

Attachment 1 - 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
Rev B – CA22015	Statement of Environmental Effects	Currajong Pty Ltd	4 November 2022
	DA2022/50 – Response to Additional Information Request	Currajong Pty Ltd	7 July 2023
12543_DA-0004[5] Issue 6	Staging Plan	Nettletontribe	06/10/2022
12543_DA-0001-004, 006-0023	Development Plans	Nettletontribe	As listed on each plan
V3.0 - 3607	Aboriginal Cultural Heritage Assessment Report - Lake Sustainable Energy Project Lake Cargelligo	OzArk Environment & Heritage	19 April 2023
V3.0 - 3508	Biodiversity Assessment Report - Lake Sustainable Energy Project Lake Cargelligo	OzArk Environment & Heritage	26 October 2022
GE109-RPT-58003	Water Services Strategy	Graphite Energy	01/09/2022
GE109-RPT-58002	Services Strategy	Graphite Energy	22/07/2022
Issue 2	Traffic Impact Assessment	PTC	12/10/2022
220844	Civil Engineering Package Development Application	Northrop	As listed on each plan
-	DA Cost Estimate Report	GHQS Quantity Surveying & Project Management	07/11/2022

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 listed within this consent 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

5. Building Works

All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

6. Plumbing Works

All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

7. Staging of Works

The development is to be undertaken in four stages as shown on: Staging Plan, version 12543_DA0004[5], Issue 6 dated 06/10/2023. This consent has been structured to reflect the approved staging plan.

8. Voluntary Surrender Development Consent

The applicant is to surrender DA2008/0063 by way of providing written notice to Council in accordance with Section 4.17(5) of the Environmental Planning and Assessment Act 1979 and per Clause 67 of the Environmental Planning and Assessment Regulation 2021 prior to the completion of stage one works.

9. Payment of Security Deposits, Levies and Contributions

The fees and requirements 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 required amount to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provide proof of the required payment amount to the certifier prior to the release of each Construction Certificate.

- (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 \$292,765.00 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The applicable amount is to be paid at each of the four (4) stages prior to the issue of 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.

STAGE ONE WORKS

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE – STAGE ONE

10. Site Works Management Plan

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

- 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 demolition and construction works across the site demonstrating the proposed staging of works across the site and including operational hours. Demolition and construction is to be restricted to daylight hours only.
- Site layout during demolition and construction works - 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 a licensed 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 and compliance with Department of Planning and Environment – Heritage NSW requirements including conditions listed within this consent.
- Bush Fire management and compliance with NSW Rural Fire Service conditions listed within this consent
- 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.

11. Payment of Security Deposits, Levies and Contributions

Prior to the release of the Construction Certificate, all applicable fees and requirements listed in Condition 9 must be paid in accordance with the conditions of this consent

12. Soil Testing

Prior to the issue of the Construction Certificate a detailed assessment of the land and soil at the site covering the entire developments building footprint must be undertaken in the form of detailed geotechnical testing to the satisfaction of the General Manager or delegate. The soil testing must record any contamination.

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 (OEHL, 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>)

13. Bush Fire

Details are to be provided on the Construction Certificate plans and documents for review and approval by Council or the certifying authority showing compliance with NSW Rural Fire Service Conditions listed within this consent.

14. External Lighting

All 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 the 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 for the approval of the Certifying Authority.

15. Landscape Plan

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

16. Glare

Evidence shall be provided to the Certifying Authority, prior to issue of the Construction Certificate, demonstrating that the development will not cause unreasonable glare impact to vehicles on Lake Cargelligo and Wyalong Road, the public domain or to overhead aircraft.

17. 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 all site fencing.

PRIOR TO COMMENCEMENT OF WORKS - STAGE ONE

18. 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.

19. 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.

20. Site Works Management Plan

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

21. 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 – STAGE ONE

22. 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.

23. Site Works Management Plan

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

24. Demolition Works

Demolition must be undertaken in accordance with the following:

- a) 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.
- b) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License, which ever applies, AND a current SafeWork NSW Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m², or less, of non-friable asbestos (approximately the size of a small bathroom).
 - Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
- c) The developer, or demolition contractor, must notify adjoining residents prior to the commencement of asbestos removal works. At least seven (7) working days (i.e. Monday to Friday exclusive of public holidays) notice must be given. Notification is to include, at a minimum:
 - The date and time when asbestos removal works will commence
 - The name, address and business hours contact telephone number of the demolisher, contractor and/or developer
 - The full name and license number of the asbestos removalist/s; and
 - The telephone number of SafeWork NSW Hotline 13 10 50
 - d) Written notice is to be given to Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number of the demolisher, a copy of the demolisher's licence and a copy of their public liability insurance (minimum \$20 million) are also to be provided to Council.

The following inspections must be undertaken:

- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
- ii) A *final* inspection when the demolition works have been completed.

NOTE: 48 hours' notice to carry out inspections is required. Arrangement for inspections can be made by phoning 68951950

- e) Erosion and sedimentation controls shall be in place prior to the commencement of demolition works and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc. The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers. These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.
- f) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW New South Wales and the Environmental Protection Authority.
- g) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc.) and

the footpaths must be suitably protected against damage when plant and vehicles access the site.

- h) Following completion of asbestos removal works an independent, and suitably qualified/licensed asbestos removalist, must undertake a clearance inspection and issue an asbestos clearance certificate.
- i) Upon completion of works and prior to the issue of any Final/Completion letter, a final inspection is to be carried out by Council and the person entitled to act on this consent shall provide the following information;
 - I. the total tonnage of all waste and excavated material disposed of from the site;
 - II. documentary evidence in the form of tip receipts from the approved waste management facility shall be obtained demonstrating the appropriate disposal of the waste. Tip receipts shall be provided to Council at the completion of the works.

25. 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.

26. All Weather Access

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

27. Site Toilet Facilities

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

28. 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*.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. Imported 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.

38. Surrender Development Consent

The applicant is to surrender DA2008/0063 by way of providing written notice to Council in accordance with Section 4.17(5) of the Environmental Planning and Assessment Act 1979 and per Clause 67 of the Environmental Planning and Assessment Regulation 2021 prior to the completion of stage one works.

PRIOR TO OCCUPATION CERTIFICATE OR PRIOR TO OPERATION – STAGE ONE

39. 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.

40. 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) Management of any dangerous or hazardous goods
- k) Any future site renewal or decommissioning
- l) Reviews, amendments and updates to the plan

41. Vehicle Access – Lake Cargelligo Road

Prior to operation the applicant or developer must seal/pave the section of vehicle access between Lake Cargelligo Road and the property boundary to the satisfaction of Council

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

42. Landscaping and Fencing Works

Prior to occupation certificate/operation of the use the landscaped and fenced areas shall be established on site in accordance with the approved landscape plan per Condition 15 and revised site plan per Condition 17.

43. Waste Water

All permanent facilities on the site must provide for adequate treatment of waste water. No treated waste water contaminated with oil, grease or other contaminants is permitted to discharge into any natural water course.

DURING USE/OPERATIONS – STAGE ONE

44. Stage One Use/Operations

The development must comply with all the applicable use/operations conditions listed in During Use/Operations – All Stages section within this consent.

STAGE TWO WORKS

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE – STAGE TWO

45. Site Works Management Plan

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

- 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 works across the site demonstrating the proposed staging of works across the site and including operational hours. Works are to be restricted to daylight hours only.
- Site layout during works - 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 a licensed 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 and compliance with Department of Planning and Environment – Heritage NSW requirements including conditions listed within this consent.
- Bush Fire management and compliance with NSW Rural Fire Service conditions listed within this consent
- 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.

46. Payment of Security Deposits, Levies and Contributions

Prior to the release of the Construction Certificate, all applicable fees and requirements listed in Condition 9 must be paid in accordance with the conditions of this consent

47. Bush Fire

Details are to be provided on the Construction Certificate plans and documents for review and approval by Council or the certifying authority showing compliance with NSW Rural Fire Service Conditions listed within this consent.

48. External Lighting

All 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 the 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 for the approval of the Certifying Authority.

49. 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 will not cause unreasonable glare impact to vehicles on Lake Cargelligo and Wyalong Road, the public domain or to overhead aircraft.

PRIOR TO COMMENCEMENT OF WORKS - STAGE TWO

50. 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.

51. Construction Certificate Requirements

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

- d. Shall appoint a Principal Certifying Authority (PCA).

- e. Shall ensure a Construction Certificate is issued by the PCA.
- f. 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:

- d. The LSC Principal Certifying Authority Service Agreement shall be completed and signed by the applicant.
- e. 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.
- f. Terms and conditions of the LSC Principal Certifying Authority Service agreement shall be satisfied.

52. Site Works Management Plan

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

53. Site Requirements

Prior to the commencement of construction works:

- (e) 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.
- (f) 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.
- (g) 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).
- (h) 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 – STAGE TWO

54. 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

55. Site Works Management Plan

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

56. 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.

57. All Weather Access

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

58. Site Toilet Facilities

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

59. 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*.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. Imported 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 – STAGE TWO

68. 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.

69. Operational Plan of Management

Prior to issue of the Occupation Certificate, the applicant must submit an updated Operational Plan of Management. The updated 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) Management of any dangerous or hazardous goods
- k) Any future site renewal or decommissioning
- l) Reviews, amendments and updates to the plan

70. Landscaping and Fencing Works

Prior to occupation certificate/operation of the use the landscaped and fenced areas shall be established on site in accordance with the approved landscape plan per Condition 15 and revised site plan per Condition 17.

71. Waste Water

All permanent facilities on the site must provide for adequate treatment of waste water. No treated waste water contaminated with oil, grease or other contaminants is permitted to discharge into any natural water course.

DURING USE/OPERATIONS – STAGE TWO

72. Stage Two Use/Operations

The development must comply with all the applicable use/operations conditions listed in During Use/Operations – All Stages section within this consent.

STAGE THREE WORKS

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE – STAGE THREE

73. Site Works Management Plan

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

- 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 works across the site demonstrating the proposed staging of works across the site and including operational hours. Works are to be restricted to daylight hours only.
- Site layout during works - 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 a licensed 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 and compliance with Department of Planning and Environment – Heritage NSW requirements including conditions listed within this consent.
- Bush Fire management and compliance with NSW Rural Fire Service conditions listed within this consent
- 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.

74. Payment of Security Deposits, Levies and Contributions

Prior to the release of the Construction Certificate, all applicable fees and requirements listed in Condition 8 must be paid in accordance with the conditions of this consent

75. Bush Fire

Details are to be provided on the Construction Certificate plans and documents for review and approval by Council or the certifying authority showing compliance with NSW Rural Fire Service Conditions listed within this consent.

76. External Lighting

All 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 the 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 for the approval of the Certifying Authority.

77. Glare

Evidence shall be provided to the Certifying Authority, prior to issue of the Construction Certificate, demonstrating that all buildings will not cause unreasonable glare impact to vehicles on Lake Cargelligo and Wyalong Road, the public domain or to overhead aircraft.

PRIOR TO COMMENCEMENT OF WORKS - STAGE THREE

78. 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.

79. Construction Certificate Requirements

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

- g. Shall appoint a Principal Certifying Authority (PCA).
- h. Shall ensure a Construction Certificate is issued by the PCA.
- i. 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:

- g. The LSC Principal Certifying Authority Service Agreement shall be completed and signed by the applicant.
- h. 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.
- i. Terms and conditions of the LSC Principal Certifying Authority Service agreement shall be satisfied.

80. Site Works Management Plan

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

81. Site Requirements

Prior to the commencement of construction works:

- (i) 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.
- (j) 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.
- (k) 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).
- (l) 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 – STAGE THREE

82. 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

83. Site Works Management Plan

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

84. 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.

85. All Weather Access

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

86. Site Toilet Facilities

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

87. 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*.

88. 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.

89. 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.

90. 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).

Note1: 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.

91. 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.

92. 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.

93. 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.

94. 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.

95. 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.

96. Imported 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 – STAGE THREE

97. 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.

98. Tank Based Aquaculture

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

99. Operational Plan of Management

Prior to issue of the Occupation Certificate, the applicant must submit an updated 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):

- m) General maintenance and operation of the site e.g. contact details of the site manager/maintenance staff; emergency protocols, safety and security measures
- n) Addressing complaints relating to the operation of the premise;
- o) Access arrangements to the site including parking and maintenance of access roads;
- p) Bushfire management including annual inspection of the site prior to the bushfire danger period;
- q) Management of water run-off and erosion
- r) Maintenance and inspection of groundcover
- s) Dust mitigation measures
- t) Weed management (including specific measures for priority weeds)

- u) Waste management
- a) Management of greenhouse production and operations
- v) Management and production of aquaculture including fertilizer and feed
- w) Management of waste associated with aquaculture including dead fish
- x) Management of any dangerous or hazardous goods
- y) Any future site renewal or decommissioning
- z) Reviews, amendments and updates to the plan

100. Landscaping and Fencing Works

Prior to occupation certificate/operation of the use the landscaped and fenced areas shall be established on site in accordance with the approved landscape plan per Condition 15 and revised site plan per Condition 17.

101. Waste Water

All permanent facilities on the site must provide for adequate treatment of waste water. No treated waste water contaminated with oil, grease or other contaminants is permitted to discharge into any natural water course.

DURING USE/OPERATIONS – STAGE THREE

102. Stage Three Use/Operations

The development must comply with all the applicable use/operations conditions listed in During Use/Operations – All Stages section within this consent.

STAGE FOUR WORKS

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE – STAGE FOUR

103. Site Works Management Plan

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

- 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 works across the site demonstrating the proposed staging of works across the site and including operational hours. Works are to be restricted to daylight hours only.
- Site layout during works - 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 a licensed 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 and compliance with Department of Planning and Environment – Heritage NSW requirements including conditions listed within this consent.

- Bush Fire management and compliance with NSW Rural Fire Service conditions listed within this consent
- 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.

104. Payment of Security Deposits, Levies and Contributions

Prior to the release of the Construction Certificate, all applicable fees and requirements listed in Condition 8 must be paid in accordance with the conditions of this consent

105. Bush Fire

Details are to be provided on the Construction Certificate plans and documents for review and approval by Council or the certifying authority showing compliance with NSW Rural Fire Service Conditions listed within this consent.

106. External Lighting

All 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 the 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 for the approval of the Certifying Authority.

107. Glare

Evidence shall be provided to the Certifying Authority, prior to issue of the Construction Certificate, demonstrating that all buildings will not cause unreasonable glare impact to vehicles on Lake Cargelligo and Wyalong Road, the public domain or to overhead aircraft.

PRIOR TO COMMENCEMENT OF WORKS - STAGE FOUR

108. 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.

109. Construction Certificate Requirements

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

- j. Shall appoint a Principal Certifying Authority (PCA).
- k. Shall ensure a Construction Certificate is issued by the PCA.
- l. 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:

- j. The LSC Principal Certifying Authority Service Agreement shall be completed and signed by the applicant.
- k. 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.
- l. Terms and conditions of the LSC Principal Certifying Authority Service agreement shall be satisfied.

110. Site Works Management Plan

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

111. Site Requirements

Prior to the commencement of construction works:

- (m) 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.
- (n) 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.
- (o) 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).
- (p) 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 – STAGE FOUR

112. 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

113. Site Works Management Plan

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

114. 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.

115. All Weather Access

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

116. Site Toilet Facilities

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

117. 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*.

118. 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.

119. 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.

120. 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).

Note1: 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.

121. 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.

122. 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.

123. 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.

124. 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.

125. 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.

126. Imported 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 – STAGE FOUR

127. 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.

128. Operational Plan of Management

Prior to issue of the Occupation Certificate, the applicant must submit an updated 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):

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

- j) Waste management
- k) Management of greenhouse production and operations
- l) Management and production of aquaculture including fertilizer and feed.
- m) Management of waste associated with aquaculture including dead fish.
- n) Management and production of hydrogen
- o) Management of waste associated with hydrogen
- p) Management of any dangerous or hazardous goods
- q) Any future site renewal or decommissioning
- r) Reviews, amendments and updates to the plan

129. Landscaping and Fencing Works

Prior to occupation certificate/operation of the use the landscaped and fenced areas shall be established on site in accordance with the approved landscape plan per Condition 15 and revised site plan per Condition 17.

130. Waste Water

All permanent facilities on the site must provide for adequate treatment of waste water. No treated waste water contaminated with oil, grease or other contaminants is permitted to discharge into any natural water course.

DURING USE/OPERATIONS – STAGE FOUR

131. Stage Four Use/Operations

The development must comply with all the applicable use/operations conditions listed in During Use/Operations – All Stages section within this consent.

DURING USE/OPERATIONS – ALL STAGES

132. 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.

133. Operational Plan of Management

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

134. Hydrogen Production

Hydrogen production is only to be undertaken in accordance with the approved documentation and is not to exceed the amounts listed within that documentation without prior modification and approval.

No greater than one (1) tonne of hydrogen is to be produced per day with no more than a maximum of ten (10) tonnes to be present on the site at any one time.

135. Aquaculture

Aquaculture production is only to be undertaken in accordance with the approved documentation and is not to exceed the amounts listed within that documentation without prior modification and approval.

No greater than fifty (50) tonne of Murray Cod fish are to be produced in a one (1) year period.

136. Food Processing

Food processing of produce from on-site operations is not permitted.

137. Offensive Noise

Should Council receive substantiated noise complaints and/or establish that the operation of the development is creating unreasonable noise emissions as set out in the Environment Protection Authority's EPA's *Noise Policy for Industry (2017)* the owner/operator shall engage a suitably qualified acoustic engineer to provide a noise impact assessment to Council.

The applicant/operator must provide the assessment within two (2) months from the date of Councils request in writing. Any mitigation measures recommended by the acoustic engineer in the noise impact assessment must commence following written advice from Council.

A validation report must be provided to Council stating that all mitigation works recommended in the noise impact assessment have been completed.

138. 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.

139. 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.

140. 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

141. 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.

142. 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.

143. Renewal and Upgrade of Infrastructure

Over the life of the proposal, the Applicant/Operator 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.

144. 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.

145. Damage to Public Infrastructure

Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

146. Protection of Environment – Water Pollution

The Applicant/Operator 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.

147. Environmental Auditing

The operator of the development must commission and pay the full cost of Independent Environmental Audits of the development at the request of Council. The audits must:

- (a) be led and conducted by a suitably qualified, experienced and independent team of experts;
- (b) be prepared within the time as directed by Council;
- (c) be carried out in consultation with the relevant agencies;
- (d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent;
- (e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed, a copy of the audit report must be submitted to Council, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of Council.

148. Site Operator

Should the site operator/manager change at any time over the life of the proposal, Council shall be notified immediately.

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.

NSW RURAL FIRE SERVICE CONDITIONS

General Conditions Emergency and Evacuation

The intent of measures is to provide suitable emergency and evacuation arrangements for users of the development.

1. A Fire Management Plan (FMP) must be prepared in consultation with NSW RFS Mid Lachlan Valley Fire Control Centre. The FMP must include:

- 24 hour emergency contact details including alternative telephone contact;
- Site infrastructure plan;
- Fire fighting water supply plan;
- Site access and internal road plan;
- Construction of Asset Protection Zones (APZ) and their continued maintenance;
- Location of hazards (Physical, Chemical and Electrical) that will impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- Such additional matters as required by the NSW RFS District Office (FMP review and updates).

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. From the start of building works, the property around the proposed solar farm must be managed as an inner protection area (IPA) for a distance of 10 metres, and property around the proposed energy storage systems must be managed as an inner protection area (IPA) for a distance of 50 metres in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Access roads must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- minimum 5.5 metre carriageway width kerb to kerb;

- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
- clearly sign posted as a dead end;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles; bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4 metre of the static water supply where no reticulated supply is available.

Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

4. A 20,000 litre static water supply must be provided for fire fighting purposes and comply with the following:

- The tank must be located / designed so that a connection for fire fighting purposes is located within the inner protection area (IPA).
- Underground tanks must be clearly marked, have an access hole of 200mm to allow fire fighting appliances to refill direct from the tank, and have a hardened ground surface for truck access within 4 metres of the access hole.
- Above ground tanks must be manufactured of concrete or metal. Raised tanks must have their stands protected.
- Tanks on the hazard side of a building must be provided with radiant heat shielding to protect the tank
- from bush fire impacts and maintain safe access to the water supply for firefighters.
- A standard 65mm metal Storz outlet with a gate or ball valve must be provided to the tank. The gate or ball valve, pipes and tank penetration of any tank must be adequate for full 50mm inner diameter water flow through the Storz fitting and made of metal.
- All associated fittings to the tank must be metal.
- Pumps where provided to supply water for fire suppression activities, must be a minimum 5hp or 3kW and petrol or diesel powered. The pump must be shielded from the direct impacts of bush fire. Any hose and reel must have an internal diameter of 19mm.
- An SWS marker must be obtained from the local NSW RFS and positioned for ease of identification by fire fighting personnel and other users of the SWS. Markers must be fixed in a suitable location so as to be highly visible and be positioned adjacent to the most appropriate access for the static water supply.
- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Electrical transmission lines should be located underground where possible. Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies,

gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power Lines.

- Gas must be installed and maintained as set out in the relevant Australian Standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.
- Fixed gas cylinders must be kept at least 10 metres clear of flammable materials and be shielded on the hazard side. Connections must be metal. Cylinders near to a building must be have safety valves directed away from the building and be at least 2 metres from combustible materials.

Landscaping Assessment

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

5. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
 - A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
 - Planting is limited in the immediate vicinity of the building;
 - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
 - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
 - Low flammability vegetation species are used.

ESSENTIAL ENERGY CONDITIONS

1. The development must comply with the following Essential Energy Requirements:

- 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 No 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

END OF CONDITIONS