

Recommendation

That development application 168/20/DA/DM be approved subject to the following draft conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans 'Statement of Environmental Effects by KDC April 2020' (including appendices A to L), on the application form, and on any supporting information received with the application except as amended by the conditions specified hereunder.

Disturbed Area

The total disturbed area of the solar array is not to exceed the area marked on Approved Plans (approximately 14.97 hectares). This is to ensure the orderly development with the aim of minimising the environmental impacts.

Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) Obtained a Construction Certificate for each structure
- b) Appointed a PRINCIPAL CERTIFYING AUTHORITY
- c) Notified the Council of the appointment
- d) Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) Given the Council at least 2 days' notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

Compliance with Building Code of Australia

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

Hours of Operation – Civil Works

The hours of operation for civil works, earthworks, construction, operation and decommissioning on-site shall be limited to the between 7:00am and 6:00pm Monday to Friday inclusive, 8:00am and 1:00pm Saturdays and no work shall be carried out on Sundays and Public Holidays without

the prior consent of the Council. Minor maintenance work is permitted outside of these hours when work is carried out with hand tools.

This is to ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

Duration of Civil Works

Construction and decommissioning works are permitted for a maximum period of 9 months from the date of commencement of construction works until commissioning or from the date of commencement of decommissioning works until site is vacant from the development.

Traffic Management Plan

Prior to the issue of the construction certificate and any road upgrades required under this consent, the Applicant must prepare a Traffic Management Plan for the development in consultation with Council. This plan must include, but not limited to:

- a) Details on number of vehicles accessing the site for construction and decommissioning phases;
- b) Details of the entire transport route to be utilised for development-related traffic;
- c) Dilapidation surveys for the construction and decommissioning phases. Surveys must be conducted prior to works commencing, during works and following completion of works. A survey must report on the condition of local roads on the transport route/s to identify the required upgrades to ensure the road is maintained as per predevelopment standard and adequately caters for heavy vehicle turning movement accessing the site and as per Council Engineering Guidelines (newest version);
- d) A protocol for the repair of any road upgrades as identified as identified in the approved dilapidation surveys;
- e) Details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction and decommissioning works including, but not limited to:
 - i. Temporary traffic controls, including detours or signage,
 - ii. Notifying the local community about project-related traffic impacts,
 - iii. Procedures for receiving and addressing complaints from the community about development related traffic,
 - iv. Minimising potential for conflict with school buses or other motorists as far as practicable,
 - v. scheduling of haulage vehicle movements to minimise convoy length or platoons,
 - vi. responding to local climate conditions that may affect road safety such as fog, dust, wet weather,
 - vii. responding to any emergency repair or maintenance requirements and
 - viii. a traffic management system for managing over-dimensional vehicles;

- f) A heavy vehicle driver's code of conduct that addresses:
- i. travelling speeds,
 - ii. driver fatigue,
 - iii. procedures to ensure that drivers adhere to the designated transport routes and
 - iv. procedures to ensure that drivers implement safe driving practices.

A copy of the Traffic Management Plan must be submitted to Council for approval prior to the issue of the construction certificate.

This is to ensure effective transport infrastructure is established for the development and that the transport requirements for the development does not impact on the local traffic requirements for the area.

Broockmanns Road and Site Access

Prior to the issue of the construction certificate for the Construction Phase:

- a) Dilapidation surveys for the prior to construction stage must be submitted to Council for approval;
- b) Road upgrades must be made to Broockmanns Road as identified dilapidation surveys;
- c) A culvert must be constructed in the Broockmanns Road Reserve to ensure water drainage along the road reserve.
- d) A sealed access driveway must be constructed from the property boundary to Broockmanns Road to allow turning movement of heavy vehicles to the satisfaction of Council engineering.

During and upon completion of works during the Construction and Decommissioning phases,

- a) Dilapidation surveys must be submitted to Council for approval;
- b) Road upgrades must be made to Broockmanns Road as identified in dilapidation surveys.

All road works must be to the satisfaction of Council and in accordance with the *Austroads Guide to Road Design* (as amended by Transport for NSW supplements). A record by the applicant of any road upgrades made to Broockmanns Road as per the dilapidation surveys;

This is to ensure effective transport infrastructure is established for the development and that the transport requirements for the site does not impact on the local traffic requirements for the area.

Works in Road Reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, and building or supply service without the prior written

consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

Vehicle Restrictions

The following vehicle restrictions apply to the development:

- a) All vehicles traffic associated with the development must travel to and from the project site via the Newell Highway, McNamara Street, Broockmanns Road and the approved site entry point.
- a) Length of any vehicles used for the development does not exceed 19 metres unless Council agrees otherwise.
- b) Heavy Vehicle movements on local roads identified are limited to Monday to Friday 7:00 am to 6:00 pm, Saturday 8am to 1pm and no movements on Sundays or public holidays will be permitted. No heavy vehicles will be permitted to travel during school drop off and pick up times between 7:30-9:00 am and 3:00-4:30pm on Gazetted School Days.
- c) Noise prevention strategies for heavy vehicles are to be implemented where appropriate
- d) All vehicles must enter and exit the site in a forward direction
- e) All vehicles must load and unload on-site.
- f) Vehicles leaving the site must be in a clean condition and do not result in dirt being tracked onto the public road network.
- g) Dust prevention strategies are to be implemented for vehicle movements onsite where appropriate.
- h) All vehicles must park onsite.

The applicant must keep accurate records to identify compliance with the above.

This is to ensure effective transport infrastructure is established for the development and that the transport requirements for the site does not impact on the local traffic requirements for the area.

Onsite Vehicle Access

An onsite vehicle access must include the following:

- a) An all-weather access road to cater for heavy vehicle movement and to link the development to Broockmanns Road to the satisfaction of Council's engineering staff and incorporate stormwater drainage measures.

- b) Must ensure that all heavy vehicles can enter and exit the site in a forward direction and can safely turn around onsite.
- c) Any perimeter gate for the access driveway must be a minimum of 8 metres wide and setback a minimum of 20 metres from Broockmanns Road.

This is to ensure safe vehicle movements for the development onsite.

Onsite vehicle parking

A designated area must be provided onsite linking to the access driveway for all vehicles to park on-site. All access to vehicle parking areas must be an all weather surface.

This is to ensure safe vehicle movements for the development onsite and to ensure the development does not impact on the local road network.

Stormwater

All stormwater water from the development must be managed onsite. Prior to issue of the construction certificate:

- a) a stormwater management plan must be prepared in consultation with Council and
- b) submitted a copy of these plans for approval by Council.

This is to ensure that stormwater from the development does not impact on adjoining allotments or the road reserve.

Erosion and Sedimentation Control Plan

An Erosion and Sedimentation Control Plan (ESCP) must be submitted to Council and approved by Council prior to the issue of the construction certificate. Strategies identified in the plan must be progressively implemented during works. An ESCP must include, but is not limited to:

- 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;
- ensure the solar panels and associated infrastructure are designed, constructed and maintained to avoid causing any tunnel erosion on site;
- implement appropriate flood management practices to ensure post-development flows from the site are limited to pre-development flows for all storms up to and including the 100-year Average Recurrence Interval event; and
- ensure all works (including waterway crossings) are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land (2012)*, or its latest version.

This is to ensure erosion and sedimentation does not affect neighbouring environment and or the local road network.

Water Pollution

The applicant must ensure that the development must not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Top Soil

Top soil removed for site works must to be distributed back onto the land where appropriate to encourage vegetation growth post construction and post decommissioning. Any stockpiling of top soil is to be stored to ensure it can be utilised for future uses including decommissioning of the site. Top soil collected is to be cleared of any noxious or highly invasive weed species.

This is to ensure the ongoing use of the land to meet the objectives of the RU1 Primary Production zone as per the *Berrigan Local Environmental Plan 2013*.

Noise Suppression

Noise recommendations and strategies as per the 'Noise Assessment by MAC Muller Acoustic Consulting April 2020' are to be implemented where required. This is including, but not limited to:

- a) A construction noise management protocol with strategies to minimise noise emissions during work hours and have periodic onsite toolbox meetings to educate operators of strategies and the location of sensitive receivers.
- b) A community communication plan and a consultation forum for residences within close proximity (including update on progress of project, proposed/upcoming potentially noise generating works and complaint procedure).
- c) A one-off noise validation monitoring assessment be completed to quantify emissions from site and to confirm emissions meet relevant criteria.
- d) Localised mobile screens or construction hoarding around plant to act as barriers between construction works and receivers, where equipment is near the side boundary and areas in constant use (unloading and laydown areas).
- e) Selection of quietest machinery, operating machinery in a conservative manner, shutdown machinery when not in use, park/start machinery at farthest point from receivers and machinery maintained to manufacturer's specification.
- f) Utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm.

This is to ensure there are minimum noise impacts on the surrounding environment.

Dust suppression

Recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 must be implemented where required. This is to include, but not limited to:

- a) Setting maximum speed limits for all traffic within the subject site to limit dust generation,
- b) Use of a water tanker on all roads and access tracks, fixed spray on plant machinery or similar to spray any dust generating activities where required,
- c) Application of dust suppressants or covers on soil stockpiles where required.
- d) Installing a watering system across the site once site is operational.
- e) Installing ground cover free of weeds as soon as practicable, but within 12 months of completing any construction or decommissioning.

This is to minimise the generation of dust and associated impacts on adjacent and natural environments.

Lighting

Any security lighting onsite must minimise the off-site lighting impacts of the development. This is to include, but not limited to, ensure that all external lighting associated with the development:

- a) Is installed as low intensity lighting (except where required for safety or emergency purposes)
- b) Does not shine above the horizontal line; and
- c) Complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

This is to ensure that any lighting for the proposal has minimal effect on residential amenity in the neighbouring environment.

Landscaping

A landscaping plan must be submitted to Council and approved by Council prior to the issues of the construction certificate. A landscaping plan must include, but is not limited to:

- a) A 5 metre wide mature vegetation buffer around the perimeter of the proposal including around storage areas and temporary office structures to the satisfaction of Council.
- b) Landscaping is to consist of native species to the area and a number of mature native drought tolerant trees and shrubs.
- c) Landscaping must be located so it is protected from vehicle movements.

Landscaping must effectively screen the view of the solar panels and ancillary infrastructure on site from surrounding residences and within 3 years of the commencement of construction.

Sufficient watering must be provided to ensure establishment of landscaping. The landscaping area must be kept free from weeds.

This is to enhance the visual amenity of the area.

Visual amenity

The applicant must:

- a) Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels, including but not limited to anti-reflective coating.
- b) Materials, textures and colour selection of infrastructure onsite is to relate to the palette of the surrounding environment, where possible.
- c) Any situation where the tilting action of the solar array is disabled, panels should not be left horizontal, but be left tilted to the west, ideally at a tilt angle of at least 10° to horizontal.
- d) Not mount any advertising signs or logos on site, except where this is required for safety purposes.

This is to avoid the potential for adverse glare and enhance the visual amenity of the area.

Emergency Response Plan

Prior to the commencement of operations, a site specific Emergency Response Plan (ERP) must be prepared in consultation with the relevant local emergency services agencies. This plan must identify, but is not limited to, procedures in the event of an emergency onsite or in the vicinity of the site and any fire safety measures. At least two copies of the plan must be kept on site in prominent positions such as adjacent to the site entry point and in general congregation areas at all times. This is to ensure the safety of anyone accessing or working the site.

Site Safety Plan

A Site Safety Plan (SSP) covering all safety requirements of the development must be submitted to Council and be approved by Council prior to the issue of the construction certificate. A SSP is to include, but not limited to, any current COVID-19 safe workplace plans, traffic movements, signage and storage. This is to ensure the safety of anyone accessing or working the site.

Operating Conditions

The following operating conditions must be followed:

- Minimise the fire risks of the development.
- Ensure that the development:

- Includes at least a 10 metre fire defendable space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - Manages the defendable space and solar array area as an Asset Protection Zone;
 - Complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006* (or equivalent) and *Standards for Asset Protection Zones*;
 - Is suitable equipped to respond to any fires on site;
- Assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- Notify the relevant local emergency management committee following construction of the development, and prior to the commencement of operations.

Native flora and fauna

Vegetation is to be retained onsite as per 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020' and strategies must be implemented from the report where required. This is to minimise impact from development on vegetation onsite and on the surrounding environment.

Control of weeds

Recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 must be implemented where required. This includes, but is not limited to:

- All vehicles, equipment, footwear and clothing should be clean and free of weed propagules prior to entering the subject site;
- Any weeds that are removed during the proposed works should be disposed of appropriately.

This is to ensure the control of weeds from the site to surrounding neighbouring environments

Chemical containment

The recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 must be implemented where required. This includes, but is not limited to:

- All chemicals must be kept in clearly marked bunded areas;
- Regularly inspect vehicles and mechanical plant for leakage of fuel or oil;
- No re-fuelling of vehicles, washing of vehicles or maintenance of vehicles and plant to be undertaken within 20 m of natural drainage lines.
- Any soil affected by any fuel or chemical spillages is to be removed from the site and deposited within a landfill licensed to receive that soil.

This is to protect the site from any soil contamination and to assist in the latter rehabilitation of the site.

Battery Storage Restrictions

Battery storage is not permitted on the project site without prior approval from Council. This is to ensure that there is no potential contamination on the subject site due to the development.

Storage and Handling of Dangerous Goods

In regards to Storage and Handling of Dangerous Goods, the following must apply:

- Storing and handling all dangerous or hazardous materials on-site in accordance with AS1940-2004 the storage and handling of flammable and combustible liquids, or its latest version;
- Ensure that substation is suitable bunded; and
- Minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur and remove any affected soil in an approved waste facility.

Waste Management

No waste is permitted to be received or disposed of onsite. All waste must be removed from site as soon as practicable and must be sent to an appropriately licensed waste facility for disposal that can suitably accept the waste material. A Waste Management Plan must be prepared in consultation with Council and be approved by Council prior to issue of the construction certificate. The plan must include, but is not limited to:

- a) Waste minimisation and recycling strategies to minimise waste going to landfill;
- b) A list all anticipated waste during construction and decommissioning the development and a classification of all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- c) Storage and handling of waste on site (including a site map of where any waste that is to be stored onsite) in accordance with its classification;
- d) A list of where waste will be disposed of at a suitable reciprocal in accordance with its classification;
- e) An appropriate location of waste stockpile onsite during construction and decommissioning to minimises impact on the residential amenity of the neighbouring neighbourhood.

This is to ensure waste from the development is minimisation and affectively managed to minimise the impacts on the residential amenity in the surrounding environment.

Demolition

Any demolition works shall be conducted and the site maintained in a safe condition during the process of the demolition in accordance with Australian Standard 2601-2001 the Demolition of Structures, Workcover guidelines and the Work Health and Safety Regulation 2011.

Asbestos Material

Work involving the removal of more than ten (10) square metres of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulations 2011.

Prior to commencement of any work, the Principal Certifying Authority must be provided with: Written notice is to include the following details:

- a) A copy of a signed contract with a person licensed to remove asbestos,
- b) The contract must specify the landfill site to which the asbestos containing material is to be delivered.

Community Consultation

Recommendations from the 'Social Impact Statement – Finley Solar Farm by MARA Consulting 27 April 2020' are to be implemented where required. This includes, but is not limited to:

- a) Liaison with local industry representatives to maximise the use of local contractors, manufacturing facilities, materials;
- b) Establish visual screening early to minimise the visual impact on the solar farm, and done in consultation with closes property holders in accordance with the Visual Impact Assessment;
- c) Establish good relations with people living in the vicinity of the proposal site at the beginning of the proposal and maintain;
- d) Implement a community consultation plan to manage impacts to community stakeholders, including but not limited to:
 - I. Protocols to keep the community updated about the progress of the development and benefits,
 - II. Protocols to inform relevant stakeholders of potential impacts (haulage, noise, air quality act),
 - III. Protocols to respond to any complaints received,
 - IV. Information on how potential customers can access the renewable energy source.

Heritage

The recommendations in the 'Draft Due Diligence Aboriginal Archaeological Assessment by Virtus Heritage March 2020' must be implemented where required. This includes, but is not limited to,

all site workers should be inducted and briefed on the possible identification of Aboriginal sites and objects during construction.

In event of any artefacts, items of heritage significance or human remains are discovered on site, all works are to cease immediately and the area must be secured. Notification must be provided immediately to Berrigan Shire Council and any relevant authority (such as Department of Planning Industry and Environment) and work must not recommence in the area until this is authorised by the relevant authority.

This is to ensure the conservation of significant Heritage.

Temporary Office

Prior to the issue of the construction certificate, an application for approval pursuant to Section 68 of the *Local Government Act, 1993* to place a temporary office is to be lodged with Council.

Decommissioning and Rehabilitation

Within 18 months of the cessation of operations, the site must be rehabilitated to the satisfaction of Council. This rehabilitation must comply with the objectives in the following table:

Feature:	Objective:
Development site (as a whole)	<ul style="list-style-type: none">• Safe, stable and non-polluting• Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar farm infrastructure	<ul style="list-style-type: none">• To be decommissioned and removed, unless the Council agrees otherwise
Land use	<ul style="list-style-type: none">• Restore land capability to pre-existing agricultural use
Community	<ul style="list-style-type: none">• Ensure public safety

This is to ensure that the development does not impact the long term use of the site as per the objectives of the RU1 Primary Production zone under the *Berrigan Local Environmental Plan 2013*.

Incident or Non-Compliance Notification

Council must be notified in writing immediately after an incident or non-compliance within the conditions of consent detailing the incident or non-compliance and reasons for this (if known) and what actions have been done, or will be, undertaken to address this.

Access to information

The following information, but is not limited to, for the development must be publically available on its website as relevant to the stage of the development and is up to date:

- The Statement of Environmental Effects;
- The final layout plans for the development;
- Current statutory approvals for the development;
- 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 complaints register;
- Any other matter required by Council.