

## **Attachment A - General Advice**

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

### **1. Right of Appeal**

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

### **2. Review of Determination**

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

### **3. Compliance with Development Consent**

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

### **4. Unauthorised Development**

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

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

### **5. National Construction Code and Australian Standards**

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

## Attachment B – Conditions of Consent

### Administrative Conditions

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

#### 1. Approved Development

Development consent has been granted for the 4.95 megawatt (MW) solar Farm and 4 x 2,752 MWh batteries at 394 Macedone Road, Bilbul.

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

solar energy system means any of the following systems—

- (a) a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—
  - (i) carried out on the land on which the system is located, or
  - (ii) carried out by the owner of the system on adjoining land,
- (b) a solar hot water system,
- (c) a solar air heating system.

The development must be implemented in accordance with Development Application No.228/2023 received by Council on 13<sup>th</sup> of November 2023 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Received by Council	Prepared or Drawn By
Site Plan (Rev D) (24/36638)	21 March 2024	ACE Microgrid
Solar PV Equipment – Central & Typical Inverter Layout (Internal, Side & Top View (Rev A)) (23/135586)	13 November 2023	Atlas Renewables
Solar PV Equipment – Typical Battery Container (Front, Side & Top View (Rev A)) (23/135586)	13 November 2023	Atlas Renewables
Solar PV Equipment - Security Fence, Landscape and Tracking System Section View (Rev A) (23/135586)	13 November 2023	Atlas Renewables
Solar PV Equipment – Tracking System (Rev A) (23/135586)	13 November 2023	Atlas Renewables
Landscape Plan, Drawing No. 101, Issue B & dated 14/06/2024 (24/72011)	20 June 2024	Site Image Pty Ltd
Landscape Details, Drawing No. 501, Issue B & dated 14/06/2024 (24/72011)	20 June 2024	Site Image Pty Ltd

Matrix 1 Details, Drawing No. 601, Issue B & dated 14/06/2024 (24/72011)	20 June 2024	Site Image Pty Ltd
Matrix 2 Details, Drawing No. 602, Issue B & dated 14/06/2024 (24/72011)	20 June 2024	Site Image Pty Ltd
Matrix 3 Details, Drawing No. 603, Issue B & dated 14/06/2024 (24/72011)	20 June 2024	Site Image Pty Ltd
Landscape Specification, Project Number SS24-5364, Issue A & dated 14/06/2024 (24/72012)	20 June 2024	Site Image Pty Ltd

Document	Date Received by Council	Prepared or Drawn By
Statement of Environmental Effects (23/133177)	13 November 2023	PSA Consulting
Geotechnical Investigation Report (24/5178)	15 January 2024	Geotechnical Testing Services
SoundIn Bilbul Solar Farm Construction Noise and Vibration Management Plan, Report No. 17240, Version 0.1 & dated 28 May 2024 (24/72010)	20 June 2024	Nic Hall
SoundIn Bilbul Solar Farm Noise and Vibration Impact Assessment, Report No. 17240, Version 1.1 & dated 18 January 2024 (24/14860)	8 February 2024	Nic Hall

Solar Glint and Glare Assessment Report (23/15951)	16 October 2023	Atlas Renewables
Traffic Impact Assessment (23/133178)	16 October 2023	Pavey Consulting Services
Land Suitability Report (24/14878)	8 February 2024	Nutrien Ag Solutions
Aboriginal Cultural Heritage Desktop Assessment for a Solar Farm (23/133169)	16 October 2023	Australian Cultural Heritage Management (Victoria) Pty Ltd
Solar Farm and Battery Energy Storage System, December 2023, (24/36640)	21 March 2024	Atlas Renewables

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

### 4. 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.

### 5. 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.

### 6. 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.

### 7. 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.

8. Clearing of Vegetation

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

9. National Construction Code

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

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

10. Aboriginal Heritage

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

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

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

11. 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.

12. Traffic Impact

The mitigation measures recommended in the Traffic Impact Assessment by Pavey Consulting Services (dated 26 September 2023) are to be employed and maintained for the duration of the project.

### 13. Battery system Specifications

The design of the battery storage system is to adhere to technical specifications prepared by Sungrow (dated 8 February 2024) and are to be operated and maintained for the duration of the project accordingly.

## **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](http://www.griffith.nsw.gov.au).

Total payment shall be \$68,001.04 (1% of \$6,800,104.08 being 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. Erosion and Sediment Control

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

### 17. Pollution Control Plan

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

- (a) Soil erosion and sediment control measures that are designed in accordance with Managing Urban Stormwater – Soils and Construction, Volume I (Landcom 2004). The measures shall include:
  - (i) Preventing solid waste, sediment, sand, soil, clay or stones from the site entering the stormwater drainage system. Only clean rain water will be

- permitted to discharge into the stormwater drainage system.
- (ii) Preventing vehicles from tracking materials onto the road which may enter stormwater drainage.
- (iii) Plans showing the location of sedimentation control fencing and details of any temporary driveways.
- (iv) methods for the entire construction period and up until such times as an application is made for an Occupation/Compliance/Subdivision Certificate.
- (b) Means of dust suppression measures to be implemented during dry and/or windy weather conditions.
- (c) A waste management plan addressing all waste collection and disposal issues associated with waste generated by the development during the construction process. In terms of disposal of waste, all material is to be disposed of at a licenced waste management facility. No material shall be burnt onsite.

#### 18. 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).
- (a) Road Occupancy or road closures

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

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

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

#### 19. Accessway Plan

Prior to the issue of a Construction Certificate, a detailed design/plans are to be submitted showing the provision of an all-weather access between the property boundary and the road carriageway off Macedone 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

#### 20. On-site Access Gate

An on-site access gate to be situated at the north western corner of the site approximately 40 metres east of Macedone Road must be installed to provide ample storage space for a 19m B-double vehicle in the event where the gate is closed at the time of delivery. The proposed gate must be set back a minimum of 40 metres

from the edge of Macedone Road and that access to the gate from Macedone Road must remain unrestricted.

21. 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.

22. Turning path diagrams to justify suitable access tapers

Prior to the issue of a Construction Certificate, an amended accessway plan with turning path diagrams is to be submitted to Council to justify suitable tapers connecting to the road carriageway to accommodate 19m B-double vehicle and a light vehicle for the proposed accessway off Macedone Road. This is to justify the width of the proposed access and the tapers at the connection point of the access to the Macedone Road carriageway. Turning path diagrams are to be in accordance with Austroads Design Vehicles and Turning Path Templates Guide 2013.

23. 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.

24. Landscape Buffer

Prior to the issue of the Construction Certificate the approved between 5m and 7m wide landscaped buffer, fencing and 3m wide track are to be installed to the satisfaction of Council.

## 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.

25. 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.

## 26. Erection of Signs

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

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

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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

## 27. Construction Management Plan (CMP)

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

- a. the management of traffic during construction;
  - I. all vehicular access to the site be via the approved access route via Rankins Springs Road, Rossetto Road (west) and Macedone Road
  - II. Maximum size of vehicle is a 19 meter B-double
  - III. Any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project
  - IV. Heavy vehicle access to be by way of a right turn from Rankins Springs Road into Rossetto Road. A Period Permit from the National Heavy Vehicle Regulator must be sought to enable temporary access for 19m B-Doubles during the equipment delivery phase via Rossetto Road, (west) / Macedone Road.
  - V. Heavy vehicles departing from the site will be restricted to left turn movement from Rossetto Road onto Rankins Springs Road
  - VI. Deliveries will be scheduled to avoid heavy vehicles arriving and departing the site between 8am–9am, and, 4:30pm–5:30pm due to traffic volumes on Rankins Springs Road being at the peak during those respective times.
- b. the management of loading and unloading of construction materials on site
- c. material stockpiling/storage;
- d. identify parking for construction worker vehicles;
- e. dust mitigation measures; and
- f. complaint management and contingency measures; and

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

## 28. Sedimentation and Erosion Controls

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

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

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

## 29. Pollution Control

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

## 30. Protection of adjoining areas

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

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

## 31. Erection of Signs

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

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

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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

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

## 32. Waste Management Plan

A waste management plan for the work must be prepared before work commences

on the site. The waste management plan must:

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

### 33. Traffic Management Plan

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.

### 34. Truck warning signs

Prior to the Commencement of Work truck warning signs are to be installed on Rankins Springs Road on the approach to the intersection with Rossetto Road as per the Construction Traffic Management Plan for the duration of the construction period.

### 35. Off-Street Parking

Prior to the Commencement of Work Twenty (20) 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.

### 36. 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.

## During Construction

The following conditions of consent must be complied with at all times during the demolition,

excavation and construction of the development.

### 37. 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.

### 38. Noise Control

The mitigation measures recommended in the Noise and Vibration Impact Assessment Report by SoundIN Pty Ltd (Dated January 2024) are to be employed and maintained for the duration of the project.

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

- (a) a construction noise management protocol to minimise noise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community;
- (b) a construction noise and vibration management plan to manage noise levels down toward the Noise Management Levels;
- (c) where possible use localised mobile screens or construction hoarding around piling rig/plant to act as barriers between construction works and receivers, particularly where equipment is near the site boundary and/or a residential receiver including areas in constant or regular use (e.g., unloading and laydown areas);
- (d) operating plant in a conservative manner (no over-revving), shutdown when not in use, and be parked/started at farthest point from relevant assessment locations;
- (e) selection of the quietest suitable machinery available for each activity;
- (f) minimise noisy plant/machinery working simultaneously where practicable;
- (g) minimise impact noise wherever possible;
- (h) utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm;
- (i) provide toolbox meetings, training and education to drivers and contractors visiting the site during construction so they are aware of the location of noise sensitive receivers and to be cognisant of any noise generating

- activities;
- (j) signage is to be placed at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site; and
- (k) utilise project related community consultation forums to notify residences within proximity of the
- (l) site with project progress, proposed/upcoming potentially noise generating works, its duration
- (m) and nature and complaint procedure.

39. No obstruction of public way

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

40. Shoring and adequacy of adjoining property

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

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

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

41. Toilet Facilities

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

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

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

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

42. SafeWork NSW

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

43. 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.

44. Sedimentation and Erosion Controls

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

45. Survey of Building Location

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

46. Hours of Work

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

The person with the benefit of the consent must ensure that impacts from noisy construction activities, such as piling, are limited to 9.00am to 12.00pm Monday to Saturday and 2.00pm to 5.00pm Monday to Friday to provide respite to surrounding residents.

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.

47. Pollution Control

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

48. Dust Control

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

49. Contaminated Land Unexpected Finds

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

#### 50. 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:

- (d) all vehicles entering or leaving the site must have their loads covered, and
- (e) 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.

### **Prior to the issue of the Occupation Certificate**

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

#### 51. Visual Impact

Prior to the issue of the Occupation Certificate the automatic irrigation for the approved landscaped buffer is to be maintained to the satisfaction of Council.

#### 52. Lease Agreement for Use of Council's Road Reserve

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

#### 53. 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.

#### 54. 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).

55. 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 Macedone 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.

56. Internal driveways

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

57. Submission of Survey of Building Location

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

## On-Going Requirements

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

58. Amenity

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

59. Management of Glint and Glare from Solar Panels

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

60. Potential Contamination

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

61. Upgrading of solar panels and ancillary infrastructure

Over time, the applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within approved development footprint of the site. Prior



to carrying out any such upgrades, the Applicant shall provide revised layout plans of the development to the secretary incorporating the proposed upgrades.

62. Ongoing Noise Control

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

The mitigation measures recommended in the Noise and Vibration Impact Assessment Report by SoundIN Pty Ltd (Dated 18 January 2024) are to be employed and maintained for the duration of the project.

63. 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".

64. 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.

65. Entry Gate Setback

Any entry gate installed for the subject development shall be set back a minimum storage length of 40 metres from the edge of the road carriageway. This is to allow for the standing of large vehicles when gates are to be opened.

66. 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 is to be carried out within the site.
- d. Vehicles accessing the development are to be limited to 19 metre B-double Vehicles as specified in Austroads Design Vehicles and Turning Path Templates Guide 2013.

67. 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.

68. Landscape maintenance

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

69. Compliance with on-going requirements of the Lease Agreement

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

70. Schedule of Items

The long-term maintenance for the project shall be carried out in accordance with the Schedule of Items contained in the approved document titled 'Solar Farm and Battery Energy Storage System'.

## **Demolition Management**

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

71. Decommissioning

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

All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Council, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator.

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

## Attachment C – Advisory Notes

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

- (1) Essential Energy makes the following general comments:
  - If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
  - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
  - Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
  - Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); 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](http://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) Civil Aviation Safety Authority provides the following comments:
  - Glint and Glare have proven to not be a hazard to aircraft on approach or departing an aerodrome. CASA's concern lies with potential impact on any air traffic control tower (ATCT) and the ability of the controllers to conduct their work.
  - As Griffith Airport does not have any ATCT facility, the solar farm as proposed will not be a hazard to aircraft operations and CASA has no objection to the proposal as presented.
- (3) Installation of electrical equipment

The applicant is advised that the proposed development is situated on flood liable land. To minimise the likelihood of damage of property from flooding, it is advised that all electrical equipment be kept above the 1 in 100-year flood level. The choice of building materials, internal fixtures and floor coverings should also be considered.

To establish the exact depth of flood waters on any part of an allotment, the applicant is advised to obtain a survey plan of the allotment.

## **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.