

## Annexure A

### Conditions:

- 1 The development shall be generally in accordance with Development Application number DA2021/0145 submitted by the Applicant and be in accordance with all supporting documentation submitted with that application, including, but not limited to, the following.

Drawings prepared by ITP Development Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
BOO1B-G-0400	2	Location Plan	07/06/2021
BOO1B-G-2100	3	General Arrangement Plan	07/06/2021
BOO1B-G-2200	2	Site Elevations	07/06/2021
BOO1B-C-4300	2	Inverter Footing Details	07/06/2021
BOO1B-C-4301	1	BESS Footing Details	07/06/2021
BOO1B-C-6300	2	Access Path Details	07/06/2021
BOO1B-C-7300	2	Landscape Details	07/06/2021
BOO1B-E-4100	1	Inverter Station Plan	07/06/2021
BOO1B-E-4300	2	Inverter Station Details	07/06/2021
BOO1B-E-5300	1	Typical BESS Details	07/06/2021
BOO1B-E-5301	1	Typical DC-DC Skid Details	07/06/2021
<ul style="list-style-type: none"><li>• Statement of Environmental Effects, prepared by Zenith Town Planning Pty Ltd, dated 10 June 2021.</li><li>• Biodiversity Inspection Report, prepared by Red-Gum Environmental Consulting, dated 5 May 2021.</li><li>• Fire Assessment – Boorowa 1B Solar Farm, prepared by ITP Development Pty Ltd, dated 12 February 2021.</li><li>• Glint and Glare Assessment – Boorowa Solar Farm, prepared by ITP Development Pty Ltd, dated 8 June 2021.</li><li>• Landscape Character &amp; Visual Impact Assessment, prepared by Zenith Town Planning Pty Ltd, dated 10 June 2021.</li><li>• Noise Assessment – Boorowa 1B Solar Farm, prepared by Muller Acoustic Consulting Pty Ltd, dated 8 June 2021.</li><li>• Traffic Impact Assessment Report, prepared by Price Merrett Consulting Pty Ltd, dated 9 June 2021.</li><li>• Water Assessment – Boorowa Solar Farm, prepared by ITP Development Pty Ltd, dated 8 June 2021.</li><li>• Waste and Decommissioning Assessment – Boorowa 1B Solar Farm, prepared by ITP Development Pty Ltd, dated 1 April 2021.</li></ul>			

except where amended by any of the following conditions

- 2 The Landscape Details Plan being drawing number BOO1B-C-7300 Rev.2 prepared by ITP Renewables shall be amended to confirm a tree buffer width of four (4) metres and a height of three (3) metres. The plan shall be submitted to Council and approved prior to the issue of Construction Certificate.

- 3 No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.
- 4 All work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the Construction Certificate was made).
- 5 All prescribed conditions under Part 6, Division 8A of the Environmental Planning & Assessment Regulation 2000 apply and must be complied with.
- 6 A copy of the stamped approved plans and documentation must be kept onsite for the duration of site works and be made available upon request to either the Certifying Authority or an officer of the Council.
- 7 No signs or advertising material (other than exempt development or required by this consent) shall be erected on the site without a subsequent application being approved by Council.
- 8 Access to the site for construction and ongoing maintenance of the solar farm shall be via the proposed new driveway to Meads Lane. No new access driveways to the Lachlan Valley Way are permitted.
- 9 All works associated with the proposal, or required by this consent, will be at no cost to Council or Transport for NSW.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- 10 A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing. When applying for a Construction Certificate, all plans must comply with the Building Code of Australia. All detail must be shown on the plans or accurately detailed in the building specification.
- 11 Prior to the issue of Construction Certificate, 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.
- 12 Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan shall be prepared, submitted and approved by Council. The approved plan shall be implemented during construction of the solar electricity system. The plan shall include a range of management controls as outlined in the approved SEE and other conditions listed in this consent. The plan shall include, but not limited to:
  - (a) Aboriginal Heritage Management
  - (b) Construction Traffic Management
  - (c) Bush Fire Management
  - (d) Waste Management
  - (e) Erosion and Sediment Control

- (f) Noise Management
  - (g) Dust Management
  - (h) Soil and Water Management
  - (i) Weed Management
  - (j) Integrated Site Restoration
  - (k) Operation Hours
  - (l) Security Management
  - (m) Requirements and conditions of Essential Energy to connect to the state power grid,
  - (n) Sensitive Biodiversity Management, and
  - (o) Addressing complaints relating to construction of the development.
- 13 All construction plans which include the transmission pipeline must have it clearly notated as *'high pressure transmission pipeline - no works to occur without the prior authorisation of the pipeline operator'*.
- 14 All construction plans which include the area of the pipeline easement must have the easement clearly identified with hatching on the full width of the easement. The easement must also be clearly labelled as *'high pressure pipeline easement – no works to occur without the prior authorisation of the pipeline operator'*.

### **Contributions**

- 15 Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, a monetary contribution of \$ 76,387.85 shall be paid to Council prior to the issue of any Construction Certificate, for the purpose of provision of public amenities and services. The contribution is current as at the date of this consent and is levied in accordance with the Boorowa Council Section 94A Development Contributions Plan, adopted on 24 November 2014, which may be viewed on Council's website: [www.hilltops.nsw.gov.au](http://www.hilltops.nsw.gov.au).

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Canberra) published by the Australian Bureau of Statistic. Contribution amounts will be adjusted by Council each quarter.

### **Long Service Levy**

- 16 In accordance with Section 4.68 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for Building Works shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

### **PRIOR TO COMMENCEMENT OF WORKS**

- 17 The person having the benefit of this consent must obtain all relevant approvals under the Local Government Act 1993 to carry out sewerage, stormwater drainage and/or water supply work from Council prior to commencing such works and comply with any conditions of that permit.

- 18 Prior to any works commencing within the road reserve, approval under Section 138 of the *Roads Act 1993* must be obtained from the road authority (Hilltops Council) with concurrence from Transport for New South Wales. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents. An “Application for Works in a Council Road Reserve” is to be lodged with Council and shall include the following details:
- a) A current public liability certificate with a minimum cover of \$20 million;
  - b) Current Plant / vehicle insurances;
  - c) Detailed drawings of the proposed works; and
  - d) A certified traffic control plan for the proposed works.
- 19 No work shall commence until:
- a) a Principal Certifying Authority has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within two (2) days of the appointment; and
  - b) a minimum of two (2) days written notice must be given to Council of the intention to commence work.
- 20 A sign must be erected in a prominent position on any site on which building 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 site is prohibited.
- Any such sign is to be maintained while the demolition, subdivision, or building work is being carried out but must be removed when the work has been completed.
- 21 Prior to the commencement of works, the person having the benefit of this consent shall undertake a Road Dilapidation Survey of Meads Lane. The report shall assess the current condition of the road and describe mechanisms to restore any damage that may result due to traffic and transport related to the construction of the development. The Report shall be submitted to Hilltops Council for review prior to works commencing. Meads Lane shall be restored to the relevant road standard determined by Council prior to the issue of an Occupation Certificate.
- 22 Satisfactory arrangements are to be made with Essential Energy for the provision of power with respect to all proposed improvements which will form part of the development. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions. Refer Essential Energy’s Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
- 23 Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

- 24 Prior to the commencement of any works, including demolition, within 50 metres of the gas pipeline, a construction management plan must be submitted to and approved by the assessment manager. The plan must:
- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the transmission pipeline.
  - Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline.
  - Be endorsed by the operator of the transmission pipeline where the works are within or crossing the relevant transmission pipeline.
  - Include any other relevant matter to the satisfaction of the assessment manager.

The assessment manager must be satisfied that the transmission pipeline licensee [East Australian Pipeline Pty Ltd and Gorodok Pty Ltd] has reviewed and approved the Construction Management Plan. The construction management plan must be implemented to the satisfaction of the assessment manager. The construction management plan may be amended to the satisfaction of the assessment manager.

## **DURING WORKS**

- 25 Building activities, demolition works and excavation and/or earthworks involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7:00 am and 6:00 pm on weekdays and 8:00 am and 1:00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 26 The carrying out of work during the construction of the development shall be done in such a manner as to not to interfere with the amenity of the locality by reason of the emission of noise, vibration, dust, smell, fumes, smoke vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.
- 27 All building rubbish and debris, including that which can be windblown, shall be contained on site in suitable receptacle/s and disposed of at a lawful waste facility licensed to receive such material, in accordance with the approved Waste and Decommissioning Assessment prepared by ITP Development Pty Ltd.
- 28 The applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the recommendations of the approved Noise Assessment prepared by Muller Acoustic Consulting Pty Ltd.
- 29 Toilet facilities are to be provided during construction, on the work site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- 30 The development shall provide for adequate on-site vehicle parking for all tradesmen, plant and equipment and the storage of materials at all times during construction phase of the development in accordance with the approved Traffic Impact Assessment Report prepared by Price Merrett Consulting Pty Ltd.
- 31 Trees not approved for removal by this consent must be protected from damage during construction works in accordance with Australian Standard AS4970:2009 Protection of Trees on Development Sites.
- 32 Soil and water management measures consistent with Managing Urban Stormwater - Soils and Construction Volumes 1 and 2, 4th Edition (Landcom, 2004) and Table 6 of

the approved Water Assessment Report prepared by ITP Renewables shall be employed during the construction of the development to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

### **Construction**

- 33 The new vehicular access point off Meads Lane must be designed and approved under Section 138 of the Roads Act 1993 and fully constructed prior to building works occurring.
- 34 All measures recommended in the approved Biodiversity Inspection Report prepared by Red-Gum Environmental Consulting Pty Ltd are to be implemented, and maintained (where relevant).
- 35 The electricity generating system shall be installed in accordance with the manufacturers specifications, or by a person who is accredited under the Clean Energy Council for the installation of photovoltaic electricity generating systems.
- 36 Any activities within proximity to Essential Energy's electricity infrastructure 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*.
- 37 Any damage caused to footpaths, roadways, utility installations and the like by reason of construction works shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the person having the benefit of this consent.
- 38 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*.
- 39 In the event that any Aboriginal artefacts or other archaeological material is found, all work likely to affect the site(s) shall cease immediately at that location and Heritage NSW shall be consulted in terms of the appropriate course of action. Prior to recommencement of works any required permits/ approvals shall be obtained.

### **Earthworks**

- 40 All cut or fill must be appropriately graded, drained and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. All works must be carried out without effecting the structural integrity of fencing or neighbouring structures and property.
- 41 Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the NSW Department of Environment and Climate Change's 'Waste Classification Guidelines Part 1: Classifying Waste' publication and disposed of at a lawful waste facility.

- 42 Alterations to the natural surface contours must not impede, increase or divert natural surface water runoff, so as to cause a nuisance to adjoining properties, including road and rail reserves.

### **Access and Parking**

- 43 All trafficable areas on-site (access and manoeuvring areas) shall be constructed to an all-weather standard at a minimum and properly drained in accordance with Council Engineering Standards.
- 44 As a minimum the proposed intersection of the driveways with Meads Lane shall be located and maintained so as to comply with the required Sight Distance Criteria for an intersection in accordance with the Austroads Publications for the posted speed limit.
- 45 As a minimum any driveway to Meads Lane shall be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design and be sealed from the edge of seal of the carriageway to the property boundary. Driveways shall be designed and constructed for the B-Double heavy vehicle as the design vehicle.
- 46 No approval is granted by this consent for the use of B-Double vehicles on Meads Lane.
- 47 For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed and maintained to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.
- 48 The intersection of Meads Lane shall be designed and constructed so that vehicles turning between Meads Lane and the development site are not required to cross to the opposing travel lane in order to perform a turn manoeuvre.
- 49 Any damage or disturbance to the road reserve of adjoining roads is to be restored to match surrounding landform in accordance with Council requirements.
- 50 Suitable drainage treatment is to be implemented to retard any increased storm water run-off directly from the subject site on to the road reserve. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding on the carriageway of the adjoining road.

### **Landscaping**

- 51 The person having benefit of this consent shall implement a tree buffer of an approved species in consultation with Hilltops Council in accordance with the approved landscape plan amended in accordance with condition 2 of this consent, around the entire perimeter of the approved development. The tree buffer is to be spaced to produce a continuous vegetative screen when the trees are at maturity. The tree buffer is to be implemented prior to the issue of an Occupation Certificate.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- 52 An Occupation (Completion) Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.10 of the *Environmental Planning and Assessment Act 1979* have been satisfied.

- 53 Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
- a) has been assessed by a properly qualified person; and
  - b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

- 54 Prior to the commencement of the solar energy system an Operations Environmental Management Plan (OEMP) shall be prepared, submitted and approved by Council. The approved plan shall be implemented for the lifetime of the development on the subject site. The Plan must include a range of measures as outlined in the SEE which include, but are not limited to:
- (a) General maintenance and operation of the site e.g. inspection times, contact details of the site manager/maintenance staff;
  - (b) Addressing complaints relating to the operation of the premise;
  - (c) Access arrangements to the site;
  - (d) Emergency, safety and security;
  - (e) Groundcover management
  - (f) Weed management and biosecurity;
  - (g) Bushfire management, including confirmation of fire fighting water supply sources and annual inspection of the site prior to the Bushfire Danger Period;
  - (h) Reviews, amendments and updates to the plan;
  - (i) Management of water runoff and risk of erosion, including how effectiveness of measures will be monitored and steps to mitigate any offsite impacts if they occur;
  - (j) monitoring of glare impacts of the development, and proposed mitigation measures should glare impacts be identified; and
  - (k) management and maintenance of vegetation screening including supplementary watering of plants.

- 55 All works required by this consent are to be completed prior to the issue of an Occupation Certificate.

- 56 The person having benefit of this consent must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

## **ONGOING**

- 57 No injury must be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise. All materials, goods, rubbish, etc., shall be stored within the curtilage of the building at all times.



- 58 Glint and glare from the solar panels shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the solar plant being evident from a public road, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.
- 59 The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.
- 60 The person/s having benefit of this consent must implement the recommendations of the approved Fire Assessment prepared by ITP Development Pty Ltd, including but not limited to:
- a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
  - b) ensure that the development includes at least a 10 metre defensible space around the perimeter of the solar array area that permits unobstructed vehicle access.
- 61 Any existing encumbrances in favour of Essential Energy or APA Group (or its predecessors) noted on the title of the subject properties shall be complied with.
- 62 The owner/operator must submit to Hilltops Council an Annual Fire Safety Statement, each twelve (12) months after the final Fire Safety Certificate is issued.

## **DECOMMISSIONING**

- 63 A Rehabilitation and Decommissioning/Closure Plan shall be prepared and submitted for approval by Council a minimum of three (3) months prior to implementation in consultation with Council. The plan shall include rehabilitation objectives and strategies, including:
- (a) A description of the design criteria of the final landuse and landform;
  - (b) indicators to guide the return of the land back to agricultural production;
  - (c) expected timeline for the rehabilitation program;
  - (d) management controls regarding decommissioning and removal of all solar arrays, above and below ground infrastructure and any structures or infrastructure relating to the solar energy works, upon cease of solar energy works;
  - (e) a commitment to remove all solar farm infrastructure located below the land surface;
  - (f) consultation with Council regarding proposed waste management prior to implementation.
- 64 The decommissioning of the development is to be undertaken in accordance with the approved Rehabilitation and Decommissioning/Closure Plan.