reason: Statutory requirement)

Utility Services

7. Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

(Reason: Protection of infrastructure)

Public Liability Insurance

8. 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.

(Reason: Liability management)

Access

9. 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.

(Reason: Access provision)

10. Essential Energy has existing 11kV overhead powerlines located on the property:
- a) The proposed improvements must be constructed outside the easement area, or, if there is no easement, then a minimum clearance of 10.0 metres from the centreline of the powerline to the nearest part of any structure must be maintained (minimum clearance area).
 - b) Any proposed vegetation or trees must not be planted in the easement area/minimum clearance area.
 - c) Access to the powerline must remain unhindered and be available 24 hours a day / 7 days a week. If fences etc are to cross the easement area/minimum clearance area, then gates must be installed or alternative access arranged, at the Applicant's expense. Essential Energy's approval to such fences and/or gates must be obtained prior to any works commencing.
11. 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).

(Reason: Protection of electrical infrastructure)

Dilapidation Survey

12. A dilapidation survey of Country Road shall be undertaken prior to commencement of construction. A Management plan for the ongoing maintenance of Country Road shall be agreed with Council prior to commencement of construction, with the objective of maintaining a suitable level of service for all users, and minimising dust and noise nuisance to adjoining landowners.

Advisory Note: The management plan shall include lodging a suitable performance bond with Council.

(Reason: Protection of Council infrastructure)

13. A Dilapidation Survey shall be conducted prior to work commencing and a Dilapidation Report prepared by a practicing professional Engineer (structural) in relation to the buildings on adjoining Lot 402 DP 1135421. The Report must be provided to Council.

(Reason: Protection of adjoining landholders infrastructure)

Internal Access Road

14. The developer shall be responsible for construction of a new internal access track and installation of new gates, fencing and signage for the quarry. Prior to construction and installation, Council's Manager of Infrastructure & Works shall be notified and agreeance, including responsibility for ongoing maintenance, provided in writing.

(Reason: Ensuring suitable internal access)

Works within the Road Reserve

15. An approval pursuant to Section 138 of the Roads Act 1993 (if required) from Council to upgrade the existing vehicle crossing for this development.

(Reason: Statutory)

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Development Contributions

16. 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, \$69,528.19 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

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:

$$\$CPY = \$CDC \times CPIPY \div CPIDC$$

Where: \$CPY Is the amount of the contribution at the date of Payment

\$CDC Is the amount of the contribution as set out in this development consent

CPIPY 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

CPIDC Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- a) 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.

Note: The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

(Reason: Community infrastructure provision)

Prescribed conditions of development consent

17. In accordance with the Act, the following conditions are prescribed for development that involves building work:
- a) That the work must be carried out in accordance with the requirements of the National Construction Code,
 - b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(Reason: Statutory requirement)

Long Service Levy

18. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

(Reason: Statutory requirement)

Footing System Requirements - General

19. The Applicant shall provide the Certifying Authority with detailed design drawings for the footing system certified by a practising structural engineer as compliant with the relevant sections of Part 3.2 'Footings and Slabs' of the BCA prior to the issue of a Construction Certificate.

(Reason: Structural safety)

Structural Adequacy Certificate

20. The Applicant shall provide the Certifying Authority with certification from a practicing structural or civil engineer that the proposed development can withstand the impacts of overland water flows including scouring and debris forces prior to the issue of a Construction Certificate. Alternatively demonstrate that overland water flows will not be directed towards structural members.

(Reason: Structural safety and floodplain risk management)

Site Environmental Management Plan

21. A site environmental management plan (SEMP) shall be submitted to Council for endorsement prior to the issue of a Construction Certificate. The SEMP shall address, at minimum, the following issues:

- a) Construction:
 - i) Source and type of any imported fill;
 - ii) Dust management in consideration of the recommendations referred to in the submitted Flora & Fauna Assessment report, prepared by Kleinfelder, dated 7 April 2020;
 - iii) Noise management to be consistent with Interim Construction Noise Guidelines, issued by the Environment Protection Authority and consider mitigation measures referred to in the submitted Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated April 2020;
 - iv) Erosion and sedimentation controls in consideration of the mitigation measures referred to in the submitted Flora & Fauna Assessment report, prepared by Kleinfelder, dated 7 April 2020;
 - v) Community consultation in consideration of the recommendations (including a complaint register) referred to in the submitted Social Impact Statement, prepared by Mara Consulting, dated 8 April 2020; and

- vi) Waste management in consideration of the submitted Waste Management Plan, prepared by KDC, dated April 2020.

b) Operation:

- i) Noise management to be consistent with Interim Construction Noise Guidelines, issued by the Environment Protection Authority and consider mitigation measures referred to in the submitted Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated April 2020;
- ii) Dust management in consideration of the recommendations referred to in the submitted Flora & Fauna Assessment report, prepared by Kleinfelder, dated 7 April 2020;
- iii) Weed and vermin management;
- iv) Land and vegetation management in consideration of the submitted Flora & Fauna Assessment report, prepared by Kleinfelder, dated 7 April 2020 and the Landscape Management Plan;
- v) Flooding and drainage issues and management;
- vi) Proposed methods of remediation at the cessation of the development; and
- vii) Community consultation in consideration of the recommendations (including a complaint register) referred to in the submitted Social Impact Statement, prepared by Mara Consulting, dated 8 April 2020.

c) Post-Development

- i) Monitoring and mitigation measures for future rehabilitation remedial actions

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).

A copy of the site environmental management plan must be made available by the Operator to members of the public upon request.

(Reason: Environmental protection)

Landscape Management Plan

22. A landscape management plan shall be submitted to Council for endorsement prior to the issue of a Construction Certificate. The landscape management plan shall include, but not limited to, the following;

- a) A planting schedule including botanical names, common names, pot size, height and spacing;
- b) Ongoing maintenance of vegetation screen including watering schedule and replacement of destroyed or dead trees and shrubs;
- c) A landscape plan which shows all landscaping outside of any easement or 10m from the centreline of any overhead powerlines;
- d) A landscape plan which shows security fencing inside of the landscaping buffer;
- e) A landscape plan which shows the location of the 10m wide fire truck access.

(Reason: Local amenity)

Stormwater Management

23. 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.

(Reason: Stormwater management)

Biodiversity Offsets

24. In accordance with the Biodiversity Development Assessment Report (BDAR) prepared by Kleinfelder, dated 25 January 2021, for the development, the class and number of species credits as detailed in the tables below, must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire a total of 3 Species credits as detailed in the table below, may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of Species credits, as calculated by the BAM Credit Calculator (BAM-C).

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

Vegetation Zone	Vegetation Zone Name	Area (ha)	Current Vegetation Integrity Score	Future Vegetation Integrity Score	Credits Required
1	PCT 511_Low (Grasslands)	11.05	9.2	0	0
2	PCT 511_Low (Woodlands)	0.26	32.4	0	3
Total Credit Requirement					3

(Reason: Biodiversity management)

DURING CONSTRUCTION

Hours of Construction

25. 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 6.00pm;

Saturday - 8.00am to 1.00pm if audible at other residential premises, otherwise 7.00am to 6.00pm; No work to be carried out on Sunday or Public Holidays if it is audible at other residential premises, otherwise 7.00am to 6.00pm.

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

(Reason: Local amenity)

Erosion and Sediment Control

26. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

(Reason: Environmental protection)

Toilet facilities

27. 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: Health and amenity)*

Approved Plans to be on-site

28. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.
- (Reason: To ensure compliance with approved plans)*

Site Notice

29. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) Showing the name, address and telephone number of the principal certifying authority 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, subdivision work or demolition work is being carried out, but must be removed when the work has been completed
- (Reason: Statutory requirement)*

Maintenance of site

- 30.
- a) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
 - b) Waste materials must be disposed of at a waste management facility.
 - c) The work site must be left clear of waste and debris at the completion of the works.
- (Reason: To ensure that building and any other site works are undertaken in a manner which will be non-disruptive to the local area.)*

Source and content of imported fill

31. The person responsible for importing fill to the site shall provide validation by way of a statutory declaration confirming the source and content of the fill to ensure that it is suitable for the proposed land use and free from contamination. Details are to be provided to Council prior to the pouring of any slab or footings. Check if fill is being imported
- (Reason: To ensure that imported fill is of an acceptable standard for environmental protection purpose)*

Heritage

32. 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 NSW Heritage Council 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 applicant.
33. Evidence shall be provided to Tamworth Regional Council that all on-site personnel are made aware of the potential scar tree on the property and their obligations under the NSW National Parks and Wildlife Act 1974, which may be implemented through a heritage induction.
34. During construction, a minimum 10m exclusion buffer area shall be demarcated from the identified potential scar tree (TQS-ST1) with temporary fencing or visual markers to prevent inadvertent impact. The Aboriginal site must be marked on all construction plans prior to the issue of a Construction Certificate.
35. Site officer representing Site officer representing Tamworth Local Aboriginal Land Council are to be notified of the commencement of construction works and invited to attend the site at commencement of Construction. The applicant shall invite a representative of the Tamworth Local Aboriginal Land Council to inspect the potential scarred tree 12 months after the commencement of operations. Future site inspections may be arranged between the applicant and the Tamworth Local Aboriginal Land Council

(Reason: Heritage preservation)

Lighting

36. 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.

(Reason: Local amenity)

Noise

37. 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.

(Reason: Local amenity)

Identification Survey

38. 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 potential scar tree site are accurately identified in accordance with the approved site plan.

(Reason: Ensure siting of development)

Electrical Infrastructure

39. Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
40. 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) 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*.

(Reason: Protection of electrical infrastructure)

Council Infrastructure

41. Any damage caused to Council infrastructure 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.

(Reason: Protection of infrastructure)

BEFORE OCCUPATION CERTIFICATE

Occupation certificate required

42. Occupation or use of the whole or any part of a new building shall not commence unless an occupation certificate has been issued by the Certifying Authority. The final occupation certificate shall not be issued until such time as all relevant conditions of the development consent have been complied with.

(Reason: Statutory requirement)

Road Addressing

43. The applicant shall apply to Council for written confirmation of the allocated road address for the development. These allocated road address shall be displayed at the property in accordance with the requirements of AS/NZS 4819 – Geographic information – Rural and urban addressing.

(Reason: Statutory requirement)

Internal Road Condition

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

(Reason: Road suitability)

Electricity network connection

45. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. The applicant shall enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions.

(Reason: Electricity network connection)

Note: Contact Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.

(Reason: Protection of electrical infrastructure)

Heritage

46. *Aboriginal Heritage Information Management System (AHIMS) site records shall be prepared and submitted to Department of Planning, Industry & Environment AHIMS for the potential scarred tree (TQS-ST1)*

(Reason: Heritage preservation)

ONGOING USE OF THE DEVELOPMENT / LAND

Vegetation Screen Management

47. *The Applicant shall be responsible for nurturing and maintaining the proposed vegetation screening for the life of the development in accordance with the Council approved landscape management plan.*

(Reason: Local amenity)

Obligation to minimise harm to the environment

48. *The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Development. All operations must be in accordance with the Site Environmental Management Plan.*

(Reason: Environmental protection)

Operation of plant and equipment

49. *The Applicant shall ensure that all plant and equipment used for the Development is:*

- a) Maintained in a proper and efficient condition; and*
- b) Operated in a proper and efficient manner.*

(Reason: Neighbourhood amenity)

Dust Management

50. *The Applicant shall carry out all reasonable and feasible measures to minimise dust generated during the construction, operation and decommissioning of the Development.*

(Reason: Environmental protection and neighbourhood amenity)

Pest, Vermin & Noxious Weed Management

51. *The Applicant shall:*

- a) Implement suitable measures to manage pests, vermin and declared noxious weeds on site; and*
- b) Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an*

environmental hazard, including grassfire hazard, or cause the loss of amenity in surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

(Reason: Environmental protection)

Overland Water flows

52. The applicant shall ensure that the development will not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems.

(Reason: Health and amenity)

Bushfire Protection

53. The development shall maintain a 10m APZ, which will comprise of 10m of Inner Protection Area (IPA).

The APZ shall be maintained to ensure fuel load is minimised, through measures such as mowing and spraying of grasses and weeds. The APZ must be maintained within the boundaries of the development property (i.e. within Lot 211 DP 1069964) in accordance with the NSW Rural Fire Service document 'Planning for Bush Fire Protection 2019'.

(Reason: Protection from bushfire)

Reflectivity

54. In any situation where the tilting action of the solar array is disabled, panels should not be left horizontal, but be left tilted to the east, with a minimum tilt angle of 10° or greater, during the months of September to April.

(Reason: Aircraft safety)

Noise

55. Noise generated from the operation of the activity must not exceed the more stringent (lower) of the Intrusiveness Noise Level or the Amenity Noise Level as per the NSW EPA Noise Policy for Industry 2017.

(Reason: local amenity)

AT COMPLETION OF USE OF THE DEVELOPMENT / LAND

Post-development remediation

56. As part of the Site Environmental Management Plan (SEMP), a Rehabilitation and Decommissioning/Closure Plan must be prepared and submitted for approval by Council. Within 18 months of the cessation of operation, unless Council agrees otherwise, the Applicant must

rehabilitate the site to the satisfaction of Council. The plan must include rehabilitation objectives and strategies, including:

- a) Description of the design criteria of the final landuse and landform;
- b) Indicators to guide the return of the land back to agricultural production;
- c) Expected timeline for the rehabilitation program;
- d) Management controls regarding decommissioning and removal of all solar arrays,
- e) Above and below ground infrastructure and any structures or infrastructure relating to the solar energy works, upon cease of solar energy works;
- f) A commitment to remove all solar farm infrastructure including materials located below the land surface.

All works shall follow the same management principles outlined in the SEMP.

(Reason: Site remediation)