

A. Planning conditions



Planning
Panels



CONSENT CONDITIONS – SOLAR FARMS

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	[PPSWES-183] – [DA 10.2023.137.1]
PROPOSAL	[Electricity generating works – Installation of a 6.87MW photovoltaic electricity generating system and associated works]
ADDRESS	Lot: 9 DP 756592 [206 Gonn Road BARHAM NSW 2732]
APPLICANT	Power Generation Co. Pty Ltd.
APPLICATION TYPE (DA)	Development Application - Regionally Significant Development

Conditions of development consent—the Act

Section 69: Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Section 70: Erection of signs

Section 71: Notification of *Home Building Act 1989* requirements

Section 72: Entertainment venues

Section 73: Maximum capacity signage

Section 74: Shoring and adequacy of adjoining property

Section 81: Build-to-rent housing

Please refer to the NSW State legislation for full text of the above Sections under Part 4 Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

PART A: GENERAL**A1 Approved Plans and Supporting Documentation**

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Reference No	Revision	Prepared by	Date
6.87MW General Layout Master Plan	SF001-BRSF-E1-201	3.0	Greenbox Solutions Pty Ltd (DS A8146379)	28/8/2023
Solar Array Type A Detail	SF001-BRSF-E1-10201	4	Greenbox Solutions Pty Ltd	22/10/2022
PV Array Side Elevation Detail	SF001-BRSF-E1-10402	1	Greenbox Solutions Pty Ltd	22/10/2022
Gate and Fance (sic) Detail	SF001-BRSF-E1-10401	1	Greenbox Solutions Pty Ltd	22/10/2022
JINKO ESS UNIT REVIEW	SF001-BRSF-E1-105	1	Greenbox Solutions Pty Ltd	2/2/2022
Memorandum – Environmental assessment of proposed solar farm development area	206 Gonn Road, Barham	-	Steven Hamilton, Hamilton Environmental Services	1/9/2023
Traffic Management Plan	Barham Solar Farm	1.0	Greenbox Solutions Pty Ltd (D.Su)	16/3/2023
Construction Environmental Management Plan	Barham Solar Farm	1.1	Greenbox Solutions Pty Ltd	18/3/2023
Decommission Waste Management Plan	Barham Solar Farm	-	Power Generation Co. Pty Ltd	Undated

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

A2 Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes)* 2008 or any other applicable environmental planning instrument.

Reason: To ensure any signage is assessed in accordance with the planning controls.

A3 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

A4 Lapsing of consent

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*.

A5 Vegetation Retention and Removal

Existing vegetation on the site is to be retained and protected from damage during work, with the exception of the vegetation outlined within the submitted Test of Significance prepared by Steve Hamilton, Hamilton Environmental Services and dated 1/9/2023. Approved vegetation removal shall be carried out by an appropriately qualified person to avoid any risk to life or damage to property and must have with adequate public liability insurance.

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

A6 Requirements of Government/Council Agencies

The following conditions have been imposed by Government/Council agencies and must be addressed at the relevant stage of the process:

- (a) Department of Planning and Environment – Biodiversity and Conservation Division (Referral response dated 16 November 2023 – labelled Appendix 1)
- (b) Department of Primary Industries – Agriculture (Referral response dated 30 June 2023 – labelled Appendix 2)
- (c) Essential Energy (Referral response dated 13 November 2023 – labelled Appendix 3)
- (d) Transport for NSW (Roads)(Referral response dated 19 June 2023 – labelled Appendix 4)
- (e) Council's Infrastructure Department (Referral response dated 22 June 2023 – labelled Appendix 5)

Reason: To ensure compliance with conditions of Government/Council agencies are complied with.

A7 Essential fire safety measures

In granting this consent, Council requires the essential fire safety measures, as determined by the Principal Certifier upon assessment of the Construction Certificate, to be installed and maintained to comply with the requirements of the Building Code of Australia. Prior to the issue of an Occupation Certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council and to the Commissioner of Fire and Rescue NSW (FRNSW) (<https://www.fire.nsw.gov.au/page.php?id=9418>) within each twelve-month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property. Please see the following link for further information regarding notification to FRNSW (<https://www.fire.nsw.gov.au/page.php?id=9157>).

Reason: To comply with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

B2 Payment of Security Deposits, Levies and Contributions

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the applicable 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.
- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
- (c) **Payment of development contributions** – A monetary contribution of 1% of the estimated development cost is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate.
 - (i) This condition is imposed in accordance with the provisions of Council's Section 94A Levy Development Contributions Plan 2011. A copy of the document is available on Council's website at www.murrayriver.nsw.gov.au or may be inspected at Council's Administration Building.
 - (ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly. Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

Reason: To ensure payments are made in accordance with legislative requirements.

B3 Construction Environmental Management Plan

Prior to the issue of a Construction Certificate, the Applicant must make the following additions and/or amendments to the submitted Construction Environmental Management Plan prepared by Greenbox (Version 1.1 Dated 18/3/2023):

- (a) Reflect the revised biodiversity assessment.

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

B4 Landscape Plan

Prior to the issue of a Construction Certificate, a comprehensive landscaping plan must be submitted to Council for approval. The plan must indicate the following information:

- a) The location and name of shrub and tree species to be planted (native plant species must be utilised);
- b) Species chosen must relate in scale to the development;
- c) Measures to assist in the establishment and maintenance of the landscaping.

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

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

B5 Other Approvals

The following approvals are required where relevant:

- (a) **Roads Act 1993 approval** - The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.
- (b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

B6 Servicing

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

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,
- (b) **Before You Dig Australia** - the Applicant shall contact "Before You Dig Australia at www.byda.com.au" to obtain a Service Diagram. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifier and Council for their records.

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and underground infrastructure for safety and efficiency.

B7 Substation Containment

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

B8 Stormwater Management

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

The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.

Reason: To ensure stormwater is appropriately managed on the site.

B9 Safety of Aerodromes/Airports

Where the solar farm is located in close proximity to an aerodrome or airport, it must comply with any requirements of the Civil Aviation Safety Authority, particularly in relation to glint and glare and any Obstacle Limitation Surface controls.

Reason: To ensure the development does not have an adverse impact on the nearby aerodrome/airport.

B10 Bush fire Management

Where the site is identified as bush fire prone land, the solar farm shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* prepared by the NSW Rural Fire Service.

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

B11 Biodiversity Management Plan

Prior to the issue of a Construction Certificate, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. The Biodiversity Management Plan must:

- (a) Identify the development site as per the submitted Test of Significance and approved plans;
- (b) Identify areas of land that are to be retained;
- (c) Restrict construction impacts to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Test of Significance; and
- (d) Identify all measures to mitigate and manage impacts on biodiversity, including performance measures for each commitment.

Reason: To ensure the development does not adversely impact on biodiversity.

B12 Vehicle Access Requirements

The following vehicle access arrangements must be provided to the site:

- (a) Council's requirements for site access

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council/Transport for NSW standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

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

B13 Reflection Mitigation Measures

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

- (a) Planting and maintenance of vegetation screens as outlined on the Landscaping Plan to reduce the impact of the solar panels on the adjoining properties/road;

Details are to be shown on the Construction Certificate plans.

Reason: To ensure the solar panels do not cause a nuisance, disturbance or hazard to adjoining properties, nearby aircraft and the public using nearby public roads from glint and glare.

B14 Car Parking

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and *AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line marked. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

B15 Flood Prone Land

A report shall be provided to certify the following:

- (a) Any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
- (b) The building/structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris; and
- (c) Finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.

Reason: To ensure structural works are safe and built to the relevant specifications.

B16 Dilapidation report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report and submit to Council for assessment, detailing the structural condition of roads and public land, to the satisfaction of Council (even if not the certifier).

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the works. The insurance cover shall be a minimum of \$10 million.

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

B17 Rural Address Number

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

Reason: To ensure the site can be identified.

B18 Emergency Management Plan

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

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones (where applicable)*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

B19 Operations Environmental Management Plan

Before the issue of a Construction Certificate, an Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the development.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

PART C: PRIOR TO WORKS COMMENCING

C1 Appointment of Principal Certifier

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifier and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

C2 Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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

Reason: Prescribed Condition under Section 70 of the Regulation.

C3 Tree Protection Measures

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the Landscape Plan and the Construction Site Management Plan are in place.

Reason: To protect trees which are to be retained prior to work commencing on the site.

C4 Care of Native Fauna Found

Any uninjured fauna should be relocated to nearby bushland. Any nocturnal fauna should be kept in a suitable cage in a shaded location until dusk, and then released into nearby bushland. If juvenile fauna are discovered, they are to be taken into the care of an organisation such as the Native Animal Trust Fund.

Injured fauna should be assessed by the ecologist and euthanised if their injuries are such that the ecologist considers that they are unlikely to survive. If injured fauna is likely to survive, they should be taken to a vet for treatment. After treatment, fauna should be taken to an organisation such as the Native Animal Trust Fund for care until they can be assessed.

Reason: To ensure the development does not adversely impact on biodiversity.

C5 Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- (a) Be a standard flushing toilet, connected to a public sewer, or
- (b) If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- (c) A portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

C6 Implementation of the Construction Site Management Plan and Waste Management Plan

The approved Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan) and the Waste Management Plan must be implemented and maintained prior to, and during, the construction works on the site until works are completed and all exposed surfaces are landscaped/sealed.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

PART D: DURING WORKS

D1 Construction Hours

The hours of demolition and/or building work shall be limited to the following hours:

- (a) Monday to Saturday: 7am to 8pm;
- (b) Sundays or Public Holidays: 8am to 8pm.

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

D2 Compliance with Construction Site Management Plan

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- (a) All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
- (b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- (c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- (e) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

D3 Waste Management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

D4 Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure or services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure payment of approved changes to public infrastructure.

D5 Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

D6 Discovery of Contamination

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D7 Construction Noise

While building work is being carried out and where no specific noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by works does not exceed an 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.

Reason: To protect the amenity of the neighbourhood.

D8 Imported Fill

While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

D9 Critical Stage Inspections

Building work must be inspected on the occasions set out under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

D10 Tree Protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of Trees on Development Sites* and any Arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

D11 Native Vegetation

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

D12 Water Pollution

The applicant must ensure the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Reason: To ensure the development does not cause any water pollution during construction.

PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

E1 Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

E2 Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

E3 Completion of all Works

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following

- (a) Landscaping;
- (b) Fencing;

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

Reason: To ensure adequate arrangements have been made for the development.

E4 Landscaping

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

E5 Post-Construction Dilapidation Report and Repair of Infrastructure

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of Council, detailing whether:

- (a) any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier).

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

E6 Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored

E7 Fire Safety Certificate

On completion of the erection of the structures, the owner must provide Council with a Fire Safety Certificate certifying all essential services installed have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the Building Code of Australia.

Reason: To ensure the development is carried out in accordance with Council's standards.

E8 Vehicle access

As the vehicle access to the site traverses a separate allotment (Lot 7 DP 1095644), prior to the issue of an Occupation Certificate one of the following options must be completed:

- Lot 9 DP 756592 and Lot 7 DP 1095644 are to be consolidated and the new Title and Deposited Plan registered by NSW Land Registry Services (i.e. NSW 'Titles Office'), or;
- An access/carriageway easement benefitting Lot 9 DP 756592 and burdening Lot 7 DP 1095644 must be submitted for Council's endorsement and registered by NSW Land Registry Services (i.e. NSW 'Titles Office'). The easement must be prepared in accordance with the *Conveyancing Act 1919*. The easement must not be removed without the consent of Murray River Council.

The requirements of this condition must be satisfied prior to the release of the Occupation Certificate.

Reason: To ensure legal vehicle access is provided to the subject allotment.

PART F: OPERATIONAL CONDITIONS

F1 Decommission Management Plan

A Decommissioning Plan must be provided to Council (or relevant approval authority) for review and approval no later than 12 months prior to the proposed cessation of operations. The objective of this is to restore the land to its pre-existing state suitable for agricultural use. It must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
- (c) Programme of site restoration to return the land back to a suitable state for agricultural purposes; and
- (d) Details on waste management and recycling of all materials arising from the development.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

F2 Emergency Management Plan

The approved Emergency Management Plan ('EMP') for the development shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

F3 Operations Environmental Management Plan

The approved Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the development.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

F4 Vehicle Management

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

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (d) The maximum size truck permitted to access the site is General Access heavy vehicle (19m semi-trailer).
- (e) All vehicular traffic associated with the development must travel to and from the site in accordance with the requirements of the Traffic Management Plan and via the approved site entry points.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

F5 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Following construction, the applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

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

F6 Operation of Plant and Equipment

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is maintained in a proper and efficient condition and operated in a proper and efficient manner.

Reason: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

F7 External lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

F8 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.

Reason: To minimise harm to the environment.

F9 Visual Impacts

The applicant must:

- a) Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;
- b) Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- c) Not mount any advertising signs or logos on site, except where this is required for safety purposes.

Reason: To minimise the visual impact of the development.

F10 Storage of Hazardous Materials

The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

F11 Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

F12 Waste Materials

The Applicant must:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

Reason: To protect the environment.

Advice to Applicant**Private covenants may apply**

The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the Applicant and owner/builder to ensure private covenants are adhered to. In accordance with Section 3.16 of the Environmental Planning and Assessment Act 1979, Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of development with such covenants.

Reason: To advise of the details of Section 3.16 Suspension of laws etc by environmental planning instruments of the Environmental Planning and Assessment Act 1979 and Section 1.9A of Council's Local Environmental Plans.

Before You Dig Australia

Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Before You Dig Australia at www.byda.com.au before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting Before You Dig Australia, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property by contacting Before You Dig Australia in advance of any construction or planning activities.

Reason: To protect underground assets.

Compliance with conditions

It is the responsibility of the Applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent. Please contact Murray River Council on 1300 087 004 or admin@murrayriver.nsw.gov.au if there is any difficulty in understanding or complying with any of the above conditions.

Reason: To ensure the Applicant is aware of their obligations.

Compliance with legislation

The development must be in accordance with the relevant provisions and Regulations of the Biodiversity Conservation Act 2016, the Fisheries Management Act 1994, the Heritage Act 1977, the Local Government Act 1993, the National Parks and Wildlife Act 1974, the Protection of the Environment Operations Act 1997, the Roads Act 1993, the Rural Fires Act 1997, the Water Management Act 2000 and all other applicable legislation.

Reason: To comply with relevant legislation.

Offence to pollute waters

The Applicant must take all necessary precautions and implement measures to prevent pollution of waterways during construction and operation of the development. The Applicant should be aware that under Section 120 of the Protection of the Environment Operations Act 1997 it is an offence to pollute waters.

Reason: To advise of NSW Environment Protection Authority requirements.

Disability Discrimination Act 1992

It is the Applicant's responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA). Note: Compliance with the Building Code of Australia (BCA) does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.

Reason: To comply with the Disability Discrimination Act 1992.

Engineering Guidelines

The Applicant must comply with Council's Engineering Guidelines for Subdivisions and Development Standards (as applicable) in conjunction with advice from Council.

Reason: To ensure the development is carried out in accordance with Council's Development Requirements.

Water supply work, sewerage work and stormwater drainage work

Water supply work or sewerage work which is plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011 must comply with that Act and the regulations under that Act. Any water supply work or sewerage work which is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the Plumbing Code of Australia.

Reason: Council and Statutory requirement of Local Government (General) Regulation 2021.

Works in road reserve

An application must be made to Council prior to constructing hard surface driveways, footpaths or the like on or over the road reserve. Any works in the road reserve, including landscaping, or the temporary placement of cranes etc. for installation of a moveable dwelling, require approval under Section 138 of the Roads Act 1993. Please contact Council's Infrastructure Department for more information.

Reason: To comply with the Roads Act 1993.

B. Section 68 Approval under the Local Government Act 1993

nil