



NOTICE OF DETERMINATION OF AN INTEGRATED DEVELOPMENT APPLICATION DEVELOPMENT CONSENT

Section 4.16(1)(a) & 4.46 Environmental Planning and Assessment Act, 1979

Development Application No.:	212/2022(1)
Applicant:	Cogency Aust Pty Ltd Shop 7 222 Exhibition Street MELBOURNE VIC 3000
Description of Development:	Proposed construction of a 5.7mW DC private solar farm and underground transmission line to provide an alternative energy source Casella Winery and processing plant.
Property Description:	Lot 1 DP: 1113806, LOT: 2 DP: 1246187, LOT: 2 DP: 1256549, LOT: 1 DP: 1280599, Lots 515, 595, 596, 617, 619, 620, 836, 837 DP 751728 726 Northern Branch Canal Road, Nos. 99, 175, 1521, 1526, 1547, McClure Road, 25 McDonough Road, 1523 McDonough Road, 1523 Cemetery Road and 34 Wakley Road YENDA
Development application has been:	approved subject to conditions in Attachment B
Date of Determination:	INSERT
Development consent operates from:	INSERT
Development consent lapses on:	INSERT
Other Agency Approvals:	Transport for NSW (Roads) & Transport for NSW (UGL Regional LINX) – Attachment E

The reasons for the decision to grant approval to this application are:

- The development is considered to be permissible on the land under the provisions of State Environmental Planning Policy (Transport & Infrastructure) 2021.
- The development complies with the majority of relevant and applicable planning controls.
- The development is appropriate to the character of the area and the land is considered to be suitable for the proposed development.
- The proposed development is unlikely to have any unreasonable impact on the environment.
- The development is not considered to raise any matter contrary to the public interest.

It is important that all conditions be carefully read and understood prior to the commencement of the development.

For further information regarding this matter please contact Council's Acting Development Assessment Coordinator Kerry Rourke, 1300 176 077, kerry.rourke@griffith.nsw.gov.au.

BRUCE GIBBS
DIRECTOR SUSTAINABLE DEVELOPMENT

Attachment A - General Advice

This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.

1. Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

2. Review of Determination

If you are dissatisfied with this decision, the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to Review the Determination. The request must be made and determined within six (6) months of the date of this determination. It is advisable to lodge the application for review under Section 8.3 as soon as possible to facilitate the statutory timeframes.

3. Compliance with Development Consent

The development and all associated works must be carried out in accordance with this development consent and subsequent construction approvals.

4. Unauthorised Development

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent. An offence under *Environmental Planning and Assessment Act 1979* and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent. On the spot penalties may be imposed for works which are carried out in breach of this consent, or without consent.

5. National Construction Code and Australian Standards

This determination does not include an assessment of the proposed works under the National Code of Australia (NCC) and other relevant Standards. All new building work (including alterations and additions) must comply with the NCC and relevant Standards.

Attachment B – Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

1. Approved Development

Development consent has been granted for the 5.7 MWdc solar farm at 726 Northern Brach Canal Road, Yenda and the construction of an underground transmission line connecting the solar farm to Casella Wines production facility at 34 Wakley Road, Yenda.

The proposed development has been assessed in regards to the provision of State Environmental Planning Policy (Transport and Infrastructure) 2021 and is considered to be a solar energy system, which is defined as:

Electricity Generating Works – Means are Building or place used for the purpose of –
 (a) *Making or generating electricity, or*
 (b) *Electricity storage.*

The development must be implemented in accordance with Development Application No. 212/2022(1) received by Council on 17th of October 2022 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Received by Council	Prepared or Drawn By
Site General Arrangement – YEND-CI-DWG-0200-A dated 30/09/2022 (23/22560 - p46 SEE)	23 February 2023	Next Generation Electrical
Overall Site Layout – YEND-CI-DWG-0201-C dated 20/02/2023 (23/22560 - pg48 SEE)	23 February 2023	Next Generation Electrical
Fencing Details – YEND-CI-DWG-0120-A dated 28/07/2022 (23/22560 - p50 SEE)	23 February 2023	Next Generation Electrical
VAGUARD 2Px45 OUTER_1 CASELLA WINE – C22034-PG01 (Rev 1) Pg1& Pg 2 dated 08/08/2022 (23/22560 - pgs 52 & 53 SEE)	23 February 2023	Trina Tracker
Landscape Screening Plan PJ0041 dated 26/04/2023 (in relation to concept location only – see condition 29) (23/60673)	9 May 2023	Next Generation Electrical

Document	Date Received by Council	Prepared or Drawn By
Revised Statement of Environmental Effects (23/22560)	27 February 2023	Cogency
Biodiversity Impact Assessment – v3.0 (23/21403)	23 February 2023	NGH
Aboriginal Heritage Due Diligence Assessment – v2.0 (23/21404)	23 February 2023	NGH
Visual Assessment – v1.1 (23/21405)	23 February 2023	NGH

Traffic Impact Assessment – v D (23/22084)	24 February 2023	Turnbull Engineering Pty Ltd
Noise Assessment (23/11311)	1 February 2023	Muller Acoustic Consulting

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

2. Concurrence from External Agencies

Concurrence received from external agencies, being Transport for NSW (see Attachment E) shall be complied with.

3. Construction Certificate (Building Works)

In accordance with the provisions of Part 6, Divisions 6.2 and 6.3 of the Environmental Planning and Assessment Act, 1979 a person must not carry out building works, including associated excavation works (as applicable) until such time as:

- (a) A *Construction Certificate* has been obtained from either Griffith City Council or an *Accredited Certifier* holding the appropriate accreditation under the Building Professions Act, 2005;
- (b) A *Principal Certifier* has been appointed; and
- (c) The person with the benefit of the development consent has given at least two (2) days notice to Griffith City Council and the *Principal Certifier* of the person's intention to commence the erection of the building.

Note 1: Griffith City Council can issue your *Construction Certificate* and be appointed as your *Principal Certifier* for the development to undertake inspections and ensure compliance with development consent and relevant building regulations. For further details contact Council on (02) 6962 8100.

Note 2: Should the plans submitted with the Construction Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent will be required to made to Council.

4. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

5. Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

6. Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

7. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

8. Essential Energy

Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreement/s and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.

9. Essential Energy

The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposal in accordance with industry standards.

10. Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

11. Clearing of Vegetation

Vegetation shall not be burned on the site. All vegetation that is approved to be cleared to allow the development shall be either relocated, chipped and/or mulched and removed from the site for disposal at an approved waste recycling or management depot.

12. Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

13. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

14. Fence location and design

The person with the benefit of this consent shall ensure that the proposed fence complies with the following:

- a) The fence shall be contained wholly within the property boundaries. No part of the fence, or its footings, shall encroach onto the road reserve or adjoining properties.
- b) It is the responsibility of the owner to verify the location of the boundary and this is recommended to be achieved by a survey report.

15. National Construction Code

All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

16. Visual Impact

The mitigation measures recommended in the Visual Impact Assessment Final Version 1.1 by NGH Pty Ltd dated 22/2/2023 are to be employed and maintained for the duration of the project.

17. Traffic Impact

The mitigation measures recommended in the Traffic Impact Assessment Final Report Version D by Turnbull Engineering Pty Ltd dated 24/2/2023 are to be employed and maintained for the duration of the project.

18. Biodiversity Impact

The mitigation measures recommended in the Biodiversity Assessment Final Version 3.0 by NGH Pty Ltd dated 22/2/2023 are to be employed and maintained for the duration of the project.

19. Underground Cables

All electrical cables to be constructed with in Council's road reserve as part of the proposed development are to be installed underground. No overhead cables will be accepted in Council's road reserve.

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

20. Section 7.12 Development Contributions

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website www.griffith.nsw.gov.au.

Total payment shall be **\$88,484.88** (1% of the proposed cost of carrying out the development).

The contribution is to be paid **prior to the issue of the Construction Certificate**, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

21. Payment of building and construction industry long service levy

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

22. Performance, Damage and Defects Bond

A performance, damage and defects bond to the value of \$20,000 must be lodged with Council **prior to the issue of a Construction Certificate**. These monies are refundable on application, six (6) months after the completion of all work subject to the satisfactory performance of the works.

23. External Agency Approvals

Prior to the issue of a Construction Certificate, the applicant shall seek the concurrence and approval of any agency whose infrastructure is likely to be affected by the proposed development. These agencies shall include but not be limited to Country Energy, AGL/Agility and Telstra. The requirements of these agencies shall be complied with during construction and for the life of the pipeline.

24. Dilapidation report

Prior to the issue of a Construction Certificate, a dilapidation report is to be submitted to Council along the entire route of the construction works within the road reserve to identify the current state of all road related infrastructure including but not limited to roads, electrical poles, drainage, and road reserves.

25. Engineering Design and Survey Plan

Prior to the issue of a Construction Certificate, a detailed engineering design and survey plan is to be provided for the entire route of the proposed conduits and cabling of the solar farm. The plan is to include dimension offsets from property boundaries, edge of road, electricity poles and all other essential services along the route. Underboring and

open trench details, including depth, material type and compaction values are to be included on the drawings. Location and details of marker posts are to be provided on the plans.

26. Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater - Soils & Construction Volume 1* (2004). Details are to be submitted to the satisfaction of the Principal Certifier **prior to the issue of the Construction Certificate**.

27. Pollution Control Plan

Prior to the issue of Construction Certificate the applicant shall submit to Griffith City Council and the Principal Certifier a Pollution Control Plan. The Pollution Control Plan shall provide the following details:

- (a) Soil erosion and sediment control measures that are designed in accordance with *Managing Urban Stormwater – Soils and Construction, Volume I* (Landcom 2004). The measures shall include:
 - (i) Preventing solid waste, sediment, sand, soil, clay or stones from the site entering the stormwater drainage system. Only clean rain water will be permitted to discharge into the stormwater drainage system.
 - (ii) Preventing vehicles from tracking materials onto the road which may enter stormwater drainage.
 - (iii) Plans showing the location of sedimentation control fencing and details of any temporary driveways.
 - (iv) methods for the entire construction period and up until such times as an application is made for an Occupation/Compliance/Subdivision Certificate.
- (b) Means of dust suppression measures to be implemented during dry and/or windy weather conditions.
- (c) A waste management plan addressing all waste collection and disposal issues associated with waste generated by the development during the construction and decommissioning process. In terms of disposal of waste, all material is to be disposed of at a licenced waste management facility. No material (including removed vegetation) shall be burnt onsite.

28. Landscaped Buffer

A revised Landscape Plan for the buffer area shall be submitted to and approved by Council **prior to the issue of the Construction Certificate**. The landscape plan for the buffer area shall include:

- (a) Densely planted native tree species and shrubs that are suitable - in terms of height, density of foliage for the prevention of spray drift from the adjoining property; and
- (b) A Management Program to ensure adequate maintenance for sustained growth and effectiveness of the native trees and shrubs for mitigating possible effects of spray drift.
- (c) revised species list using appropriate lower slopes & hills species of shrubs and small trees (2-8m) as identified in *Native Vegetation Guide for the Riverina – Kent, Earl, Mullins, Lunt & Webster, Charles Sturt University* (pg. 153), compatible with the existing White Cypress Pine Woodland plant community on site.

29. S138 Roads Act

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application, including payment of fees, shall be lodged with Griffith City Council, as the Roads Authority for any works required within a public road. These works may include but are not limited to:

- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- (b) Road opening for utilities and stormwater (including stormwater connection to Council Infrastructure).
- (d) Road Occupancy or road closures

All works shall be carried out with the Roads Act approval, the development consent including the stamped plans and Griffith City Council specifications. Compliance with Council's Pipes Across and Along Roads (WO-CP-503) Policy will be required **prior to commencement of works** within the road reserve.

Note 1: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Note 2: The application is to be made prior to the issue of the Construction Certificate but does not have to be approved by the Roads Authority prior to the issue of that certificate.

30. Traffic Management Plan

Prior to the issue of Construction Certificate, A Traffic Management Plan shall be prepared in consultation with the relevant road authorities (Council and Transport for NSW) to ensure that key traffic related issues associated with the development have been addressed, particularly during the construction and decommission processes. The appointed transport contractor shall be involved in the preparation of this plan. The plan shall address all light and heavy traffic generation to the development site and detail the potential impacts associated with the development, the mitigation measures to be implemented, and the procedures to monitor and ensure compliance. This plan shall address, but not necessarily be limited to the following:

- a) Require that all vehicular access to the site be via the approved access route.
- b) Maximum size of vehicle is a 19 metre semi-trailer,
- c) All construction traffic are to utilise two-way radio for communication when going to and from the site on the approved haulage route,
- d) Details of traffic routes to be used by heavy and light vehicles, and any associated impacts and any road-specific mitigation measures.
- e) Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic,
- f) Proposed hours for construction activities. Note that night-time construction presents additional traffic related issues to be considered, if relevant.
- g) The management and coordination of the movement of vehicles for construction and worker related access to the site and to limit disruption to other motorists, emergency vehicles, school bus timetables and school zone operating times,
- h) loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles,
- i) procedures for informing the public where any road access will be restricted as a result of the project,
- j) any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project,
- k) a Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code. This is to be enforced at a site induction,

- l) details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site.

31. Signage Installation

Prior to the issue of a Construction Certificate, all signage identified in the Transport Impact Assessment completed by Turnbull Engineering (Revision D) submitted on 24 February 2023 is to be installed to the satisfaction of Council.

32. Turning path diagrams to justify suitable access tapers

Prior to the issue of a Construction Certificate, an amended accessway plan with turning path diagrams is to be submitted to Council to justify suitable tapers connecting to the road carriageway to accommodate one directional movement of a 19m semi-trailer for the proposed accessway off Briggs Road. This is to justify the width of the proposed access and the tapers at the connection point of the access to the Briggs Road carriageway. The turning path diagrams are to ensure a 19m semi-trailer can enter the site from Briggs Road while a 19m semi-trailer is parked in the waiting bay located within the subject allotment. Turning path diagrams are to be in accordance with *Austroads Design Vehicles and Turning Path Templates Guide 2013*.

33. Accessway construction

Prior to the issue of a Construction Certificate, an all-weather access is to be provided between the property boundary and the road carriageway off Briggs Road. The accessway is to be constructed with 200mm of compacted road building gravel and shall include guideposts. The accessway is to be constructed in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards*. The accessway from the property boundary to the carriageway of Briggs Road is to be formalised to consist of one (1) perpendicular accessway from Briggs Road.

34. Internal driveways

Prior to the issue of a Construction Certificate, the internal driveway to the proposed solar farm is to be constructed of gravel to an all-weather standard in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards*.

35. Internal waiting bay

Prior to the issue of a Construction Certificate, an internal waiting bay is to be constructed to an all-weather standard within the property boundary of the lot. The waiting bay is to ensure that a 19m semi-trailer can park inside the property while a 19m semi-trailer is entering the site from Briggs Road.

36. Stormwater Drainage

Adequate arrangements are to be made for the disposal of stormwater. Stormwater runoff shall not be permitted to flow over the property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.

Detailed design drawings for the proposed stormwater drainage system are to be submitted to Council for approval in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards* **prior to the issue of a Construction Certificate**.

37. Works under a channel

Where work is proposed under a water supply or drainage channel is proposed, the location, design and construction shall be to Murrumbidgee Irrigation's specifications and approval. Documentary evidence from Murrumbidgee Irrigation shall be submitted to Council **prior to the issue of the Construction Certificate.**

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

38. Public Liability Insurance

All contractors working within the road reserve or on public land shall be covered for workers' compensation and public liability insurance to the amount of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to Council **prior to the commencement of work.**

39. Letter Drop

Prior to the commencement of work the applicant shall conduct a letter drop to all dwelling's likely to be affected by (i.e.: have earthworks along the nature strip of their property or direct boing under their access driveways. This letter shall state the following:

- a. Nature of the works to be carried out (in accordance with Consent No. 212/2022 issued by Griffith City Council);
- b. The expected length of time construction works are expected to occur; and
- c. Contact details (e.g.: name and mobile telephone number) of a contact person for the project.

A copy of this work shall be also forwarded to Council **prior to the commencement of work.**

40. Notification of Commencement and Appointment of Principal Certifying Authority

Prior to commencing work the person having the benefit of the consent has:

- (a) appointed a principal certifying authority for the building work, and
- (b) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) The principal certifier has, no later than 2 days before the building work commences:
- (d) notified the person having the benefit of the consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (e) the person having the benefit of the consent, if not carrying out the work as an owner-builder, has:
- (f)
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- iv. the person having the benefit of the complying development certificate has given at least 2 days' notice to the council, and the principal certifying authority if that is not the council, of the person's intention to commence the erection of the building.

41. Erection of Signs

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 work 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.

This clause 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. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A).

42. Construction Management Plan (CMP)

Prior to the commencement of work, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the development. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:

- (a) the management of traffic during construction;
- (b) the management of loading and unloading of construction materials on site;
- (c) material stockpiling/storage;
- (d) identify parking for construction worker vehicles;
- (e) dust mitigation measures; and
- (f) complaint management and contingency measures.
- (g) Transport of workers and accommodation provisions, clarifying the number of construction worker, period of employment and method of transport to site during construction.

The construction and traffic management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.

43. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works; and
- (b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

44. Pollution Control

Prior to the commencement of works all measures identified in the approved Pollution Control Plan shall be implemented.

45. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

46. Erection of Signs

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 work 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.

This clause 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.

This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A).

47. Waste Management Plan

A waste management plan for the work must be prepared before work commences on the site. The waste management plan must:

- (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
- (b) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - i. reused on-site, and
 - ii. recycled on-site and off-site, and
 - iii. disposed of off-site, and
- (c) if waste material is to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site, and

- (d) if construction, during operation or decommissioning waste material is to be disposed of or recycled off-site - specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.

48. Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

49. Damage to Infrastructure/Services

Where the pipeline crosses the road carriageways, access driveways, supply and drainage channels and any other services, the pipeline shall be directional bored under this infrastructure or as otherwise directed by the appropriate authority so as not to cause nuisance or damage. Road crossings shall be as near as possible at right angles to the centreline of the road and have a minimum depth 1.5m below the road surface, 1.0m below the invert of table drains and 750mm elsewhere in the road reserve. All electrical cables are to be installed in DICL conduits under all road carriageways. Any damage to infrastructure/services shall be rectified to the satisfaction of Council and/or the asset owner.

50. No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

51. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation, and,
- b) where necessary, underpin the building, structure or work to prevent any such damage.

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

52. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

53. Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the fencing in relation to adjacent boundaries. This survey shall be undertaken prior to work proceeding past the completion of footings and before concrete is poured. A copy of this report shall be submitted to **Council prior to the issue of the Occupation Certificate**.

54. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

55. SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

56. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

57. Sedimentation and Erosion Controls

The approved erosion and sediment control measures shall be implemented and maintained during works.

58. Hours of Work

All building, excavation and demolition work is to be carried out between 7:00am and 6:00 pm Monday to Saturday with no work to be undertaken on Sundays or Public Holidays.

Variation to these times may be permitted on submission of a written request to Council indicating the date/s and time/s of the proposed work. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours.

59. Pollution Control

The pollution control measures set out in the approved Pollution Control Plan shall be maintained throughout the entire construction period and up until such time as an application is made for an Occupation Certificate.

60. Dust Control

Where dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation, construction and building works. If necessary, water sprays shall be used on the site during construction works to reduce the emission of dust.

61. Contaminated Land Unexpected Finds

In the instance that works cause the generation of odours or uncovering of unexpected contaminants, works are to immediately cease, Council is to be notified and a suitably qualified person appointed to further assess the site.

62. Noise Control

The following noise mitigation measures to be employed during the construction phase to reduce emissions to the surrounding community:

- (a) a construction noise management protocol to minimise noise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community;
- (b) where possible use localised mobile screens or construction hoarding around piling rig/plant to act as barriers between construction works and receivers, particularly where equipment is near the site boundary and/or a residential receiver including areas in constant or regular use (eg unloading and laydown areas);
- (c) operating plant in a conservative manner (no over-revving), shutdown when not in use, and be parked/started at farthest point from relevant assessment locations;
- (d) selection of the quietest suitable machinery available for each activity;
- (e) minimise noisy plant/machinery working simultaneously where practicable;
- (f) minimise impact noise wherever possible;
- (g) utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm;

- (h) provide toolbox meetings, training and education to drivers and contractors visiting the site during construction so they are aware of the location of noise sensitive receivers and to be cognisant of any noise generating activities;
- (i) signage is to be placed at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site; and
- (j) utilise project related community consultation forums to notify residences within proximity of the
- (k) site with project progress, proposed/upcoming potentially noise generating works, its duration
- (l) and nature and complaint procedure.

Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

63. Engineering Inspections

The applicant is required to pay for all inspections carried out by Council's Engineers. Payment must be paid for all inspections as per Council's current Revenue Policy **prior to the issue of an Occupation Certificate**.

64. Landscaped Buffer

Prior to the issue of the Occupation Certificate the approved landscaped buffer is to be installed to the satisfaction of Council.

65. Works As Executed (WAE) Drawings

Works As Executed plans for approved civil works are to be submitted to Council upon completion of the development **prior to the issue of an Occupation Certificate**. Works As Executed plans are to be in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards*.

66. Easement for Services

Prior to the issue of the Occupation Certificate easements shall be established pursuant to Section 88B of the *Conveyancing Act 1919* where services cross property boundaries. The location and widths of the easements are to be specified in the instrument for the purpose of protecting and identifying the services.

67. Lease Agreement for Use of Council's Road Reserve

As per Council's Pipes Across and Along Road Reserves Policy (WO-CP-503) a lease agreement shall be entered into between the applicant and Griffith City Council for the use of Council's road reserve for installation and use of transmission line **prior to the issue of an Occupation Certificate**. The applicant shall be required to pay all legal fees associated with the lease agreement. Council fees for the lease agreement are to be in accordance with Council's current revenue policy.

68. S138 Roads Act Approval

Prior to the issue of an Occupation Certificate, the Principle Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Griffith City Council.

69. Compliance letter from TfNSW (underboring)

Prior to the issue of an Occupation Certificate, a compliance certificate from Transport for NSW is to be issued stating that the underboring works of Burley Griffith Way is to their satisfaction.

70. Compliance letter from Murrumbidgee Irrigation (underboring)

Prior to the issue of an Occupation Certificate, a compliance certificate from Murrumbidgee Irrigation is to be issued stating that the underboring works of the supply channel located adjacent to Briggs Road is to their satisfaction.

71. Identification Marker Plates

Prior to the issue of an Occupation Certificate, steel marker plates and posts are to be installed along the pipeline route at the minimum spacing of 100 metres, any change in direction and either side of a road and/or channel crossing. The marker plates are to clearly identify the description of the pipeline and provide a 24 hour contact phone number.

72. Installation of stormwater infrastructure

Prior to the issue of an Occupation Certificate, the stormwater drainage system for the proposed solar farm is to be constructed in accordance with an approved plan, Council's *Engineering Guidelines – Subdivisions and Development Standards*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP- 310)*.

73. Submission of Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the fencing in relation to adjacent boundaries. This survey shall be submitted to Council **prior to the issue of the Occupation Certificate**.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

74. Amenity

The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.

75. Maintenance of Onsite Detention System

The onsite detention system constructed as part of the subject Development Application is to be maintained for the lifetime of the subject development.

76. Management of Glint and Glare from Solar Panels

Glint and glare from the solar panels shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the solar plant being evident from a public road, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.

77. Potential Contamination

Any dielectric fluid used must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environmental Protection Agency must also be notified in regards to a pollution event.

78. Upgrading of solar panels and ancillary infrastructure

Over time, the applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant shall provide revised layout plans of the development to the secretary incorporating the proposed upgrades.

79. Ongoing Noise Control

Noise validation monitoring assessment be completed to quantify operational noise emissions from site and to confirm emissions meet relevant criteria. The monitoring assessment would consist of operator attended noise measurements during normal operation to determine the noise contribution from the project.

80. Access maintenance

The property owner remains responsible for the upkeep and maintenance of the accessway and associated facilities for the lifetime of the proposed development.

81. Landscape maintenance

The approved and installed landscaping shall be maintained for the life of the development in accordance with the approved plan.

82. The applicant or the entity with the benefit of this consent is to comply with any on-going requirements of the lease agreement with Griffith City Council issued under the Pipes Across and Along Roads - Water, Drainage and Irrigation (WO-CP-503) Policy.

Demolition Management

Demolition must be carried out in accordance with the following conditions.

83. Decommissioning

Within 18 months of the site being decommissioned, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with relevant landowners.

All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from

the site unless otherwise agreed by the Council, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator.

All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Council.

Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Essential Energy provides the following advice

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is overhead and underground electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "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).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines/Underground Assets*.

Attachment D – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil

Attachment E – External Agency Concurrence