

Recommended Conditions of Consent

ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PCA Notification

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Lachlan Shire Council or other accredited certifier, and
- b. appoint a Principal Certifying Authority.

2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Reference/Dwg No.	Title/Description	Prepared By	Date
	Statement of Environmental Effects	Currajong Pty Ltd	4 November 2023
	Aboriginal Cultural Heritage Assessment Report Lake Sustainable Energy Project Lake Cargelligo	OzArk Environment & Heritage	19 April 2023
12543_DA-0001-0023	Development Plans	Nettletontribe	6 October 2023
	Biodiversity Assessment Report	OzArk Environment & Heritage	26 October 2023
	Water Services Strategy		
	Traffic Impact Assessment		

A current copy of the Development Consent and Construction Certificate (including all plans, specifications and certificates) shall be maintained on the development site at all times until issue of an occupation certificate.

Note 1: Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.

Note 2: The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).

4. Requirements of Government Agencies

Conditions and approval requirements are required to be satisfied from the following government agencies:

- (a) Essential Energy
- (b) NSW Rural Fire Service
- (c) Department of Planning and Environment - Heritage NSW
- (d) Department of Primary Industries – Fisheries

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

5. 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.

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy of \$102,464.25 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 \$292,755.00 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 Lachlan Shire Section 7.12 Contributions Plan. A copy of the document is available on Council's website 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.
- (d) **Payment of NSW Plan First** - Prior to the issue of any Construction Certificate evidence showing The Planning NSW First Fee amount of \$18,736.32 has been paid.

6. Construction Site Management Plan

Prior to the release of the Construction Certificate, a Construction Site Management Plan must be submitted to and approved by Council. The Construction Site Management Plan must include the following measures:

- Construction Traffic Management including required access routes to and from the subject site, access and egress arrangements for all construction related vehicles to and from the site, deliveries of materials and parking arrangements for contractors.
- Timing for construction of the works across the site demonstrating any proposed staging of works across the site and including operational hours. Construction restricted to daylight.
- Site layout during construction - including storage of materials, plant and equipment, site office and amenities, hoardings and any proposed traffic control devices.
- Waste management plan including the type and location of waste storage containers onsite, proposed method of removal and disposal of all waste types to Lake Cargelligo Waste Facility and treatment of packaging material.
- Tree Protection, habitat and species protection and methodology for vegetation removal including mitigation measures.
- Noise Management
- Aboriginal Heritage Management
- Bush Fire Management
- Dust Management, including control of dust from stockpiled sites a vehicle access.
- Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
- Integrated Site Restoration
- Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing.
- Security Management including details of relevant project manager and/or site foreman contact details.

7. Utility Arrangements

Arrangements are to be made with all relevant utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision of all services at the developer's expense.

8. Soil Testing

Prior to the issue of the Construction Certificate a detailed assessment of the land and soil at the site be undertake in conjunction with the geotechnical testing to the satisfaction of the General Manager or delegate.

Note: Soil information will that can assist in determining soil construction limitations (such as erosion potential and mitigation of sodality conditions) and land management operations, and provide a baseline to the reinstatement of soil characteristics to achieve final closure outcomes that include pre- development soil and landscape characteristics including land capability.

Note: For this area it may take 2-3 profile sites with some verification locations to satisfy this.

Note: The Guidelines for this include:

- Australian Soil and Land Survey Handbook (CSIRO, 2009)
- Guidelines for Surveying Soil and Land Resources (CSIRO, 2008)
- The land and soil capability assessment scheme: second approximation (OEH, 2012).

There are various references that can explain this including the Central West Local Land Services website (<https://www.lls.nsw.gov.au/our-regions/central-west/articles-and-publications/crop-production/maintaining-groundcover-for-water-infiltration>)

9. Bushfire Management

As the site is identified as bush fire prone land, the development shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* prepared by the NSW Rural Fire Service Including Section 8.3.5 and Section 8.3.9 for the following:

- (a) Asset Protection Zones (APZ)
- (b) Building construction, siting and design
- (c) Access arrangements
- (d) Water supply and utilities
- (e) Emergency management arrangements
- (f) Landscaping

Details are to be demonstrated on the Construction Certificate plans and documents for review and approval by Council.

10. 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.

11. Landscape Plan

Prior to the issue of a Construction Certificate, the applicant must provide a Landscape Plan for approval by Council that provides suitable landscaping within the development including tree or screen plantings.

12. Glare

Evidence shall be provided to the Certifying Authority, prior to issue of the Construction Certificate, demonstrating that the solar panels have an anti-reflective coating (if necessary) and the development will not cause unreasonable glare impact to vehicles on Lake Cargelligo and West Wyalong Road.

13. Fencing Details

Prior to the issue of a Construction Certificate, the applicant must provide a revised site plan for approval by Council that shows the height and style of security fencing around the perimeter of the PV field.

PRIOR TO COMMENCEMENT OF WORKS

14. Construction Certificate

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

15. Construction Certificate Requirements

Prior to commencement of work, the person having the benefit of the Development Consent:

- a. Shall appoint a Principal Certifying Authority (PCA).
- b. Shall ensure a Construction Certificate is issued by the PCA.
- c. Shall notify Council of their intention to commence the site works, at least two days prior to commencement of work.

Where Lachlan Shire Council is nominated as the Principal Certifying Authority, the following requirements shall be satisfied before the commencement of work:

- a. The LSC Principal Certifying Authority Service Agreement shall be completed and signed by the applicant.
- b. The LSC Notice of Commencement of Building Works and Appointment of Principal Certifying Authority shall be completed and issued to Council at least two days before undertaking any work in accordance with the Construction Certificate.
- c. Terms and conditions of the LSC Principal Certifying Authority Service agreement shall be satisfied.

16. Vehicle Access – Lake Cargelligo Road

Prior to commencement of works in stage 2 of construction, the developer must seal or pave the section of vehicle access between Lake Cargelligo Road and the property boundary.

The vehicle access driveway pavements must be maintained to the satisfaction of Council at all times.

17. Construction Site Management Plan

The Construction Site Management Plan measures are to be implemented prior to the commencement of any works including demolition and excavation.

18. Site Requirements

Prior to the commencement of construction works:

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this

condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

DURING WORKS

19. Hours of Construction and Site Works

All works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours:

- Mondays to Fridays, 8am to 6pm
- Saturdays, 8am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

20. Construction Site Management Plan

The Construction Site Management Plan measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Construction Site Management Plan must be retained on site during works and is to be made available upon request.

21. Demolition Works

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.

22. On-Site Parking Area

An on-site car parking area with a minimum of 20 vehicle parking spaces and at least 1 disabled car parking space shall be provided. Vehicle parking facilities, including all parking and manoeuvring areas are to be designed in accordance with an all-weather standard. Trafficable areas shall be maintained in good order and kept clear and available at all time for such purposes.

23. All Weather Access

All weather access and manoeuvring areas shall be provided and maintained within the site at all times.

24. Site Toilet Facilities

Adequate toilet facilities for workers must be provided at or in the vicinity of the work site.

25. 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*.

26. Survey Certificate Confirming Setbacks

A survey certificate prepared by a registered surveyor must be submitted to the Principal Certifying Authority prior to work proceeding beyond slab formwork to confirm that the development is constructed at the approved setbacks from the boundaries.

27. Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

Any excavated soil to be disposed of offsite must be assessed by a suitably qualified consultant in accordance with the Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014) to inform appropriate disposal. All waste requiring offsite disposal must be taken to a licenced waste facility.

28. Licensed Plumber

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Plumbing Code of Australia (Volume 3 of the NCC).

Note 1: Notice of Work is to be issued to the Council no later than 2 business days before the work concerned is carried out.

Note 2: A Certificate of Compliance for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council:

	Column 1	Column 2
A	Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
B	Final	Prior to occupation of the building or structure.

Note 3: Sewer Diagram is to be issued to the Council and the owner of the land or the owner's agent, on completion of the final inspection.

29. Contamination – Unexpected Finds Protocol

Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, works must cease immediately, and a suitably qualified consultant engaged to conduct a thorough contamination assessment and provide recommended management actions to guide the management of any contamination onsite. Council must be notified if this protocol is required to be enacted.

30. Public Roads

The developer is to maintain all adjoining public roads to the site used as part of the access to the site in a clean and tidy state, free of excavated “spoil” material.

31. Dust Mitigation

During all site works reasonable steps must be taken to suppress dust by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Dust suppression measures must include the control of dust from stockpiled sites. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.

32. Construction Works

All construction works 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 Electricity Infrastructure as well as understanding safety responsibilities when working around powerlines as per SafeWork NSW.

33. Loading and Unloading

All loading and unloading operations shall be carried out wholly within the confines of the site. No unloading/loading is permitted to be undertaken within the roadway unless approved in writing by Council.

34. Site Fill

All fill material that is imported to the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with the relevant NSW EPA Guidelines, including the Waste Classification Guidelines (2014). To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite

PRIOR TO OCCUPATION CERTIFICATE OR PRIOR TO OPERATION

35. Occupation Certificate

An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the “Final Occupation Certificate” form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

36. Operational Plan of Management

Prior to issue of the Occupation Certificate, the applicant must submit an Operational Plan of Management. The Operational Plan of Management must be approved by Council prior to the issue of any Occupation Certificate.

Matters to be addressed in the plan of management 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 premise;
- 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
- g) Dust mitigation measures
- h) Weed management (including specific measures for priority weeds)
- i) Waste management
- j) Any future site renewal or decommissioning
- k) Reviews, amendments and updates to the plan

37. Landscape Works

Prior to operation of the use the landscaped areas and including any tree plantings identified on the approved landscape management plan shall be established on site in accordance with the approved plan.

38. Tank Based Aquaculture

Prior to any Tank Based Aquaculture being undertaken the operator must obtain the required permit under *Fisheries Management Act 1994* and any other required approvals.

DURING USE

39. Signage

No signage is approved as part of the application, no signs or advertising material shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

40. Operational Plan of Management

The Operational Plan of Management (OPM) is to remain in place for the perpetuity of the consent.

41. Offensive Noise

The use of the site including all plant and equipment shall not give rise to any 'offensive noise' as defined under the Protection of the Environment Operations Act 1997 and shall comply with the Noise Policy for Industry (2017) (as amended).

42. Amenity - General

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

43. Glare

The operator of the development must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- (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 identification or safety purposes.

44. Dangerous Goods and Hazardous Materials

The operator of the development must:

- a) store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: The storage and handling of flammable and combustible liquids, or its latest version;
- b) ensure the materials or goods stored are suitably banded; and
- c) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur

45. Landscaping

The landscaped development area of the development is to be maintained by the developer at all times to the satisfaction of the General Manager or delegate in accordance with the approved landscaping management plan.

46. Outdoor Lighting

External lights shall be operated/maintained generally in accordance with the Australian Standard AS4282 – Control of the Obstructive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding private land or to motorists on nearby roads.

47. Renewal and Upgrade of Infrastructure

Over the life of the proposal, the Applicant may upgrade the solar panels, buildings and other infrastructure on site provided these upgrades remain within the approved development footprint of the site and will not increase the height or overall size of the solar panels, buildings and ancillary infrastructure.

Should the upgrades change the approved development configuration, a modification or development application is to be submitted and approved by Council prior to works commencing onsite.

48. On-Site Parking

On-site car parking area with a minimum of 20 vehicle parking spaces and at least 1 disabled car parking space shall be provided. Vehicle parking facilities, including all parking and manoeuvring areas are to be designed in accordance with an all-weather standard. Trafficable areas shall be maintained in good order and kept clear and available at all time for such purposes.

Prescribed conditions under the Environmental Planning and Assessment Regulation 2000

Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

1. A development consent for development that involves any building work must be issued subject to the following conditions:
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force on the date of the application.
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: In this condition, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Erection of signs

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

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

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Notification of Home Building Act 1989 requirements

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

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
4. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under condition 19 above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
5. Conditions 3 and 4 do not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Condition relating to shoring and adequacy of adjoining property

6. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

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

General Terms of Approval – National Parks and Wildlife Act 1974

GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION NATIONAL PARKS AND WILDLIFE ACT 1974

Address: 210 Lake Cargelligo Road, Lake Cargelligo

Proposal: Lake Sustainable Energy Precinct

IDA application no: DA: DA2022/050, CNR-48277, A-57002, received 4 May 2023.

This letter contains our general terms of approval for the above integrated development application for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

Following review of the application, we requested additional information on 16 June 2023 of a final report, finalised consultation with Registered Aboriginal Parties and sought clarification on some items in the report.

We have reviewed the final Aboriginal Cultural Heritage Assessment Report (ACHAR), dated 18 April 2023, prepared by OzArk Environment & Heritage. The report has identified that Aboriginal objects in the form of stone artefact sites will be impacted by the proposed development. Mitigation has been proposed in the form of surface collection of stone artefacts prior to development works. A culturally modified tree (42-2-0169) identified in the application area will be avoided by the proposed works.

No public submissions were received in the CNR portal in relation to this application.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. Aboriginal Cultural Heritage Assessment Report Lake Sustainable Energy Project Lake Cargelligo, NSW (OzArk Environment & Heritage, 19 April 2023).
 - b. Lake Sustainable Energy Precinct Statement of Environmental Effects (Currajong Pty Ltd, 4 November 2022).
 - c. Lake Sustainability Energy Project Graphite Energy – Lake Cargelligo, NSW Stage 1 Works Architectural Plans (Nettletontribe, 6 October 2022).

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to us to determine whether changes to these general terms of approval are required.

EXCEPT AS AMENDED by the following general terms of approval:

2. A s.90 [Aboriginal Heritage Impact Permit \(AHIP\)](#) for the proposed works must be sought and granted prior to the commencement of works.
3. The AHIP application must be accompanied by appropriate documentation and mapping as outlined in [Applying for an Aboriginal Heritage Impact Permit: Guide for applicants](#) (2011).
4. Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the [Aboriginal cultural heritage consultation requirements for proponents 2010](#) (2010).
5. The AHIP application must be completed with reference to the requirements of the [Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW](#) (2011).
6. The AHIP application must include complete records satisfying the requirements of the [Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales](#) (2010).
7. Long term management of Aboriginal objects must be considered as part of the AHIP application.
8. A culturally modified tree (42-2-0169) must be avoided by the works. Protection measures must be put in place to ensure harm to this tree does not occur.

Essential Energy

- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10 metres from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Reasons for Conditions:

Development Application № 2022/50 was assessed using current procedures developed by the Lachlan Shire Council and other resource information. This includes:

- the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* which states:

Section 4.15(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) *any development control plan, and*
 - (iv) *any matters prescribed by the regulations that apply to the land to which the development application relates*
 - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality*
 - (c) *the suitability of the site for the development*
 - (d) *any submissions made in accordance with this Act or the regulations*
 - (e) *the public interest*
- the requirements of the Lachlan Local Environmental Plan 2013
 - the requirements of the following Development Control Plans and Council Policies:
 - (i) Lachlan Shire Development Control Plan 2018
 - field inspection and liaison between officers of the Lachlan Shire Council