

CONSENT CONDITIONS – SOLAR FARMS

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-125 – DA 10.2021.291.1
PROPOSAL	Electricity Generating Works – Construction of a 4.95MW Solar Farm
ADDRESS	Lot 590 DP 1131468
APPLICANT	ERM
APPLICATION TYPE	DA – Regionally Significant

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
General Layout	2.0	Moa-gn-rea-dwg-001	Risen Solar Technology	13/10/2021
Site Overview & Setback	2.0	Moa-gn-rea-dwg-001	Risen Solar Technology	13/10/2021
Tacking System Elevation	1.0	Moa-gn-rea-dwg-002	Risen Solar Technology	12/10/2021
Inverter System Elevation	1.0	Moa-gn-rea-dwg-003	Risen Solar Technology	12/10/2021
SVG Elevation	1.0	Moa-gn-rea-dwg-004	Risen Solar Technology	12/10/2021
Switchgear Cabinet Elevation	1.0	Moa-gn-rea-dwg-005	Risen Solar Technology	12/10/2021

Battery Cabinet Elevation	1.0	Moa-gn-rea-dwg-006	Risen	12/10/2021
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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 Report Recommendations

The development must be constructed, operated and decommissioned in accordance with the approved specialist reports including the following key recommendations:

Plan/Report Title (incl Reference, date, author)	Recommendation(s)	Stage
Statement of Environmental Effects - Table 6-1 Management Measures	Biodiversity Heritage Visual Transport Hydrology and Flooding Soils and Water Noise Air Quality Bushfire Waste	Construction and ongoing operation.
Biodiversity Assessment Report	Access for the project must only be gained from Hillside Road to avoid impact on known Turnip Copperburr (<i>sclerolaena napiformis</i>) population along Cobb Highway roadside. Ensure sediment and erosion control measures are established during the construction phase of the project. Long term management of weeds should be considered as part of the planning proposal and future development of the site. Vehicle hygiene protocols should be established and will assist to control the movement of pathogens and weeds.	Construction and ongoing operation.
Cultural Heritage Due Diligence Assessment	All personnel are to undertake a Cultural awareness induction which includes identification of potential Aboriginal and non-Aboriginal heritage objects, identification of historic heritage finds, and an understanding of the chance finds procedure.	Construction and ongoing operation.

	<p>If suspected Aboriginal heritage objects or items are found during works, all activity in the immediate area should cease and the location should be cordoned off and an appropriately qualified heritage professional should be consulted.</p> <p>In the event of the discovery of human skeletal material (or suspected) during activities all activities and works in the immediate area should cease and the state police must be contacted along with Heritage NSW.</p>	
Visual Impact Assessment	<p>Mitigation screening planting should integrate into the existing landscape character and the bands should be planted with fast growing small trees and bushes, and low lying vegetation to ensure a naturalistic effect whilst providing habitat and movement corridors for native fauna. The mix should include the following species which match the Plant community type present at the site:</p> <ul style="list-style-type: none"> - Acacia implexa – 10m - Cassinia aculeata – 1.0-2.6m - Dodonea viscosa subsp. Cuneata - <5m - Geijera parviflora – 9m - Myoporum montanum - <8m - Acacia deanei subsp.deanei – 1.5-7.0m - Senna form taxon 'artemisioides' - <2m <p>All landscape works should be maintained regularly for a period of 24 months. Maintenance should generally include the removal of weeds and replacement of dead or no-performing plants.</p>	Construction and ongoing operation.

A3 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.

A4 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.

A5 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*

A6 Tree Retention and Removal

There must be no clearing of vegetation (including within Council's road reserve).

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

A7 Decommissioning

The land must be returned to its pre-existing condition (prior to use as a solar farm) and all solar farm infrastructure removed once the project is decommissioned. The land must be rehabilitated and restored, including the pre-existing land and soil capability class if previously used for agricultural purposes. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities.

A8 Requirements of Government Agencies (General Terms of Approval)

The following conditions have been imposed by government agencies:

Transport for NSW

(a) A Traffic Management Plan shall be prepared in consultation with the relevant road authorities (Council and Transport for NSW) to 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. Details of traffic routes to be used by heavy and light vehicles, and any associated impacts and any road-specific mitigation measures,
- iii. Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic,
- iv. Proposed hours for construction activities. Note that night-time construction presents additional traffic related issues to be considered, if relevant,
- v. The management and coordination of the movement of vehicles for construction and worker related access to the site and to limit disruption to

- other motorists, emergency vehicles, school bus timetables and school zone operating times,
 - vi. loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles,
 - vii. procedures for informing the public where any road access will be restricted as a result of the project,
 - viii. any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project,
 - ix. a Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code,
 - x. details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site.
- (b) Any works associated with the development shall be at no cost to Transport for NSW.

Essential Energy

Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

- (C) *Essential Energy's records indicate that there are existing overhead powerlines located across the street frontage of the property that are impacted by the proposal:*
- i. *A minimum clearance area of 10.0 metres must be maintained between any activity and the conductor/s (powerline/s). This includes fencing and/or screening/planting buffer.*
 - ii. *Minimum safety clearance requirements are to be maintained at all times for the proposed driveway access and/or exit (concrete crossovers), as such driveway access will pass under Essential Energy's existing overhead powerlines located at the front of the property. The driveway must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
 - iii. *Any proposed driveway access and/or exit (concrete crossovers) must remain at least 3.0 metres away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.*
 - iv. *Any excavation works in this area or works on the driveway must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*

Essential Energy also makes the following general comments:

- (D) *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- (E) *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
- (F) *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 Agreement/s 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.

- (G) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (H) 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).
- (I) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Reason: To ensure compliance with Section 4.47(3) of the *Environmental Planning and Assessment Act 1979* and the conditions of Government agencies are complied with.

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 Murray River Council 2021/22 Revenue Policy 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 \$32,189.00 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 \$91,699.49 is to be paid to Council, pursuant to Section 7.12 Levy Development Contributions of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate. Note the rate provided is for the 2021/22 financial year. This rate expires at the time of the new financial year, and Council must be contacted for a new rate once expired.
- (i) This condition is imposed in accordance with the provisions of the former Murray Shire Council Section 94 Development Contributions Plan 2011. A copy of the document is available on Council's website at www.murrayriver.nsw.gov.au. or may be inspected at Council's Administration Building.
- (ii) 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 Construction Site Management Plan

Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets. The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

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

B4 Landscape Plan

Prior to the issue of a Construction Certificate, a comprehensive landscaping plan must be submitted to Council for approval.

The plan must indicate the following information:

- a) Advanced (minimum 1 metre height at planting) trees immediately within the front property boundary and along side boundaries forward of the building line. The trees must be accompanied by plantings of shrubs and/or ground covers;
- b) The location and name of shrub and tree species to be planted (native plant species must be utilised);
- c) Species chosen must relate in scale to the building;
- d) Measures to assist in the establishment and maintenance of the landscaping.

Once Council has approved the plan it will form part of this Development Consent. The registered proprietor must maintain the approved landscaping throughout the life of this development. If any of the vegetation dies or is removed, it must be replaced with the same species and the same maturity.

Reason: To require details of measures that will protect the visual amenity and landscape setting of the site.

B5 Waste Management Plan

A detailed Waste Management Plan must be submitted to Council for approval. Every effort must be made to recycle or repurpose waste generated onsite.

Reason: To protect the amenity of the area.

B6 Erosion and Sedimentation Control Plan

Before the issue of a construction certificate or, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

B7 Emergency Management Plan

Before the issue of a Construction Certificate, an Emergency Management Plan ('EMP') for the development shall be prepared for the life of 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.

B8 Operations Environmental Management Plan

Before the issue of a Construction Certificate, an 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.

B9 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.

B10 Servicing

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

- (a) **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.

B11 Inverter Station and SVG Containment

The inverter station and SVG 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 station from polluting the site and surrounding areas.

B12 Stormwater Drainage Plan & Management

Prior to the issue of a Construction Certificate a stormwater drainage plan must be submitted to Council for approval. The stormwater drainage plan must be prepared by a suitably qualified engineer showing stormwater from the site area and development being collected and disposed of to a lawful point of discharge with adequate capacity. A Construction Certificate must not be issued for the development until the above requirements are deemed an acceptable design by the relevant Council Officers.

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.

B13 Bush fire Management

The solar farm shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* including the following:

- (a) Asset Protection Zones (APZ) – 10m minimum for structures and associated infrastructure. The APZ is to be maintained to the standard of an inner protection area (IPA) for the life of the development.

Details are to be demonstrated on the Construction Certificate plans.

Reason: To ensure the development complies with the relevant requirements for bushfire management and to protect the safety of occupants on the site.

B14 Vehicle Access Requirements

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. The driveway is to be sealed from the boundary to the end of Hillside Road bitumen. Details must be provided on the Construction Certificate plans.

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

B15 Visual 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 eastern boundary 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 minimise visual impacts from the solar farm.

B16 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. Details are to be shown on the Construction Certificate plans.

Reason: To protect the amenity of the surrounding area.

B17 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 and line marked to provide for 30 spaces as per the approved Traffic and Transport Impact Assessment. 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.

B18 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. The insurance cover shall be a minimum of \$10 million.

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

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.

C4 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.

C5 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 am to 10pm;
- (b) Saturday: 7am to 10pm;
- (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 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 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 unexpected 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 building work is being carried out, and where a noise and vibration management plan as part of the is approved under this consent as part of the Construction Site Management Plan, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

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.

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 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.

E4 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.

E5 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 (where Council is not the principal certifier).

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

E6 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

E7 Rural Address Number

An individual Rural Address Number must be assigned to the site. The fee required for the sign, post & installation will be charged in accordance with the fee schedule applicable at the time the application for Construction Certificate is lodged and payable to Council prior to the issue of an Occupation Certificate. Please contact Council's Infrastructure Department for more detail.

Reason: To ensure the development is appropriately identified.

E8 Vehicle access

Rural areas

Prior to the issue of an Occupation Certificate a vehicle crossover for rural road access comprising of culvert and headwalls must be constructed in the road reserve. A separate application must be made to Council for approval to construct the access.

Reason: To protect Council assets and to comply with the *Roads Act 1993*.

PART F: OPERATIONAL CONDITIONS

F1 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. 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 is returned to its previous state prior to use as a solar farm, with the retention of landscaping; and
- (d) Details on waste management and recycling of all materials arising from the development.

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.

F2 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.

F3 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.

F4 Vehicle Management

The premises shall be operated in accordance with the following vehicle management requirements:

- (a) 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.
- (b) 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.

- (c) 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.
- (d) The maximum size truck permitted to access the site is to be in accordance with section 3.2.2 of the approved Traffic and Transport Impact Assessment.

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.

F5 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.

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

F6 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.

F7 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.

F8 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.

F9 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.

F10 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.