

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	26 June 2025
DATE OF PANEL DECISION	26 June 2025
DATE OF PANEL MEETING	17 June 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins
APOLOGIES	None
DECLARATIONS OF INTEREST	Jenny McKinnon (pecuniary interest due to personal financial investments), Dallas Tout (perceived conflict of interest due to public statements regarding solar farm proposals)

Public meeting held by videoconference on 17 June 2025, opened at 3pm and closed at 6:58pm.
Papers circulated electronically on 7 June 2025.

MATTER DETERMINED

PPSSTH-469 – WAGGA WAGGA – DA24/0452 - 1000 Burkes Creek Rd THE ROCK - Electricity Generating Works - 6.3 MW Solar Farm and 11MW Battery Energy Storage System (BESS) facility and Associated Electrical Infrastructure (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings, relevant matters raised during the public determination and matters observed at the site inspection (as listed at item 8 in Schedule 1).

Conflicts of Interest

During the public determination meeting a member of the public claimed that both Amelia Parkins and Council's assessment officer, Steven Cook, had conflicts of interest and should not be involved in the determination of this matter.

The Panel Chair has discussed the claim with Councillor Parkins and is fully satisfied that Amelia Parkins **does not** have a conflict of interest relating to this matter. In relation to the allegations against Mr Cook, this is a matter for Council. However, importantly, the Panel is satisfied that Mr Cook has undertaken a thorough assessment of the DA against the relevant strategic and statutory considerations relevant to the application as required of him by the *Environmental Planning and Assessment Act, 1979 and Regulations*.

Given the above, the Panel considers that this matter does not require further consideration and has no material implications for the Panel's decision.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and subject to amended conditions of consent.

The Panel was satisfied that, subject to the imposition of amended conditions, amenity and other potential impacts of the development such as contamination, stormwater management and soil erosion, traffic and safety, visual impacts including glint and glare, acoustic impacts and fire and hazard risks could be adequately managed. The Panel was also satisfied the development would have a negligible impact on agricultural productivity noting that the site is relatively small and can be rehabilitated and returned to agricultural use in the future.

The Panel has however strengthened the conditions as imposed. This is discussed further below.

Overall, the Panel was satisfied that:

- The development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken.
- The proposal is considered appropriate with regard to the zoning of the site and the applicable provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021, Wagga Wagga Local Environmental Plan 2010, and Wagga Wagga Development Control Plan 2010 where relevant.
- The preconditions to the grant of consent have been satisfied.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended.
- Construction impacts can be managed through the imposition of standard construction related requirements.
- The development is consistent with both the local and State strategic planning and energy frameworks as it will increase the proportion of renewable energy in the electricity grid.
- Given the above, the proposed development does not raise any matter contrary to the public interest.

Key Issues

Visual Impacts

The Panel agreed with the conclusions of Council's assessment report that the impacts of the proposal on visual amenity and ultimately landscape character would be low and can be readily mitigated by existing vegetation, separation distances, and additional vegetation screening required as part of the final landscape plan. It is noted that no vegetation is to be removed to accommodate the development.

The Panel was also satisfied that there would be no cumulative visual impacts given no other solar farms are within view of the site and furthermore, that glint and glare impacts, while unlikely, could be addressed through management measures.

Agricultural Land Impacts

Concern was raised in submissions and at the public meeting regarding the loss of productive agricultural land noting that the 15ha site (part of a 195ha agricultural lot) is made up of predominantly Class 3 land under the *Land and Soil (LSC) Capability Mapping for NSW (2017)* and is also mapped as State Significant Agricultural Land (SSAL). The land does not contain any Biophysical Strategic Agricultural Land (BSAL).

Whilst acknowledging broader community concern regarding the cumulative loss of productive agricultural land, the Panel accepts the conclusions of Council's assessment that this development will not impact significantly on the wider natural resource base and its ability to sustain primary production given the:

- very low percentage of high-quality resource land being occupied (0.0097% of all Class 3 land in the LGA)
- ability for agriculture to continue on the balance of the site
- ability to return the land to its predevelopment capabilities following decommissioning

The Panel is of the view that there is a need to balance the potential loss of a small area of agricultural land in Wagga Wagga against the broader strategic goals of the Commonwealth and State governments for the development of renewable energy.

Contamination

Both submissions and presenters at the public meeting raised concerns regarding potential contaminants emanating from the solar panels with particular concern that such contaminants may enter the water system. Council's assessment report refers to the Department of Planning, Housing and Infrastructure's Frequently Asked Questions document which states:

The metals in solar panels (including lead, cadmium, copper, indium, gallium and nickel) cannot be easily released into the environment. This is because metals such as cadmium telluride (CdTe) or cadmium sulfide (CdS) are enclosed in thin layers between sheets of glass or plastic within the solar panel. Because of this, the use of metals in solar panels has not been found to pose a risk to the environment. To readily release contaminants into the environment, solar panels would need to be ground to a fine dust.

Whilst accepting the Government's guidance on this matter, the Panel did question both the Applicant and Council on whether PFAS substances could hypothetically be used in solar panels. In response, the Applicant stated at the public meeting that it would be using Tier 1 Panels which are unlikely to contain per- and polyfluoroalkyl (PFAS) substances.

Stormwater Management and Erosion and Sediment Control

Noting the concerns raised by the community regarding the potential impact of the development on both water resources and soil erosion, the Panel has determined to adopt a precautionary approach to stormwater management. The Panel has imposed the need for a detailed stormwater drainage design and management plan which must be prepared and approved by Council as a 'Deferred Commencement' condition. The condition, which is reproduced under the heading Conditions further below, is to include amongst other requirements, detail relating to:

- Solar panel selection, noting the Applicant's commitment to Tier 1 Panels with no per- and polyfluoroalkyl (PFAS) substances; and
- An ongoing stormwater testing procedure that includes a surface water sampling, relevant standards, baseline levels, acceptable levels, frequency of sampling, response mechanisms, and availability of results.

The preparation, implementation and adherence to this Plan will provide a sound safety mechanism in the highly unlikely event that contaminants are released into the environment.

Bonds, Decommissioning and Rehabilitation

Many submitters and presenters to the public meeting requested the Panel impose a bond as a condition of consent to ensure that funds are available if required during the decommissioning of the solar farm. Current Government policy does not support the imposition of such a bond. It places the responsibility for decommissioning and rehabilitation on the Applicant through any agreement with the landholder. It is beyond the Panels reasonable remit to adopt a position which is clearly at odds with existing Government Policy.

However, given the importance of returning the land to its predevelopment agricultural capabilities, the Panel has strengthened the decommissioning requirements by including a condition which requires the Applicant to meet certain performance criteria to Council's satisfaction as part of a Decommissioning and Rehabilitation Plan. The performance criteria require the Applicant to:

- remove all infrastructure from the site
- ensure the site is safe, stable and non-polluting
- restore the land capability to pre-existing productive capacity
- retain all vegetative screening
- maintain public safety
- maximise recycling and where this cannot be achieved, demonstrate the ability to dispose of the panels at an approved location.

The Plan is required to be prepared prior to operations commencing and reviewed periodically to ensure that it includes the most up to date information relating to recycling technology and waste management initiatives.

Supply Chain

Both submissions and presenters at the public meeting raised concerns relating to modern slavery practices associated with panel manufacturing and other materials used for the development. The Panel notes that separate to the need to obtain development consent, the Applicant is required to satisfy the legislative requirements of both the Commonwealth *Modern Slavery Act 2018* and the NSW *Modern Slavery Act 2018*. Whilst an important issue, it is not a matter for consideration under the *Environmental Planning and Assessment Act, 1979*.

Insurance

The Panel accepts the Council's conclusions on this matter that there is no clear evidence of increased premiums or an inability to obtain insurance as a result of the proposal. Furthermore, the Panel considers that the residual fire related risks from the facility to adjoining properties are low given the position of the facility on the host property, setbacks to adjoining land, and the vegetation surrounding the site.

CONDITIONS

The Council provided draft recommended conditions of consent with its assessment report. The Panel requested amendments to these conditions which have been incorporated into the final set of conditions approved by the Panel (Schedule 2). The amendments are as follows:

1. The following to be inserted as a preamble after the heading "CONDITIONS OF CONSENT FOR APPLICATION NO DA24/0452", and prior to Schedule A:

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, (as amended). This consent does not become operative until the requirements listed in Schedule 'B' of this consent have been satisfied. All issues shall be satisfactorily resolved within a period of 5 years from the original determination date. Upon compliance with the requirements/conditions listed under Schedule 'B', and written confirmation from Council to that effect, the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'C' and Schedule 'E', and any additional conditions arising from the requirements of Schedule 'B'.

2. The following text to be inserted into Schedule B as condition B.1

- B.1 Submission to Council, a detailed stormwater drainage design and management plan, to the satisfaction of the General Manager or delegate, incorporating the following if required:
- i) measures to limit post development flows from the site to pre-development 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.
 - ii) measures to prevent erosion and protect water quality.
 - iii) stormwater outlets designed to dissipate flow and minimise erosion.
 - iv) identification of testing points for regular water samples.
 - v) Ongoing stormwater testing procedure prepared by a suitably qualified person that includes but is not limited to the following:
 - Nature of panels to be utilised (i.e. Tier 1 with no per- and polyfluoroalkyl (PFAS) substances
 - Methodology for sampling procedure - including
 - Standards
 - Baseline levels
 - Acceptable levels

- Timings for sampling and reporting (minimum 6 monthly)
 - Response procedures should unacceptable levels of contaminants be found.
 - Availability of results – minimum bi-yearly through the operators website.
3. Rectify a typographical error in C.10 (by replacing “decommission” with “decommissioning” in the second sentence – no other changes).
 4. Replace C.19 with the following condition to provide clarity on the condition’s intent:

C.19 Prior to the installation of the Battery Energy Storage System (BESS), a detailed design for the BESS, along with a firefighting management plan (including measures to contain any contaminated water as a result of firefighting activities) shall be prepared, and certified, by suitably qualified and accredited persons (including persons suitably qualified in the fields of firefighting, contamination management, and the design of BESSs), in consultation with, and to the satisfaction of, the NSW Rural Fire Service, and any additional control measures identified in this process implemented, to the satisfaction of the General Manager or delegate.
 5. Replace C.41 with the following condition to provide for a more detail decommissioning and rehabilitation plan:

C.41 Prior to the operation of either the solar energy system or the Battery Energy Storage System, a ‘Decommissioning and Rehabilitation Plan’ for the development shall be submitted to Council, to the satisfaction of the General Manager or delegate. The plan shall include the removal of all above and below ground infrastructure, to the satisfaction of the General Manager or delegate. The plan must:

 - (a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in the table in Condition C.52;
 - (b) describe the measures that would be implemented to:
 - (i) decommission the development and rehabilitate the site in accordance with the objectives in the table in Condition C.52;
 - (ii) minimise and manage the waste generated by the decommissioning of the development;
 - (iii) include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and
 - (iv) ensure that best practice is being employed in respect of available recycling technologies.
 6. Amend C.44 by deleting the words “Council, to the satisfaction of” to remove unnecessary detail in the condition sign off process.
 7. Amend C.45 to delete the requirement for ongoing monitoring from the end of paragraph 2.
 8. Amend C.46 by inserting words into the first sentence to clarify that Council is the authority empowered to uplift the covenant.
 9. Replace C.51 with the following condition to provide additional review periods for the rehabilitation plan.

C.51 The ‘Decommissioning and Rehabilitation Plan’ approved under Condition C.41 shall be updated by the operator at year 10, year 20 and within 2 years prior to decommissioning. The plan shall be reviewed to ensure it meets contemporary standards and practices for solar energy system and Battery Energy Storage System decommissioning and rehabilitation. Any amendments to the plan, that are necessary in the opinion of the

General Manager or delegate, to ensure compliance with the intent of this condition, shall be incorporated into the plan.

10. Replace C.52 with the following condition to provide for a more detailed decommissioning and rehabilitation plan:

C.52 Within 12 months of the cessation of operations, unless the General Manager or delegate agrees otherwise, the site must be decommissioned and rehabilitated satisfaction of the General Manager or delegate. This rehabilitation must comply with the objectives in the table below and the plan approved in Condition C.41, as amended by Condition C.51:

Feature	Objective
Site	Safe, stable and non-polluting
Solar farm and ancillary infrastructure	All infrastructure including above and below ground to be decommissioned and removed
Land use	Restore land capability to pre-existing productive capacity. Vegetation screening implemented under this consent is to be retained unless the General Manager or delegate agrees otherwise
Community	Ensure public safety at all times
Waste Management	Recycling of materials is maximised Waste is disposed of at approval locations

11. A number of other administrative amendments were made throughout the draft conditions which did not result in substantive changes to the intent of the draft conditions proposed by Council.



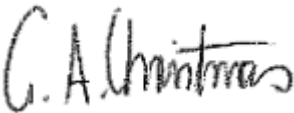

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Development proposed on agricultural land/prime agricultural land
- Inconsistent with the objectives of the RU1 zone of the WWLEP2010/ prohibited under the WWLEP 2010/ Prohibited under SEPP (Transport and Infrastructure) 2021
- Inconsistent with the Riverina Murray Regional Plan (sites outside the Southwest Renewable Energy Zone)
- Uncertainty about decommissioning
- Traffic impacts during construction
- Visual Impacts
- Glint and Glare
- Impacts on Flora and Fauna
- Fire risk / Full PHA should be carried out
- Inability for neighbouring properties to obtain 'fire insurance' due to solar farms on adjoining land
- Impact on gas pipeline
- Toxicity of solar panel/ contamination of land from solar panels/ contamination of water from solar panel/ contamination from damaged solar panels / contamination from batteries
- Development does not consider a lifecycle assessment of carbon emissions (ie. manufacturing and transport of panels)
- Impacts on property values
- Precedent for other solar farms in area
- Inadequate consultation by the developer/timing of public notification
- Loss of local jobs servicing farming operations / social impacts from the loss of farmer to solar farms/ limited economic benefits for the community vs farming
- Heat island effect
- Hydrological impacts and erosion risk
- Impacts on electricity network

- The livestock production assurance (LPA) program now requires producers to declare if their stock graze under solar farms
- Impacts on nearby tourism operators
- Lack of VPA or community benefit
- The development does not address its obligations under the EPBC Act, South Australia's planning guidelines and international conventions

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and final conditions of consent. Council's assessment planner and the applicant also provided further clarification of certain matters during the meeting and final briefing.

PANEL MEMBERS	
 <p>Chris Wilson (Chair)</p>	 <p>Juliet Grant</p>
 <p>Grant Christmas</p>	 <p>Amelia Parkins</p>

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-469 – WAGGA WAGGA – DA24/0452
2	PROPOSED DEVELOPMENT	Electricity Generating Works - 6.3 MW Solar Farm and 11MW Battery Energy Storage System (BESS) facility and Associated Electrical Infrastructure
3	STREET ADDRESS	1000 Burkes Creek Road, The Rock NSW 2655
4	APPLICANT/OWNER	Charlie Sammoun, ARUP on behalf of Green Gold Energy Pty Ltd / Adam Paul Roberson, Stacey Louise Roberson
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 Wagga Wagga Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wagga Wagga Development Control Plan 2010 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 6 June 2025 Amended draft conditions and information received: 19 June 2025 Written submissions during public exhibition: 48 Verbal submissions at the public meeting: <ol style="list-style-type: none"> Annette Wheaton (Farmers First Riverina), Karen Masson (The Rock Action Group), Michael Henderson (Maxwell Community Group), Wade Northausen (Billboard Battalion), Lynette LaBlack (Save our Surroundings Riverina), John McBratney (Save our Surroundings Lancefield), Noel Hicks (Save our Surroundings Murrumbidgee), John McGrath (Yass Landscape Guardians), Paul Funnell (Pumpers Association), Carolyn Emms (Rainforest Reserves Australia), Ross Johns (Wimmera Mallee Environmental and Agricultural Protection Association), Rebecca Brewer, Lindsay Arthur, Jeanine Bird, Barbara Dengate. Council assessment officer – Steven Cook On behalf of the applicant – Charlie Sammoun (ARUP), Elton Zhang (Green Gold Energy) Late written submission and information received from Ian McDonald, Rebecca Brewer and Lynette LaBlack (published on the portal as late information) Total number of unique submissions received by way of objection: 48

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 15 January 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon ○ <u>Council assessment staff</u>: Amanda Gray • Final briefing to discuss council's recommendation: 17 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins ○ <u>Council assessment staff</u>: Steven Cook, Cameron Collins ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

CONDITIONS OF CONSENT FOR APPLICATION NO DA24/0452

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, (as amended). This consent does not become operative until the requirements listed in Schedule 'B' of this consent have been satisfied. All issues shall be satisfactorily resolved within a period of 5 years from the original determination date. Upon compliance with the requirements/conditions listed under Schedule 'B', and written confirmation from Council to that effect, the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'C' and Schedule 'E', and any additional conditions arising from the requirements of Schedule 'B'.

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

- B.1 Submission to Council, a detailed stormwater drainage design and management plan, to the satisfaction of the General Manager or delegate, incorporating the following if required:
 - i) measures to limit post development flows from the site to pre-development 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.
 - ii) measures to prevent erosion and protect water quality.
 - iii) stormwater outlets designed to dissipate flow and minimise erosion.
 - iv) identification of testing points for regular water samples.
 - v) Ongoing stormwater testing procedure prepared by a suitably qualified person that includes but is not limited to the following:
 - Detail regarding solar panel selection (i.e. Tier 1 Commercial Panels) and whether the proposed panels contain per- and polyfluoroalkyl (PFAS) substances
 - Methodology for sampling procedure
 - Standards
 - Baseline levels
 - Acceptable levels

- Timings for sampling and reporting (minimum 6 monthly)
- Response procedures should unacceptable levels of contaminants be found.
- Availability of results - at a minimum it is expected that the results be made available through the operator's website on a bi-annual basis.

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 Title	Prepared by	Issue	Date
Site Plan	Green Gold Energy	C	21/10/24
Chain Wire Mesh Security Fence & Gate	Green Gold Energy	B	27/07/23
Typical Amenities Building Elevations	Green Gold Energy	A	28/11/23
Typical Array Elevations	Green Gold Energy	A	8/11/23
Typical Electrical Equipment Elevations	Green Gold Energy	A	8/11/23
Statement of Environmental Effects (excluding all appendices unless otherwise referenced in this table individually)	ARUP	02	28/10/24
Bush Fire Assessment Report	Bushfire Consulting Services	3	18/10/24
Flora and Fauna Assessment Report	Habitat Innovation & Management		30/09/24
Preliminary Risk Screening	ARUP	01	15/10/24
Traffic Impact Assessment	ARUP	Final	15/10/24
Hydraulic Assessment	ARUP		27/2/25

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.

Requirements before a Construction Certificate can be issued

- C.2 Prior to the release of any Construction Certificate, conditions C.7 - C.18 of this consent shall be satisfied.

Requirements before the commencement of any works

- C.3 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 standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by Council, or
 - 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.4 Prior to the commencement of works, a Construction Certificate must be obtained, pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended, from Council or an Accredited Certifier.

C.5 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.6 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.7 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 \$59,560 must be paid to Council, prior to the commencement of works. 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 applicable rate of CPI at the time of consent is 137.7.

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.8 Prior to the commencement of works a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE 1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$0

NOTE 6: The Section 64 Stormwater base figure is \$0

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.9 Prior to the commencement of works a detailed stormwater drainage design and management plan shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, incorporating the following if required:

- i) measures 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.
- ii) measures to prevent erosion and protect water quality.
- iii) stormwater outlets designed to dissipate flow and minimise erosion.
- iii) Identification of testing points for regular water samples.
- iv) Stormwater testing procedure prepared by a suitably qualified person that includes but is not limited to the following:
 - Methodology for sampling procedure - including appropriate standards
 - Baseline levels

- Acceptable levels
- Timings for sampling and reporting
- Response procedures should unacceptable levels of contaminants be found.
- Availability of results - at a minimum it is expected that the results be made available through the operator's website on an annual basis.

C.10 Prior to the commencement of works a Traffic Management Plan shall be prepared by a suitably qualified person in consultation with the Council, with the final plan being to the satisfaction of the General Manager or delegate. The plan shall ensure that key traffic related issues associated with the development have been addressed, particularly during the construction and decommissioning processes. The appointed transport contractor shall be involved in the preparation of this plan. The plan shall address all light and heavy traffic generation to the development site and detail the potential impacts associated with the development, the mitigation measures to be implemented, and the procedures to monitor and ensure compliance. This plan shall address, but not necessarily be limited to the following;

- i) Require that all vehicular access to and from the site be via Burkes Creek Road to the north (including measures to give effect to this).
- ii) Maximum size of vehicle is a 19m general access vehicle. (No B-Doubles)
- iii) Details of traffic routes to be used by heavy and light vehicles and any associated impacts, and any road-specific mitigation measures.
- viii) Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic.
- iv) Proposed hours for vehicle movements and deliveries.
- v) The management and coordination of the movement of vehicles for construction and worker related access to the site and to limit disruption to other motorists, emergency vehicles, school bus timetables and school zone operating times.
- vi) Loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles. infrastructure.
- vii) Procedures for informing the public where any road access will be restricted as a result of the project.
- viii) Any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project.
- ix) A Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code.
- x) Details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site, including site manager details.
- xi) Processes and measures to be implemented to ensure that the road pavement and verge on Burkes Creek Road from the Olympic Highway is maintained at the predevelopment standard throughout construction works, including measures for repairs and maintenance that in the opinion of the General Manager, are necessary to be carried out.

The approved plan shall be made available to all employees and contractors and shall be complied with at all times.

C.11 Prior to the commencement of any works, a pre-work survey/dilapidation report, documenting the road and verge conditions for the proposed construction vehicle route from the Olympic Highway/Burkes Creek Road intersection to the site entrance shall be

submitted to Council. The survey/report shall include detailed photographs and descriptions of the entire route and shall be to the satisfaction of the General Manager or delegate.

C.12 Prior to the commencement of works a Construction Management Plan shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate. The plan shall address, but not be limited to:

- i) Location of parking, loading/unloading areas, storage areas, site compound.
- ii) Sediment and dust management.
- iii) Details of any temporary site fencing.
- iv) Waste management and storage measures, including waste and landfill minimisation strategies.
- v) Aboriginal cultural heritage management.
- vi) Biodiversity management.
- vii) Bushfire management.
- viii) Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
- ix) Details of what methods will be used to ensure that the plan is adhered to including appropriate signage and fencing.
- x) Security Management including details of relevant project manager and/or site foreperson contact details.
- xi) A Construction Noise and Vibration Management Plan, including procedures for notifying sensitive receivers of construction activities that would likely be audible.
- xii) Incorporation of any other approved management plans, such as the traffic management plan.
- xiii) Outline a process for the receipt of, and response to, complaints.
- xiv) Hours of construction activities.

The approved plan shall be made available to all employees and contractors and shall be complied with at all times.

C.13 Prior to the commencement of any works, a detailed amended site plan and documentation, for all anticipated works, including all dimensions (including setbacks, spacing between rows) and heights of solar arrays, shall be submitted to Council, to the satisfaction of the General Manager or delegate. The plan shall also include the following:

- Relocation of the boundary fence to behind the buffer plantings required under this consent when viewed from off-site.
- A defined Asset Protection Zone (APZ) of no less than 10 metres around the Battery Electricity Storage System (this is not in addition to any APZ required for bushfire purposes).
- The 13 metre wide Inner Protection Area Asset Protection Zone on all sides of the solar array and ancillary buildings for bushfire protection, as required under condition C.17
- Location of proposed water tanks for firefighting purposes.
- All plans which include the area of the ethane transmission pipeline easement must have the easement clearly identified with hatching 3m either side of the easement. The area must also be clearly labelled as 'high pressure gas pipeline right of way - no works to occur without the prior authorisation of the pipeline operator'.

C.14 Prior to the commencement of any works, amended plans shall be submitted to Council, to the satisfaction of the General Manager or delegate, showing bunded areas around the Battery Electricity Storage System and any chemical/fuel storage areas.

The bunded areas, including any stormwater management system for the bunds, shall be designed

(including capacity) by an appropriately qualified person, to the satisfaction of the General Manager or delegate.

- C.15 Prior to the commencement of any works, a detailed landscape plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The Plan shall provide additional buffer plantings, a minimum 3 metres in width, to the north, west and south of the development footprint, to ensure that the buffer plantings, at maturity, achieve a solid screen when viewed externally from the site. The plan shall detail:
- Species, spacing and rows, pot size and time to reach maturity.
 - Proposed buffer height and width.
 - Groundcover within the site.

The fencing location shall be indicated on the plan, and shall be amended to be located behind the landscape buffer when viewed from offsite.

The landscape plan shall be accompanied by an ongoing landscape strategy, outline measures for the successful establishment, ongoing management and ongoing maintenance of the plantings, including processes for identifying the need for, and carrying out of replacement plantings.

- C.16 Prior to the commencement of any works, a Bush Fire Emergency Plan, prepared in consultation with the local RFS and in accordance with Planning for Bushfire Protection 2019, shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The Bush Fire Emergency Plan shall include:
- detailed measures to prevent or mitigate fires igniting (including operation of the Battery Electricity Storage System and the prevention and management of battery fires);
 - work that should not be carried out during total fire bans;
 - availability of fire-suppression equipment, access and water;
 - storage and maintenance of fuels and other flammable materials;
 - notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate;
 - appropriate bush fire emergency management planning; and
 - emergency contact details for a site manager or other person responsible for the site.

It is important to be aware of operations that may be carried out on days of Total Fire Ban and any prohibited activities or exemptions that are notified by the Commissioner of the NSW RFS under the s.99 of the Rural Fires Act 1997.

The approved plan shall be complied with at all times.

- C.17 Prior to the commencement of any works, amended plans clearly detailing a 13 metre wide Inner Protection Area Asset Protection Zone on all sides of the solar array and ancillary buildings shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The APZ shall meet the standards in Appendix 4 of Planning for Bushfire Protection 2019, and the RFS document 'Standards for Asset Protection Zones'. The APZ shall be in place prior to the commencement of any works and shall be maintained for the life of the development.

NOTE: The APZ must be located so as to not incorporate any land associated with the landscape buffer required under this consent.

- C.18 Prior to the commencement of any works, and to inform detailed design, the applicant must conduct electrical hazard studies in accordance with (the requirements of) Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise). The applicant must address any relevant requirements and any recommendations and/or actions must be implemented to the satisfaction of APA Group. All costs associated with the study, and implementing its recommendations and/or actions are to be borne by the applicant. The applicant must complete validation testing upon completion of construction

Prior to the commencement of works, evidence of APA Group's satisfaction, shall be submitted to

Council, to the satisfaction of the General Manager or delegate.

- C.19 Prior to the installation of the Battery Energy Storage System (BESS), a detailed design for the BESS, along with a firefighting management plan (including the containment of any contaminated water as a result of firefighting activities) shall be prepared, and certified, by suitably qualified and accredited persons (including persons suitably qualified in the fields of firefighting, contamination management, and the design of BESSs), in consultation with, and to the satisfaction of, the NSW Rural Fire Service, and any additional control measures identified in this process implemented, to the satisfaction of the General Manager or delegate.
- C.20 Prior to the commencement of any works within 3 metres of the gas transmission pipeline, the proponent must seek a third party works authorisation from APA for approval. Works approved by APA must comply with any conditions attached to a third party works approval.
- C.21 Prior to the commencement of any works, and during construction, the boundary of the gas pipeline easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area.
- C.22 A Tree Protection Zone (TPZ) shall 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 Zones 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.

Tree Protection Zone fencing shall not be relocated or disrupted once established. TPZ fences shall remain in place until the end of construction.

- C.23 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

- C.24 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

- C.25 No works are to take place to any services without prior written approval from the relevant authority.

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

Requirements during construction or site works

- C.26 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.27 All-weather access, manoeuvring and parking areas shall be provided and maintained within the site, in accordance with the details approved within the Traffic Management Plan and Construction Management Plan under Conditions C.10 and C.12.
- C.28 The following requirements of Essential Energy shall be complied with during works:
- 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.
 - 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'.
- C.29 The construction traffic route from the Olympic Highway to the site entry must be maintained to its pre-development standard at all times during works. During works, any works necessary, in the opinion of the General Manager or delegate, to ensure that the construction vehicle route from the Olympic Highway to the site entrance is maintained to its pre-development standard, including for the road pavement and verge, as detailed in the pre-work survey/dilapidation report approved under this consent, shall be carried out to the satisfaction of the General Manager or delegate. Where a direction to undertake work is given by the General Manager or delegate in writing, these works shall be carried out within any time frame specified, at full cost to the developer.
- C.30 As soon as practical following the commencement of works, taking into account planting seasons and any works proposed in buffer areas, buffer plantings shall be established on the site, to the satisfaction of the General Manager or delegate, in accordance with the plan approved under Condition C.15.
- C.31 During all site works reasonable steps must be taken to suppress dust (including on Burkes Creek Road) 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.32 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.33 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work likely to affect the site found 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 on 131 555, 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.34 The Battery Energy Storage System shall be designed and laid out in accordance with the battery manufacturer's requirements, including separation distances in accordance with UL 9540A test results.
- C.35 Buildings, structures, roadway, pavement, pipeline, cable, fence, change in ground level, or any other improvement on or under the land within the transmission pipeline easement must not be constructed without prior consent in writing from APA Group. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
- C.36 The Bomen to Culcairn transmission pipeline easement will not be permitted to be used for movements of construction traffic or for ongoing vehicular access. The transmission pipeline easement must not be used for storage of material or parking of vehicles.

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

- C.37 Prior to the operation, an all-weather driveway from the property entrance of the development site to the edge of the carriageway must be provided and maintained, having a minimum clear width of 4.0m.
- C.38 Prior to operation of the solar farm, a minimum of 40,000 litres of water supply must be dedicated on site for the purposes of bushfire protection. The tank/s dedicated for bushfire protection must comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019.
- C.39 Prior to the operation of the solar farm, access roads shall comply with Table 7.4a of the Planning for Bush Fire Protection 2019.
- C.40 Prior to the operation of the facility, where practicable, electrical transmission lines are to be underground. Where applicable, reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.
- C.41 Prior to the operation of either the solar energy system or the Battery Energy Storage System, a 'Decommissioning and Rehabilitation Plan' for the development shall be submitted to Council, to the satisfaction of the General Manager or delegate. The plan shall include the removal of all above and below ground infrastructure, to the satisfaction of the General Manager or delegate. The plan must:
- (a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in the table in Condition C.52;
 - (b) describe the measures that would be implemented to:
 - (i) decommission the development and rehabilitate the site in accordance with the objectives in the table in Condition C.52;
 - (ii) minimise and manage the waste generated by the decommissioning of the development;
 - (iii) include a program to monitor and report on the implementation of these measures against the detailed completion criteria; and
 - (iv) ensure that best practice is being employed in respect of available recycling technologies.
- C.42 Following the completion of construction works, but prior to operation of the facility, a post-development survey/dilapidation report for the construction vehicle route, from the Olympic Highway to the site entrance shall be submitted to Council. The survey/report shall include detailed photographs and descriptions of the entire route and shall be carried out to the satisfaction of the General Manager or delegate.
- Any works necessary, in the opinion of the General Manager or delegate, to ensure that the construction vehicle route, from the Olympic Highway to the site entrance is returned to its pre-development standard, including for the road pavement and verge, as detailed in the pre-work survey/dilapidation report approved under this consent, shall be carried out to the satisfaction of the General Manager or delegate. Where works are directed by the General Manager or delegate in writing, these works shall be carried out within any time frame specified, at full cost to the developer.

- C.43 Prior to the operation of the facility, buffer plantings, as set out in the approved landscape plan under Condition C.15, shall be established, to the satisfaction of the General Manager or delegate.
- C.44 Prior to the operation of the solar farm, an Operational Environmental Management Plan shall be submitted to and approved by the General Manager or delegate. The Plan shall, but not be limited to:
- a. Outline all measures for the ongoing management of environmental impacts from the development.
 - b. Detail ongoing management of the site, including security, ground cover and weed management.
 - c. Specify measures and commitments for the ongoing management of bushfire protection measures in accordance with Planning for Bushfire Protection 2019 (as amended and superseded).
 - d. Measures to give ongoing effect to the Bush Fire Emergency Plan approved under this consent.
 - e. Outline a process for the receipt of complaints, such as noise complaints, and measures for regular community engagement/consultation.
 - f. Dust mitigation measures.
 - h. Waste management.
 - i. Processes and arrangements for the management of buffer plantings.
 - j. Details for ongoing review and update of the plan, consistent with the requirements of condition C.53.

The plan shall be complied with at all times, and may be updated from time-to-time with the consent of the General Manager or delegate.

- C.45 Prior to operation of the facility a management plan that specifically addresses the monitoring, management and rectification of any significant glare impacts must be prepared by a suitably qualified person and shall be submitted to Council to the satisfaction of the General Manager or delegate.

Regular monitoring shall be carried out in the first 24 months of operation, and physical site surveys of significant glare impacts are to be prepared with quarterly reporting to Council.

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

- C.46 A positive covenant shall be registered over Lot 42 DP 754563, with Council empowered to uplift, requiring the maintenance of the vegetative buffer in the south-eastern corner of the lot, as it stands at the date of this consent, for the life of the development approved under this consent.

The covenant shall require that any vegetation that is removed or dies is replaced within 12 months of its death or removal.

Prior to the operation of the facility the following shall be submitted to Council, to the satisfaction of the General Manager or delegate:

- a. Evidence of the registration of the positive covenant.
- b. Aerial or drone imagery of the existing buffer plantings subject to the covenant, taken as soon as practical, but no longer than 6 months after the date of this consent.

- C.47 Prior to the operation of the facility, the bunding of the Battery Energy Storage System, as approved under Condition C.14, shall be in place.
- C.48 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.

- C.49 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.50 Prior to the operation of the facility a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council’s Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

General requirements

- C.51 The ‘Decommissioning and Rehabilitation Plan’ approved under Condition C.41 shall be updated by the operator at year 10, year 20 and within 2 years prior to decommissioning. The plan shall be reviewed to ensure it meets contemporary standards and practices for solar energy system and Battery Energy Storage System decommissioning and rehabilitation. Any amendments to the plan, that are necessary in the opinion of the General Manager or delegate, to ensure compliance with the intent of this condition, shall be incorporated into the plan.
- C.52 Within 12 months of the cessation of operations, unless the General Manager or delegate agrees otherwise, the site must be decommissioned and rehabilitated satisfaction of the General Manager or delegate. This rehabilitation must comply with the objectives in the table below and the plan approved in Condition C.41, as amended by Condition C.51:

Feature	Objective
Site	<ul style="list-style-type: none"> Safe, stable and non-polluting
Solar farm and ancillary infrastructure	<ul style="list-style-type: none"> All infrastructure including above and below ground to be decommissioned and removed
Land use	<ul style="list-style-type: none"> Restore land capability to pre-existing productive capacity.

	<ul style="list-style-type: none"> Vegetation screening implemented under this consent is to be retained unless the General Manager or delegate agrees otherwise
Community	<ul style="list-style-type: none"> Ensure public safety at all times
Waste Management	<ul style="list-style-type: none"> Recycling of materials is maximised Waste is disposed of at approval locations

- C.53 Landscape buffers shall be maintained at all times (including replacement plantings where necessary) in accordance with the approved landscape strategy, and to ensure sufficient screening is maintained.
- C.54 Twelve months after the commencement of operations, and then every 5 years following, the Operational Environmental Management Plan shall be reviewed in consultation with Council. Any amendments to the plan, as required by the General Manager or delegate, shall be incorporated into the plan.
- C.55 The development shall be operated at all times to ensure that significant glint and glare impacts (in the opinion of the General Manager or delegate) do not occur at sensitive receivers (including transport infrastructure) and the facility is managed in accordance with the Glint and Glare Management Plan approved under Condition C.45.
- C.56 Hazardous materials shall be stored away from bushfire hazards.
- C.57 The recommendations of the Preliminary Risk Screening Report, prepared by ARUP, and dated 15 October 2024 shall be implemented and abided by at all times.
- C.58 The following storage thresholds for dangerous goods shall not be exceeded on the site at any time:
- Class 3 - 250 Litres
 - Class 6 - 250 Litres
 - Class 8 - 250 Litres
 - Class 9 - 11MWh of battery capacity

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 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)
- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
 - (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
 - (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.

- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply-
 - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section -
relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

E.2 Erection of signs (clause 70 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) 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-
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be-
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to-
 - (a) 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
 - (b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

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

N/A

