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| **RECOMMENDED CONDITIONS OF CONSENT**  WESTERN REGIONAL PLANNING PANEL | |

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| PANEL REFERENCE & DA NUMBER | PPSWES-170 – DA47/2023 |
| PROPOSAL | Construction and use of a 5MW micro solar farm and associated infrastructure |
| ADDRESS | Lots 68 & 69 DP 750877, 16705 Sturt Highway, Darlington Point |
| APPLICANT | Sustainable Energy Solutions (t/a AGL Energy Solutions) |
| APPLICATION TYPE | Development Application |

## PART A – GENERAL CONDITIONS

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|  | **CONDITIONS** | **REASON** |
|  | **Approved plans and supporting documentation**  Development consent has been granted for an electricity generating development (private infrastructure) comprising of the installation of solar panels with a capacity of 4.95MW, a battery energy storage system with a capacity of 4.586MWh and associated infrastructure at Lots 68 and 69 DP 750877 being “Kerarbury”, 16705 Sturt Highway, Darlington Point  Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Murrumbidgee Council), except where the conditions of this consent expressly require otherwise.   |  |  |  |  | | --- | --- | --- | --- | | **Plan Reference** | **Plan Title** | **Prepared by** | **Date uploaded** | | Project No. PRJ\_50624P1 Drawing GE\_1.1 Revision F | Site plan | ACLE | 05.12.2022 | | Project No. PRJ\_50624P1 Drawing GE\_2.1 Revision C and  GE\_2.2 Rev B | Locality diagrams | ACLE | 05.12.2022 | | Project No. PRJ\_50624P1 Drawing GE\_3.0 Revision D | Battery container elevation | ACLE | 05.12.2022 | | Project No. PRJ\_50624P1 Drawing GE\_4.0 Revision D | Central inverter | ACLE | 05.12.2022 | | Project No. PRJ\_50624P1 Drawing GE\_5.0 Revision D | Security fencing | ACLE | 05.12.2022 | | Project No. PRJ\_50624P1 Drawing GE\_6.0 Revision D | Tracker elevations | ACLE | 05.12.2022 |  |  |  |  |  | | --- | --- | --- | --- | | **Document** | **Reference No** | **Prepared by** | **Date** | | Statement of Environmental Effects (SEE) | Project No.  0640174 | ERM | 30.11.2022 | 05.12.2022 | | EPBC Act  Protected Matters Report | - | ERM | 17.11.2022 | | Biodiversity Assessment Report | Project No.  0640174 | ERM | 15.11.2022 | | Cultural Heritage Due Diligence, Aboriginal Cultural Heritage Assessment Report & Archaeological Technical Report | Project No.  0586215 | ERM | 15.11.2022 | | Visual Impact Assessment |  | ForgeSolar | 19.10.2022 | | Traffic and Transport Impact Assessment | TTPP Ref:  22262 | The Transport Planning Partnership | 29.11.2022 | | Flood Impact Assessment |  | Water Technology | 28.09.2022 | | Agricultural Impact Assessment | MS\_079 | Minesoils Pty Ltd | 14.11.2022 | | Construction Management Plan | KER-CM-ACLE-PLN-001 | ACLE | 21.10.2022 |   In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.  **Note 1**: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time. | To ensure that all parties with an interest in the application are aware of the approved plans and supporting documentation that has been approved as part of the development. |
|  | **Environmental Planning & Assessment Act, 1979**  All building works and subdivision works shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the Regulations made thereunder, in accordance with the plans and specifications approved by Council.  Any alteration to the approved building, or expansion of the business, changes to the operating hours or variation of operation conditions and the like will require the submission of a further development application or a modification application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, to amend the consent. | To ensure that the requirements of the EP&A Act, 1979 are met. |
|  | **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. | To ensure that the requirements of the EP&A Act, 1979 are met. |
|  | **National Construction Code**  All works must comply with the National Construction Code, including:   1. All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia. 2. All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia. | Prescribed by clause 69(1) of the EP&A Regulation, 2021. |
|  | **Construction Certificate**    A Construction Certificate is required for the development (solar panel arrays and platforms for BESS) in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*. | To ensure that the requirements of the EP&A Act, 1979 are met. |
|  | **Exempt development, Temporary Structures and Equipment**  Where exempt development, temporary structures or equipment do not require a Construction Certificate to be issued prior to their footings being constructed, their founding or tie down must be designed and certified by a Professional Engineer as meeting the requirements of AS1170:1, 2, 3 Structural Design Actions and structurally adequate to withstand the most critical loads and forces that they might be exposed to. | To ensure that the requirements of the EP&A Act, 1979 are met. |
|  | **Aboriginal or Cultural artefacts**  Should any Aboriginal artefacts, other 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. Specifically,   1. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must: 2. Not further harm the object. 3. Immediately cease all work at the particular location. 4. Secure the area so as to avoid further harm to the Aboriginal object. 5. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location. 6. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment. 7. 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 of Planning, Industry and Environment contacted. | To ensure that the requirements of the NP&W Act, 1974 are met. |

## PART A1 – REQUIREMENTS OF EXTERNAL AGENCIES

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|  | **Transport for NSW**  The follow conditions have been imposed by Transport for NSW:   1. Works shall include the design and construction of the intersection from the Sturt Highway to the satisfaction of Council and in accordance with the following: 2. The intersection of the property access with the Sturt Highway shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of the Sturt Highway. 3. Any damage or disturbance to the road reserve of the Sturt Highway shall be restored to match the surrounding landform in accordance with Council requirements. 4. If an entry gate is installed across the driveway to the site it shall be located at least 30 metres from the edge of the seal of the carriageway or at the property boundary, whichever is greater. This is to allow for standing of large vehicles when the gates are to be opened. 5. A Basic Left Turn (BAL) intersection treatment shall be constructed at the intersection of the site with the Sturt Highway to the satisfaction of TfNSW, generally in accordance with the Austroads Guide to Road Design and other relevant standards.   **Note 2**: The edge line on departure is to extend to the side road, similar to the BAL edge line. This will reduce the potential for the departure side of the driveway to be perceived or used as an acceleration lane.  **Note 3:** The C1 line is to extend through the intersection as a continuation of the edge line. The TB1 line is required as a continuation of the stop line on the right hand side of the roadway.  **Note 4:** The drawings must be corrected as part of the detailed design process.   1. All works on the Sturt Highway shall be completed at no cost to TfNSW. 2. Prior to commencing of works within the road reserve**,** the developer must enter into a Works Authorisation Deed (WAD) with Transport for NSW (TfNSW), or other suitable arrangement as agreed to by TfNSW, to upgrade the unsealed property access to a sealed Rural Property Access (RPA) and construct a Basic Left (BAL) turn treatment at the intersection of the property access and the Sturt Highway.   **Note 5**: A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.  **Note 6**: To progress the WAD, the developer should review the TfNSW factsheet (Works Authorisation Deed (WAD) - Roads - Private development and other third party work - Partners & suppliers - Business & Industry - Roads and Waterways – Transport for NSW) then email a copy of the conditions of development consent to development.south@transport.nsw.gov.au.  **Note 7**: All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: www.rms.nsw.gov.au/business-industry/partners-suppliers/tenderscontracts/prequalified-contractors.html  **Note 8**: Any new services or modifications to existing services associated with this development application that involve works on, over or under the Sturt Highway must be incorporated OFFICIAL into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer’s responsibility to identify these works to TfNSW project manager.   1. Prior to commencing works within the road reserve, the developer must: 2. Apply for and obtain Section 138 consent under the Roads Act, 1993 for the works within the Sturt Highway road reserve from Transport for NSW.   **Note 9**: TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.   1. Apply for, and obtain a Road Occupancy Licence (ROL) from the Transport for NSW (TfNSW) Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road.   **Note 10**: For information on the ROL process and to lodge an ROL application, please visit  <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>  **Note 11**: The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.  **Note 12**: The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.  **Note 13**: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.   1. Provide a Construction Traffic Management Plan (CTMP) to Transport for NSW which demonstrates how traffic travelling to and from the site will be managed safely and efficiently during the construction period. 2. Prior to the issuing of the Construction Certificate, the developer must design and construct the works within the road reserve of the Sturt Highway to the satisfaction of TfNSW. 3. A road dilapidation survey to be undertaken for the Sturt Highway in the vicinity of the development both before and after the construction of the solar farm and BESS. This information is to be provided to TfNSW at the time of the Section 138 application and upon completion of the approved works. | To satisfy the requirements of TfNSW in respect to development connecting to a classified road. |
|  | **Essential Energy**  The following conditions have been imposed by Essential Energy:   1. As there is overhead electricity infrastructure located within the properties and within close proximity of the properties, any activities within this location must be undertaken in accordance with *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. 2. The proposal (closest part – including fencing, landscaping, tree planting) must remain wholly outside the easement area. 3. Minimum safety clearance requirements are to be maintained at all times for any access road, as such access road passes under Essential Energy’s existing overhead power lines located on the properties. The access road must comply with clearances for roadways, ground clearances must be maintained. Refer Essential Energy’s policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known *as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. 4. Any access road must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage. 5. Any excavation works in this area must comply with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. 6. Any landscaping, tree planting, gardens, fencing in this area must comply with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. 7. The plans provided indicate a new proposed high voltage pole. The Applicant must follow Essential Energy’s contestable works process for installation of this pole and associated works, noting that all works will be at the Applicant’s expense. (Refer Essential Energy’s Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.) 8. 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. 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. Essential Energy also makes the following general comments: 10. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment. 11. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with. 12. 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).* 13. 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.   **Note 14**: 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*. | The requirements of Essential Energy are based on existing high voltage overhead power lines (and easement) are located on the properties which are impacted by the proposal |

## PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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|  | **CONDITIONS** | **REASON** |
|  | **Payment of Security Deposits, Levies and Contributions**  The fees listed in the table below must be paid in accordance with the conditions of this consent and Council’s adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate.   1. **Payment of building and construction industry long service levy - T**he applicant must pay 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. 2. **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. 3. In accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (former S94A) and Council’s Development Contribution Plan 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). A copy of this policy is publicly available from Council’s website [www.murrumbidgee.nsw.gov.au](http://www.murrumbidgee.nsw.gov.au).   Total payment shall be $117, 940.00 (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. | To ensure that the requirements of the EP&A Act, 1979 and associated regulations are met. |

## PART C – PRIOR TO THE COMMENCEMENT OF WORKS

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|  | **CONDITIONS** | **REASON** |
|  | **Appointment of Principal Certifying Authority**  Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:   1. Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and 2. Notify Council of their intention to commence building work (at least 2 days’ notice is required). | To ensure that the requirements of the EP&A Act, 1979 and associated regulations are met. |
|  | **Other Approvals**  The following approvals are required where relevant:   1. Roads Act 1993 approval - The applicant is to submit an application to Transport for NSW for any work within the road reserve (e.g. vehicle crossings, access, road improvement and pavement works for local roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application. 2. Section 68 of the Local Government Act 1993 – Any approvals required under Section 68, Parts A to F, including (but not limited to) waste management. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken | To ensure that the legislative and regulatory requirements of the Roads Act, 1993 and the LG, Act, 1993 are met. |
|  | **Signs on site**  A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:   1. showing the name, address and telephone number of the principal certifier for the work, and 2. 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 3. stating that unauthorised entry to the work site is prohibited.   Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. | To ensure that the requirements of the EP&A Act, 1979 and associated regulations are met. |

## PART D – DURING CONSTRUCTION

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|  | **CONDITIONS** | **REASON** |
|  | **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*. | To require approval to proceed with building work following each critical stage inspection and comply with the Regulation. |
|  | **Construction Site Management Plan**  During construction the applicant must implement and follow the Construction Management Plan prepared by ACLE (reference KER-COM-ACLE-PLN-001) dated 21 October 2022. | To ensure the management of the site during the construction phase of the development is carried out in accordance with the approved documents. |
|  | **Traffic Management Plan**  During construction the applicant must comply with the recommendations set out in the Traffic and Transport Impact Assessment prepared by The Transport Planning Partnership (reference TTPP 22262) dated 29 November 2022 and any requirements of Transport for NSW. | To ensure proper management of construction traffic is maintained during that phase of the development. |
|  | **Waste Management**  While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:   1. The contact details of the person(s) who removed the waste 2. The waste carrier vehicle registration 3. The date and time of waste collection 4. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill 5. The address of the disposal location(s) where the waste was taken. 6. Waste will not be accepted at any waste management facility operated by Murrumbidgee Council unless it is sorted and materials separated including the removal of metal fasters from timber waste (eg pallets). 7. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.   **Note 15**: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council. | To require records to be provided, during construction, documenting that waste is appropriately handled |
|  | **Hours of work**  The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:   * 7.00am to 6.00pm on Monday to Fridays * 8.00am to 1.00pm on Saturdays * No work on Sundays or Public Holidays   The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.  Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.  **Note 16:** Any variation to the hours of work requires Council’s approval. | To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020.* |
|  | **Construction noise**  The applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed a LAeq (15 min) of 5dB (A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. | To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020.* |
|  | **Discovery of contamination**  Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled, or otherwise disposed of to the requirements of such Authority. | To ensure any contamination found during construction or demolition is dealt with as quickly as possible and to protect the health of the community and the environment. |
|  | **Uncovering relics or Aboriginal objects**  While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.    In this condition:  ***“relic”*** *means any deposit, artefact, object or material evidence that:*   1. *relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and* 2. *is of State or local heritage significance; and*   ***“Aboriginal object”*** *means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.* | To ensure the protection of objects of potential significance during works. |
|  | **Imported Fill**  While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:   1. All excavated material removed from the site must be classified in accordance with the EPA’s *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier, 2. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA. | To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants. |
|  | **SafeWork NSW**  The applicant is to comply with all the requirements of SafeWork NSW. | To ensure the construction site is maintained in accordance with legislative requirements. |
|  | **Toilet Facilities during Construction**  Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:   1. Be a standard flushing toilet, connected to a public sewer, or 2. If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or 3. A portable toilet. | Reason: To provide appropriate on-site amenities during demolition and construction work. |

## PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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|  | **CONDITIONS** | **REASON** |
|  | **Occupation Certificate**  Occupation and operation of the electricity generating facility is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*. | To ensure that the requirements of the EP&A Act, 1979 and associated regulations are met. |
|  | **Removal of Waste upon Completion**  Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removalmust be supplied to the satisfaction of the principal certifier.  Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier’s satisfaction. | To ensure that waste is properly disposed of at a licensed waste management facility. |
|  | **Repair of infrastructure**    Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the satisfaction of Council and Transport for NSW. | To ensure that infrastructure that is damaged caused by the developer is repaired |
|  | **Operations Environmental Management Plan**  Prior to the issue of a Occupation Certificate, the applicant shall prepare an Operational Environment Management Plan that must be implemented during the construction and operation phases of the development. The plan shall include provisions for the planning, control and/or management of, the following   1. Pasture, stock, vegetation and weeds 2. Emergencies 3. Bush fire management 4. Access and security 5. Complaints and communications 6. Site monitoring, servicing and maintenance 7. Fire safety measures including annual certification | To ensure the development is operated in accordance with relevant Australian Standards and best practice. |
|  | **Decommission Management Plan**  A Decommission Management Plan must be provided to Murrumbidgee Council for approval prior to the issue of the occupation certificate. The Plan shall identify the rehabilitation measures that will be implemented post development to enable the continuation of productive agriculture at a level that is at least commensurate with the land’s current condition. The Plan must include, but not be limited to, the following:   1. A rapid assessment method to enable the rapid assessment of land agricultural condition that is based on scientific principles. The method shall identify a suite of indicators including those recommended by the Department of Primary Industries to identify the current condition of the development site. The indicators should be measurable to enable a rapid assessment and comparison of pre and post development site conditions to quantify and determine the sites suitability and productivity for agriculture. The indicators selected should include measures that are commonly used to assess the condition and productivity of land and water resources for agricultural production and include both chemical and physical properties. Measures could include hydraulic conductivity, compaction rates, cation exchange capacity, exchangeable sodium percentage, salinity, permeability and surface and ground water quality as an example. The pre development condition of the site for productive agriculture should be identified using the selected rapid appraisal method. 2. Expected timeline and program for rehabilitation works;      1. Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development; and 2. Details on waste management and recycling of all materials arising from the development. | To ensure the decommissioning of the development occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition. |

## PART F - ONGOING USE

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|  | **CONDITIONS** | **REASON** |
|  | **Minimise Harm to the Environment**  The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction, operation or decommissioning of the development, including weed control. | To ensure that operational aspects of the development cause minimal environmental harm. |
|  | **Amenity**  The use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products or grit, oil or otherwise. | To ensure that there is no impact on nearby residential receptors as a result of the use of the subject site. |
|  | **Visual Impacts**  The applicant must:   1. Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels; 2. Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and 3. Not mount any advertising signs or logos on site, except where this is required for safety purposes. | To ensure that there is minimal impact from the proposed development. |
|  | **External lighting**  Any lighting used on the site in connection with the development is to comply with *AS 4282 – Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes. | To mitigate nuisance from light on the natural environment and nearby residential receptors. |
|  | **Noise Control During Operation**  Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the Protection of the Environment Operations Act 1997 at any private residential receiver. The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA’s Noise Policy for Industry (2017). If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance. | To mitigate nuisance from noise on nearby residential receptors. |
|  | **Access, loading and unloading**  The person or entity with the benefit of the development consent shall ensure the following requirements are adhered to for the lifetime of the development:   1. The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times. 2. All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety. 3. All vehicular loading and unloading and parking are to be carried out within the site to prevent interference with the use of the public road. | To minimise nuisance from the development as a result of vehicle movement. |
|  | **Storage of hazardous materials**  The applicant must store and handle all dangerous and hazardous materials on site in accordance with A*S 1940-2004: The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible. | To ensure all chemicals are stored in a safe manner. |
|  | **Bushfire Management**  During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service’s document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site. | To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development. |
|  | **Decommissioning of the Development Site**  The applicant shall contact Council within 12 months of the expected cessation of operations to advise that the decommissioning process will be commenced in accordance with the approved Decommission Management Plan. The development shall be decommissioned and the site rehabilitated in accordance with the timeframes stated in the Decommission Management Plan. | To ensure the decommissioning of the development occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition. |
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## APPENDIX A

## Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

**Applicant** means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

**Approved plans** means the plans endorsed by Council and specified in Part A of this consent.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken.

**BCA** means the Building Code of Australia published by the Australian Building Codes Board.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018* and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

**Council** means Murrumbidgee Council.

**Court** means the NSW Land and Environment Court.

**Emergency** means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979.*

**EP&A Regulation** means the *Environmental Planning and Assessment* *Regulation* *2000.*

**LG Act** means the *Local Government Act 1993.*

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Owner-builder** means a person who does ‘owner-builder work’ as defined in section 29(1) of the *Home Building Act 1989* under an owner-builder permit issued to the person for that work.

**Owner** means the registered proprietor of the property from time to time.

**Principal contractor** means the person responsible for the overall co-ordination and control of the carrying out of the building works or the owner where a principal contractor has not been appointed by the owner of the site.

**Property** means the land to which the development application relates, upon which the development is to be carried out, as set out on page 1 of this consent.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Suitably qualified** means a person with at least a degree and 5 years’ experience carrying out the type of work that is the subject of the relevant condition.