

## CONSENT CONDITIONS – KOOTINGAL SOLAR FARM

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-78 (DA2021-0317)
<b>PROPOSAL</b>	Construction and use of a 5MW solar PV electricity generation facility with associated infrastructure
<b>ADDRESS</b>	Lot 1 in DP 328265, Lot 97 in DP 753841 and Lot 2 in DP 804438 'Roseamere', 1599 New England Highway, KOOTINGAL NSW 2352
<b>APPLICANT</b>	ITP Development Pty Ltd
<b>APPLICATION TYPE</b>	Development Application

#### **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:

<b>Plan/Report Title</b>	<b>Reference No</b>	<b>Revision</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects	1820	A	Zenith Town Planning Pty Ltd	22 January 2021
Biodiversity Inspection Report	Kootingal 1C Solar Farm	N/A	Red-Gum Environmental Consulting	11 January 2021
Biodiversity Development Assessment Report	2021_56	1	Red-Gum Environmental Consulting	09 August 2021
Preliminary Site Investigation	N4398	1	Neo Consulting Pty Ltd	27 April 2021
Noise Assessment	MAC180781-11RP1V1	1	Muller Acoustic Consulting Pty Ltd	08 September 2020
Landscape Character & Visual Impact Assessment	1820	B	Zenith Town Planning Pty Ltd	03 February 2021

Glint & Glare Assessment	Kootingal 1C	2	ITP Renewables Pty Ltd	09 September 2020
Traffic Assessment Report	TX15007.00-01.rpt	1	Triaxial Consulting Ltd	22 July 2021
Waste Management Report	Waste Assessment – Kootingal Solar Farm	1	ITP Renewables Pty Ltd	28 July 2020
Kootingal Landscape Maintenance Schedule	N/A	N/A	ITP Renewables Pty Ltd	Received 07 October 2021
Location Plan	KOO1C-G-0400	3	ITP Renewables Pty Ltd	05 October 2021
General Arrangement Plan	KOO1C-G-2100	6	ITP Renewables Pty Ltd	05 October 2021
Site Elevations	KOO1C-G-2200	5	ITP Renewables Pty Ltd	07 October 2021
Fence Detail	KOO1C-G-5300	3	ITP Renewables Pty Ltd	05 October 2021
Landscape Details	KOO1C-C-7300	3	ITP Renewables Pty Ltd	07 October 2021
Array Framing Details	KOO1C-C-3400	4	ITP Renewables Pty Ltd	07 October 2021
Inverter Station Details	KOO1C-C-4300	3	ITP Renewables Pty Ltd	05 October 2021

All recommendations made within the technical reports and supporting documents to the Statement of Environmental Effects shall be implemented as a part of the development.

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions 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 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.

### **A3 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: Prescribed Condition under Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

### **A4 Lapsing of consent**

This consent is limited to a period of five (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*.

### **A5 Limit on Approval Timeframe**

To confirm and clarify the terms of Council's approval and as provided for by Section 4.17(d) of the *Environmental Planning and Assessment Act 1979*, the use of the site for the solar farm is limited to a period of thirty-five (35) years from the release of an Occupation Certificate.

Reason: To limit the period during which the development may be carried out.

### **A6 Decommission Management Plan**

A Decommission Management Plan is required to be submitted to Council twelve (12) months prior to decommissioning occurring.

All decommissioning works, including site rehabilitation, are to be undertaken in accordance with the approved Decommissioning Plan. Waste from solar panels must be recycled where possible.

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) Traffic management, including any required upgrades, approvals and / or legal agreements for the use of the nominated access track (Lot 2 in DP 804438) during the decommissioning phase of the proposed development; and,
- e) Management controls regarding decommissioning and removal of all solar arrays and associated infrastructure from the site.

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.

## **A7 Electrical Infrastructure**

All works must ensure existing electrical infrastructure is protected in accordance with the requirements of Essential Energy;

- a) Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- b) Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm system which will form part of the development. It is the Applicant's responsibility to 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. Refer Essential Energy's Network Connections team for requirements via email [networkconnections@essentialenergy.com.au](mailto:networkconnections@essentialenergy.com.au).
- c) 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.
- d) 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*.

Reason: Protection of electrical infrastructure.

## **A8 Stormwater**

All roof water and concentrated surface stormwater discharging from the development site, buildings and works must be conveyed to the approved point of discharge, being the swale drain immediately abutting the northern boundary of the site, in combination with appropriate open drainage channels and structures. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

On-site detention shall be provided such that peak flow rates from the site are at, or below, pre-development levels for all storms up to and including the critical 1%AEP event.

Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum: -

- a) 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;

- b) Temporary down pipes shall be connected as soon as any roof has been covered so as to not cause a nuisance;
- c) 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; and,
- d) 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.

Reason: To ensure that the proposed development does not impact adjoining properties by increased stormwater flows.

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

---

### **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 in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges 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 provides 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** – The Applicant must pay the following development contributions:

In accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.11 (formerly s94A) Development Contributions Plan 2013, **\$70,927.01** 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:

$$\text{\$C}_{\text{PY}} = \frac{\text{\$C}_{\text{DC}} \times \text{CPI}_{\text{PY}}}{\text{CPI}_{\text{DC}}}$$

Where:

$\text{\$C}_{\text{PY}}$  is the amount of the contribution at the date of Payment;

$\text{\$C}_{\text{DC}}$  is the amount of the contribution as set out in this development consent;

$\text{CPI}_{\text{PY}}$  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;

$\text{CPI}_{\text{DC}}$  is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent.

The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

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

### **B3 Site Environmental Management Plan**

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) Hours of operation;
  - iii) Dust management with consideration to the mitigation measures identified in the Statement of Environmental Effects and supporting technical reports;
  - iv) Biodiversity values as per the recommendations under Section 7.3 of the Biodiversity Development Assessment Report, prepared by Red-Gum Consulting Pty Ltd, dated 09 August 2021;
  - v) Noise management consistent with Interim Construction Noise Guideline, issued by the NSW Environment Protection Authority and the mitigation

measures referred to in the submitted Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated 08 September 2020;

- vi) Erosion and sedimentation controls, including the preparation and implementation of an Erosion and Sediment Control Plan (ESCP) in accordance with the “Blue Book” Managing Urban Stormwater – Soils and Construction (Landcom 2004);
  - vii) Aboriginal heritage as per the recommendations in the Statement of Environmental Effects, prepared by Zenith Town Planning Pty Ltd, dated 22 January 2021;
  - viii) Complaints management;
  - ix) Community consultation plan with consideration to the mitigation measures identified in the Statement of Environmental Effects and supporting technical reports;
  - x) Traffic Management, including details regarding:
    - o temporary additional parking provision in and around Kootingal for the workforce with the objective of preserving access to existing parking for other users; and,
    - o establishment, maintenance and rehabilitation of temporary worksite compounds and laydown areas on the site.
  - xi) Waste management in consideration of the mitigation measures referred to in the submitted Waste Management Report, prepared by ITP Renewables Pty Ltd, dated 28 July 2020 and Preliminary Site Investigation prepared by Neo Consulting Pty Ltd, dated 27 April 2021.
- b) Operation:
- i) Noise management, including the completion of a noise validation monitoring assessment within six (6) months from the commencing operations of the solar farm, as recommended in the submitted Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated 08 September 2020;
  - ii) Dust management;
  - iii) Weed and vermin management;
  - iv) Emergency management;
  - v) Land management, including the management of biodiversity values;
  - vi) Drainage issues and management;
  - vii) Management of potential contamination from dust mitigation or cleaning processes;
  - viii) Proposed methods of remediation at the cessation of the development;
  - ix) Complaints management; and,
  - xii) Community consultation in consideration of the mitigation measures.
- 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 SEMP shall be made available to members of the public upon request.

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

#### **B4 Detailed Landscape Plan**

Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted to Council for endorsement. The landscape plan must include:

- a) the planting of large trees (4m in height minimum along the southern boundary and 3m in height along the northern boundary of the solar farm site);
- b) a planting schedule including the botanical names, common names, pot size, height and spacing; and,
- c) watering schedule and replacement of dead trees.

Reason: To protect the amenity of the site and surrounding properties.

#### **B5 Other Approvals**

The following approvals are required where relevant:

- a) **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 or installation of a moveable dwelling. 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.

#### **B6 Engineering Details for Civil Works**

Prior to the issue of a Construction Certificate, the Applicant shall provide the following information to Council's Development Engineering Division for approval:

- a) Certification shall be provided in accordance with Annexure A of Council's current version of the *Engineering Design Minimum Standards for Subdivisions and Developments*;
- b) Engineering design plans, reports and calculations prepared in accordance with Council's current version of the *Engineering Design Minimum Standards for Subdivisions and Developments* for stormwater drainage, roads, water, sewer and footpaths during construction;
- c) An Inspection Test Plan (ITP) for the construction of roads and drainage infrastructure required for the development; and,
- d) Completed 'Information to be shown on drawings' and 'Checklists' contained within Council's current version of the *Engineering Design Minimum Standards for Subdivisions and Developments* for each asset category.



*Advisory Note 1: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee prior to approval of the plan(s).*

*Advisory Note 2: Access to the property needs to be designed (at a minimum) to the TfNSW Typical Rural Property Access Standards.*

Reason: To ensure that works are designed in accordance with recognised and accepted guidelines.

## **B7 Car Parking**

All driveways, access ramps, vehicular crossings and car parking spaces 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*. Details are to be provided with the Construction Certificate application.

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

## **B8 Structural Engineers Certification**

Certification from an appropriately qualified and practicing structural engineer is to be provided to the Certifying Authority, certifying the structural adequacy in accordance with the relevant Australian Standards of all reinforced concrete work, structural beams, columns and other structural members including structural drawings. The details are to be submitted to the Principal Certifier for approval prior to construction of the specified works.

Reason: To ensure structural works are safe and built to the relevant specifications.

## **B9 Traffic and Access**

Prior to the issue of a Construction Certificate, the following matters pertaining to traffic and access for the development approved by this consent shall be actioned:

- a) A Traffic Management Plan (TMP) shall be prepared and submitted to Council for approval. The (TMP) shall detail how movements into and out of the site during the construction and operational phases of the development will be adequately managed so as not to adversely impact the safe operation of the road network. The TMP shall include a Driver Code of Conduct, inclusive of process for induction of relevant persons, regular toolbox meetings, complaint and disciplinary procedures; and,
- b) Where the TMP for the construction phase is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with applicable certification in accordance with AS1742.3-2009 and the current version of the "Traffic Control at Worksites" manual. Concurrence to the approval from Transport for NSW (TfNSW) must be obtained for elements of the TGS's that impact on the classified road servicing this development; and,

- c) Where upgrades to existing access points associated with the construction phase of the development are warranted, approval from Council pursuant to *Section 138* of the *Roads Act 1993* will be required. Detailed construction plans shall be prepared and submitted to Council for approval. A Works Authorisation Deed (WAD); or, concurrence to the approval under Section 138 of the *Roads Act 1993*; or, other agreement from Transport for NSW (TfNSW) must be obtained for works within the classified road reserve adjacent to this development; and,
- d) Evidence of a lease or other form of agreement for access over the nominated construction, operations and decommissioning access tracks, being Lot 2 in DP 804438, Lot 1 in DP 328265 and Lot 97 in DP 753841, shall be provided to Council's satisfaction prior to the commencement of works;
- e) Any roadwork on the New England Highway, which is a classified (State) road, is to be designed and constructed in accordance with the current *Austroads Guidelines*, *Australian Standards* and TfNSW Supplements;
- f) All accesses to the property from the New England Highway shall (at a minimum) comply with the TfNSW *Typical Rural Property Access Standards*. Such standards require adequate widening, sight distances and laybys to the provided for both single unit trucks and articulated vehicles; and,
- g) The operator must identify the transport route for articulated vehicles, including any required turning bay for heavy vehicles. Any necessary approvals for the transport route and turning bay must be obtained from the relevant authority prior to the release of a Construction Certificate.

Reason: To ensure legal and physical access to the development site, and that the safety, efficiency and ongoing operation of the New England Highway is not adversely impacted by the proposed development.

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

---

### **C1 Appointment of Principal Certifier**

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

- a) Appoint a Principal Certifier and notify the Council of the appointment (if Council is not appointed); and,
- b) 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 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 Toilet facilities**

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

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

### **C4 Implementation of the Construction Site Management Plan**

The approved Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan, Traffic Management Plan and 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.

### **C5 Inspection for Aboriginal Objects**

Prior to the commencement of works, a representative from the Local Aboriginal Land Council shall undertake an inspection of the development site.

Reason: To ensure the protection of objects of potential significance prior to commencing works.

### **C6 Services**

Prior to the commencement of any works, a "Dial Before You Dig" enquiry shall be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).

Reason: To ensure work is carried out with regard to existing services and infrastructure.

## **PART D: DURING WORKS**

---

### **D1 Construction Hours**

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

- a) Monday to Friday: 07:00 am to 05:00 pm;
- b) Saturday: 08:00 am to 01:00 pm;
- c) No Construction on Sundays or Public Holidays.

Unless otherwise approved within a 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.

The Developer shall be responsible to instruct and control contractors regarding the hours of work. Council will exercise its powers under the *Protection of the Environment Operations Act 1997*, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

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

### **D2 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.

### **D3 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 (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

### **D4 Discovery of Aboriginal Objects**

While building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant and / or Operator must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry 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.

### **D5 Discovery of Contamination**

Should any 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.

### **D6 Identification Survey**

An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the solar panels and fencing is generally sited in accordance with the approved site plan.

Reason: To ensure buildings are sited and positioned in the approved location.

## **D7 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 NSW Environment Protection Authority'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 Environment Protection Authority.

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

## **D8 Critical Stage Inspections**

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

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

## **D9 Survey Marks**

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.

Reason: To protect the State's survey infrastructure.

## **D10 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 and confirm the terms of consent.

## **D11 Demolition**

The demolition of any structures and excavation activity on the site shall be undertaken in accordance with the relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements.

Reason: To ensure safety.

## **D12 Landscaping**

During works, the vegetation screen / landscaping along the northern and southern boundaries of the development site shall be progressively established, as shown on the endorsed plans.

Reason: Local amenity.

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

---

### **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 and an Occupation Certificate has been issued by the Principal Certifier 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 Repair of Infrastructure**

Before the issue of an Occupation Certificate, the Applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

### **E4 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.

#### **E5 Completion of Landscaping**

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 *Pruning of Amenity Trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

#### **E6 Drainage works**

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.

Reason: To ensure adequate arrangements have been made for the collection, conveyance, storage and discharge of stormwater on the site.

#### **E7 Decommission and Remediation of Land**

Prior to the issue of any Occupation Certificate, the Applicant must ensure that there is a notation registered on the subject lands (Lot 1 DP 328265 and Lot 97 DP 753841) ensuring that the solar farm is required to be decommissioned and the subject lands remediated at the cessation of operations in accordance with the development consent (DA2021-0317). Any such notation must be approved by Tamworth Regional Council prior to lodgement with the NSW Land Registry Services.

Reason: Site remediation.

#### **E8 Details for Completed Civil Works**

Prior to the issue of any Occupation Certificate, the following information shall be submitted to Council's Development Engineering Division for approval:

- a) Work-as-executed plans shall be prepared showing all completed works in accordance with the Council's *Engineering Design Minimum Standards for Subdivisions and Developments*; and,
- b) All test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be submitted to Council to verify the Quality of the completed product.

Reason: To confirm that the proposed development has been constructed to adopted standards.



## **PART G: OPERATIONAL CONDITIONS**

---

### **G1 Operations Environmental Management Plan**

The approved Operations Environmental Management Plan ('OEMP') (incorporating an Emergency Management Plan) for the development shall be complied with throughout the operation of the solar farm and updated if required.

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

### **G2 Vehicle Management, Carparking and Access**

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. 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. The entry and exit points are to be clearly signposted and visible from both the street and the site at all times. The vehicle crossover and vehicular parking areas are to be maintained at all times and clear of obstruction and be used exclusively for the purposes of car parking and vehicle access.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network.

### **G3 Landscape Screening**

The planting associated with the landscape screen, as outlined on the approved Landscape Plan and conditions of this consent, 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. Following construction, the Applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

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

### **G4 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.

## **G5 Minimise Harm to the Environment**

The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction, operation or decommissioning of the development, including weed control.

Reason: To minimise harm to the environment.

## **G6 Visual Impacts**

The Applicant must:

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

Reason: To minimise the visual impact of the development.

## **G7 Bushfire Protection Measures**

During operation 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 reduce the impact of bushfires.

## **G8 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.

## **G9 Maintenance of Stormwater System**

During occupation and ongoing use of the development approved by this consent, the Applicant must ensure all stormwater treatment devices (including drainage systems, swales, and on-site detention) are regularly maintained and do not result in the diversion of overland surface water onto adjoining properties.

Reason: To ensure stormwater systems are maintained and functioning as required.

#### **G10 Noise Control During Operation**

Noise emissions from the ongoing operation of the development shall not exceed the Project Noise Trigger Level (PNTL) for residential receivers, as identified in the Noise Assessment prepared by Muller Acoustic Consulting, 8 September 2020. The Project Noise Trigger Levels are:

- a) 40 dB LAeq (15 min) – daytime
  - b) 35 dB LAeq (15min) – evening and night time
- Daytime - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays;  
Evening - the period from 6pm to 10pm; Night - the remaining periods

#### **G11 Noise validation**

A noise validation assessment shall be completed within six (6) months from the issue of the Occupation Certificate, as recommended in the submitted Noise Impact Assessment, prepared by Muller Acoustic Consulting, dated 08 September 2020.

Reason: To protect the amenity of the area while the solar farm is in operation.

#### **G12 Waste materials**

All solid waste, including any soils, from the construction and operation of the development shall be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014. All hazardous building materials must be disposed of in accordance with the relevant statutory requirements.

Reason: To protect the environment.

#### **G13 Reflectivity**

In any situation where the tracking action of the solar array is disabled, panels should not be left horizontal, but be left tilted either eastwards or westwards, with a minimum tilt angle of 15° or greater.

Reason: To protect the private and public domain.

#### **G14 Contamination**

Any dielectric fluid associated with the solar panels 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 must also be notified in regards to a pollution event.

Reason: To protect the environment.

**PART H: AT COMPLETION OF USE OF THE DEVELOPMENT/LAND**

---

**H1 Post development remediation**

Within six (6) months of the cessation of operation, unless Council agrees otherwise, the operator and/or the landowner must rehabilitate the site in accordance with the approved Decommission Management Plan.

Reason: Site remediation.