

Attachment A – Draft 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 a sub-5 megawatt (MW) Electricity Generating Works (Solar Farm) and sub-5MW Battery Energy Storage System (BESS) at 293 Hawkins Road, Yoogali.

It is advised that the proposed development has been assessed in regard to the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 and is considered to be an Electricity Generating Works, which is defined as:

Electricity Generating Works – Means a building or place used for the purposes of –
(a) *making or generating electricity,*
(b) *electricity storage.*

The development must be implemented in accordance with Development Application No.189/2023 received by Council on 22 September 2023 and the below mentioned plans and documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Received by Council	Prepared or Drawn By
Site Plan 1 Of 2 (Rev C) Issue date 16 January 2024 (24/23138 ref for stamping)	23 February 2024	ACEnergy
Site Plan 2 Of 2 (Rev C) Issue date 16 January 2024 (24/23137 ref for stamping)	23 February 2024	ACEnergy
Location Diagram 1 Of 2 (Rev D) Issue date 16 January 2024 (24/23135)	23 February 2024	ACEnergy
Location Diagram 2 Of 2 (Rev C) Issue date 16 January 2024 (24/23136 ref for stamping)	23 February 2024	ACEnergy
Central Inverter Elevations (Rev A) Issue date 7 August 2023 (23/119889 sheet 6 of 8 ref for stamping)	22 September 2023	ACEnergy
Battery Container Elevations (Rev A) issue date 7 August 2023 (23/119889 sheet 5 of 8 ref for stamping)	22 September 2023	ACEnergy
Security Fence and Landscaping Details - (Rev A) Issue date 7 August 2023 (23/119889 sheet 7 of 8 ref for stamping)	22 September 2023	ACEnergy

PV Mounting System Details - (Rev A) issue date 11 August 2023 (23/119889 sheet 8 of 8 ref for stamping)	22 September 2023	ACEnergy
---	-------------------	----------

Document	Received by Council	Prepared By
Statement of Environmental Effects (Rev 001B) issue date 15 September 2023 (23/119890 ref for stamping)	22 September 2023	Premise Australia
Biodiversity Assessment Report (Version 2) issue date 12 September 2023 (23/119880 ref for stamping)	22 September 2023	Habitat Environmental Services
Glint and Glare Assessment Report issue date September 2023 (23/119886 ref for stamping)	22 September 2023	Environmental Ethos
Traffic Impact Assessment Report issue date 12 September 2023 (23/119891 ref for stamping)	22 September 2023	Traffic Works
Flood Risk Report issue date 11 September 2023 (23/1198847 ref for stamping)	22 September 2023	Water Technology
Bushfire Management and Emergency Response Plan (Version 5) issue date 11 September 2023 (23/119881 ref for stamping)	22 February 2024	Harris Environmental Consulting
Acoustic Report – Environmental Noise Emission Assessment (Rev 1) issue date 6 September 2023 (23/119878 ref for stamping)	22 September 2023	Watson Moss Growcott Acoustics
Agricultural Assessment Report issue date 24 August 2024 (23/119879 ref for stamping)	22 September 2023	Meridian Agriculture
AHIMS Web Service Search Result issue date 15 September 2023 (23/119877 ref for stamping)	22 September 2023	NSW Heritage
Preliminary Site Investigation Issue date 16 February 2024 (24/23133 ref for stamping)	23 February 2024	ACEnergy
Letter to Griffith City Council	23 February 2024	Premise Australia

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

2. 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 1300 176 077.

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 be made to Council.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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).
- (c) 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.

9. 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.

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. 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:

- (a) Not further harm the object.
- (b) Immediately cease all work at the particular location.
- (c) Secure the area so as to avoid further harm to the Aboriginal object.
- (d) Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
- (e) 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.

12. 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.

13. Bush Fire Management

The mitigation measures recommended in the Bush Fire Management and Emergency Response Plan prepared by Harris Environmental Consulting (dated 11 September 2023) are to be implemented and maintained for the life of the project.

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.

14. 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 **\$60,400.41** (1% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment.

The contribution is to be paid **prior to the issue of the Construction Certificate**.

15. 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.

16. Landscape Plan

Prior to the issue of the Construction Certificate a detailed Landscape Plan showing a landscaped buffer around the entire perimeter of the site shall be prepared and submitted to Council for approval. The entity with the benefit of the consent must establish and maintain the required landscaping screen located around the entire perimeter of the solar farm (excepting the vehicle access point and the emergency access gate). The landscape buffer must:

- (a) be comprised of species that include the Weeping Myall Woodland EEC and locally native fire-retardant species;

- (b) be at least 5 metres deep, comprising at least two rows of staggered trees (reaching up to 3m in height at maturity) and understorey planting;
- (c) be effective at screening views of the solar panels and ancillary infrastructure on site from surrounding residences, and minimising any glare from the solar panels on road users;

17. 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.**

18. Turning path diagrams to justify suitable access tapers

Prior to the issue of a Construction Certificate, an amended accessway plan detailing the accessway width to allow two-way movement of a 19m semi-trailer and passenger vehicle and turning path diagrams is to be submitted to Council to justify suitable tapers connecting to the road carriageway to accommodate 19m semi-trailers for the proposed accessway off Hawkins Road. This is to justify the width of the proposed access and the tapers at the connection point of the access to the Hawkins Road carriageway. Turning path diagrams are to be in accordance with Austroads Design Vehicles and Turning Path Templates Guide 2013

19. Carparking Dimensions

Prior to the issue of a Construction Certificate, amended dimensioned geometric plans of the proposed carparking spaces are to be submitted showing widths and lengths of parking spaces and aisle widths.

Detailed design drawings for the carparking areas are to comply with *Council's Engineering Guidelines - Subdivisions and Development Standards, Austroads Guidelines and Council's Development Control Plan No. 20 Off-street Parking Policy.*

20. Dilapidation Report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier. This shall be done for the length of Hawkins Road adjoining the site boundary and for that part of Mirrool Branch Canal Road that extends from Hawkins Road, up to and including the intersection with Irrigation Way.

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 works. The insurance cover shall be a minimum of \$10 million.

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.

21. Notification of Commencement

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

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) if not carrying out the work as an owner-builder, has:
 - 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.

22. Construction Management Plan (CMP)

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

(a) Measures for the management of traffic during construction are to include:

- (i) heavy vehicle access from Irrigation Way to Mirrool Branch Canal Road will be restricted to left turn movements from Irrigation Way.
- (ii) heavy vehicles departing from the site will be restricted to left turn movement from Mirrool Branch Canal Road onto Irrigation Way.
- (iii) deliveries will be scheduled to avoid trucks arriving and departing the construction site simultaneously, and to avoid peak traffic periods.
- (iv) the management of loading and unloading of construction materials on site

(b) Waste Management Plan

This is to include (as a minimum):

- (i) identify all waste (including excavation, demolition and construction waste material) that will be generated by the development during construction, and
- (ii) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - reused on-site and off-site, and
 - recycled on-site and off-site, and
 - disposed of off-site, and
- (iii) if waste material is to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site, and
- (iv) if waste material is to be disposed of, reused or recycled off-site - specify the contractor who will be transporting the material and the licensed waste management facility or recycling outlet to which the material will be taken.

(c) Sedimentation and Erosion Control Plan

This is to include (as a minimum):

- (i) The installation of a sediment fence with returned ends across the low side of the works; and
- (ii) A temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.
- (iii) Appropriate measures for adequate soil compaction and ground levelling following filling of the dam, to minimise the potential for erosion and sediment run-off.

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.

- (d) **Construction Noise and Vibration Management Plan** that shall include at minimum, the mitigation measures listed at headings 5.4.1, 5.4.2 and 5.4.3 in the Acoustic Report prepared by WatsonMossGrowcott Acoustics dated 6 September 2023. Rotary bored or vibro piling is to be used, if possible, otherwise if percussive hammer piling is used, the alternative mitigation measures identified at 5.4.4.3 of the Acoustic Report will be utilised. The Plan shall identify appropriate measures to reduce noise levels at the dwellings located at 293 and 231 Hawkins Road, Yoogali, such that the noise management levels within the *Interim Construction Noise Guideline* (DECC, 2009) are not exceeded, except to the satisfaction of Council.
- (e) **measures to reduce the risk of bushfire** originating and spreading from the site as a result of the use of machinery, welders, grinders, storage of flammable materials etc.
- (e) **material stockpiling/storage**
- (f) **identify parking** for construction worker vehicles
- (g) **dust mitigation** measures to be implemented during dry and/or windy weather conditions.
- (h) **complaint management** and contingency measures.

The approved Construction Management Plan (incorporating the Waste Management Plan, Sediment and Erosion Control Plan and other construction management measures) must be implemented and maintained prior to, and during, construction until works are completed.

23. Preparation of a Traffic Management Plan (TMP)

A Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval **prior to the commencement of work** within Council's road reserve. The TMP must comply with the requirements of Transport for New South Wales Traffic Control at Work Sites Technical Manual (TCAWS Manual), Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3), and Austroads' Guide to Temporary Traffic Management (AGTTM).

The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained

throughout the duration of the works. All inspections of the TMP and collection of records must comply with the requirements of the TCAWS Manual.

24. 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.

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

25. Truck warning signs

Prior to the Commencement of Work truck warning signs is to be installed on Hawkins Road and Mirrool Branch Canal Road on the approach to the intersection of Hawkins Road and Mirrool Branch Canal Road for the duration of the construction period.

26. Off-Street Parking

Prior to the Commencement of Work fifteen (15) parking spaces each of dimensions 2.6 metres x 5.5 metres in accordance with Council's Development Control Plan No.20 Off-street Parking Policy are to be provided on site to serve the development during the construction period.

NOTE: This consent does not guarantee compliance with the Disability Discrimination Act, 1992 and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 2890.6:2009 in respect of acceptable standards of design and requirements.

27. Linemarking

Delineation of parking bays and directional lines are to be implemented in accordance with the approved construction plans and *Australian Standard 2890.1:2004*. Parking bay delineation and directional lines are to be installed **prior to the Commencement of Work**.

28. Toilet Facilities

Portable toilet facilities must be provided on the site during construction at the rate of one (1) toilet for every twenty (20) persons employed/working on the site. Toilet facilities must be provided and functioning **prior to the commencement of work** and maintained in working order during the construction phase.

29. Staff Parking

All vehicles for staff, contractors and other people involved in the construction phase are to be parked on site and not on any public roads.

30. Tree Protection Measures

Before the commencement of any site or building work, the principal certifier must ensure that adequate temporary fencing is erected around the base of native trees on either side of the proposed site access point on Hawkins Road. The temporary fencing is to remain in position for the duration of the construction period and to be removed at the commencement of operations.

The new site access point from Hawkins Road is to be located to avoid the removal of, or damage to, native trees in the road reserve.

31. Land Management

Prior to any activity or construction taking place on the land, the applicant must prepare a baseline soil report indicating the land and soil capability class. This is intended to inform performance measures and rehabilitation plans to assist in decommissioning. A copy of this report is to be provided to the Council.

32. Bush Fire Management

A minimum 20,000 litre water supply tank fitted with a 65mm storz fitting and a gate or ball valve shall be suitably located on the site for firefighting purposes.

During Construction

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

33. Compliance with Construction Management Plan

The requirements of the approved Construction 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) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (c) Protection measures shall be maintained in a state of good and safe condition throughout the duration of works.
- (d) 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.

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

34. 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.

35. SafeWork NSW

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

36. 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.

37. Hours of Work

All excavation, construction and upgrading works/activities shall be limited to the following hours:

- (a) between 7:00am and 6:00 pm Monday to Friday
- (b) between 8:00am and 1:00pm Saturdays
- (c) no work is 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.

38. Discovery of Contamination

Should any unexpected contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the works are to cease immediately, Council is to be notified and a suitably qualified person

appointed to further assess the site in order that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of Council.

39. Imported and Exported Soil

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.

Prior to the issue of the 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 Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

40. 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) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) Bushfire Protection Measures as outlined in this consent shall be installed and completed;
- (d) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

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.

41. 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.

42. 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).

43. Accessway construction

Prior to the issue of an Occupation Certificate, an all-weather access is to be provided between the property boundary and the road carriageway off Hawkins Road. The accessway is to be constructed with 200mm of compacted road building gravel and shall include a concrete culvert with concrete headwalls and guideposts. The accessway is to be constructed in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards*.

44. Internal Driveway

Prior to the issue of an Occupation Certificate a minimum 3m wide internal driveway within the site is to be provided, ending in a turning area sized for the movement of the largest sized vehicle to access the development for the continued operation and maintenance of the proposed solar farm. The internal driveway is to be constructed of 200mm of compacted road building gravel to an all-weather standard in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards*.

45. Post-Construction Dilapidation Report

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 the principal certifier, 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).

46. 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.

47. Easements and Covenants

Prior to the issue of an Occupation Certificate, the following easements and/or restrictions created under the *Conveyancing Act 1919* must be registered on the title of the land with the NSW Land Registry Services:

- (a) Any easements/covenants or restrictions required by the provision of electricity supply cables to Essential Energy's infrastructure; and
- (b) A positive covenant requiring decommissioning, rehabilitation and restoration within six (6) months following end of life of the project (i.e. 30 years from the date of the Occupation Certificate) and for this to occur at no cost to Council.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments. Griffith City Council is to be clearly identified as the authority empowered to modify, vary or release the terms of the encumbrances on title.

48. Landscaping

Prior to the issue of the Occupation Certificate landscaping is to be planted in accordance with the approved Landscape Plan. Landscaping should be planted as early in the construction phase as possible in order that it has a chance to establish whilst staff are regularly on site to provide maintenance and to maximise the opportunity for vegetation growth prior to the commencement of operations.

49. 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.

50. Entry Gate Setback

Prior to the issue of an Occupation Certificate, any entry gate installed for the subject development shall be set back sufficient distance to enable a minimum of 20m heavy vehicle storage length within the site. This is to allow for the off-street standing of large vehicles when gates are to be opened.

Operational Conditions

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

51. Amenity

The 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 otherwise.

52. 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 or to residential receivers. In the event of glint or glare from the solar plant being evident from a public road or dwelling, the

proponent shall immediately implement adequate glare mitigation measures to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.

53. 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 regard to a pollution event.

54. Noise Control During Operation

Any noise generated from the operation of the solar farm during normal operation, repairs or upgrading work, 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.

55. Sight Distance

Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".

56. 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.

57. Ongoing Access to Site

The following conditions will apply for the lifetime of the subject development:

- (a) The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.
- (b) All vehicles are required to enter and leave the development in a forward direction.
- (c) All vehicular loading and unloading are to be carried out within the site.
- (d) Vehicles accessing the development are to be limited to 19 metre Semi-trailer Vehicles as specified in Austroads Design Vehicles and Turning Path Templates Guide 2013.
- (e) No car parking to occur on the public road network in the vicinity of the site.
- (f) The vehicle entry and exit points and the emergency access gate 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.
- (g) All vehicular traffic associated with the development must travel:
 - i. to the site via Burley Griffin Way, Whitton Stock Route Road, Irrigation Way, Mirrool Branch Canal Road and Hawkins Road
 - ii. from the site via Hawkins Road, Mirrool Branch Canal Road, Irrigation Way and Burley Griffin Way, and

- iii. enter the site via the approved site access point off Hawkins Road.
- (h) Vehicles are not to enter or exit the site using the emergency access gate off Centofanti Road, except during a bush fire emergency. Land in the vicinity of the emergency access gate is to be kept clear at all times. A sign is to be erected on the gate to the emergency access point stating, "Bushfire Emergency Access Only" and indicating the location of the main entrance.

58. Parking Maintenance

The property owner remains responsible for the upkeep and maintenance of the car parking, vehicle maneuvering areas and associated facilities for the lifetime of the proposed development.

59. Landscape Maintenance

All landscaping installed as part of the approved Landscape Plan:

- (a) must be maintained in good health for the lifetime of the development. On-going monitoring of the health and performance of landscaping must be undertaken. When necessary, trees and shrubs shall be replaced to ensure landscaping continues to act as an effective visual screen.
- (b) is not to be removed, lopped, trimmed or otherwise damaged.
- (c) must be kept free of long grass and weeds.

60. Bushfire Management

The applicant must at all times:

- (a) 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.
- (b) minimise the risk of fire originating or spreading from the site
- (c) include a minimum 10-metre defendable space around the perimeter of the solar array area that permits unobstructed vehicle access (i.e. an Asset Protection Zone)
- (d) maintain a Fuel Free Zone within 5m of the central inverter and BESS.
- (e) ensure that grass within the Asset Protection Zone is kept low in height.
- (f) ensure that the 20,000 litre water tank required for firefighting purposes under the approved Bush Fire Management and Emergency Response Plan is kept in working order and is filled with water at all times to at least 90% capacity.

61. External Lighting

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

62. 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.

63. Decommission Management Plan

A Decommission Management Plan must be provided to Council (or the relevant approval authority) for review and approval no later than 12 months prior to the end of the operational life of the solar farm (i.e. 29 years from the date of the Occupation Certificate) or no later than 6 months prior to the proposed cessation of operations should the solar farm cease operations in less than 30 years. 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 pre-existing land and soil capability class. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities. The Plan must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Removal from the site of all solar panels, above and below ground infrastructure, fencing, the internal road, all footings and any other structures or infrastructure relating the approved development. The substation, control room and or overhead electricity lines may remain in place only if they are transferred to, or in the control of, the local electricity network operator. Otherwise, only landscaping may remain on the site following decommissioning.
- (c) Programme of site restoration to return the land to its previous condition prior to use as a solar farm. Post restoration, a soil report identifying the land and soil capability class is to be undertaken and results compared to the baseline soil report prepared prior to construction. The report is to be submitted to council to demonstrate that the condition, suitability and productivity of the land for agriculture has been sufficiently reinstated.
- (d) Following removal of the BESS and its footings, site restoration shall include a contamination report prepared by a suitably qualified person to identify whether the ground in and around the location of the BESS is contaminated. Should contamination be found, remediation is to occur to restore the soil to a condition suitable for agricultural production.
- (e) Details on waste management aimed at maximising the recycling or reuse of all materials arising from the development.
- (f) Mitigation measures to reduce traffic, dust and noise impacts during the decommissioning phase; and
- (g) Measures to protect native trees in the Hawkins Road reserve from vehicle movements during decommissioning.

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

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- 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* and *Code of Practice – Work near Underground Assets*.

(2) Installation of electrical equipment

The applicant is advised that the proposed development is not situated on flood liable land. Although, to minimise the likelihood of damage of property from flooding, it is advised critical solar panel infrastructure should be positioned a minimum of 200mm above ground level or above the 1% AEP flood level and any critical electrical infrastructure (i.e. batteries and transformers) a minimum of 300mm above ground level as recommended in the Flood Risk Report prepared by Water Technology, 11 September 2023.

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