

## RECOMMENDATION

It is recommended that application number DA20/0558 for Electricity Generating Works (Solar Farm) be approved, subject to the following conditions:-

## CONDITIONS OF CONSENT FOR APPLICATION NO. DA20/0558

### A. SCHEDULE A – Reasons for Conditions

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

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

### B. SCHEDULE B – Deferred Commencement Conditions

N/A

### C. SCHEDULE C – Conditions

#### Approved Plans and Documentation

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

Plan/Doc Title	Prepared by	Issue	Date
Statement of Environmental Effects (main document only - approved appendices listed and versioned below)	NGH Environmental	V1.2	25/06/21
Concept Site Layout	BayWa r.e.	4	6/1/21
Indicative Tracking System Dimensions - 1P	BayWa r.e.	1	13/11/20
Indicative Tracking System Dimensions - 2P	BayWa r.e.	1	13/11/20
MVPS20' Skidtainer	SMA	Final	9/7/19
Indicative Control Room Elevation View	BayWa r.e.	1	12/1/21

Indicative Storage Container Elevation View	BayWa r.e.	1	12/1/21
Aboriginal Cultural Heritage Assessment and Subsurface Testing Report	NGH Environmental	V1.0	6/10/20
Biodiversity Assessment	NGH Environmental	Final	26/8/20
Bushfire Assessment Report	NGH Environmental	Final	27/8/20
Noise Assessment Calculations	NGH Environmental		Undated
Traffic Impact Assessment	Peter Meredith Consulting	D	6/12/20
Hydrology Assessment Report	BayWa r.e.		Feb 2019
Preliminary Runoff Assessment	Xeros Piccolo	B	26/3/21
Solar Photovoltaic Glint and Glare Study (Rail, Highway and Dwellings)	Pager Power	2	April 2021
Solar Photovoltaic Glint and Glare Study - Addendum Consideration of Alternative Resting Angels	Pager Power	1	August 2021
Solar Photovoltaic Glint and Glare Study (Local Roads and Model Aero Club)	Pager Power	1	October 2021

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.6 – C.18 of this consent shall be satisfied.

### Requirements before the commencement of **any works**

- C.3 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing on any ancillary buildings requiring a Construction Certificate.

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

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

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

- C.4 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 operation of the development.

- C.5 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.6 Prior to the commencement of any works, a detailed site plan and documentation, for all 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.

- 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 \$208,505.00 must be paid to Council, prior to the commencement of any 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 118.5

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 any works, a stormwater drainage design shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, incorporating the following:

- 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) stormwater outlets designed to dissipate flow and minimise erosion.

C.9 Prior to the commencement of any works, the following plans shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, incorporating the following:

- i) Design of the intersection of Churches Plain Road and the solar farm access road in accordance with Austroads standards for a rural access accommodating articulated vehicles, addressing
  - the minimum SISD required for 100km/h speed zone,
  - geometry to accommodate 19m articulated vehicle movements into and out of the site. Turning paths to be provided.

C.10 Prior to the commencement of any works, amended detailed plans shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate, demonstrating the following:

- Perimeter fencing setback a minimum 10.0 metres from the centreline of overhead powerlines.
- Tree plantings not exceeding 3.0 metres in height within 10.0 metres from the centreline of overhead powerlines.

NOTE: Minimum buffer widths and heights, as set out otherwise by this consent shall be complied with. To ensure compliance with all conditions, setbacks to site boundaries may need to be increased.

- C.11 Prior to the commencement of any works, a Traffic Management Plan shall be prepared in consultation with the relevant road authorities (Council and Transport for NSW) and submitted to and approved by Council, 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 decommission 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 the site be via the approved access route.
  - ii) Maximum size of vehicle is a 19 metre general access vehicle.
  - iii) Details of traffic routes to be used by heavy and light vehicles, and any associated impacts and any road-specific mitigation measures.
  - iv) Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic.
  - v) Proposed hours for construction activities.
  - vi) 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.
  - vii) Loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles.
  - viii) Procedures for informing the public where any road access will be restricted as a result of the project.
  - ix) Any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project.
  - x) 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.
  - xi) Details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site.
  - xii) Measures to ensure that the gravel pavement of Churches Plain Rd, from the site access to Baker St, is maintained to accommodate construction traffic and other users, as set out by the Traffic Impact Assessment.
  - xiii) Processes and measures to be implemented to ensure that the road

pavement and verge on the approved route through Uranquinty is maintained at the predevelopment standard throughout construction works, including measures for repairs and maintenance.



The approved plan shall be complied with at all times.

C.12 Prior to the commencement of any 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) Mud and dust management.
- iii) Details of any temporary site fencing.
- iv) Waste management and storage measures, including waste and landfill minimisation strategies.
- v) Aboriginal heritage management (including measures to give effect to the recommendation of the Aboriginal Cultural Heritage assessment approved under this consent).
- vi) Bushfire management.
- vii) Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
- viii) Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing.
- ix) Security Management including details of relevant project manager and/or site foreman contact details.
- x) A Construction Noise and Vibration Management Plan, as foreshadowed in the Statement of Environmental Effects.
- xi) Incorporation of any other approved management plans, such as the traffic management plan.

The approved plan shall be complied with at all times.

C.13 Prior to the commencement of any works, a detailed analysis, prepared by an appropriately qualified person, shall be submitted to Council, to the satisfaction of the General Manager or delegate, detailing buffer screening height required across the site to ensure reflecting panels in the final solar farm design are screened from road and rail receptors, as identified in the Glint and Glare Assessments prepared by Pager Power, dated April 2021 (issue 2) and October 2021 (issue 1). The analysis shall be carried out assuming a backtracking operation with a resting angle of 0 degrees.

C.14 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 ensure that the buffer plantings, at maturity, achieve a solid screen when viewed externally from the site to prevent the penetration of any glint or glare from the solar panels. The plan shall detail:

- a. Species, spacings and rows, pot size and time to reach maturity.
- b. Proposed buffer width.
- c. Demonstrated compliance with condition C.13. This shall include certification from an appropriately qualified person.

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.15 Prior to the commencement of any works, a Bush Fire Emergency Plan, prepared in consultation with the local RFS and Fire & Rescue NSW (as relevant), 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;
- 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; and
- appropriate bush fire emergency management planning.

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.16 Prior to the commencement of any works, amended plans clearly detailing a 10 metre wide 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 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.17 Prior to the commencement of any works, an Aboriginal Heritage Impact Permit, under s90 of the National Parks and Wildlife Act 1974, must be obtained from Heritage NSW for the proposed works.



- C.18 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 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 prior to the commencement of any works.

- C.19 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.20 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.

### **Requirements during construction or site works**


- C.21 All weather access, manoeuvring and parking areas shall be provided and maintained within the site.
- C.22 The following requirements of Essential Energy shall be complied with during works:
- Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email [networkconnections@essentialenergy.com.au](mailto:networkconnections@essentialenergy.com.au) <<mailto:networkconnections@essentialenergy.com.au>>.
  - If the proposed development changes, there may be potential safety risks. Essential Energy shall be consulted for further comment.
  - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property shall be complied with.
  - 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.

- e. Prior to carrying out any works, a “Dial Before You Dig” enquiry shall be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- f. 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](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the ‘Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets’.

- C.23 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 works are directed by the General Manager or delegate in writing, these works shall be carried out within any time frame specified. 

- C.24 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.
- C.25 During all site works reasonable steps must be taken to suppress dust (including on Churches Plain Rd) 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.26 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
- C.27 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The 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.

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

- C.28 Prior to operation of the solar farm, a minimum of 20,000 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.29 Prior to the operation of the solar farm, access roads shall comply with Table 7.4a of the Planning for Bush Fire Protection 2019.

NOTE: Alternate property access is not required.

- C.30 Prior to the operation of the solar farm, all gas services are to comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019.

Prior to the operation of the solar farm, all electricity services are to comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019.

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

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

All works shall follow the same management principles outlined in the Construction Management Plan.

- C.32 Following the competition of construction works, but prior to operation of the solar farm, 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.

- C.33 Prior to the operation of the solar farm, buffer plantings, as set out in the approved landscape plan, shall be established.
- C.34 Prior to the operation of the solar farm, an Operational Environmental Management Plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The Plan shall, but not be limited to:
- Outline all measures for the ongoing management of environmental impacts from the development.
  - Detail ongoing management of the site, including security and weed management.
  - Specify measures and commitments for the ongoing management of bushfire protection measures in accordance with Planning for Bushfire Protection 2019 (as amended and superseded).
  - Measures to give ongoing effect to the Bush Fire Emergency Plan approved under this consent.

- d. Outline a process for the receipt of complaints and regular community engagement/consultation.
- e. Noise management procedure to manage operational noise complaints.
- f. Glint and glare complaints management and rectification procedure, including provisions for further modification of backtracking operations and screening where appropriate.
- g. Dust mitigation measures.
- h. Waste management.
- i. Ongoing review and update of the plan.

The plan shall be complied with at all times.

- C.35 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 ancillary buildings requiring a Construction Certificate.

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.36 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.37 Prior to the issue of an Occupation Certificate 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.38 Prior to the carrying out of decommissioning works, the decommissioning plan approved under Condition C.31 shall be reviewed to ensure it meets contemporary standards and practices for solar farm 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 made to the plan prior to the commencement of the works, and shall be complied with at all times.
- C.39 The solar energy system shall be decommissioned within 12 months of terminating operations in accordance with the details approved under Condition C.31 as amended by Condition C.38.
- C.40 The resting angle of the panels shall not be less than 5 degrees until such time that the General Manager or delegate advising in writing that the angle can be altered. Upon the receipt of such written advice, the resting angle shall comply with any minimum resting angle prescribed in that advice.

The written advice from the General Manager may include temporary or trial periods for any alterations to resting angles if in the opinion of the General Manager or delegate this is deemed necessary or appropriate to manage or assess impacts.

Resting angles can be further modified from time to time, in writing by the General Manager or delegate, at either the request of the operator, or if deemed necessary in the opinion of the General Manager or delegate to ensure unacceptable glint and glare impacts are managed.

- C.41 Prior to any alteration to resting angles at the request of the operator, a glint and glare assessment shall be carried out, demonstrating that vegetative screening established is sufficient to ensure glint and glare impacts will not impact on the Olympic Highway, Dunns Rd, the Main Southern Railway, or any user, as well as any dwelling on Lot 146 DP 754567, at any new proposed angle. The assessment shall be to the satisfaction of ARTC, Transport for NSW and Council.
- C.42 All works shall be at no cost to Council or Transport for NSW.
- C.43 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.44 12 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.

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

N/A

## **E. SCHEDULE E – Prescribed Conditions**

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

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

**E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)**

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

**NOTE 1:** This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

**NOTE 2:** In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

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

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

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

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

### General Terms of Approval - Heritage NSW

### Aboriginal Heritage Impact Permit, s90 National Parks and Wildlife Act 1974

#### F.1 Consultation

Apart from the copy of the Public Notice advertisement (Appendix A), there is no demonstration in the reporting provided that minimum consultation timeframes were adhered to. i.e. no copies of outgoing correspondence and notices, no dates from and to in either the consultation section, or the consultation log. Both provide dates sent, and the consultation section states '28 days response provided', but no dates to confirm this. Copies of consultation notices for each stage must be provided at the least, so that the adequacy of meeting consultation timeframes can be confirmed.

#### F.2 Salvage and relocation of Aboriginal objects

The applicant must determine the following before submitting the AHIP application:

- The proposed relocation point.

- Evidence of land holder agreement to the relocation to that point.
- Commitment from the land holder that the relocated Aboriginal objects will not be further harmed.
- Evidence of continuing consultation with the RAPs.

This information must be contained within the ACHAR in the relevant sections.

#### Additional comments

Stage 1 consultation must provide contact details for the proponent/AHIP applicant. The advertisement in The Daily Advertiser, only provides contact details for the proponent's agent (NGH Pty Ltd).

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