

## 9. DEVELOPMENT CONSENT: RECOMMENDED DRAFT CONDITIONS

### GENERAL CONDITIONS

1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement effective measures to prevent any material harm to the environment that may result from the construction, operation, upgrading/refurbishment or decommissioning of the development.

**Condition reason:** To minimise any potential adverse environmental impacts

2. Construction impacts must be restricted to the development site and must not encroach into area of retained native vegetation and habitat as per the BOS Evaluation Report (NGH July 2024) and approved plans. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BOS Evaluation Report.

**Condition reason:** To restrict the development to the development area and to protect the retained native vegetation of the surrounding area

3. The Applicant must carry out the development:
    - (a) generally, in accordance with the Statement of Environmental Effects and related documentation, including conditions received from Government and Other Agencies, amended plans, commitments and any undertakings given in writing by the Applicant during the assessment and determination process; and
    - (b) in accordance with the conditions of this consent.
- Statement of Environmental Effects dated December 2023 Ref:220605 prepared by NGH Pty Ltd
  - Hillston Solar Farm – Traffic Impact Assessment Ref: 631 rep 240125 final dated 25 January 2024 prepared by Amber Traffic & Transportation Direction
  - BOS Evaluation Hillston Solar Farm dated July 2024 Project Number: 220605 prepared by NGH Pty Ltd.
  - Glint and Glare Assessment, Issue 02, dated 7 May 2024, Project Number: 2428 prepared by Moir Landscape Architecture.
  - Waste Assessment dated 10 May 2024 prepared by NGH Pty Ltd.
  - Aboriginal Heritage Due Diligence Assessment dated 6 December 2023 prepared by NGH Pty Ltd.
  - Flood Risk Assessment dated 8 August 2023 prepared by Cumulus Engineering Pty Ltd.
  - Site Layout Aerial Images, Drawing number HIL-PRELIM-DWG-002-1, Rev 1, Sheets 2/2, dated 9 May 2024 and Site Plans HIL-PRELIM-DWG-003-1, Sheets 1 & 2 Rev 3 dated 04/12/24 by Risen Solar Technology

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

4. Development consent is granted for use of the site as an **electricity generating works** as defined by the Carrathool Local Environmental Plan 2012 including the following works/components:
- (a) AC capacity of 5MW;
  - (b) Estimated Development Cost of \$15,920,000.00 and estimated cost of work of \$16,060,000.00 (including GST).
  - (c) To be sited in the Northern portion of Lot 63 DP 664722, 10738 Kidman Way Hillston;
  - (d) Junction boxes;
  - (e) Above and underground electrical conduits and cabling;
  - (f) Internal access driveway;
  - (g) A temporary car and bus parking area and other temporary facilities during the construction phase;
  - (h) Security fencing;
  - (i) Upgrading of existing access point and of Norwood Lane;
  - (j) Installation of power and inverter stations, battery energy storage system, switchgear and connection infrastructure;
  - (k) Vegetative amenity screening;
  - (l) Decommissioning of the solar energy system at the end of the consent and removal of all components to an approved facility located outside the Carrathool Shire.

**Condition reason:** To correctly describe what has been approved

5. If there is any inconsistency between the various assessment documents and related correspondence, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

6. The Applicant must at all times comply with any requirements of the Council arising from the Council's assessment of:
- (a) any plans or correspondence that are submitted in accordance with this consent;
  - (b) any reports or reviews commissioned by the Council regarding compliance with this consent; and
  - (c) the implementation of any actions or measures contained in these documents.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

7. This consent will lapse five years from the date of consent unless the works associated with the development have substantially and materially commenced.

**Condition reason:** To comply with the NSW legislative planning requirements

8. The Applicant must ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the *Building Code of Australia*.

**Condition reason:** To ensure the design of the proposed work complies with the appropriate construction standards

9. Prior to commencement of any building works, a Construction Certificate must be obtained from Council or a Private Registered Certifier. Plans submitted with the Construction Certificate must incorporate all the relevant conditions of the development consent. A Construction Certificate issued by a Private Registered Certifier is to be deposited with Council at least five (5) Business Days prior to the commencement of any works.

**Condition reason:** To ensure the design of the proposed work may be assessed in detail and complies with the appropriate construction standards before work commences

10. The Applicant must pay to Council an amount of **\$20,000 each year** (indexed to account for movements in the *Australian Bureau of Statistics Consumer Price Index*) over a period of ten (10) years, in lieu of an upfront payment, for maintenance works on Norwood Lane. The first payment is to be made prior to the commencement of operations of the development. Thereafter, the remaining yearly payments are to be made on the anniversary of the first payment date.

**Condition reason:** To ensure the continuation of road maintenance

11. The Applicant may construct, operate and decommission the development in stages. Where staging of the development is proposed, the conditions of this consent are required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

**Condition reason:** To advise that the proposed development can be carried out in stages and what consent conditions will apply to each stage

12. Over time, the Applicant may upgrade or refurbish the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site, are in accordance with the approved scope and magnitude of the existing development and in accordance with the consent conditions herein. Prior to carrying out any such upgrades or refurbishments, the Applicant must provide revised layout plans and details of the development incorporating the proposed upgrades to the Council, for its prior written approval.

**Condition reason:** To correctly describe what has been approved and ensure any upgrades are in accordance with updated environmental requirements and approved plans

13. The Applicant must ensure that any demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

**Condition reason:** To ensure the demolition is carried out in a safe manner and that the utilities are protected from damage

14. The development, including the project's boundary fence, must not adversely influence or impede the flow of floodwater, resulting in detrimental increases in the potential flood affectation of other, non project lands.

The Proponent is to provide an Evacuation Plan showing the Proponent's preferred access to the site from the north via Norwood Lane and relocation of the site office and laydown area away from the flooded areas of the site, as mentioned in the Flood Risk Assessment.

A flood response plan is to be prepared in consultation with Council and the NSW SES to ensure the safe evacuation of workers during future floods.

**Condition reason:** To prevent flooding of the surrounding area and meet the recommendations of the Biodiversity, Conservation and Science Group – NSW Department of Climate Change, Energy, the Environment and Water

15. The Applicant must at all times ensure:

- (a) the internal road is constructed as an unsealed crushed rock based all-weather road;
- (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- (c) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- (d) development-related vehicles leaving the site are in a clean condition to minimise debris being tracked onto the public road network.

**Condition reason:** To adequately provide for the safe, all weather loading, unloading, manoeuvring and parking of vehicles within the development, and ensure the safety of all road users

16. The Construction Environmental Management Plan as required by Condition 25 is to consider whether or not a water cart is required on-site during construction activities to minimise and prevent dust generation so as to avoid community complaints.

**Condition reason:** To prevent the proposed development having a detrimental effect on adjoining land

17. The applicant must:

- (a) Liaise with the Council to monitor any off-site visual impacts of the development on residents in Norwood Lane, including the potential for glint or glare from the solar panels.
- (b) Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in with and is sympathetic with the surrounding landscape; and
- (c) Not mount any advertising signs or logos on site, except where these are required for identification or safety purposes. No signage shall be erected adjacent to or opposite existing residences.

**Condition reason:** To ensure that any potential adverse impacts on the surrounding environment are considered

18. The Applicant must:

- (a) update the plans required under this consent to the satisfaction of the Council prior to carrying out any upgrading/refurbishment or decommissioning activities on site; and
- (b) review and, if necessary, revise the plans required under this consent to the satisfaction of the Council within 1 month of the:
  - submission of an incident report under condition 21;
  - submission of an audit report under condition 59; or
  - any modification to the conditions of this consent.

**Condition reason:** To ensure that any potential environmental impacts are addressed

19. With the approval of the Council, the Applicant may submit any plan required by this consent on a progressive basis. To ensure the plans under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised plans to the Council for approval.

*Notes:*

- *While any plan may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies or plans at all times.*
- *If the submission of any plan is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the plan applies, the relationship of this stage to any future stages, and the trigger for updating the plan.*

**Condition reason:** To allow for plans to be received by Council in an appropriate timescale

20. The Council must be verbally notified immediately and within 24 hours in writing upon the Applicant becoming aware of an incident relating to the development. The notification must provide full details of the incident.

**Condition reason:** To ensure that any incidents are notified to Council in a timely manner

21. The Council must be notified in writing within seven (7) days of the Applicant becoming aware of any non-compliance with the conditions of this consent. The notification must set out the

condition of consent for which the development is non-compliant, the manner in which it is or was non-compliant, the reason(s) for the non-compliance, what actions have been taken to correct the non-compliance and what preventative actions have been taken to avoid a recurrence.

**Condition reason:** To ensure that any non-compliance with the conditions of consent are notified to Council in a timely manner

22. The Applicant must at all times make the following information promptly and publicly available on its website as relevant to the stage of the development:

- the Statement of Environmental Effects;
- the final layout plans for the development;
- the statutory approvals for the development;
- approved plans required under the conditions of this consent;
- the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
- how complaints about the development can be made;
- a complaint register;
- compliance reports;
- any independent environmental audit, and the Applicant's response to the recommendations in any audit;
- any other matter required by the Council; and
- keep this information current in a timely manner.

**Condition reason:** It is in the public interest that the above information is made available to the general public

23. The Applicant must comply with the following Essential Energy conditions:

- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 12.5m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.

A 12.5m safety/easement clearance required for clearance from the existing 33KV Overhead network.

Please ensure that the natural ground level height for proposed internal track is not altered while traversing under the Essential Energy Network.

- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 – Work Near Essential Energy's

Underground Assets.

- 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)*; the location of overhead and underground powerlines is also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](http://essentialenergy.com.au/lookupandlive).

**Condition reason:** To ensure compliance with the requirements of Essential Energy

## **BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

24. Prior to the issue of Construction Certificate, the Applicant must submit a detailed landscape plan with legend and an ongoing Maintenance Plan, for approval by Council.
25. Prior to the issue of a Construction Certificate by Council or a Private Registered Certifier, the Applicant must prepare and receive Council approval for the following Plans for the development:
  - 1) Construction Management Plan;
  - 2) Construction Noise and Vibration Management Plan;
  - 3) Construction Environmental Management Plan incorporating a Biodiversity Management Plan (BMP).
  - 4) Operational Environmental Management Plan incorporating the requirements listed in Condition 36 of this consent.
  - 5) Bushfire Management Plan;
  - 6) Traffic Management Plan incorporating a Flood Response Plan;
  - 7) Waste Management Plan.
  - 8) Biodiversity Management Plan. The Biodiversity Management Plan must identify the following:
    - the development site as per the BOS Evaluation Report (NGH July 2024) and approved plans.
    - areas of vegetation that are to be retained as outline in the BOS Evaluation Report.
    - all measures proposed in Table 4-5 of the Statement of Environmental Effects (NGH December 2023) to mitigate and manage impacts on biodiversity, including performance measures for each commitment.
    - additional measures to monitor and control weeds.

**Condition reason:** To ensure compliance with the plans, ensure site management measures are implemented during the carrying out of site work and to protect the overall amenity of the development site

26. The monetary contributions set out in the following table are to be paid to Council prior to the issue of a Construction Certificate. The contribution rate is set as at the date of this consent and is levied in accordance with the Carrathool Shire Council Section 7.12 Fixed Levy Plan October 2021. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment.

| Contribution Type   | Estimated Cost of Development | Levy Percentage | Total Contribution |
|---------------------|-------------------------------|-----------------|--------------------|
| s 7.12 Contribution | \$16,060,000.00               | 1%              | \$160,600          |

**Condition reason:** To ensure payment of relevant levies

27. For work of \$250,000 or more, a Long Service Levy shall be paid to the Council or directly to the Long Service Corporation. The current levy rate is 0.25% of the value of building and construction works costing \$250,000 or more (inclusive of GST). Evidence of payment is to be provided to Council or an Accredited Certifier prior to the issue of a Construction Certificate.

| Contribution Type | Estimated Cost of Development | Levy Percentage | Total Contribution |
|-------------------|-------------------------------|-----------------|--------------------|
| Long Service Levy | \$16,060,000.00               | 0.25%           | \$40,150.00        |

**Condition reason:** To ensure payment of relevant levies

28. The floor level height of any permanent buildings is to be 500mm above the 1% AEP Flood Level. Details showing compliance with this requirement are to be submitted with any future Construction Certificate Application.

**Condition reason:** To avoid entry of stormwater to the buildings so as to protect property from damage

29. Prior to the issue of a Construction Certificate by Council or a Private Registered Certifier, the Applicant must comply with the following Transport for NSW condition:

- 1) All existing vehicular access points or gates to the subject site from the Kidman Way shall be removed and the Road Reserve reinstated to match surrounding roadside landform in accordance with Council requirements.

**Condition reason:** To ensure compliance with the requirements of Transport for NSW

30. Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development that is subject to the written approval of Council. This plan must



include:

- (a) nominated heavy vehicle access routes for construction and operational stages and any upgrades/refurbishment and decommissioning, including details on volumes and nature of heavy, over size and/or over mass vehicles;
- (b) input from Council and any relevant school bus service providers;
- (c) a protocol for undertaking independent road dilapidation surveys to assess the:
  - i. existing condition of local roads on the transport route prior to construction, upgrading/refurbishment or decommissioning activities; and
  - ii. condition of local roads on the transport route following construction, upgrading/refurbishment or decommissioning activities;
- (d) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during construction, upgrading/refurbishment or decommissioning works;
- (e) details of the road upgrade works required by this development consent;
- (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading/refurbishment or decommissioning works, including:
  - i. temporary traffic controls, including detours and signage;
  - ii. informing the local community in advance about project-related traffic impacts;
  - iii. a traffic management system for managing over-dimensional vehicles;
  - iv. procedures for receiving and satisfactorily addressing complaints from the community about development- related traffic;
  - v. devising operational plans to avoid impacting the safety of school bus traffic and school bus stops and other motorists;
  - vi. car-pooling and shuttle buses to transport the construction workforce to and from the site;
  - vii. water cart activity to suppress dust generated by traffic on Norwood Lane;
  - viii. scheduling of haulage vehicle movements to minimise convoy length;
  - ix. responding to local climate conditions that may affect road safety such as wet weather, dust and fog; and
  - x. responding to any emergency road repair or maintenance requirements.
- (g) a driver's code of conduct that stipulates:
  - i. travel speed management;
  - ii. driver fatigue management;
  - iii. compliance procedures to ensure that drivers adhere to the designated transport routes; and
  - iv. compliance procedures to ensure that drivers implement safe driving practices.
- (h) a flood response plan, detailing procedures to ensure the site is evacuated before inundation in the event of significant flooding.

Following receipt of the Council's written approval, the Applicant must at all times implement

the Traffic Management Plan.

**Condition reason:** To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations

### **BEFORE BUILDING WORK COMMENCES**

31. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Council for approval, including details on the siting of solar panels and ancillary infrastructure.

*Note: If the construction of the development is to be staged, then the provision of these plans may also be staged.*

**Condition reason:** To ensure the development is in accordance with approved plans

32. Prior to commencing construction, operations, upgrading/refurbishment or decommissioning of the development or the cessation of operations, the Applicant must notify the Council in writing of the commencement date of each of those phases at least 10 Business Days beforehand.

If any of these phases of the development are to be staged, then the Applicant must notify the Council in writing at least 10 Business Days prior to the commencement of the relevant stage, and clearly identify the development that would be carried out during that relevant stage.

**Condition reason:** To ensure Council receives notification of the operational status of the development

33. Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- (a) an accredited sewage management facility approved by Council, or
- (b) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORKCOVER NSW requirements.

**Condition reason:** To provide adequate sanitary facilities during the construction phase

34. Prior to any activity or construction taking place on the land, Applicant must prepare a

Biosecurity and Weed Management Plan. The Plan must consider agricultural weeds and pathogens relevant to the local area and surrounding farmland and must incorporate a baseline soil report. This is intended to inform performance measures and rehabilitation plans to assist in the decommissioning. A copy of this report is to be provided to the Council.

**Condition reason:** To assist in the future rehabilitation of the site

35. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Plan for the development to the prior written satisfaction of Council. The Plan must:

- (a) prioritise the employment of local workers for the construction and operation of the development; and
- (b) provide the accommodation plans for the transient workforce associated with the development.

Following Council's approval, the Applicant must implement the Plan.

**Condition reason:** To advise of the employment and accommodation status of the workforce

36. Prior to commencing construction, the Applicant must prepare an Operational Environmental Management Plan for the development to the satisfaction of the Council. This Plan must:

- (a) identify the statutory approvals that apply to the development;
- (b) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
- (c) describe the procedures that will be implemented to:
  - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
  - receive, handle, respond to and record complaints;
  - resolve any disputes that may arise with local stakeholders;
  - respond to any non-compliance;
  - report any non-compliances;
  - respond to emergencies;
  - keep Council informed on a monthly basis of any current or emerging issues, and include references to any plans approved under the conditions of this consent; and
  - following the Council's approval, the Applicant must implement the Operational Environmental Management Plan.

**Condition reason:** To ensure that any impacts on the natural and built environments, and any social impacts, are considered

## DURING BUILDING WORK

37. Any electrical infrastructure, including any affected solar panels, that may be prone to flooding must be built above the 1:100 ARI (average recurrent interval, 1 in 100-year flood event) level plus 0.3 metre freeboard.

**Condition reason:** To prevent flooding of the development

38. Any over-dimensional and heavy vehicles associated with the development must at all times travel to and from the site via the Kidman Way, then The Springs Road and Norwood Lane and use the designated site access point on Norwood Lane.

*Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the public road network.*

**Condition reason:** To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations

39. Unless the Council agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities that generate noise with heavy equipment on site between:

- (a) 7am to 6pm Monday to Friday;
- (b) 8am to 1pm Saturdays; and
- (c) at no time on Sundays and NSW public holidays.

The following construction, upgrading/refurbishment or decommissioning activities may be undertaken outside these hours without the approval of the Council:

- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

**Condition reason:** To minimise the effect of noise from the operations on the surrounding area

40. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

This condition does not apply to the planned upgrade of Norwood Lane which is expressly provided for in the conditions of this consent.

**Condition reason:** To ensure that the Developer is responsible for the repair or replacement of damaged public infrastructure

41. The Applicant must not generate intrusive or offensive noise during construction, upgrading or decommissioning activities and must implement best practice safeguards as outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

**Condition reason:** To ensure building works do not have adverse effects on the amenity of the area

42. The Applicant must ensure at all times that it has sufficient water for all stages of the development, and if necessary, adjust or curtail development activities to match its available water supply.

**Condition reason:** To ensure that sufficient water is available at all times for site works

43. The Applicant must ensure at all times that the development does not cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act.

**Condition reason:** To prevent potential environmental harm

44. The Applicant must minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version.

**Condition reason:** To prevent potential environmental harm

45. During construction, the development is to proceed with caution. If any Aboriginal heritage items, objects or relics are found, all construction works must cease immediately and the NSW Office of Environment and Heritage and the local Aboriginal Lands Council immediately contacted. All workers on the site must be made aware of this condition.

**Condition reason:** To prevent potential harm to Aboriginal heritage items, objects and relics

46. The Applicant must at all times:

- (a) minimise the fire risks of the development;
- (b) ensure that the development:
  - i. includes at least a 10-metre defensible space around the perimeter of the solar array area that permits unobstructed vehicle access;
  - ii. manages the defensible space and solar array areas as an Asset Protection Zone;
  - iii. complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* and *Standards for Asset Protection Zones*;
  - iv. retains on-site suitable equipment to respond to any fires at the facility or in

- the local area;
- (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) prior to commencement of construction, notify the local RFS of the development.

**Condition reason:** To comply with the requirements of the NSW Rural Fire Services

### **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

47. The Applicant is to obtain an Occupation Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from the Principal Certifier.

*Notes:*

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 3 of the EP&A(DC&FS) Regulation 2021 sets out the requirements for the certification of the development.*

**Condition reason:** To ensure all requirements are met prior to occupation

48. Prior to the issue of an Occupation Certificate to commence operations, or following any upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work-as-executed plans of the development to the Council.

*Note: If the construction of the development is to be staged, then the provisions of these plans may also be staged.*

**Condition reason:** To confirm the location of works once constructed

49. A copy of the Development Consent is to be kept onsite at all times. The Builder must at all times maintain, on the job, a legible copy of the plans and specification approved with the Construction Certificate.

**Condition reason:** To ensure compliance with the approved plans and specifications

50. At the completion of construction of all buildings and prior to the commencement of operations of the development, the Applicant must:

- manage traffic during the road upgrade works via an approved plan and the necessary traffic control measures;
- apply dust suppression methods to Norwood Lane and internal roads during construction, as deemed necessary by Council staff;
- provide a safe egress and ingress access point to the site off Norwood Lane.

These upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements) and be carried out to the satisfaction and written approval of the Council.

**Condition reason:** To provide all weather vehicular movement and suitable access to the development site, and ensure traffic safety. To prevent or minimise nuisances to adjoining development from the emission of air pollutants.

51. Prior to commissioning the development, the Applicant must prepare an Emergency Management Plan and detailed emergency procedures for the development, to the satisfaction of the NSW Rural Fire Service and State Emergency Services. The Applicant must retain a copy of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
- (b) identify the fire and flood event risks and controls of the development; and
- (c) include procedures that would be implemented if there is a fire or flood event on-site or in the vicinity of the site.

Following approval, the Applicant must at all times implement the Emergency Management Plan.

**Condition reason:** To ensure that, in the event of a site emergency, any site personnel are aware of safety procedures

#### **OCCUPATION AND ONGOING USE**

52. The Applicant must at all times ensure that all plant and equipment used on site, or in connection with the development, is:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

**Condition reason:** To ensure the safety of all people on site

53. The Applicant must ensure at all times that no more than 10 light vehicle movements (defined as one vehicle entering and leaving the site) and an average of 3 truck and trailer movements (defined as one vehicle entering and leaving the site) per day occur on the site following the construction period. The development must also:

- (a) not generate, on the public road network, more than:
  - i. Thirty-four (34) heavy and/or over-dimensional vehicle movements (defined as one vehicle entering and leaving the site) a day during each of the construction, upgrading and decommissioning phases; and
  - ii. Two (2) heavy vehicle movements a day during operations;
- (b) ensure that the length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 19 metres, unless the Council agrees otherwise.

**Condition reason:** To ensure traffic safety and limit noise impacts from transport operations

54.The Applicant must keep at all times accurate records of the number of over-dimensional and heavy vehicles entering and leaving the site each day.

**Condition reason:** To ensure compliance with the approval

55.The Applicant must:

- (a) minimise any off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
  - i. is installed as low intensity down lighting (except where required for safety or emergency purposes);
  - ii. does not shine above the horizontal; and
  - iii. complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

**Condition reason:** To minimise any nuisance to off-site receivers from fugitive light emissions

56.The Applicant must at all times store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*, if the chemicals are liquids;
- (c) Ensure that there are no off-site impacts resulting from the storage and handling of all chemicals, fuels and oils used on site.

In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement must prevail to the extent of the inconsistency.

**Condition reason:** To ensure that all chemicals are safely and securely stored on site

57.The Applicant must at all times:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on-site in accordance with the EPA's *Waste Classification Guidelines 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 the site or surrounding land or water;
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility preferably for recycling or, if necessary, disposal;
- (f) provide on-site portable toilet facilities are required to meet Council's waste management requirements;
- (g) Ensure windblown litter must be prevented and weekly litter collection pickups must be undertaken.
- (h) Provide a Waste Management Plan to indicate where waste will be taken, as Carrathool Shire Council will not be taking any waste as the Council does not have the capacity to receive it.



**Condition reason:** To ensure that all waste generated by the development is disposed of in a satisfactory manner

58. Following any construction, upgrading/refurbishment or decommissioning on the site, the Applicant must:

- (a) restore the ground cover of the site as soon as practicable;
- (b) at all times maintain the ground cover with appropriate perennial herb or grass species; and
- (c) at all times proactively control and eliminate weeds within this ground cover.

**Condition reason:** To ensure that the site is returned as closely as possible to its original condition

59. Within six (6) months of the end of construction, or as directed by the Council, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must, inter alia:

- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (DPIE, May 2020);
- (b) be led and conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Council and DPIE;
- (c) be carried out in consultation with the relevant agencies;
- (d) assess whether the development complies with the relevant requirements in this consent, and any plan required under this consent; and
- (e) recommend appropriate measures or actions to improve the environmental performance of the development and any plan required under this consent.

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Council. Such audits are to be undertaken every five years.

**Condition reason:** It is in the public interest that an independent environmental audit be carried out at the end of construction works

## **REMEDATION WORK**

### **BEFORE REMEDIATION WORK COMMENCES**

60. Prior to the commencement of any decommissioning works, a Decommissioning Plan is to be submitted to Council for approval.

**Condition reason:** To enable decommissioning works to be carried out in an effective manner

### **DURING REMEDIATION WORK**

61. Within 12 months of the site being decommissioned, the site must be returned, as far as

practicable, to its condition prior to the commencement of construction, in consultation with the relevant landowner.

**Condition reason:** To enable the site to be rehabilitated for future agricultural land uses

62. All solar panels and associated above ground structures, including but not necessarily limited to, the inverter, the control and facilities building and electrical infrastructure, including all underground infrastructure such as cabling and concrete footings, must be removed from the site unless otherwise agreed by the Council and the landowner.

**Condition reason:** To enable the site to be rehabilitated for future agricultural land uses

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

**Condition reason:** To enable the site to be rehabilitated for future agricultural land uses

#### **ON COMPLETION OF REMEDIATION WORK**

No additional conditions have been applied to this stage of development.