



City of
Wagga Wagga

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18(1) of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA20/0016
Applicant:	Metka C/- Premise Australia Pty Ltd 154 Peisley St ORANGE NSW 2800
Land to be Developed:	157 Windmill Rd BOMEN NSW 2650 Lot 15 DP 1108978
Description	Electricity Generating Works (Solar Farm) – Integrated Development
Determination:	Approved Subject to Conditions
Date of Determination:	13/11/2020
Consent to Operate from:	16/11/2020
Consent to Lapse on:	16/11/2025
Other Approvals:	Integrated approval under Section 91 of the <i>Water Management Act 2000</i> in relation to works on waterfront land and an Aboriginal Heritage Impact Permit under s90 of the <i>National Parks and Wildlife Act 1974</i> .

On behalf of the Council

Amanda Gray
Senior Town Planner

Right of Appeal - Where an applicant is dissatisfied with this determination, the applicant has the right to appeal the decision to the Land and Environment Court within a period of 12 months from the date the decision is notified or registered on the NSW planning portal

Review of Determination - The applicant may request the Council to review the determination. A determination cannot be reviewed after the period within which an appeal may be made to the Land and Environment Court has expired or, if an appeal has been made against the determination, after the Court has disposed of that appeal.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA20/0016

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Premise	D	14.1.2020
	Written Correspondence	Premise		26.2.2020
02F	Site Concept Layout	Premise	F	24.2.2020
TP01	Site Analysis Plan	Premise		9.1.2020
C001	Concept Bulk Earthworks Plan	Premise	A	6.11.2019
C002	Concept Slope Analysis Plan	Premise	A	6.11.2019
C003	Typical Sections	Premise	A	6.11.2019
	Access Drawings x3	applicant		no date
	Visual Amenity Assessment	IRIS Visual Planning & Design		January 2020

8-2	Landscape Strategy & Landscape Notes	IRIS Visual Planning & Design	2	January 2020
8-3	Landscape Plan	IRIS Visual Planning & Design	2	January 2020
8-4	Existing Trees with Supplementary Planting	IRIS Visual Planning & Design	2	January 2020
8-5	Native Revegetation Areas	IRIS Visual Planning & Design	2	January 2020
8-6	Native Screen Planting	IRIS Visual Planning & Design	2	January 2020
19-088	Aboriginal Cultural Heritage Assessment - Wagga Wagga Solar Farm South	NGH		16.12.2019
19-088	Biodiversity Assessment	NGH		14.11. 2019
19-088	Biodiversity Assessment - written correspondence	NGH		15.4.2020
1903277	Hydraulic Impact Assessment	Premise	01	26.11.2019
	Noise & Vibration Impact Assessment	Assured Environmental (AE)		21.2.2020
	Temperature Monitoring Overview	amg		3.7.2018
	Independent Review of Glint and Glare Assessment	Pager Power Urban & Renewables		September 2020

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

C.2 Approval is granted for the use of the site as a solar farm, within the Wagga Wagga LEP 2010 definition of 'electricity generating works' and will include the following works/components:

- Construction of an 18.7MW solar system consisting of single axis trackers fitted to galvanised support posts.
- Above and underground electrical conduits and cabling and inverter stations.
- Internal access driveway.
- Security fencing and gate of 2.4metres in height.
- Landscaping buffers and tree removal.
- Decommissioning of the solar energy system.

Requirements before a Construction Certificate can be issued

- C.3 Prior to the issue of a Construction Certificate a detailed stormwater management plan and report for the subject site shall be provided to the satisfaction of Council. The plan shall incorporate stormwater drainage designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided. The report shall certify that the designed stormwater system will achieve discharge at pre-developed rates from the site.
- C.4 Prior to the issue of a Construction Certificate, a detailed landscape management plan must be submitted to and approved by the General Manager or delegate. The plan must be in accordance with the Landscape strategy and Landscape notes referenced Figure 8-2 (rev 2), prepared by IRIS Visual Planning & Design and dated January 2020. The plan must include a detailed planting schedule that identifies plant species, spacings and numbers consistent with the locations nominated on Landscape Plan, Figure 8-3 (rev 2) prepared by Iris Visual Planning and Design dated January 2020.
- C.5 Prior to the issue of a Construction Certificate a biodiversity management plan must be prepared to the satisfaction of the General Manager or delegate. The plan must detail proposed replacement tree planting, revegetation works, nesting boxes and any other recommended actions on or within the vicinity of the subject site that mitigates against the loss of native vegetation and associated habitat. The plan must be consistent with any adopted strategies or revegetation plans applicable to the locality.
- C5A Prior to the issue of a Construction Certificate a detailed site layout plan of the solar installations must be prepared to the satisfaction of the General Manager or delegate. The plan must demonstrate, by the inclusion of a minimum 4.5 metres wide separation between the rows of panels the ability for emergency access to all parts of the site and appropriate maintenance as required.

Requirements before the commencement of any works

- C.6 Prior to works commencing on site, toilet facilities must 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 must be:
- a) a standard flushing toilet connected to a public sewer, or
 - b) if that is not practicable, an accredited sewage management facility approved by Council, or
 - c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.7 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

C.8 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

C.9 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

a) Development Control Plan 2010 (Section 2.6 and Appendix 2)

- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

- C.10 Prior to any works commencing a copy of the required Aboriginal Heritage Impact Permit must be provided to Council.

NOTE 1: The attached General Terms of Approval (GTA) do not form the required permit. Application must be made for the relevant approval after consent has been issued by Council and before the commencement of any work or activity on the land.

NOTE2: Application forms for the Aboriginal Heritage Impact Permit are available from the Heritage NSW website.

- C.11 Prior to any works commencing a copy of the required Controlled Activity Approval must be provided to Council.

NOTE 1: The attached General Terms of Approval (GTA) do not form the required approval. Application must be made for the relevant approval after consent has been issued by Council and before the commencement of any work or activity on the land.

NOTE 2: Finalisation of a controlled activity approval can take up to 8 weeks from the date that Natural Resource Access Regulator (NRAR) receives all documentation (to its satisfaction.) Application forms for the controlled activity approval are available from NRAR's website.

- C.12 Prior to any works commencing on site, a Construction Management Plan shall be prepared and submitted for approval by the General Manager or delegate. The approved plan shall be implemented during construction of the solar farm. The plan shall include a range of management controls as outlined in the approved SEE and other conditions listed in this consent. The plan shall include, but not be limited to:

- Construction Traffic Management including required access routes to and from the subject site, access and egress arrangements for all construction related vehicles to and from the site, deliveries of materials and parking arrangements for contractors.
- Details of, and vehicular movement diagrams for, the largest vehicle to access the site to show that such vehicles can enter and leave the site in a forward direction and details of the frequency and timing of vehicle movements to and from site.
- Timing for construction of the works across the site demonstrating any proposed staging of works across the site and including operational hours.
- Site layout during construction - including storage of materials, plant and equipment, site office and amenities, hoardings and any proposed traffic control devices.
- Waste management plan including the type and location of waste storage containers onsite, proposed method of removal and disposal of all waste

types and treatment of packaging material.

- Tree Protection, habitat and species protection and methodology for vegetation removal including mitigation measures. (see conditions 15 and 22)
- Noise Management - including requirements from condition 24
- Aboriginal Heritage Management
- Bush Fire Management
- Dust Management, including control of dust from stockpiled sites.
- Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
- Integrated Site Restoration
- Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing.
- Security Management including details of relevant project manager and/or site foreman contact details.

- C.13 Prior to any works commencing on site, a Bush Fire Protection Plan indicating compliance with the provisions of Planning for Bush Fire Protection 2019, must be prepared in consultation with Rural Fire Services and submitted to Council for approval by the General Manager or delegate. The proposed 10 metres wide asset protection zone that extends around the solar farm and is wholly within the subject property must be maintained at all times as part of the Operational Management Plan for the site (refer to condition 30).
- C.14 Prior to any works commencing on site, the recommendations contained in Section 9 of the Aboriginal Cultural Heritage Assessment dated 16 December 2019 shall be implemented and completed to the satisfaction of the General Manager or delegate.
- C.15 Prior to any works commencing on site, the recommended mitigation measures within Section 6 of the Biodiversity Assessment dated November 2019 must be implemented in consultation with a suitably qualified ecologist. Evidence of compliance with this condition shall be provided to the satisfaction of the General Manager or delegate.
- C.16 The existing trees and vegetated areas to be retained situated within the property of the proposed development shall be protected from all construction works.

All care must be taken to protect existing trees to be retained from damage, including trees located adjacent to the proposed development. The developer must identify all trees to be retained prior to commencement of any site or construction works.

A Tree Protection Zone (TPZ) must be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

- C.17 A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been provided to the satisfaction of the General Manager or delegate.

Requirements during construction or site works

- C.18 All weather access and manoeuvring areas shall be provided and maintained within the site at all times.
- C.19 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.20 Construction traffic is only to enter the site via the access point from East Bomen Road shown on the plans prepared by the applicant. Construction traffic is to access the site via Byrnes Road or Merino Road and East Bomen Road.
- C.21 During all site works reasonable steps must be taken to suppress dust by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Dust suppression measures must include the control of dust from stockpiled sites. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.
- C.22 During works the following mitigation measures as outlined in the Biodiversity Assessment prepared by NGH dated November 2019 must be implemented at all times:-
- Declared priority weeds shall be managed according to the requirements stipulated by the Biosecurity Act, and recommendations made by the local control authority (Riverina LLS) and the Noxious and Environmental Weed Handbook (DPI, 2015), which contains details as to the management of specific noxious weeds.
 - All herbicides shall be used in accordance with the requirements on the label. Any person undertaking pesticide (including herbicide) application should be trained to do so and have the proper certificate of completion/competency or statement of attainment issued by a registered training organisation.
 - Construction vehicles must be washed down prior to entering the proposal area.
 - Clearing of hollow-bearing trees must be undertaken in accordance with the hollow-bearing tree clearing protocol outlined in Appendix E of the Biodiversity Assessment.
 - No stockpiling or storage to occur within the Endangered Ecological

Community (EEC) (Box-Gum Woodland).

- C.23 All construction works 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 Electricity Infrastructure as well as understanding safety responsibilities when working around powerlines as per SafeWork NSW.
- C23A The following requirements of Transgrid must be adhered to at all times:-
1. All works must be carried out in accordance with NSW WorkCover 'Working near overhead powerlines' Code of Practice 2006.
 2. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.
 3. No mounds of earth or other materials may be left on the easement during and after earthworks, as this creates a hazard by reducing the vertical clearances to transmission lines.
 4. With regard to the proposed transmission line and cable route from the Solar Farm to Wagga North 132kV Substation and TransGrid's access & the carrying out of maintenance activities, please be advised as follows:
 - a) For where travel is required by TransGrid heavy maintenance vehicles, it must be ensured that the trench backfill for the cables can safely withstand the 40ton load capacity of maintenance trucks, without causing damage to any conduits and services.
 - b) During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
 - c) Safety clearances are to be observed near powerlines.
- C23B In accordance with the undertaking given by the applicant, the existing private water line serving Lots 13 and 14 in DP1108978 must be redirected outside of the solar farm footprint to ensure a reliable supply of water at all times. The works must be to the full cost of the applicant and to the satisfaction of Riverina Water and include provision for future maintenance as required.
- C.24 During construction works the following noise mitigation measures as outlined in Section 7 of the Noise and Vibration Impact Assessment prepared by Assured Environmental dated 21/02/2020 shall be implemented:-
- i) Limiting noise generating construction activities to standard construction hours except where an acceptable acoustic solution can be identified to minimise adverse amenity impacts on Receptors R1, R2 and R7;
 - ii) To manage noise levels from the mulching machine, it is recommended that the mulcher is located as far away from receptors as possible and shielded by a temporary noise barrier if practical.
 - iii) Prior to piling activities consultation with the residents at R5 should be undertaken; If possible, procure piling rigs with a maximum SWL of 107 dB(A), however if this is not possible and consultation with receptor R5 (which is associated with the Project) confirms unacceptable noise levels, piling activities

- should be managed such that when piling within 500 m of the boundary, only one rig is operational at any one time and piling must not occur for more than three (3) hours at any one time, with a minimum of one (1) hour break during standard construction hours.
- iv) Consultation with landholders throughout the construction process to inform them on the duration and timing of potentially noisy activities;
 - v) Using broad-band reversing alarms on all mobile plant and equipment;
 - vi) Examine different types of machines that perform the same function and compare the noise level data to select the least noisy machine;
 - vii) Select quieter items of plant and equipment where feasible and reasonable.;
 - viii) Operating plant in a quiet and efficient manner;
 - ix) Reduce throttle setting and turn off equipment when not being used; and
 - x) Regularly inspect and maintain equipment to ensure it is in good working order. Also check the condition of mufflers.
- C.25 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.26 All activities including, loading and unloading associated with this development are to take place within the subject development site to remove interference with vehicles and pedestrian movement on public roads. Appropriate loading/unloading facilities and required storage areas for materials are to be provided on site particularly during construction and in accordance with the details approved in the Construction Management Plan (Condition C12).
- C.27 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. Heritage NSW shall be notified as soon as practicable providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Heritage NSW.
- C.28 Trees indicated on the submitted plans for removal, shall be either retained as habitat (HBTs) or removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034. Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

The clearing of hollow-bearing trees (HBTs) is to be carried out in accordance with the protocols outlined in Appendix E of the Biodiversity Assessment prepared by NGH dated November 2019.

All tree stumps shall be removed below ground level and the surface area reinstated to prevent potential injury.

Any waste material from the subject tree/s shall be removed from site in conjunction with clearing.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.29 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$268,000 must be paid to Council, prior to issue of an Occupation Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The CPI at the time of the consent is 117.4.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

- C.30 Prior to the use of the solar farm an Operational Management Plan shall be prepared and submitted for approval by the General Manager or delegate. The plan shall be prepared in consultation with nearby landowners and the approved plan shall be implemented for the lifetime of the development on the subject site and must include a range of measures which include, but are not limited to:

- a) General maintenance and operation of the site e.g. contact details of the site manager/maintenance staff; emergency protocols, safety and security measures
- b) Addressing complaints relating to the operation of the premise;
- c) Access arrangements to the site including parking and maintenance of access roads;
- d) Bushfire management including annual inspection of the site prior to the bushfire danger period;
- e) Management of water run-off and erosion
- f) Maintenance and inspection of groundcover
- g) Dust mitigation measures
- h) Weed management (including specific measures for priority weeds)
- i) Groundcover management plan (including measures to facilitate the grazing of sheep)
- j) Waste management
- k) Future site decommissioning (refer condition C31)
- l) Reviews, amendments and updates to the plan.

- C30A Prior to operation of the facility a management plan that specifically addresses the monitoring of significant glare impacts must be prepared to the satisfaction of the General Manager or delegate.

The plan must include, as a minimum:-

- The manner in which reports of significant glare are prepared and details of to whom any such reports should be provided.
- A definition of significant glare and a map of all affected residential receptors within 1 km of the panel areas that are the subject of this application (DA20/0016).
- A requirement that during the first 24 months of operation physical site surveys of significant glare impacts are to be prepared with quarterly reporting to Council.
- Reference to all monitoring being consistent with Section 5.2 of the Independent Review of Glint and Glare Assessment.

The approved management plan will be implemented for the life of the facility and include rectification measures to be implemented where the monitoring program identifies unacceptable glare impacts at a receptor. The mitigation measure should include adjustments to the tracking angle during backtracking and/or additional landscaping

Once approved the plan must be provided to all residential receptors identified within the plan.

- C.31 The solar energy system shall be decommissioned within 12 months of terminating operations. Prior to operation of the approved solar farm, a Decommissioning Plan shall be prepared and submitted for approval by the General Manager or delegate.

The plan shall include, but not be limited to expected timeline for the rehabilitation program, decommissioning of all solar panels, above and below the ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development. A programme of site restoration to re-establish the ground profiles to pre-development status and enable the land to be returned back into agricultural production must form part of the decommissioning plan.

All works shall follow the same management principles outlined in the Construction Management Plan (refer to condition C12).

- C.32 Prior to operation of the approved development the landscaped areas and tree planting shall be established on site in accordance with the detailed landscape plan referenced under condition C4.

The landscaping is intended to provide a visual buffer and soften the impacts of the development when viewed from the surrounding locality. The ongoing maintenance of all landscaping proposed is the responsibility of the developer and must be to the satisfaction of the General Manager or delegate.

- C.33 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and

subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

General requirements

- C.34 The solar energy system shall be decommissioned within 12 months of terminating operations in accordance with the details approved under Condition C31.
- C.35 The works must be undertaken in accordance with the attached General Terms of Approval issued by both Department of Planning, Industry and Environment (Biodiversity and Conservation Division) and Natural Resource Access Regulator.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)
- The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)
- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) 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, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
 - (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or

- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, 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:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, 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.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and

- ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and

- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE:

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

General Terms of Approval for the proposed Wagga Wagga Solar Farm - South (DA20/0016)

Administrative conditions

Information supplied to OEH

Except as expressly provided by these general terms of approval (GTA), works and activities must be carried out in accordance with the proposal contained in:

- The integrated development application DA20/0016 submitted via the NSW Planning Portal on 17 January 2020.
- The Aboriginal Cultural Heritage Assessment Report prepared by ngh Environmental and titled "Aboriginal Cultural Heritage Assessment Wagga Wagga Solar Farm South - Final." Dated 16 December 2019, Report Number 19-088.
- Wagga Wagga Solar Farm South, Statement of Environmental Effects. Report No: 220188 Rev: D, 14 January 2020, Premise/Metka EGN.

General Terms of Approval for Aboriginal cultural heritage

- No harm can occur to any Aboriginal objects within the development area unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by the Department.
- The applicant must comply with the conditions of any AHIP that is issued by Department.
- The applicant must ensure that all persons involved in actions or works covered by an AHIP (whether employees, contractors, sub-contractors, agents and invitees) are made aware of, and comply with, the conditions of any AHIP.
- Where an Aboriginal object/site will be avoided by the proposed works then the boundary of the site must be fenced, with a qualified archaeologist present, and marked as a 'no-harm area' to ensure they are not inadvertently impacted during development activities.
- No human remains in, on or under the land may be harmed. If any human remains are discovered and/or harmed in, on or under the land, the proponent or AHIP holder must:
 - a) not further harm these remains
 - b) immediately cease all work at the particular location
 - c) secure the area so as to avoid further harm to the remains
 - d) notify the local police and the Department of Planning, Industry and Environment's Environment Line as soon as practical on 131 555, providing any details of the remains and their location
 - e) not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In addition to standard GTA, there would be the following requirements (these will be conditions of the AHIP) specific to this project and based on the information provided to BCD:

- Salvaged artefacts must be managed in accordance with Requirement 26 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (OEH 2010)
- As with other AHIPs there will be mandatory post AHIP activity report.

General Terms of Approval for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1122740
Issue date of GTA:	20 May 2020
Type of Approval:	Controlled Activity
Description:	Electricity Generating Works (solar farm)
Location of work/activity:	157 Windmill Road BOMEN
DA Number:	DA20/0016
LGA:	Wagga Wagga City Council
Water Sharing Plan Area:	Murrumbidgee Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i) kept at the site where the controlled activity is taking place, and ii) provided to all personnel working on the controlled activity
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
Erosion and sediment controls	
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
Plans, standards and guidelines	
GT0003-00073	The application for a controlled activity approval must include the following document(s): - site plan, map and/or surveys; Works Schedule; structural design and specifications; Soil and Water Management Plan; monitoring plan.
GT0005-00136	A. The application for a controlled activity approval must include the following plan(s): - Laying pipes and cables,

	Riparian Corridors, Vegetation Management Plans and Watercourse crossings. B. The plan(s) must be prepared in accordance with DPI Water's guidelines located on the website < http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity >.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0038-00007	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA20/0016 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
Rehabilitation and maintenance	
GT0011-00001	A rehabilitation plan for the waterfront land must be provided as part of a controlled activity approval application.
Reporting requirements	
GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA20/0016 as provided by Council:

- DA Application Form
- Statement of Environmental Effects
- Wagga Wagga South Solar Farm Site Concept Layout
- Typical Riparian Zone Section
- Hydraulic Impact Assessment
- Concept Bulk Earthworks Plan
- Proposed Access and internal roads for Wagga Wagga solar farm South.