

## Attachment A – Conditions of Consent

### Deferred Commencement Condition

Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this is a deferred commencement condition. This has the effect that the consent is not to operate until the Council is satisfied that:

1. The land title for the Crown road adjoining the southern boundary of the site has been transferred to the owner of Lot 500 DP1235915, known as 269 Marshalls Lane, Blayney.

Evidence must be provided to Council to satisfy this deferred commencement condition within **six (6) months** from the date of this consent. The consent will lapse if Council is not provided with evidence to address the deferred commencement condition within this **six (6) month** period.

### Administrative Conditions

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

#### A1. Approved Plans and Supporting Documentation

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

Plan/Report Title	Reference No	Revision	Prepared by	Date
Site Plan	NSW-150	I	Green Gold Energy	17/05/24
81 Module Ext Tracker	Detail Sheet 1	0	Netracker	19/05/22
Pier Tolerances	Detail Sheet 2	0	Netracker	19/05/22
PV Export System ABB HV Switchboard		A	Green Gold Energy	07/06/22
SG4950HV-MV Turnkey Station		1.1	Sungrow	2020
Hi-MO 5m LR5-72HPH 540-560M			Longi	N/A
Chain Wire Mesh Security Fence & Gate	GG21-10-003-1	B	Ace Microgrid	18/05/22
Overall Landscape Plan	LP01	C	Moir Landscape Architecture	21/05/24
Landscape Plan Detail	LP02	C	Moir Landscape Architecture	21/05/24
Detailed Planting Plan	LP03	C	Moir Landscape Architecture	21/05/24
Details	LP04	C	Moir Landscape Architecture	21/05/24
Specification	LP05	C	Moir Landscape Architecture	21/05/24
Specification	LP06	C	Moir Landscape Architecture	21/05/24

Statement of Environmental Effects	230252	V1.0	NGH	19/12/23
Preliminary Biodiversity Assessment Report		1.0	The Environmental Factor	18/12/23
Traffic Impact Assessment	687 rep 231123 final	B	Amber	23/11/23
Preliminary Site Investigation	230252	V.2	NGH	21/05/24
Glint and Glare Assessment	2442	B	Moir Landscape Architecture	17/05/24
Letter			NGH	30/04/24
Letter			NGH	22/05/24

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

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

#### **A2. Signage**

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

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

#### **A3. Compliance with the Building Code of Australia**

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

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

#### **A4. Existing Services**

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

#### **A5. 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 the Notice of Determination.

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.

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

**A6. 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.

**Prior to the issue of a Construction Certificate for Engineering Works**

The applicant is to obtain a Construction Certificate from Council, for the engineering work required by the conditions below. The Construction Certificate is to be obtained prior to works commencing for the works associated with these conditions. Design shall be in accordance with *WBC Guidelines for Engineering Works*. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

The applicant is to submit engineering plans, specifications and calculations in relation to Conditions B1, B2, B3 and B5 in an appropriate digital format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

**B1. Intersection widening**

The intersection of Marshalls Lane and the private access road is to be reconstructed, to include appropriate widening to allow safe access for all vehicles associated with the construction of the development.

**B2. Intersection upgrade**

Prior to the commencement of work, condition no.7 of DA95/2017 must be satisfied, as the condition required an intersection upgrade that is necessary for both DA95/2017 (erection of a dwelling) and the solar farm development i.e.:

An all-weather 2WD vehicular access is to be constructed at the existing entrance into the former Crown road in accordance with *WBC Guidelines for Engineering Works*. Such access shall include:

- (a) A gate or stock grid set back a minimum distance of fifteen (15) metres from the edge of the Crown public road.
- (b) A minimum 4.0 metre wide gravel footway crossing, extending from the edge of the gravel road on Marshalls Lane to the entrance gate or stock grid.
- (c) A 150mm thick 3.0 metre wide concrete dish drain or 450mm diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

### **B3. Vehicle Access, internal driveway and car parking construction**

Prior to the commencement of work:

- (a) Entry and exit points are to be clearly signposted prior to the commencement of construction works on the site and must be visible from both the street and the site at all times.
- (b) An all-weather access is to be provided between the property boundary and the road carriageway off Marshalls Lane. 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 *WBC Guidelines for Engineering Works*.
- (c) 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 *WBC Guidelines for Engineering Works*.
- (d) All driveways, vehicular crossings and car parking spaces shall be constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and *AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities*.
- (e) Twenty (20) parking spaces each of dimensions 2.6 metres x 5.5 metres are to be provided on site using an all-weather surface, to serve the development during the construction period. Delineation of parking bays and directional lines are to be implemented in accordance with the approved construction plans and *Australian Standard 2890.1:2004*.

Reasons: To ensure safe, practical and legal vehicle access is provided to the site. To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

### **B4. Traffic and Pedestrian Management Plan**

The developer is to submit a Traffic and Pedestrian Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The plan shall prepared by a suitably qualified person in accordance with the provisions of the Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

The Plan is to include a traffic waiting area at the northern end of the sealed section of Marshalls Road to enable vehicles heading north to wait for any vehicles travelling south.

Reasons: To warn drivers and pedestrians of changes to the usual road and footpath conditions as well as to guide drivers and pedestrians safely through the work site.

#### **B5. Soil and Water Management Plan**

A Soil and Water Management Plan for the site in accordance with *WBC Guidelines for Engineering Work* is to be submitted to and approved by Council prior to the issue of a Construction Certificate. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a Compliance Certificate pursuant to Division 6.2 of the Environmental Planning and Assessment Act 1979, as amended, or inspection report has been issued by Council or an accredited certifying authority, certifying that the plan is in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website). Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

Note: 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.

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

### **Prior to the issue of a Construction Certificate for Building Works**

Prior to commencement of any work, you will need a Construction Certificate for building works (in accordance with section 6.7(1) of the *Environmental Planning and Assessment Act 1979*) issued by Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

#### **C1. Design Modifications**

The Overall Landscape Plan, Reference No. LP01, Revision C by Moir Landscape Architecture dated 21 May 2024 shall be amended to show the same dog-leg alignment of the security fencing in the north-east corner of the site as shown on the Site Plan, Reference No. NSW-150, Revision I by Green Gold Energy dated 17 May 2024.

#### **C2. Payment of Security Deposits, Levies and Contributions**

The following payments must be made prior to the issue of the Construction Certificate.

- (a) **Payment of building and construction industry long service levy** - The applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986*, and provide proof of this payment to the certifier.

- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the commencement of works within the road reserve.

(c) **Payment of development contributions**

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and Council's Development Contribution Plan 2010, this development requires the payment of a section 7.12 contribution. The section 7.12 contribution is required towards the provision of public amenities and services in accordance with Councils adopted *Local Infrastructure Contributions Plan 2022*. A copy of this policy is publicly available from Council's website [www.blayney.nsw.gov.au](http://www.blayney.nsw.gov.au).

Total payment shall be **\$51,460** (1% of the proposed cost of carrying out the development). In accordance with Council's *Local Infrastructure Contributions Plan 2022*, 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.

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

**C3. Other Approvals**

The following approvals are required where relevant:

- (a) **Roads Act 1993 approval** – Prior to the issue of a Construction Certificate, a section 138 Roads Act application, including payment of fees, shall be lodged with Council, as the Roads Authority for any works required within a public road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc), pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped plans and Council specifications.

- (b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management or installation of a moveable dwelling. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

**C4. Servicing**

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

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,

Details shall be provided with the Construction Certificate application.

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

#### **C5. 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.

Reason: To protect the amenity of the surrounding area.

#### **C6. 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 that length of Marshalls Lane from the intersection with Lawson Street to the northern most end of Marshalls Lane.

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

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

### **Prior to Commencement of Works**

#### **D1. Construction Certificate**

Prior to commencement of any works, a Construction Certificate is to be obtained, and where Council is not the Principal Certifier, a copy is to be submitted to Council.

#### **D2. Appointment of Principal Certifying Authority**

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

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

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

### **D3. IDENTIFICATION OF SITE**

A sign must be erected in a prominent position on the site stating:

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

The sign is to be maintained while 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).

Reason: Prescribed Condition under clause 98A(2) and (3) of the Regulation.

### **D4. 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 CMP is to include, the mitigation measures recommended in the supporting technical studies listed under condition no.1 above and include, but not be limited to, the following:.

#### **(a) Construction Traffic and Access Management Plan**

The developer is to submit a Construction Traffic and Access Management Plan to manage construction traffic and access impacts of the Project. The plan shall be prepared by suitably qualified professional must be submitted to and approved by Council. The plan shall include but, but not necessarily be limited to:

- (i) identification of construction traffic routes and construction traffic volumes (including heavy vehicle / spoil haulage / material haulage) on these routes;
- (ii) details of vehicle movements for construction sites and site compounds including parking, dedicated vehicle turning areas, and ingress and egress points;
- (iii) identification of construction impacts that could result in disruption of traffic, public transport (inclusive of school buses), pedestrian and cycle access, property access, including details of oversize load movements;
- (iv) details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time



congestion (including on school buses), and measures to ensure safe pedestrian and cycle access;

- (v) heavy vehicle deliveries are to be coordinated throughout the day to avoid heavy vehicles meeting at along the private access road or the unsealed section of Marshalls Road which are designed for one-way vehicle movement.
- (vi) a response plan which sets out a proposed response to any traffic, construction or other incident; and
- (vii) mechanisms for the monitoring, review and amendment of this Plan.

(c) **Waste Management Plan**

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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 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.
- (e) **Vegetation protection measures** to protect all trees in the vicinity of the proposed works that are to be retained (Note: all trees are to be retained other than up to 4 native trees located at the intersection of the Crown Road and Marshalls Lane to enable intersection widening), in particular, native trees and trees with hollows. Measures are also to be implemented to protect the dam and aquatic vegetation around the perimeter of the dam, including the installation of high vis fencing around the dam and habitat tree (along the southern boundary of the site) prior to the commencement of works.
- (f) **Construction Noise and Vibration Management Plan** that shall identify appropriate measures to reduce noise levels at the two residential receivers located within 755m of the site, such that the noise management levels within the *Interim Construction Noise Guideline* (DECC, 2009) are not exceeded, except to the satisfaction of Council. Rotary bored or vibro piling is to be used, if possible.
- (g) **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.
- (h) **Material stockpiling/storage**

(i) **Dust Management Plan**

Prior to the issue of a Construction Certificate, a Dust Management Plan prepared by suitably qualified professional must be submitted to and approved by Council. The Dust Management Plan must:

- (i) detail methods of dust suppression during construction of the solar farm
- (ii) include a consultation strategy to engage and inform adjoining and proximate landowners and tenants prior to construction commencing and during construction
- (iii) include contact details for the principal contractor during construction
- (iv) be prepared in accordance with current applicable legislation and best practice industry guidelines.

(j) **Complaint management** and contingency measures.

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

The approved CMP must be implemented and maintained prior to, and during, the construction until works are completed.

**D5. Tree Protection Measures**

Existing trees on the site are to be retained and protected from damage during work. Before the commencement of any site or building work, the principal certifier must ensure that the measures for tree protection detailed in the Construction Management Plan are in place. These measures are to remain in position for the duration of the construction period and to be removed at the commencement of operations.

Reason: To protect trees prior to work commencing on the site.

**D6. 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. A copy of this report is to be provided to the Council.

Reason: This is intended to inform performance measures and rehabilitation plans to assist in decommissioning.

**D7. Toilet Facilities during Construction**

Toilet facilities must be provided on the work site during construction at the rate of one (1) toilet for every twenty (20) persons or part of 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.

Each toilet provided must:

- (a) Be a standard flushing toilet, connected to a public sewer, or

- (b) If connection to a public sewer is not available, connect to an on-site effluent disposal system approved by the council, or
- (c) A portable toilet (temporary chemical closet approved under the *Local Government Act 1993*)

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

#### **D8. 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.

#### **D9. Excavation and backfilling**

All excavation and backfilling associated with the erection/demolition of the building must:

- (a) be executed safely and in accordance with appropriate professional standards, and
- (b) be properly guarded and protected to prevent them from being dangerous to life or property.

### **During Construction**

#### **E1. Construction Hours**

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

- (a) Monday to Friday: 7:00am to 6:00pm;
- (b) Saturday: 8:00am to 1:00pm;
- (c) No work is to be undertaken on Sundays or Public Holidays.

Unless otherwise approved within the Construction Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours. The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

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

#### **E2. 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, in addition 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) Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Department of Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

(c) All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning

(d) All sheds, building materials, machinery and equipment must be stored or stacked wholly within the site unless an approval to store them elsewhere has been granted by Council.

(e) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.

(f) Protection measures shall be maintained in a state of good and safe condition throughout the duration of works.

(g) 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.

### **E3. Waste Management**

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

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

transferred, noting date and time of delivery, description (type and quantity) of waste.

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

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

#### **E4. Responsibility for Changes to Public Infrastructure**

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

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

#### **E5. Discovery of Aboriginal Objects**

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking excavation, demolition or building work, 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, Housing and Infrastructure as soon as practical on ph. 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 contact the NSW Police and the Department of Planning, Housing and Infrastructure.

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

#### **E6. Discovery of 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.

#### **E7. 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 and/or other relevant Authority.

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

#### **E8. Construction Noise**

While works are being carried out, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of the approved Construction Noise and Vibration Management Plan.

Reason: To protect the amenity of the neighbourhood.

#### **E9. 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.

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

#### **E10. Tree Protection**

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

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

Reason: To protect trees during construction.

#### **E11. Native Vegetation**

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

Reason: To ensure vegetation is maintained on the site.

#### **E12. SafeWork NSW**

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

#### **E13. 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.

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

#### **F1. Occupation Certificate**

Occupation and operation of the solar farm is not to occur until all work has been completed, all 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*. Where Council is not the Principal Certifier, a copy is to be submitted to Council.

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

#### **F2. 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) Vehicle access points, the internal access road as well as revegetation of temporary construction car parking spaces and the construction laydown area;
- (b) Security fencing and stock proof fencing;
- (c) Bushfire protection measures and standards as outlined in this consent (i.e. a 10m wide asset protection zone and 20,000Ltr rainwater tank) shall be installed and completed;

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 the ground cover during operation of the solar farm.

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

**F3. Completion of Public Utility Services**

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

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

**F4. 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 the approved plans and *WBC Guidelines for Engineering Works*.

**F5. Landscaping**

Prior to the issue of the Occupation Certificate all noxious weeds must be removed, and 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.

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

**F6. 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 Council.

**F7. 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).



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

**F8. 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.

**F9. 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) covenant requiring decommissioning, rehabilitation and restoration within six (6) months following end of life of the project (i.e. 40 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. Blayney Shire Council is to be clearly identified as the authority empowered to modify, vary or release the terms of the encumbrances on title.

Reason: To ensure the development provides the necessary easements and restrictions on the land title.

**F10. Removal of Waste upon Completion**

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

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

## **Operational Conditions**

**G1. 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.

The mitigation measures recommended in the supporting technical studies listed under condition no.1 above, relevant to the operational phase of the development,

are to be implemented and maintained for the life of the project.

**G2. Landscape Maintenance**

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.

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

**G3. External lighting**

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

Reason: To protect the amenity of the surrounding area.

**G4. 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. Any spillage of dangerous or hazardous materials 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.

Reason: To minimise harm to the environment.

**G5. 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.

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

**G6. Waste Materials**

The Applicant must:

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

Reason: To protect the environment.

**G7. 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 developer 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.

Reason: To protect the safety of road users and the amenity of residents from the impacts of glint and glare.

**G8. Vehicle Management**

The premises shall be operated in accordance with the following vehicle management requirements for the lifetime of the development:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site
- (b) All vehicles must enter and leave the site a forward direction.
- (c) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
- (d) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (e) 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".
- (f) The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.

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

**G9. 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.

**G10. Bushfire Management**

The 20,000Ltr water tank is to be kept in working order and filled with water at all times to at least 90% capacity.

**G11. Decommission Management Plan**

A Decommission Management Plan must be provided to Council for review and approval no later than 12 months prior to the end of the operational life of the solar farm (i.e. 40 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 40 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, all footings and any other structures or infrastructure relating the approved development. Only landscaping may remain;
- (c) Programme of site restoration to return the land to its previous condition prior to use as a solar farm. Restoration works are to include, but not be limited to:
  - (i) Identification of any contaminants and suitable rehabilitation and disposal;
  - (ii) Filling with clean soil all holes in the ground resulting from the removal of footings and underground infrastructure (including cabling);
  - (iii) Laser levelling the site; and
  - (iv) Suitable revegetation of any areas of exposed earth.
- (d) 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 submitted to council to demonstrate that the condition, suitability and productivity of the land for agriculture has been sufficiently reinstated;

- (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 within and adjoining the site from vehicle movements during decommissioning.

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

## 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](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) Naturally Occurring Asbestos

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, then clause 432 of the Work Health and Safety Regulations 2017 (as amended) requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the Model Asbestos Policy for NSW Councils (2015) (as amended).

(3) Inspection Schedule

Building Inspections

The Principal Certifier is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work. Council's Building Department must be contacted by the Principal Certifier to undertake inspections of the various stages of construction as follows:

- (a) Slab/footing inspection when steel is laid prior to the pouring of concrete.

- (b) Frame inspection.
- (c) Final/stormwater inspection at time of completion of all works.

#### Engineering Inspections

The applicant is to arrange an inspection of the development works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Erosion and Sediment Control	* Prior to the installation of erosion measures.
B	Road Construction	* Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base,
C	All Development Works	* Practical completion.