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| **DRAFT CONDITIONS OF CONSENT** | | |
| **Terms and Reasons for Conditions**  Under section 88(1)(c) of the *Environmental Planning and Assessment Regulation 2021* the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below. | | |
| Part A  **Deferred Commencement** | | |
| **This consent does not operate until Yass Valley Council (Council) is satisfied as to the matters in Conditions 1-4 in Part A.**  **No use of the site or work is to physically commence in respect of the development until such time as Council has notified the applicant in writing that these conditions have been satisfied and the date from which this consent operates.**  **The period within which the applicant is to produce evidence to the Council sufficient enough to enable it to be satisfied as to the submission and approval of the information required by Conditions 1-4 in Part A is two (2) years from the date of determination of the development application to which this consent relates.  If the required information is not provided within this period the consent will lapse.** | | |
|  | **Colours and finishes - battery containers and medium voltage power station**  Details of colours and finishes for the BESS infrastructure are to be submitted to Council and must be:   * Compatible and sympathetic to the surrounding development * Non-reflective * Such that supports reducing the visual presence within the landscape   White will not be approved.  ***Reason: To ensure that colours and finishes are appropriate to minimise visual presence and impacts within the landscape to protect the character of the area*** | |
|  | **Colours, finishes and construction/acoustic materials – acoustic barrier**  Details of colours, finishes and construction/acoustic materials for the acoustic barrier are to be submitted to Council and must be:   * Compatible and sympathetic to the surrounding development * Non-reflective * Such that supports reducing the visual presence within the landscape * In accordance with the recommendations of the acoustic report (v5) prepared by WastonMossGrowcott dated 16 April 2025. Verification is to be provided from an appropriately qualified and experienced acoustic consultant that materials meet the recommendations. * Bushfire Attack Level (BAL) 40 * Is to present with a ‘finished’ surface on both sides of the acoustic barrier   White will not be approved.  ***Reason: To ensure that colours and finishes are appropriate to minimise visual presence and impacts within the landscape to protect the character of the area, and the ensure that the acoustic barrier meets the acoustic attenuation recommendations of the approved acoustic report*** | |
|  | **Revised final landscape plan**  A revised final landscape plan prepared by a suitably qualified and experienced person (e.g. landscape architect) is to be submitted to Council for approval and is to replace the use of ‘hiko’ or ‘tube’ size pots for plantings with more mature plantings in larger pot sizes. As appropriate, a mix of pot sizes may be used in a staggered manner where it assists with achieving objective of screening in a timely manner.  A statement detailing how pot size selection has been determined suitable, and the estimated time frame for landscaping to reach a screening height is to be provided.  Species selection are to be those which are endemic to the Murrumbateman area.  ***Reason: To ensure that landscaping is appropriate to screen the proposed development, and that the pot sizes are suitable to achieve this in a timely manner*** | |
|  | **Soil bore**  In accordance with the recommendations of the Flood and Groundwater Assessment Report (v01 prepared by Water Technology / IGS dated 26 April 2024, an onsite soil bore(s) must be drilled to validate the information and conclusions presented in the report (which was based on a desktop study) to ensure it is accurate and as expected in relation to the site being underlain by thick clays and the expected depth of groundwater.  The findings are to be presented in a report prepared by suitably qualified and person (i.e. geotechnical engineer) and be submitted to Council.  ***Reason: To ensure the desktop findings are correct based on actual site conditions to ensure the protection of soil and groundwater*** | |
| **General Conditions** | | |
|  | **Approved Plans and Documents**  Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.  **Approved Plans**   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Doc ID** | **Plan Title** | **Plan No.** | **Revision No.** | **Date of Plan** | **Drawn by** | | 809147 | Site Plan 1 of 2 | G-1.1\_023118 | D | 11.4.2025 | FA - ACEnergy | | Site Plan 1 of 2 | G-1.2\_023118 | | Locality Diagram 1 of 2 | G-2.1\_023118 | | Locality Diagram 2 of 2 | G-2.2\_023118 | | Energy Storage Container Elevations\* | G-3.0\_23118 | B | 31.10.2024 | XZ - ACEnergy | | MVPS Elevations\* | G-4.0\_23118 | | Acoustic Barrier General Details (Section And Elevations)\* | G-5.0\_023118 | A | 11.4.2025 | FA - ACEnergy | | Security Fence and Landscape Elevations | G-6.0\_023118 | B | 20.11.2024 | XZ - ACEnergy | | 809143 | Landscape Plan – Overview/Context Plan\* | 01 | C | 15.4.2024 | Ground Control Landscape Architecture | | Landscape Screening Plan\* | 02 | D | | Landscape Screening Plan\* | 03 | D | | Landscape Specification Notes\* | 04 | B |   **Approved Documents**   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Doc ID** | **Document Title** | **Version No.** | **Revision No.** | **Date of Document** | **Prepared By** | | 809145 | Bush Fire Management &  Emergency Response Plan | 1.3 | N/A | 17.4.2025 | Kate Harris - Harris Environmental Consulting | | 809146 | Acoustic Report | N/A | 5 | 16.4.2025 | WastonMossGrowcott | | 774370 | Flood and Groundwater Assessment Report | V01 | N/A | 26.4.2024 | Water Technology / IGS | | 835837 | Flora and Fauna Report | V04 | N/A | 14.11.2024 | Waratah Ecology | | 774372 | Traffic Impact Assessment Report | Final | N/A | 6.5.2024 | Trafficworks |   \*Plan subject to amendments per deferred commencement conditions in Part A of this development consent.  ***Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.*** | |
|  | **Construction Certificate Required**  Work must not commence until a Construction Certificate has been issued.  The conditions in Part C of this consent must be satisfied before a Construction Certificate can be issued.  The Construction Certificate certifies that work completed in accordance with approved plans, specifications and/or standards will comply with the relevant requirements of the following:   * *Environmental Planning and Assessment Act 1979* (EP&A Act) * *Environmental Planning and Assessment Regulation 2021* * *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* * National Construction Code/Building Code of Australia (NCC/BCA) * Council policies   ***Reason: To require approval to proceed with building work*** | |
|  | **Extent of Approval**  This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.  ***Reason: To ensure all parties are aware of the extent of the approval.*** | |
|  | **Runoff and Erosion Control Measures**  The capacity and effectiveness of runoff and erosion control measures, including techniques to suppress dust and the tracking of sediment onto sealed roads, must be maintained at all times to the satisfaction of council.  ***Reason: To ensure appropriate runoff and erosion control measures are maintained during site work*** | |
|  | **Adjustments to Existing Utility Services**  All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.  ***Reason: To ensure all parties are aware of the responsibility of utility services*** | |
|  | **Engineering Work**  All engineering design and construction work must be undertaken in accordance with the following, current at the time of the Construction Certificate being issued:   * Council’s Road Standards Policy RD-POL-09 * Council’s Design and Construction Specification – AUS-SPEC #1 * Australian Standards.   ***Reason: To ensure engineering work is designed in accordance with relevant specifications*** | |
|  | **Megawatts (MW)**  The battery energy storage system must have a delivery capacity under 5 megawatts (MW) of electrical power.  Note: This condition does not prevent the applicant from seeking to lodge a separate development application or application seeking to modify this consent to increase the capacity of the battery storage in the future.  ***Reason: To ensure the proposal remains in accordance with the assessment of the submitted application*** | |
|  | **Operational Lifespan**  This development consent remains active for a maximum of 40 years from the date of issue of any occupation certificate.  Within 12 months of the development ceasing operation, it must be decommissioned as per the decommissioning strategy.  Note: This condition does not prevent the applicant from seeking to lodge a separate development application or application seeking to modify this consent to increase the operational lifespan.  ***Reason: To ensure the duration of the proposed development remains in accordance with the assessment of the submitted application and the development does not prejudice the future orderly development of land*** | |
| **Before Issue of Construction Certificate** | | |
|  | **Construction Certificate Application Required**  An Application for a Construction Certificate must be lodged with the Principal Certifier on the NSW Planning Portal.  ***Reason: To require the lodgement of a construction certificate application on the NSW Planning Portal*** | |
|  | **Contract for Certification Work**  The assessment of a construction certificate must not commence until a contract for the work of has been entered into between the applicant and a registered certifier.  ***Reason: To require compliance with s.31 Building and Development Certifiers Act 2018 and Part 5 Building and Development Certifiers Regulation 2020*** | |
|  | **s.7.12 Contributions**  In accordance with [s.7.12 EP&A Act](https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sec.7.12) and the [*Yass Valley Development Contributions Plan 2018*](https://www.yassvalley.nsw.gov.au/assets/2019/Planning/Yass-Valley-Dev-Cont-plan.pdf), a monetary contribution must be paid to Council if the proposed cost of carrying out the development exceeds $100,000.  The cost of carrying out development is to be determined by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following (as applicable to the development):   * Materials and labour required for the erection of building/s * Materials and labour for the internal fit out of all buildings * Demolition works * Excavation and site preparation including earthworks for access construction * Driveway construction/upgrade * Water, sewer and stormwater infrastructure   The contribution rate is determined as follows:   1. Cost of works is up to and including $100,000 – Nil 2. Cost of works is more than $100,000 and up to and including $200,000 - 0.5% of that cost 3. Cost of works is more than $200,000 - 1% of that cost   The contribution plan may be viewed on Council’s [website](https://www.yassvalley.nsw.gov.au/our-services/planning-and-building/controls-policies-and-strategies/) or at the Council Office, located at 209 Comur Street, Yass.  ***Reason: To ensure developer contributions are paid*** | |
|  | **Long Service Levy**  In accordance with the [*Building and Construction Industry Long Service Payments Act 1986*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1986-019)the long service levy must be [paid](https://www.longservice.nsw.gov.au/bci/levy#information-for-approving-authorities) if the cost of building works is $250,000 or more.  Evidence of payment must be submitted to the Principal Certifier.  ***Reason: To ensure compliance with the Building and Construction Industry Long Service Payments Act 1986*** | |
|  | **Soil Classification Required**  A report prepared by a suitably qualified professional, stating the soil classification of the site as required by *AS 2870 Residential Slabs and Footings* must be submitted to the Principal Certifier.  ***Reason: To ensure the structure is designed as per the soil classification of the site*** | |
|  | **Structural Drawings Required**  Structural drawings, prepared by a suitably qualified and experienced structural engineer, must be submitted to the certifier.  The plans must detail (as applicable to the development):   1. All reinforced concrete floor slabs and/or beams or raft slab, having regard to the possible differential settlement of the cut and fill areas 2. Footings of the proposed structure/s 3. Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing and 4. That the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.   ***Reason: To require all structural elements to be designed and certified by a structural engineer, and in accordance with the flood risk of the land*** | |
|  | **Bushfire construction requirements**  Plans and details demonstrating compliance with construction requirements specified in the bush fire management and emergency response plan prepared by Harris Environmental Consulting REF 6559BF dated 17 April 2025 must be submitted to the principal certifier.  Plans and details demonstrating compliance with construction requirements specified in *AS 3959:2018 Construction of Buildings in Bushfire Prone Areas,* for Bushfire Attach Level (BAL) 40 must be submitted to the principal certifier, including for the acoustic barrier.  ***Reason: To ensure the development is designed and constructed according to the bushfire threat*** | |
|  | **NCC/BCA compliance**  Plans and details demonstrating compliance with the National Construction Code (NCC) must be submitted to the principal certifier.  ***Reason: To ensure the development is designed in accordance with the National Construction Code*** | |
|  | **Vehicular access construction drawings**  Construction drawings for the provision of access crossing to the development and internal access driveway shall be submitted to the principal certifier in accordance with:   1. Council’s current Roads Standards Policy RD-POL-09 and 2. Council’s Design and Construction Specification – AUS-SPEC #1.   These drawings shall include but not limited to the following details:   1. Location and dimensions of proposed internal access driveway. 2. Cross sections of the internal access driveway 3. A longitudinal section of the internal access driveway showing all gradients from the street center line.   The access crossing within Council’s road reserve can only be approved by Council pursuant to Section 138 of the Roads Act 1993.  ***Reason: To ensure the vehicular access is designed in accordance with council’s Road Standards Policy*** | |
|  | **Final hydraulic model validation – for construction**  In accordance with the recommendations of the Flood and Groundwater Assessment Report (v01 prepared by Water Technology / IGS dated 26 April 2024, the hydraulic model is to be tested based on the final design for construction, including with consideration of the acoustic barrier.  An addendum report is to be prepared by a suitably qualified person (i.e. hydraulic engineer) demonstrating that the development for construction is consistent with Flood and Groundwater Assessment Report to ensure that it does not increase flood levels to neighbouring properties. The addendum report is to be submitted to the principal certifier.  ***Reason: To ensure the proposed development does not increase flood levels to neighbouring properties*** | |
|  | **External lighting**  Details of external lighting must be submitted to the Principal Certifier. All external lighting associated with the development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties, and roadways. The lighting shall be the minimum level of illumination necessary, and the details shall demonstrate compliance with Australian Standard *AS4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting*.  ***Reason: To ensure that external lighting does not create a nuisance to the surrounding environment, properties, and roadways.*** | |
|  | **Manufacture’s specifications**  Manufacturer’s specifications of the BESS infrastructure including the batteries are to be submitted to Council and the principal certifier.  ***Reason: To ensure the battery type is consistent with the approval and so that Council has records on file*** | |
|  | **Construction Environmental Management Plan (CEMP)**  A Construction Environmental Management Plan (CEMP) to address construction activity is to be prepared and submitted to Council and the Principal Certifier. The Construction Environmental Management plan shall include:   * A Soil and Water Management Plan shall be submitted to the principal certifier. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters necessary. * Details for waste management. * Details for minimising impacts on neighbouring properties. * Details for minimising impacts on the road network. * Suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from Council’s road reserve. * Appropriate signage and fencing is to be installed and maintained. * The proposed construction site’s entrance is to be clearly shown. * Addressing recommendation of the approved Flora and Fauna Report and approved Acoustic Report. * Dilapidation details of existing conditions of Patemans Lane and Turton Place.   ***Reason: To ensure impacts associated with construction are appropriately managed*** | |
|  | **Emergency and Incident Management Plan**  An emergency and incident management plan (prepared by a suitably qualified and experienced person) is to be submitted to Council for approval. The final plan is to include (but not limited to):   * A final Bush Fire Management and Emergency Response Plan. The final version is to be consistent with the approved BFMERP prepared by Harris Environmental Consulting REF 6559BF dated 17 April 2025. * Measures to control fire risk (including risks associated with fires originating outside of the development site and fires originating from BESS infrastructure). * Measures for the management of firefighting water and prevention of surface water contamination. * Measures outlining the method for coordination with the Emergency Planning Committee and the NSW Rural Fire Service prior to each bushfire season. * Flood risk management measures for up to and including the 1% AEP flood event. * The recommends of the Flood and Groundwater Assessment Report (v01) prepared by Water Technology / IGS dated 26 April 2024, including the methodology for the monitoring of groundwater wells after any major fire incident, actions arising and for the testing and remediation of any affected soils. * Details of the process for reviewing and updating the consolidated plan on a regular periodic basis.   ***Reason: To ensure the emergency and incident management are appropriate to ensure impacts to environment, health, and property are minimised and managed*** | |
|  | **Liquid Cooling/Regulated System**  If the liquid cooling system meets the criteria to be considered a regulated system, it must be designed and installed in accordance with the relevant provisions of:   * Public Health Act 2010 * Public Health Regulation 2012   Plans and specifications for the design, installation, operation and maintenance of the regulated system(s), including details on the locations of all plant and equipment, must be provided to the principal certifier.  ***Reason: To ensure that the proposal is designed in accordance with the Public Health Act and Regulation.*** | |
| **Before Building Work Commences** | | |
| **General** | | |
|  | **Principal certifier details and commencement date**  No later than two days prior to works commencing council must be informed of:   * The name and details of the principal certifier and * Intended commencement date   ***Reason: To ensure compliance with Environmental Planning and Assessment Act 1979, section 6.6*** | |
|  | **Erection of Signs**  This section applies to a development consent for development involving building work, subdivision work or demolition work.  It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—   * 1. showing the name, address and telephone number of the principal certifier for the work, and   2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and   3. stating that unauthorised entry to the work site is prohibited.   The sign must be—   * 1. maintained while the building work, subdivision work or demolition work is being carried out, and   2. removed when the work has been completed.   This section does not apply in relation to—   * 1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or   Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.  ***Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.*** | |
|  | **Garbage receptacle**  A garbage receptacle must be provided at the work site before works commence and must be maintained until the works are completed.  The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.  ***Reason: To ensure facilities are readily available for the disposal of waste*** | |
|  | **Run-off and erosion control measures**  Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:   1. diverting uncontaminated run-off around cleared or disturbed areas and 2. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties and 3. preventing the tracking of sediment by vehicles onto roads and 4. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.   ***Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems, waterways and adjoining land*** | |
|  | **Hoarding or temporary construction site fence**  Hoarding or temporary construction site fence must be erected between the site and adjoining properties, if the works:   1. could cause a danger, obstruction or inconvenience to the public, pedestrian and/or vehicular traffic, or 2. could cause damage to adjoining lands by falling objects, or 3. involve the enclosure of a public place or part of a public place.   The hoarding or temporary construction site fence must be erected before works commence and be removed immediately after the work in relation to which it was erected has finished, if no safety issue will arise from its removal.  ***Reason: To protect the public and surrounding properties during construction*** | |
|  | **Temporary toilet facilities**  Toilet facilities must be available or provided on site prior to the commencement of construction, decommissioning or upgrades (if required). Temporary toilet facilities must be maintained until the works are completed.  The toilets must be provided in accordance with the following:   1. at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site and 2. be a temporary chemical closet approved under the *Local Government Act 1993*.   ***Reason: To ensure compliance with the Work Health and Safety Regulation 2017*** | |
|  | **Set out by registered surveyor**  The building/s must be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries.  Evidence that the building/s were set-out and have been located in accordance with the approved plans must be submitted to the Principal Certifier upon request.  ***Reason: To ensure buildings are sited and positioned in the approved location*** | |
|  | **Application for works in road reserve**  An Application for Activities in a Council Road Reserve (Form 35) must be lodged with and approved by Council.  The application must be accompanied by the following:   * A current work Licence * A current public liability certificate with a minimum cover of $20 million * Current plant/vehicle insurances * A certified Traffic Guidance Scheme   Where works are required within a classified road, the applicant must obtain approval from Transport for NSW (TfNSW).  ***Reason: To ensure works within the road reserve are approved pursuant to s.138 Roads Act 1993*** | |
| **Tree Protection Measures** | | |
|  | **Removal of Trees**  The removal of trees from the site is restricted to those in accordance with the plans and details submitted to Council with the development application, stamped and attached to this consent.  ***Reason: To ensure that tree removal is restricted to only those that are approved*** | |
|  | **Retained Trees**  All trees that are proposed to be retained must be protected prior to any site works or civil works commencing on the site in accordance with *AS 4970-2009 – Protection of Trees on Development Sites*.  ***Reason: To protect trees during the carrying out of site work*** | |
|  | **Maintenance of tree protection measures**  The tree protection measures specified in this consent must:   1. be in place before work commences on the lot 2. be maintained in good condition during the construction period and 3. remain in place for the duration of the construction works.   ***Reason: To protect trees during the carrying out of site work*** | |
|  | **Site access during tree removal**  Public access to the site is to be restricted when tree removal work is in progress or the site is unoccupied. All public safety provisions must be in place prior to the commencement of any works and must be maintained throughout tree removal work.  ***Reason: To protect the public and surrounding properties during tree removal*** | |
| **During Building Work** | | |
| **Environmental Heritage** | | |
|  | **Discovery of relics and Aboriginal objects**  While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:   1. The work in the area of the discovery must cease immediately 2. The following must be notified: 3. For a relic – the Heritage Council or 4. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in NSW under the National Parks and Wildlife Act 1974, section 85.   Site work may recommence at a time confirmed in writing by:   1. For a relic – the Heritage Council or 2. For an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in NSW under the National Parks and Wildlife Act 1974, section 85.   ***Reason: To ensure the protection of objects of potential significance during works*** | |
| **Earthworks, Internal Driveways and Importation of Material** | | |
|  | **Soil management**  While site 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:   1. All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management system and the classification and the volume of material removed must be reported to the principal certifier. 2. All fill material imported to the site must be: 3. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or 4. a material identified as being subject to a resource recovery exemption by the NSW EPA, or 5. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.   ***Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants*** | |
|  | **Extent of approved earthworks**  Earthworks, internal driveways and the importation of associated material is restricted to that which can be undertaken as exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, unless otherwise approved by a condition of this consent or the stamped approved plans.  ***Reason: To ensure all parties are aware of the extent of the approved earthworks*** | |
|  | **Impact of earthworks**  Any earthworks, including any structural support or other related structure for the purposes of the development:   1. must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot and 2. must not redirect the flow of any surface or ground water onto an adjoining property. 3. must not cause sediment to be transported onto an adjoining property.   ***Reason: To require earthworks to be undertaken in a manner which does not impact the public or surrounding properties*** | |
|  | **Code of Practice for excavation work**  Any excavation must be carried out in accordance with Safe Work Australia’s [*Excavation Work: Code of Practice*](https://www.safeworkaustralia.gov.au/doc/model-code-practice-excavation-work), published October 2018.  ***Reason: To manage risks associated with excavation work*** | |
| **Inspections** | | |
|  | **Compliance with Australian Standard 2601:1991**  All demolition work must be carried out in accordance with the provisions of *AS 2601:1991 The Demolition of Structures*.  ***Reason: To ensure demolition is carried out in accordance with the relevant Australian standard*** | |
|  | **Disconnection of utility services**  All utility services must be disconnected to the requirements of the relevant authorities.  ***Reason: To ensure requirements of utility service providers are met*** | |
|  | **Asbestos waste**  Asbestos waste, if present in the building to be demolished, is to be removed, handled, transported, and disposed of in accordance with the following:   * *NSW WorkCover* requirements and * *Protection of the Environment Operations Act 1997 and* * *Protection of the Environment Operations (Waste) Regulation 2014*.   The transportation of asbestos waste may require to it to be reported to the NSW Environment Protection Authority (EPA) using *WasteLocate*. Please refer the [WasteLocate website](https://wastelocate.epa.nsw.gov.au/) for more information.  There is no waste facility licensed to receive asbestos within the Yass Valley Local Government Area. The nearest suitably licensed waste management facilities are in Jugiong and Canberra.  ***Reason: To ensure asbestos waste is removed, handled and disposed of in a manner which minimises risk to public health and safety*** | |
|  | **Demolition waste disposal**  All waste is to be disposed of at a suitably licensed waste management facility. Copies of receipts relating to the disposal of waste must be submitted to Council upon request.  ***Reason: To ensure waste material is appropriately disposed and to require records to be available, documenting the lawful disposal of demolition waste*** | |
|  | **Deliberate burning**  The deliberate burning of demolition materials is not permitted.  ***Reason: To protect the health and safety of the public*** | |
|  | **Demolition within lot boundaries**  All demolition work must be carried out wholly within the lot boundaries and must not extend onto the public footpath, public roadway or adjoining properties.  ***Reason: To require demolition to be undertaken in a manner which does not impact the public or surrounding properties and public infrastructure*** | |
|  | **Transportation of demolition material**  Vehicles transporting demolition material off site must have loads secured against any loss during transit.  ***Reason: To protect the health and safety of the public*** | |
|  | **Compliance with Australian Standard 2601:1991**  All demolition work must be carried out in accordance with the provisions of *AS 2601:1991 The Demolition of Structures*.  ***Reason: To ensure demolition is carried out in accordance with the relevant Australian standard*** | |
|  | **Disconnection of utility services**  All utility services must be disconnected to the requirements of the relevant authorities.  ***Reason: To ensure requirements of utility service providers are met*** | |
|  | **Demolition waste disposal**  All waste is to be disposed of at a suitably licensed waste management facility. Copies of receipts relating to the disposal of waste must be submitted to Council upon request.  ***Reason: To ensure waste material is appropriately disposed and to require records to be available, documenting the lawful disposal of demolition waste*** | |
| **Inspections** | | |
|  | **Procedure for critical stage inspections**  While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.  ***Reason: To require approval to proceed with building work following each critical stage inspection*** | |
|  | **Inspections – building work**  Critical stage inspections must be carried out by the principal certifier, as required by the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, Part 8. | |
| ***Reason: To ensure all parties are aware of the critical stage inspections applicable to the development and to require approval to proceed with building work following each critical stage inspection*** | |
|  | **Inspections – vehicular access**  As the local road authority Council must undertake inspections at the following stages of construction: | |
| **Inspection** | **Hold Point** |
| **Vehicular access** | Upon completion of the vehicular access and prior to the occupation or use of the development. |
| **Project completion** | Final inspection for conditions of pavements of Patemans Lane and Turton Place |
| ***Reason: To require council to undertake an inspection of the vehicular access and to require approval to commence use/occupation following the inspection*** | |
|  | **Safety measures during construction**  Upon inspection of each stage of construction, the principal certifier is required to ensure that adequate provisions are made for the following measures (as applicable):   1. Run-off and erosion control 2. Provision of perimeter fence, hoarding or temporary construction site fence for public safety and restricted access to building sites 3. Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.   ***Reason: To protect the public and surrounding properties*** | |
| **Construction** | | |
|  | **Hours of work**  Site work must only be carried out between the following times:   * Monday to Friday, 7.00am to 5.00pm * Saturday, 8.00am to 1.00pm * Sunday or Public Holiday, no site work to be carried out   Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.  ***Reason: To protect the amenity of the surrounding area*** | |
|  | **Responsibility for changes to public infrastructure**  While work is being carried out, 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) must be paid as directed by the consent authority.  ***Reason: To ensure payment of approved changes to public infrastructure*** | |
|  | **Surveys by a registered surveyor**  While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:   1. All footings / foundations in relation to the site boundaries and any registered and proposed easements 2. At other stages of construction – any marks that are required by the principal certifier.   ***Reason: To ensure buildings are sited and positioned in the approved location*** | |
|  | **Materials and equipment storage**  All materials and equipment must be stored wholly within the work site unless otherwise approved.  ***Reason: To protect the public and the amenity of surrounding properties during construction*** | |
|  | **Waste material management**  Waste materials (including those from excavation, demolition, and construction) must be managed wholly within the development site and disposed of at an approved waste management facility.  Copies of receipts relating to the disposal of waste at an approved waste management facility must be submitted to council upon request.  ***Reason: To ensure waste material is appropriately managed and disposed and to require records to be available, documenting the lawful disposal of waste*** | |
|  | **Vehicle loads and cleanliness**  During construction:   1. all vehicles entering or leaving the site must have covered loads, and 2. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking materials onto public roads.   ***Reason: To protect the public and public infrastructure*** | |
|  | **Waste and debris**  At the completion of works, the development site must be clear of waste and debris.  ***Reason: To protect the residential amenity of neighbouring and nearby properties*** | |
| **Stormwater Drainage** | | |
|  | **Compliance with Australian Standard 3500.3:2021**  Stormwater drainage work must comply with *AS/NZS 3500.3:2021 Plumbing and Drainage - Stormwater Drainage.*  ***Reason: To ensure the stormwater drainage system is designed and installed to meet required specifications*** | |
|  | **Stormwater nuisance**  Stormwater collected from the development must not cause nuisance to adjoining landowners.  ***Reason: To protect surrounding properties from stormwater runoff*** | |
|  | **Up-stream surface flows**  Where up-stream surface water flows through the lot the development must not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.  ***Reason: To protect surrounding properties from stormwater runoff*** | |
| **Bushfire Protection** | | |
|  | **Bushfire Management and Protection Measures**  All Bushfire Management and Protection Measures identified in Chapter 6 of the bush fire management and emergency response plan prepared by Harris Environmental Consulting REF 6559BF dated 17 April 2025 shall be maintained during construction, operation and decommissioning of the development **except that a 12 metre** **wide APZ shall be maintained to the west of the BESS.**  ***Reason: To require the implementation of bushfire protection measures to protect life and property from bushfire attack*** | |
| **Before the Issue of an Occupation Certificate** | | |
|  | **Occupation certificate application**  An application for an occupation certificate must be lodged with the principal certifier in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 37.  This includes lodgement on the NSW Planning Portal.  ***Reason: To ensure all parties are aware of the requirements to lodge an application for occupation certificate*** | |
|  | **Restrictions on occupation certificate - section 6.10**  Prior to the issue of an occupation certificate, the relevant parts of the EP&A Act, section 6.10 must be satisfied, including:   1. a construction certificate has been issued for this development 2. all conditions in this part of the consent have been satisfied 3. the completed building is suitable for occupation or use in accordance with its classification under the NCC/BCA.   ***Reason: To ensure all requirements have been met and the building is suitable for occupation*** | |
|  | **Part occupation certificate - section 42**  In accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 42, an occupation certificate authorising a person to commence occupation or use of part of a building, must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.  ***Reason: To ensure the relevant part of the building is suitable for occupation*** | |
|  | **Certificates of compliance**  Certificates of Compliance for contractor’s work must be submitted to the principal certifier.  Certificates are required for the following work, as applicable to the development:   * Air conditioning * Electrical * Framing (timber or metal) * Gas fitting * Glazing (windows, doors, shower screens) * Insulation * Photovoltaic electricity generating system * Plumbing/drainage * Refrigeration systems * Smoke alarms * Solid fuel heater * Stormwater * Structural adequacy * Swimming pool, pump and filtration system * Termite protection system * Waterproofing * Other work as relevant to the development.   Certificates must contain the following information:   1. name, address, licence/registration number, qualifications, professional memberships and insurance details of the individual issuing the certificate 2. development consent number to which the work relates 3. address of the land on which the development is being carried out 4. date of issue of the certificate 5. date and time of inspection of work 6. description of the inspection of work 7. Australian Standards or codes to which the certificate relates.   ***Reason: To provide confirmation to the principal certifier that the completed building work complies with council, development and regulatory requirements.*** | |
|  | **Council infrastructure damage**  Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.  ***Reason: To protect public infrastructure and property*** | |
|  | **Identification survey required**  An identification survey, prepared by a registered surveyor must be submitted to the principal certifier indicating the location of the constructed development in relation to property boundaries, easements and building envelopes.  ***Reason: To ensure buildings are sited and positioned in the approved location*** | |
|  | **Bushfire protection conditions**  All conditions relating to bushfire protection must be satisfied.  ***Reason: To ensure ongoing protection from bush fires*** | |
|  | **Acoustic (noise) conditions**  All conditions relating to acoustic (noise) management must be satisfied.  Certification by an appropriately qualified and experience acoustic consultant is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Report prepared acoustic report (v5) prepared by WastonMossGrowcott dated 16 April 2025.  ***Reason: To ensure that construction has been undertaken in accordance with an approved development application and Acoustic Report and to ensure noise attenuation measures are validated.*** | |
|  | **Vehicular access**  Before the issue of an occupation certificate, the principal certifier must be satisfied all vehicular access from the road to the property boundary has been constructed in accordance with Council’s Road Standards Policy (RD-POL-09).  ***Reason: To provide satisfactory vehicular access to the development site*** | |
|  | **Completion of landscape and tree works**  Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.  ***Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)*** | |
| **Occupation and ongoing use** | | |
|  | **Bushfire Management and Protection Measures**  All Bushfire Management and Protection Measures identified in Chapter 6 of the bush fire management and emergency response plan prepared by Harris Environmental Consulting REF 6559BF dated 17 April 2025 shall be maintained during construction, operation and decommissioning of the development**.**  ***Reason: To ensure ongoing protection from bush fires*** | |
|  | **External lighting during ongoing use**  Lighting associated with the development must remain switched off outside of maintenance periods and any emergencies.  ***Reason: To ensure that external lighting does not create a nuisance to the surrounding environment, properties, and roadways.*** | |
|  | **Acoustic report and noise management**  Construction and operation of the development must comply with the recommendations of Acoustic Report prepared by acoustic report (v5) prepared by WastonMossGrowcott dated 16 April 2025.  A suitably qualified acoustic consultant is required to verify that the adopted amenity criteria is being achieved at the following times:   * Prior to the issue of any occupation certificate. * At three months of operation and every 12 months thereafter for the life of the development. * Within 21 days of any time requested by Council.   Any acoustic treatment must be maintained for the life of the development.  ***Reason: To ensure that development is carried out in accordance with specific recommendations of the acoustic report for noise management, and that this continues to be achieved for the development.*** | |
|  | **Maintenance of landscaping**  Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods,  garbage or waste material at all times.  If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.  ***Reason: To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.*** | |
|  | **Monitoring of water tanks**  During maintenance of the BESS, the water tanks on site must be monitored to ensure that they are full at all times.  ***Reason: To ensure water is available for bush fire fighting purposes.*** | |
|  | **Monitoring of BESS**  A management system must be put in place to ensure that the batteries on site are monitored 24 hours a day.  ***Reason: To ensure batteries are monitored 24-hours per day to limit potential impacts occurring due to failure.*** | |
|  | **Consolidated Environmental Management Plan and Emergency and Incident Management Plan**  The approved Consolidated Environmental Management Plan and Emergency and Incident Management Plan is to be implemented at all times during the operation of the development.  ***Reason: To ensure that environmental and emergency and incident management are appropriate, and to ensure impacts to environment, health, and property are minimised and managed*** | |
|  | **Decommissioning and rehabilitation**  Within three (3) years of the issue of any occupation certificate, a detailed decommissioning strategy for the development must be prepared and submitted to Council. The strategy is to be updated and submitted to Council at years 10, 20, 30, and within in two (2) years prior to the decommissioning (end-of-life).  The decommissioning strategy must describe in detail the measures that would be implemented to:  Decommission the development and rehabilitate the site.  Minimise and management of the waste generated by the decommissioning of the development.  Include a program to monitor and report on the implementation of these measures.  Ensure that best practice is being employed in respect to available recycling technologies and in accordance with legislative requirements.  Within 12 months of the development ceasing operation it must be decommissioned as per the decommissioning strategy.  ***Reason: To ensure that appropriate investigations are completed for end-of-life and to ensure the site is decommissioned and free of contamination and in a state to support future use.*** | |

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| **General Advisory Notes** | |
|  | This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*.](https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/standard-conditions-of-consent/standard-format-for-notices-of-determination) The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully. |
|  | The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. |
|  | Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed. |
|  | A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent. |
|  | This consent has been granted under Chapter 2, Section 2.36, Clause 1B of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. |
|  | All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region. |
|  | This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the landowner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved. |
|  | The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading. |
|  | All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.  The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers. |
| **Essential Energy Advisory Notes** | |
|  | If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment. |
|  | Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with. |
|  | In addition, Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location 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. |
|  | 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). |
|  | Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) 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. |
| **Dictionary** | |
| The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):  **Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.  **AS**means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.  **Building work** means any physical activity involved in the erection of a building.  **Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018.*  **Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*  **Council** means YASS VALLEY COUNCIL.  **Court** means the Land and Environment Court of NSW.  **EPA** means the NSW Environment Protection Authority.  **EP&A Act** means the *Environmental Planning and Assessment Act 1979.*  **EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021.*  **Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.  **Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.  **Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.  **Site work**means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.  **Stormwater drainage system** means all works and facilities relating to:   * the collection of stormwater * the reuse of stormwater * the detention of stormwater * the controlled release of stormwater and * connections to easements and public stormwater systems.   **Strata certificate**means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.  **Subdivision certificate**means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.  **Subdivision work certificate**means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.  **Sydney district or regional planning panel**means Southern Regional Planning Panel. | |