

## Development Consent Conditions

**As per Section 4.16 (1)(a) the development consent is granted subject to following conditions are to be fully complied with;**

**Conditions prescribed by the *Environmental Planning and Assessment Regulation 2000***

1. The work must be carried out in accordance with the requirements of the National Construction Code.

**Reason:** Statutory requirement.

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

- showing the name, address and telephone number of the principal certifying authority for the work, and
- 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
- stating that unauthorised entry to the work site is prohibited.
- Detailing a GPS location for emergency services in the event of an emergency

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

**Reason:** Statutory requirement.

**Conditions imposed by Council**

**Approved Plans and Supporting Documentation**

3. 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 were amended by conditions of this consent:

Statement of Environmental Effects, Ref 23062 Rev. 0, dated September 2023, prepared by Chris Smith & Associates Pty Ltd.				
The following plans, studies and reports submitted with Development Application Number P16-23.18, and prepared by Chris Smith & Associates Pty Ltd. (unless otherwise stated):				
Drawing Document Project No.	Version	Content	Date of Plan	
23062/01	2	Site Locations	June 2023	
23062/01	2	Site plan & plant schedule	June 2023	
23062/01	2	Typical elevations, details & spacing	June 2023	
23062/01	2	Landscape plan, typical elevations, details, spacing & photos	June 2023	

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23114 (OMLS)	01	Survey heights – existing conditions plan	July 2023
23114 (OMLS)	01	Survey heights – existing conditions plan with site layout	July 2023
Green Gold Energy	G	Site Plan	August 2023
Green Gold Energy	B	Electrical Equipment Elevations	March 2020
Ace microgrid GG21-10-003-1	B	Chain mesh security fence and gate	May 2022
Leneco Environmental Management		Desktop Ecological assessment report	May 2023
Green Gold Energy GG-CEMP		Construction Environmental Management Plan	
Torrent Consulting Pty Ltd DJW:L.T2400.003.docx		Flood assessment report	September 2023
Traffic works 220760		Traffic Impact Assessment Report	July 2023
Environmental Ethos		Glint and glare assessment report	July 2023

In the event of any inconsistency between the 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.

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### Connection to Electricity Network

4. This development consent does not approve the connection to the electricity network over Lot 107 in DP755276. Any proposed connection will be the subject of a separate application and approval from the relevant authority.

**Reason:** To ensure appropriate approvals are sought for future off-site infrastructure works.

5. 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.

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

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

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

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

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

- (a) Payment of building and construction industry long service levy - The applicant must pay the long service levy of \$15,152.00 as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.
- (b) Public liability insurance - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.

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

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

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

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

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

11. The solar farm shall comply with the relevant specifications and requirements of the Statement of Environmental Effects in relation to Bush Fire Risk including the following:

- A 10m wide Asset Protection Zone (APZ) around the perimeter of the solar array and contained within the boundaries of the subject site. The APZ that would give firefighters a clear and defensible place from which to fight any fire and would be fuel- managed, with regular site maintenance ensuring grass and other vegetation is kept to a safe level, including under the solar array panels themselves.
- Emergency vehicle access off the Nevertire Bogan Road that would allow firefighting vehicles to enter the site. All access gates would be fitted with an 003 fire lock that would be able to be used by emergency services.
- Installation of a minimum 20,000 litre static water supply tank for dedicated firefighting purposes. The tank is proposed to be located near the entry point of the compound/site. The tank would be fitted with 65mm storz outlet with a ball valve fitting extending to outside the fence compound providing firefighter access OR the tank can be entirely outside the fence compound, to allow connection to firefighting vehicles.
  - The tank is to be non-combustible materials (steel/concrete)
  - Ball valve and pipes are adequate for water flow and are metal,
  - Supply pipes from tank to ball valve have the same bore size to ensure flow volume,
  - Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank,
  - A hardened ground surface for truck access is supplied within 4m,
  - Above-ground tanks are manufactured from concrete or metal,
  - Raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959),
  - Unobstructed access can always be provided,
  - Static Water Supplies (SWS) are clearly marked with SWS signage place at the front gate and in location that guide responding fire agencies to the location of the water supply on site (Refer to Appendix),
  - Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
  - All exposed water pipes external to the building are metal, including any fittings.

Details are to be demonstrated on the Construction Certificate plans.

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

12. 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 of their intention to commence building work (at least 2 days' notice is required).

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

13. Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the Environmental Planning and Assessment Regulation 2000.

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

14.

(a) A safety clearance distance of at least 10 metres (measured horizontally) from the centreline of the overhead powerlines, to the development, is required;

(b) Should the proposed development be altered, Essential Energy is consulted for further comment;

(c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the [subject] property should be complied with;

(d) Activities undertaken within the location of existing electricity infrastructure located on the property 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".

(e) 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).

(f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. 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.

15. The development is to provide a designated parking area with a minimum of 20 parking spaces. .

**Reason:** To ensure that the development provide sufficient car parking spaces.

16. A Section 138 application under the Roads Act is required, to complete the necessary roadworks on the Nevertire Bogan Road required by Consent condition no. 17 below.

17. The subject site access be constructed per Council's Rural Vehicular Access Policy and AS/NZS 2890.2, to the satisfaction of the Council. Section 138 approval must be obtained from Council prior to any site works commencing. NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

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**Reason:** To ensure that the site is suitably accessible during wet weather.

18. Provide an all-weather turning area, a minimum of 150mm road base (DGB20) or “A1” gravel pavement, a minimum of six (6) metres wide.

NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

**Reason:** To ensure that the site is suitably accessible during wet weather.

19. Prior to the handover of road works and commencement of haulage, the installation of “Advance Truck” warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) below the warning sign, must be installed 250 metres in advance of the intersection of Castlebar Lane and Oxley Highway Roads at no cost to Council.

REASON: To ensure road safety signage is installed.

NOTE: Signage installation is to be included in the approval pursuant to s138 Roads Act.

20. The developer is to ensure that dust suppression measures are in place to minimise the creation of dust into and exiting the development site.

**Reason:** To ensure the creation of dust does not impact upon the amenity of the area and does not create a visibility hazard to the surrounding environment.

21. The maintenance of the roads including the bitumen seal are the full responsibility of the developer.

**Reason:** To ensure the associated infrastructure is not inundated by flood waters.

22. Buildings and critical infrastructure are to be at a level of at least 450mm above the 1955 flood height as indicated by the Department of Water Resources or as evidenced by a Registered Surveyor’s Level Certificate using known flood marks and the 1955 flood slope to calculate flood height at the development site. This information is to be provided prior to the commencement of building works.

**Reason:** To ensure the associated infrastructure is not inundated by flood waters.

23. A temporary toilet shall be provided on site from the commencement of building work.

The temporary toilet shall be:-

A water closet connected to the sewerage system or approved septic tank;

A chemical closet supplied by a licensed contractor approved by Council.

**Reason:** To ensure adequate levels of health and amenity are achieved and the natural environment is protected.

24. The connection of the solar farm to the electricity network is designed to Essential Energy Standards and approved by Essential Energy.

**Reason:** To ensure the associated infrastructure is designed and approved by the appropriate regulatory authority.

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25. The applicant shall ensure that all builders refuse and trade waste, whilst on site, is stored in a manner that does not cause any nuisance. All waste is to be removed from the site at the completion of the construction works.

**Reason:** To ensure the applicant removes all waste from the site, which could reduce the amenity of the area.

26. All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

**Reason:** To ensure pedestrian and vehicular access is not restricted in public places.

27. Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

**Reason:** To ensure that filling placed on land does not affect natural drainage.

28. Fill shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

**Reason:** To ensure that the works do not result in water being diverted onto adjoining land.

29. Any excavation/fill is to be suitably retained.

**Reason:** To ensure the stability of the site and adjoining properties.

30. All waste is to be deposited at a licenced landfill. The Ewenmar Waste Depot does not have the capabilities of disposing of large volumes of waste and therefore another waste facility will have to be utilised due to the expected volumes of waste created.

**Reason:** To ensure that the waste created from the development is disposed of in an acceptable manner and at a licenced waste facility.

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

**Reason:** To minimise harm to the environment.

32. Prior to the issue of an Occupation Certificate, the applicant must supply written verification to Council from an appropriate authorised person within the organisation operating the development attesting to the backtracking/rest angle of the solar panel as 4o.

**Reason:** To ensure potential glare impacts on surrounding receivers is minimised.

33. 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.

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

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

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

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

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

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

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

36. Construction or demolition may only be carried out between the times

Stated as follows:-

Mondays to Saturday        7.00am to 5.00pm.

Sundays & public holidays   no construction work to take place.

**Reason:** To ensure the amenity of the area is not compromised.

37. 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) and to the relevant adjoining property owner(s) (where there are any adjoining buildings within 3 metres of a boundary).

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



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38. The land must be returned to its pre-existing conditions (prior to use as a solar farm) and all solar farm infrastructure removed once the project is decommissioned. The land must be rehabilitated and restored, including the pre-existing land and soil capability class if previously used for agriculture purposes. 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.

**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.

39. A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval no later than 12 months prior to the proposed cessation of operations. It must include, but not be limited to, the following:

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

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

### Advisory Note;

#### **Dial Before You Dig**

*Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.*

#### **Telecommunications Act 1997 (Commonwealth)**

*Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's*

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*assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.*