

CONSENT CONDITIONS – SOLAR FARMS

SOUTHERN REGIONAL PLANNING PANEL

| | |
|--|---|
| PANEL REFERENCE & DA NUMBER | PPSSTH-98 – 10.2021.166.1 |
| PROPOSAL | 5 MW Electricity Generating Works (Solar) and associated works |
| ADDRESS | Lot 56 DP 753757 269 Back Henty Road, Culcairn |
| APPLICANT | NSW Community Renewables (Culcairn) Pty Ltd c/-SLR Consulting Pty Ltd |
| APPLICATION TYPE | Development Application |

PART A: GENERAL

A1 Approved Plans and Supporting Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

| Plan/Report Title | Reference No | Revision | Prepared by | Date |
|---|--------------------------|------------------|-------------|------------|
| Civil detail | 10170-C-DET-01-1 | A | JM | 2021.05.11 |
| General arrangement system detail, overview and location detail | 10170-G-GAD-01, 02, 03-1 | B | ss | 2021.05.11 |
| Security fence detail | 10170-C-DET-02-1 | A | JM | 2021.03.30 |
| Shed detail | 10170-C-DET-05-1 | A | JM | 2021.03.30 |
| Road section detail | 10170-C-DET-06-1 | A | JM | 2021.03.30 |
| Site elevation | 10170-G-DET-01-1 | A | JM | 2021.03.30 |
| PV mounting System Detail | 10170-E-DET-01-1 | A | JM | 2021.03.30 |
| Power conversion station | 10170-E-DET-02-1 | A | JM | 2021.03.30 |
| Statement of Environment Effects | SLR Ref: 63.20528-R01 | Version No:-v0.5 | SLR | July 2021 |

| | | | | |
|--|--------------------------------|--------------|-----------------------------------|---------------------|
| Traffic Impact Assessment | | d | JG | 05/02/21 |
| Noise Assessment | MAC201186-12RP1v1 | FINAL | RL | 09/07/2021 |
| Stormwater Management Report | 210751 | A | DRB – Consulting Engineers | 11/05/2021 |
| Waste Management Plan | | | SLR | 23 June 2021 |
| Visual Analysis, Landscape Concept and Reflectivity Statement | SLR Ref:631.20528.00000 | V1.0 | SLR | June 2021 |
| Desktop Due Diligence Assessment (Biodiversity and Cultural Heritage) | NCA 21L123024 | | Kleinfelder | 9 March 2021 |

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

A2 Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Reason: To ensure any signage is assessed in accordance with the planning controls.

A3 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. 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 construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

A4 Lapsing of consent

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

A5 Tree Retention and Removal

Existing trees on the site (other than that approved for removal under this consent) and the road reserves surrounding the site are to be retained and protected from damage during work. Approved tree removal shall be carried out by an appropriately qualified person to avoid any risk to life or damage to property and must have with adequate public liability insurance.

Prior to removal, the tree proposed to be removed shall be assessed by a qualified ecologist to determine if it is hollow bearing. Should the ecologist determine that the tree is hollow bearing, appropriate offset arrangements, to the satisfaction of Council are to be implemented by way of place nesting boxes in adjoining vegetation.

Reason: To protect trees on the site to be retained.

A6 Separate Approvals Required

The proposed connection of the proposed facility to the relevant zone substation is not approved by this development. Any proposed connection will require submission of a separate Development Application or appropriate approval.

Reason: To ensure appropriate approvals are sought for future off-site infrastructure works.

PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

B2 Payment of Security Deposits, Levies and Contributions

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy of \$25 185 as calculated at the date of

this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provides proof of this payment to the certifier.

- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
- (c) **Payment of development contributions** – A total monetary contribution of \$71,957.70 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate.
 - (i) This condition is imposed in accordance with the provisions Of Greater Hume Council Section 7.12 Development Contributions Plan 2021
 - (ii) A copy of the document is available on Council's website at <https://www.greaterhume.nsw.gov.au/Your-Greater-Hume-Council/Building-and-Development/Planning/Development-Contributions-Plan> or may be inspected at Council's Administration Building.
 - (iii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly. Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

Reason: To ensure payments are made in accordance with legislative requirements.

B3 Traffic Management Plan

Prior to the issue of the construction certificate, the Applicant must prepare a Traffic Management Plan for the development in consultation with relevant road management authorities. The plan is to be approved by Council and shall address the following:

- (a) Be prepared by a suitably qualified and experienced independent civil or traffic engineer.
- (b) Detail the number of vehicles accessing the site for construction and decommissioning phases;
- (c) Detail the proposed transport route to be utilised for construction traffic and that such routes are appropriate
- (d) Include dilapidation surveys for the construction and decommissioning phases, with surveys to be conducted prior to works commencing, during works and following completion of works.
- (e) Specify measures to be taken to appropriately eliminate, reduce or mitigate road safety hazards and traffic impacts associated with the construction and operation of the solar energy facility.

- (f) Confirm construction workers will be transported by bus to the site each day or as otherwise agreed with the road management authority.
- (g) Identify the scheduling of all construction works.
- (h) Designate appropriate construction vehicle routes to the site.
- (i) Designate vehicle access points to the site from surrounding roads.
- (j) Address coordination between construction traffic and school bus travel.

B4 Heavy Vehicle Access

Heavy vehicle access to the site shall be via the Olympic Highway and Feedlot Road level rail crossing only. B-Double trucks are not permitted.

Reason: To ensure safe and effective transport movements and infrastructure is established for the development and that it does not impact on the local traffic conditions.

B5 Construction Site Management Plan

Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan). The 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:

- (a) Location of parking, loading/unloading areas, storage areas, and site compound.
- (b) Tracking of mud and dust management.
- (c) Details of any temporary site fencing.
- (d) Waste management and storage measures, including waste and landfill minimisation strategies.
- (e) Bushfire management.
- (f) Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
- (g) Security Management including details of relevant project manager and/or site foreman contact details.
- (h) Complaints handling and record keeping.
- (i) Construction noise and vibration management.
- (j) Incorporation of any other approved management plans, such as the Construction Traffic Management Plan, Sediment and Erosion Control Plan and Waste Management Plan).

The approved plan shall be complied with at all times.

Reason: To require details of measures that will protect the public and the surrounding environment during site works and construction.

B6 Landscape Plan

Prior to the issue of a Construction Certificate, the applicant must prepare and submit for Council approval, a detailed Landscape Plan for the development. The Landscape Plan should include, but is not limited to:

- (a) Details (type, location and species) of vegetation buffers that will provide screening of the solar panels from the adjoining residential properties and groundcover within the array.

- (b) Preference for use of native species to the area and a number of mature native drought tolerant trees and shrubs.
- (c) Height and canopy width of plants at maturity.
- (d) A timetable for implementation of landscape works;
- (e) A maintenance and monitoring program to ensure the ongoing health of landscape works and weed management.
- (f) Landscaping must be located so it is protected from vehicle movements.

Reason: To require details of measures that will protect the surrounding environment during site works and construction.

B7 Waste Management Plan

Prior to the issue of a construction Certificate, the applicant must prepare and submit for Council approval, a waste management plan (WMP). The WMP shall ensure that waste generated by the construction, operation and decommissioning of the development is appropriately managed to not cause pollution and to ensure that waste is managed in accordance with the hierarchy of prevent, reduce, recycle, recover and dispose.

Reason: to require details of measures to manage waste generated by the construction, operation and decommissioning of the development.

B8 Other Approvals

The following approvals are required where relevant:

- (a) **Roads Act 1993 approval** - The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.
- (b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management or installation of a moveable dwelling. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

B9 Servicing

In relation to services, the following must be undertaken by the applicant where relevant:

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,
- (b) **Dial before your dig** - the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram. The sequence number obtained from “Dial Before

You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and underground infrastructure for safety and efficiency.

B10 Substation Containment

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

B11 Stormwater Management

Stormwater management shall be undertaken in accordance with the approved Stormwater Management Plan prepared by DRB Consulting Engineers dated 11 May 2021

The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council’s stormwater system.

Reason: To ensure stormwater is appropriately managed on the site.

B12 Vehicle Access Requirements

The following vehicle access arrangements must be provided to the site:

- (a) Combined entry / exit access at the gravel access (service) road with a minimum 12.5 metre width as per recommendations of Traffic Impact Assessment prepared by Intersect Traffic dated May 2021

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council/Transport for NSW standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

B13 Reflection Mitigation Measures

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

- (a) Planting and maintenance of a vegetation screen along the boundaries of the site to reduce the impact of the solar panels on the adjoining properties/road;

- (b) Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.

Details are to be shown on the Construction Certificate plans.

Reason: To ensure the solar panels do not cause a nuisance, disturbance or hazard to adjoining properties, nearby aircraft and the public using nearby public roads from glint and glare.

B14 Car Parking

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1-2004: *Parking Facilities – Off-street Car Parking* and AS 2890.2:2018 - *Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

B15 Dilapidation report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier.

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the demolition works.

Reason: To ensure any damage caused by the development is documented prior to works commencing on the site.

B16 Aboriginal Cultural Heritage Investigations

The applicant shall undertake further Aboriginal cultural heritage investigations as recommended in the Desktop Due Diligence Assessment prepared by Kleinfinder Australia Pty Ltd, dated 9 March 2021. The investigations shall be undertaken by a suitably qualified expert and in accordance with Heritage NSW guidelines. Should the investigations identify any Aboriginal objects within the development area, appropriate approval under the National Parks and Wildlife Act 1974 shall be obtained prior to works which may impact the object.

Reason: To ensure that the presence of Aboriginal objects is investigated and, where impact is unavoidable, appropriate approval under the National Parks and Wildlife Act 1974 is obtained prior to any work which may impact on the object.

B17 Emergency Management Plan

Prior to the commencement of any works, an 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 Emergency Plan shall include:

- (a) detailed measures to prevent or mitigate fires igniting;
- (b) work that should not be carried out during total fire bans;
- (c) availability of fire-suppression equipment, access and water;
- (d) storage and maintenance of fuels and other flammable materials;
- (e) 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
- (f) appropriate bush fire emergency management planning.

Reason: To ensure appropriate measures are employed to minimise the risk of and potential impact of bushfire.

PART C: PRIOR TO WORKS COMMENCING

C1 Appointment of Principal Certifying Authority

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

C2 Signs on site

A sign must be erected in a prominent position on any site on which building 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 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 or demolition work is being carried out but must be removed when the work has been completed.

Reason: Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

C3 Tree Protection Measures

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the Landscape Plan and the Construction Site Management Plan are in place.

Reason: To protect trees which are to be retained prior to work commencing on the site.

C7 Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- (a) Be a standard flushing toilet, connected to a public sewer, or
- (b) If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- (c) A portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

C8 Implementation of the Construction Site Management Plan and Waste Management Plan

The approved Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan) and the Waste Management Plan must be implemented and maintained prior to, and during, the construction works on the site until works are completed and all exposed surfaces are landscaped/sealed.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

PART D: DURING WORKS

D1 Construction Hours

The hours of demolition and/or building work shall be limited to the following hours:

- (a) Monday to Friday: 7.00 am to 6.00 pm;
- (b) Saturday: 8.00 am to 1.00 pm;
- (c) No Construction on Sundays or Public Holidays.

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work

requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

D2 Compliance with Construction Site Management Plan

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- (a) All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
- (b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- (c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- (e) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

D3 Waste Management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

D4 Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure or services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure payment of approved changes to public infrastructure.

D5 Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

D6 Discovery of Contamination

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D7 Construction Noise

While construction work is being carried out, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed the predicted construction noise levels (LAeq (15 min)) for the identified receivers in Table 16 of the Noise Assessment prepared by Muller Acoustic Consulting Pty Ltd, date 9 July 2021.

Reason: To protect the amenity of the neighbourhood.

D8 Imported Fill

While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

D9 Critical Stage Inspections

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2000*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

D10 Tree Protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of Trees on Development Sites* and any Arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

D11 Native Vegetation

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

D13 Clearing for Asset Protection Zones (APZ)

While building work is being carried out, the applicant must ensure the clearance of vegetation to establish the APZ is confined to within the marked APZ boundary, to the satisfaction of the principal certifier.

Reason: To ensure vegetation clearance during construction is confined within the APZ.

D14 Water Pollution

The applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Reason: To ensure the development does not cause any water pollution during construction.

D15 Demolition Work

All demolition work shall be carried out in accordance with *Australian Standards AS 2601-1991 Demolition of Structures*, other relevant Australian Standards and the requirements of SafeWork NSW.

Reason: To ensure demolition work is carried out in a safe manner.

PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

E1 Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

E2 Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before

the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

E3 Repair of Infrastructure

Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

E4 Completion of all Works

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following

- (a) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed,
- (d) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

Reason: To ensure adequate arrangements have been made for the development.

E5 Landscaping

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

E6 Post-Construction Dilapidation Report and Repair of Infrastructure

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of the principal certifier, detailing whether:

- (a) any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting

vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council.

Reason: To identify damage to adjoining properties resulting from building work on the development site.

E7 Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored

E8 Operations Environment Management Plan

Prior to the issue of an Occupation Certificate, the applicant must prepare and submit an Operations Environment Management Plan (OEMP) for approval by the General Manager or delegate. The plan shall be implemented for the lifetime of the development on the subject site and must include a range of measures which include, but are not limited to:

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

Reason: To ensure environmental protection throughout the operation of the development.

PART G: OPERATIONAL CONDITIONS

G1 Decommission Management Plan

A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval

no later than 12 months prior to the proposed cessation of operations. The objective of this is to restore the land to its pre-existing state suitable for agricultural use. It must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
- (c) Programme of site restoration to return the land back to a suitable state for agricultural purposes; and
- (d) Details on waste management and recycling of all materials arising from the development in accordance with the hierarchy of prevent, reduce, recycle, recover and dispose.
- (e) a dilapidation report, prepared by a suitably qualified engineer, detailing the structural condition of roads and public land.

Any damage caused to other properties during decommissioning shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the decommissioning works.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

G2 Emergency Management Plan

The approved Emergency Management Plan ('EMP') for the development shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

G3 Operations Environmental Management Plan

The approved Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the development.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

G4 Vehicle Management

All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.

Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.

The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

G5 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Following construction, the applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

G6 Operation of Plant and Equipment

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is maintained in a proper and efficient condition and operated in a proper and efficient manner.

Reason: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

G7 External lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

G8 Minimise Harm to the Environment

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may

result from the construction, operation or decommissioning of the development, including weed control.

Reason: To minimise harm to the environment.

G9 Visual Impacts

The applicant must:

- a) Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;
- b) Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- c) Not mount any advertising signs or logos on site, except where this is required for safety purposes.

Reason: To minimise the visual impact of the development.

G10 Site Management and Maintenance

The area under solar arrays must be non-combustible materials such as mineral earth; non-combustible mulch such as crushed rock; or other vegetation managed to no more than 100mm. Managed vegetation may include localised crops of root vegetables or other plants with low flammability, planted to ensure that no part of the plant extrudes from underneath panel banks. Any grass within the facility must be maintained at below 100mm in height during the declared Fire Danger Period.

Reason: To properly manage and maintain the site to minimise bushfire risk.

G11 Storage of Hazardous Materials

The applicant must store and handle all dangerous and hazardous materials on site in accordance with *AS 1940-2004: The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

G12 Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the development, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems.

G13 Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations, if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

G14 Waste Materials

The Applicant must:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

Reason: To protect the environment.

G15 Upgrading of Solar Panels and Ancillary Infrastructure

Over time, the Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans of the development to the Council incorporating the proposed upgrades and demonstrate that waste generated during the upgrade is handled and disposed of in accordance with the approved Waste Management Plan.

Reason: To enable upgrades to solar panels and infrastructure as required.

G16 Incident Reporting

The Applicant must immediately notify the Council and any relevant agencies of any incident on site. Within 7 days of the date of the incident, the Applicant must provide the Council and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Reason: To ensure any incidents are appropriately noted and actions taken as a result.