

DATE OF DETERMINATION	6 May 2021
PANEL MEMBERS	Garry Fielding (Chair), Andrew Hutton, Clare Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 April 2021.

MATTER DETERMINED

PPSSWES-26 – Carrathool – DA2020/017 at Kidman Way Hillston for a solar farm (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of Carrathool LEP 2012, the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl.4.1 (minimum lot size) of the LEP and the objectives for development in the RU1 Primary Production zone; and
- the concurrence of the Secretary has been assumed.

Development application

The panel determined to grant "Deferred Commencement" Consent to the development application pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the clause 4.6 variation request to the minimum lot size as it considered that the applicant's written request adequately addressed the matters required to be addressed under cl 4.6 (3) of the LEP and as it considered that the development was in the public interest by being consistent with the objectives of cl.4.1 (minimum lot size) of the LEP and the objectives for development in the RU1 Primary Production zone.

Having regard to the matters for consideration under section 4.15 of the Act, the Panel resolved to grant consent as recommended and incorporated two deferred commencement consent conditions, as follows:

- A requirement for the execution of a Voluntary Planning Agreement to ensure the payment to the Council of a \$100,000 section 7.12 levy; and
- A requirement for the preparation of a Vegetation Screening Plan and its approval by the Council prior to the consent becoming operative.

Overall, the panel granted consent to the proposed development for the reasons outlined in the Council's assessment report.

CONDITIONS




The development application was approved subject to the conditions dated 29 April 2021 and as amended by the Panel. The approved conditions are listed in Schedule 2 of this determination.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Traffic & road access
- Impact on property values
- Visual impacts
- Site contamination
- Flooding
- Decommissioning

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and through the adopted conditions of consent.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Andrew Hutton
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-26 – Carrathool – DA2020/017
2	PROPOSED DEVELOPMENT	<p>Construction of a Solar Farm in 2 x 5 MW in two stages and associated infrastructure</p> <p>Two Lot subdivision in an RU1 Zone to create:</p> <ul style="list-style-type: none"> • 1 x 12.73 Ha allotment; and • 1 x 55.14 ha allotment
3	STREET ADDRESS	Lot 103 DP 755189 Norwood Lane, Hillston
4	APPLICANT/OWNER	<p>Applicant: ITP (Development) Pty Ltd</p> <p>Landowners: David & Pamela Fisk</p>
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Koala Habitat Protection) 2019; ○ State Environmental Planning Policy No.55 – Remediation of Land; ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy (Primary Production and Rural Development); ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ NSW State Plan 2021 ○ Murray Riverina Regional Plan 2036 ○ Carrathool Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: Nil • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 18 November 2020 • Council supplementary report: 31 March 201 • Clause 4.6 Request (40 hectare minimum lot size) • Council memo and revised conditions 13 April 2021 • Council memo and revised conditions 29 April 2021 • Written submissions during public exhibition: 5 • Unique submissions received by way of objection: 5
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing to discuss council's recommendation: 7 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Andrew Hutton, Clare Brown ○ <u>Council assessment staff</u>: Warwick Giblin (consult), Lisa Schiff (consultant), Jason Nicholson • Final briefing to discuss council's recommendation: 15 April 2021

		<ul style="list-style-type: none">○ <u>Panel members</u>: Garry Fielding (Chair), Andrew Hutton, Clare Brown○ <u>Council assessment staff</u>: Lisa Schiff (consultant), Jason Nicholson, Rick Warren○ <u>Applicant</u>: Mishka Talent, Allen Grimwood, Albert Ngo
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

A. “Deferred Commencement” Consent Conditions

This development consent shall not operate until such time as the following matters are completed to the written satisfaction of the Council:

A1. Voluntary Planning Agreement

A revised draft Voluntary Planning Agreement for a contribution towards community enhancement reflecting the terms of the public benefit offer made by ITP Pty Ltd to Carrathool Shire Council.

A2. Vegetation Screening Plan

- A Vegetation Screening Plan shall be submitted to Carrathool Shire Council for approval. The Plan shall include:
 - landscaping within the development site, along the entire eastern boundary of the development site frontage;
 - landscaping that provides visual screening from adjoining properties upon maturity and incorporates advanced endemic Eucalypt species of mixed height; and
 - details regarding the ongoing maintenance for the life of the development (e.g. water schedule) including how any damaged, diseased or dying plants during that time will be replaced.

The information required by conditions A.1 and A.2 must be submitted to Council's satisfaction within 12 months of the date of this determination.

B. Operative Conditions of Consent

Schedule 1: Administrative Conditions

1. 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 10.0 MW with two 5 MW inverter stations (each housing two 2.5 MW inverters and a transformer);
 - (b) Capital Investment Value of \$13.2 Mil;
 - (c) To be sited on the south-western quarter of Lot 103 DP 755189, Norwood Lane, Hillston;
 - (d) Subdivision into two lots;
 - (e) Construction to occur in two stages, with one stage accommodated on each lot. Proposed Lot 1 of 12.53 hectares (stage 1) comprising the installation of 12,180 solar panels generating 5 MW and Proposed Lot 2 of 55.34 hectares (stage 2) comprising the installation of 12,180 solar panels generating 5 MW;
 - (f) Junction boxes and substation;
 - (g) Above and underground electrical conduits and cabling;
 - (h) Internal access driveway;
 - (i) A temporary car parking area for 40 vehicles during the construction phase;
 - (j) Security fencing;
 - (k) Vegetative amenity screening;
 - (l) The upgrading of Norwood Lane to the standard of gravel pavement required by Council and agreed to by the Proponent prior to project construction and making good any road dilapidation post construction, after any upgrading/refurbishment and after decommissioning; and
 - (m) 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.

Note: This consent does not grant approval for the installation of a Battery Energy Storage System on the site. A separate development application is required prior to the installation of a Battery Energy Storage Systems on the site.
2. The duration of the consent (construction, operation, upgrade/refurbishment and decommissioning) is 35 years from the date of approval.
3. The Applicant must carry out the development generally in accordance with the:
 - (a) Statement of Environmental Effects (prepared by Zenith Town Planning and dated 13/12/2019) and

Addendum to Statement of Environmental Effects (prepared by Zenith Town Planning and dated 19/02/2021);

- (b) Following drawings, except for any modifications:
- Which are exempt or complying development;
 - Otherwise provided by the conditions of this consent.

Drawing Prepared by	Drawing No.	Revision	Name of Plan	Date
ITP Renewables	HIL1A-G-040	1	Location Plan	14/01/2021
ITP Renewables	HIL1A-G-210	5	General Arrangement Plan	15/01/2021
ITP Renewables	HIL1A-C-130	1	Site Elevation	15/01/2021
ITP Renewables	HIL1A-C-530	1	Typical Fencing Details	15/01/2021
ITP Renewables	HIL1A-C-531	1	Gate Details	15/01/2021
ITP Renewables	HIL1A-C-610	1	Road Access Plan	15/01/2021
ITP Renewables	HIL1A-C-630	1	Access Road Detail	15/01/2021
ITP Renewables	HIL1A-E-341	1	Typical Nextracker Array Detail	15/01/2021
ITP Renewables	HIL1A-E-430	1	Typical Inverter Station Detail	15/01/2021
Price Merrett Consulting	6159	0	Turning Circle of a 19m Semi Trailer	28/08/2020
Price Merrett Consulting	F8538	4	Plan of Proposed Subdivision	19/03/2021

Supporting Documentation Recommendations

4. All recommendations made within specialist reports and supporting documents to the Statement of Environmental Effects shall be implemented as part of the development.

Inconsistency between documents

5. If there is any inconsistency between the plans and documentation referred to above, 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.

Limits of Approval

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

Staging of the Development

7. 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).

Upgrading or Refurbishment of Solar Panels and Ancillary Infrastructure

8. 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.

Execution of Voluntary Planning Agreement

9. The revised draft Voluntary Planning Agreement submitted to Council under condition A.2 shall be publicly exhibited and executed by the Carrathool Shire Council and the Applicant within 12 months from the date of the issue of the Notice of Determination and prior to commencement of operation of the proposed solar farm.

Schedule 2: Performance Conditions

Prior to the Commencement of Work

Construction Certificate Required

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

Notification of Council

11. Prior to commencing construction, operations, upgrading/refurbishment or decommissioning of the development or the cessation of operations, the Applicant must notify the Carrathool Shire 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.

Road Upgrades and Site Access

12. Prior to commencing construction on the development site, the Applicant must upgrade Norwood Lane as follows:
 - (a) apply a gravel re-sheet 100mm thick, 6 m wide and 1.95 kms long and also modify the intersection of The Springs Road and Norwood Lane to a 'swept path' design;
 - (b) manage traffic during the road upgrade works via an approved plan and the necessary traffic control measures;
 - (c) apply dust suppression methods to Norwood Lane and internal roads during construction, as deemed necessary; and
 - (d) the road access entrance to the Project site shall be located at the north-east corner of the Development site;
 - (e) provide a safe egress and ingress access point to the site off Norwood Lane;
 - (f) provide Dilapidation Reports on The Springs Road and Norwood Lane post construction and pre and post any upgrades/refurbishments and decommissioning and undertake the necessary works to return the road to its former condition;
 - (g) design road, intersection and site access widths to accommodate turning circles for the largest vehicle expected; and
 - (h) provide a standard gravel internal access road off Norwood Lane, which is maintained during construction, operation, upgrade/refurbishment and decommissioning.

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

Land Management

13. Prior to any activity or construction taking place on the land, the Applicant must prepare a baseline soil report in accordance with the NSW Office of Environment and Heritage document – The land and soil capability assessment scheme – Second approximation (October 2012). 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 Carrathool Shire Council.

Prior to the Issue of a Construction Certificate

Structural Adequacy

14. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the *Building Code of Australia*.
15. Prior to the issue of a Construction Certificate, the Applicant must prepare, submit to and receive Carrathool Shire Council approval for the following Plans for the development:
 - (a) Construction Management Plan;
 - (b) Construction Noise and Vibration Management Plan;
 - (c) Construction Environmental Management Plan;

- (d) Operational Environmental Management Plan;
- (e) Bushfire Management Plan;
- (f) Traffic Management Plan;
- (g) Waste Management Plan.

Copies of the approved plans are to be provided to the PCA, all relevant consultants and contractors and a copy kept on site at all times the requirements of the Plans to be complied with where relevant during construction, operation and decommissioning phases.

Monetary Contributions

16. The monetary contributions set out in the following table are to be paid to Carrathool Shire 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 94A Development Contributions Plan 2014 (section 7.12 plan). 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 94A Contribution	\$13.2 Million		\$100,000

17. For work greater than \$25,000, a Long Service Levy shall be paid. The current levy rate is 0.35 % of the value of building and construction works costing \$25,000 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	\$13.2 Million		\$46,200

Traffic Management Plan

18. Prior to the issue of a Construction Certificate, the Applicant must prepare a Traffic Management Plan for the development that is subject to the written approval of Carrathool Shire 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 including water carts;
 - (b) input from Carrathool Shire 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 Conditions 11 and 51;
 - (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 and options for safe access to and from the site in the event of significant flooding.

Following receipt of the Carrathool Shire Council's written approval, the Applicant must at all times implement the Traffic Management Plan.

Emergency Management Plan

19. Prior to the issue of a Construction Certificate, the Applicant must prepare an Emergency Management Plan and detailed emergency procedures for the development, to the prior written satisfaction of the Carrathool Shire Council. 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 NSW Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* (January 2011);
 - (b) identify the fire and flood risks and controls of the development; and
 - (c) include procedures that would be implemented if there is a fire or flood on-site or in the vicinity of the site.

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

Accommodation of Employees

20. Prior to the issue of a Construction Certificate, the Applicant must prepare an Accommodation and Employment Plan for the development to the prior written satisfaction of the Carrathool Shire 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 Carrathool Shire Council's approval, the Applicant must implement the Plan.

Environmental Management Plan

21. Prior to the issue of a Construction Certificate, the Applicant must prepare an Environmental Management Plan for the development (construction, operation and decommissioning) to the prior written satisfaction of the Carrathool Shire 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;
 - nominate a contact person and telephone number for the benefit of the community which is included on the project website and advertised in the local paper prior to the commencement of construction;
 - 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 Carrathool Shire 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 Carrathool Shire Council's approval, the Applicant must implement the Environmental Management Plan.

During the Construction, Operation, Upgrade/Refurbishment and Decommissioning

Protection of Public Infrastructure

22. 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.

Construction, Upgrading and Decommissioning Hours

23. Unless the Carrathool Shire Council agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:
- (a) 7 am to 6 pm Monday to Friday;
 - (b) 8 am to 1 pm 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 Carrathool Shire 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.

Noise

24. The activities and operations on the site must not generate intrusive or offensive noise during construction, upgrading or decommissioning activities and best practice safeguards as outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version must be implemented at all times.

Dust

25. The Applicant must utilise a water cart to first prevent and secondly to minimise the dust generated and to avoid community complaints. The Applicant must also utilise a water cart to first prevent and secondly minimise the dust generated by traffic on Norwood Lane so as to avoid community complaints.

Visual

26. The vegetation screen identified in the Vegetation Screen Plan required under condition A.2 shall be planted, watered and maintained as required for up to 24 months after planting in accordance with the Plan.
27. The Applicant must ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in with and is sympathetic with the surrounding landscape.
28. The Applicant must not mount any advertising signs or logos on site, except where these are required for identification, safety purposes or is identified as 'exempt development'. No signage shall be erected adjacent to or opposite existing residences.

Lighting

29. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any lighting on the site 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.

Water Supply

- 30. 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.

Water Pollution

- 31. 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, 1997.
- 32. 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.

Protection of Heritage Items

- 33. 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. There are penalties for non-compliance with this consent condition.

Flooding

- 34. The development must be designed, constructed and operated so as to be compatible with the flood hazard of the land and any floodwaters traversing the site must not aggravate erosion and siltation downslope.
- 35. 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.
- 36. All electrical infrastructure including the solar panels must be built above the 1:100 ARI (average recurrent interval; 1 in 100 year flood event) level plus 0.3 m freeboard.

Bushfire Management

- 37. The Applicant must at all times:
 - (a) minimise the fire risks of the development;
 - (b) ensure that the development:
 - i. includes at least a 20 metre defendable space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - ii. manages the defendable 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 and offer representatives of the local RFS brigade an opportunity to undertake a site familiarisation following construction of the development and prior to commencing operations.

Storage and Handling of Dangerous Goods

38. 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.

Waste

39. 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 Carrathool Shire Council's waste management requirements and be suitable for operation on flood prone land;
 - (g) ensure windblown litter must be prevented and weekly litter collection pickups must be undertaken; and
 - (h) portable toilet facilities are to be provided at a rate of at least one (1) toilet for every ten (10) persons working at the site.

Incident Notification

40. The Carrathool Shire 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.

Non-Compliance Notification

41. The Carrathool Shire 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 reasons for the non-compliance and what actions have been taken to correct the non-compliance and what preventative actions have been taken to avoid a recurrence.

Compliance Reporting

42. The Applicant must provide annual compliance performance reports to the Carrathool Shire Council on the development in accordance with the relevant *Compliance Reporting* requirements (DPE 2018). These reports are to be placed on the Carrathool Shire Council's website and the Applicant's website and be publicly accessible.

Independent Environmental Audit

43. Within six (6) months of the end of construction, and as may be as directed by the Carrathool Shire 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 Carrathool Shire 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.

Access to Information

44. 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's register;
 - compliance reports;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - any other matter required by the Carrathool Shire Council; and
 - keep this information current in a timely manner.

Prior to the Issue of an Occupation Certificate

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

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 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

Work-As-Executed Plans

46. Prior to the issue of an Occupation Certificate, the Applicant must submit work-as-executed plans of the development to the Carrathool Shire Council.

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

Prior to the Issue of a Subdivision Certificate

47. Prior to the issue of a Subdivision Certificate, an application for a Subdivision Certificate shall be lodged with Carrathool Shire Council.

Register of Easement and Restriction as to User on Title of the property

48. (a) The Applicant shall register on title an easement over proposed Lot 2 to enable ongoing access to proposed Lot 1 and shall submit documentary evidence of same to Carrathool Shire Council. The right of carriageway shall be a minimum of eight (8) metres in width for its entire length.
- (b) A Restriction as to User under S88E of the Conveyancing Act, 1919 is to be placed on the title of the Lot 1 (12.53ha allotment) preventing the construction of a dwelling.

Ongoing Use of the Development/Land

Over-Dimensional and Heavy Vehicle Restrictions

49. The Applicant must ensure at all times that vehicle type, length and number of movements on the public road network identified in the Traffic Impact Assessment Report (prepared by Price Merrett Consulting, Ref: F8538, dated 03/12/2019) are not exceeded.

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

Designated Over-Dimensional and Heavy Vehicle Access Route

51. All over-dimensional and heavy vehicles including water carts associated with the development must at all times travel to and from the site via the Kidman Highway, 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.

Operating Conditions

52. The Applicant must at all times ensure:
- (a) the internal roads are constructed as all-weather roads;
 - (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.

Obligation to Minimise Harm to the Environment

53. 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.

Operation of Plant and Equipment

54. 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.

Land Management

55. 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.

At the Completion of Use of the Development/Land

Demolition

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

Decommissioning and Rehabilitation

57. Within 12 months of cessation of the operation and no later than 35 years from the date of this approval, rehabilitation of the site to its condition prior to the commencement of construction, in consultation with the relevant landowner must be completed.
58. All solar panels and associated above and below ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, must be removed from the site unless otherwise agreed by the Council and the Landholder, within 12 months of cessation of the operation and no later than 35 years from the date of this approval.

58. All other elements associated with the project, including the internal site access road, shall be removed unless otherwise agreed to by the Carrathool Shire Council, within 12 months of cessation of the operation and no later than 35 years from the date of this approval.
60. All materials are to be disposed of in an approved waste/recycling facility at the cost of the Applicant and its assignees.
61. Decommissioning shall be undertaken in accordance with the revised Decommissioning Report dated 8th December 2020 and prepared by ITP Pty Ltd, with the site being returned back to its original state, within 12 months of cessation of the operation and no later than 35 years from the date of this approval. The Decommissioning report is to be posted on the project website along with the plans listed in Condition 14.

REASONS FOR THE CONDITIONS

The conditions stated above have been imposed to ensure the proposed development:

- 1) Is in accord with the objectives of the Environmental Planning and Assessment Act, 1979;
- 2) Complies with the provisions of all relevant environmental planning instruments;
- 3) Is in accord with the aims and objectives of relevant Codes and Policies;
- 4) Meets the increased demand for public amenities and services attributable to the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act, 1979;
- 5) Does not in any material sense adversely impact on the amenity and character of land adjoining and in the general locality; and
- 6) Minimises any potential adverse environmental, social or economic impacts.