

**DETERMINATION AND STATEMENT OF REASONS**  
WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	5 November 2020
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Sandra Hutton, Clare Brown, Daryll Morris
<b>APOLOGIES</b>	John Taylor
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 23 October 2020.

**MATTER DETERMINED**

PPSWES-34 – Berrigan – DA168/20/DA/DM at Lot 61 Brockmanns Road Finley for a 5MW 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.

**Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The panel determined to approve the application for the reasons outlined in the council assessment report.

**CONDITIONS**




The development application was approved subject to the conditions as amended in Schedule 2. The amended conditions, as reviewed by council and applicant, include the following changes:

- Specify deferred commencement conditions in order to be satisfied on:
  - landscaping being integrated into site and lease plan and appropriately specified;
  - accommodating ongoing agricultural use of the lease lands, consistent with intention advised verbally by the applicant;
  - traffic management, including works required in the road network and other mitigation measures.
- Specify satisfactory arrangements to be in place with the network provider prior to any commencement of works on site, and to extend community consultation by the applicant for any off-site works to achieve network connection currently unspecified.
- Specify information to be provided to Council arising from noise management recommendations;
- Specify requirement for landscaping to be maintained and replaced for the life of the project;

- Various administrative amendments to provide improved clarity, purpose and documentation;

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and as part of Panel deliberations.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Clare Brown	<i>Endorsed by email 23 November 2020</i> Daryll Morris

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-34 – Berrigan – DA168/20/DA/DM
2	PROPOSED DEVELOPMENT	5 MW Solar PV Array
3	STREET ADDRESS	Lot 61 Broockmans Road, Finley
4	APPLICANT/OWNER	Yannis Comino on behalf of NSW Community Renewables (Finley) Pty Ltd / Mr Damien and Ms Dian Sexton
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Primary Production and Rural Development) 2019</li> <li>State Environmental Planning Policy No.55 – Remediation of Land</li> <li>State Environmental Planning Policy No.64 – Advertising and Signage</li> <li>State Environmental Planning Policy (Concurrences and Consents) 2018</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>Riverina Murray Regional Plan 2036</li> <li>Berrigan Shire Land Use Strategy 2018</li> <li>Berrigan Shire Local Strategic Planning Strategy 2020-2040</li> <li>Berrigan Local Environmental Plan 20013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Berrigan Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 2 September 2020</li> <li>Revised Conditions: 2 November 2020</li> <li>Written submissions during public exhibition: 6</li> <li>Unique submissions received by way of objection: 6</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 4 November 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Clare Brown</li> <li><u>Council assessment staff</u>: Liz Schindler</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 5 November 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown, Daryll Morris</li> <li><u>Council assessment staff</u>: Liz Schindler, Laurie Stevens</li> <li><u>Applicant representatives</u>: Yannis Comino, Courtney Sargent</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

## **Recommendation**

That Development Application No. 168/20/DA/DM for '5MW Solar PV Array including Perimeter Fence, Access/Maintenance Road, Hard Stand and Construction Laydown Area, Gate, Power Conversion Unit (PCU), O&M / Control Room and Storage, PV Trackers'. be APPROVED, subject to a deferred commencement.

### **PART A DEFERRED COMMENCEMENT CONDITIONS**

#### **1. Deferred Commencement - General**

This is a Deferred Commencement Consent under section 4.16(3) of the Environmental Planning and Assessment 1979. This consent does not become operative until the conditions listed below have been satisfied. All conditions shall be satisfactorily resolved within a period of 12 months from the Determination Date that is shown on this consent.

Upon compliance with the conditions below and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement'.

Pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until the following requirements are satisfied as confirmed in writing by Council:

- a) Solar Farm General Arrangement Plan that amends drawing FI-2 prepared by RINA Consulting Revision 2 dated 11 March 2020 that incorporates a five-metre deep landscape buffer zone to all four boundaries within the lease area;
- b) Key Site Details Plan that amends drawing FI-3 prepared by RINA Consulting Revision 2 dated 11 March 2020 that incorporates a five-metre deep landscape buffer zone to all four boundaries within the lease area;
- c) Civil Plan that amends drawing FI-3 prepared by RINA Consulting Revision 2 dated 11 March 2020 that incorporates a five-metre deep landscape buffer zone to all four boundaries within the lease area;
- d) A landscape plan that details the provision of a five-metre deep vegetation buffer around the perimeter of the proposal including around storage areas and temporary office structures located within the lease area, and clear of required defendable space, APZ and other approved works. The proposed landscaping is to provide effective screening of the view of the solar panels and ancillary infrastructure on site from surrounding residences and public places and to break up the horizontal visual presentation of the solar array across the rural landscape to adjoining lands within three years of the commencement of construction. The landscaping plan is to be consistent with the amended plans required under (a), (b), and (c) above and is to include the following details
  - i. Nominate plant species endemic including native drought tolerant trees and shrubs,
  - ii. Number, size and maturity of plants proposed including planting locations and spacing,
  - iii. Measures to protect the vegetation from vehicles, livestock and pests., and
  - iv. Details of irrigation/watering of the landscape buffer.

- e) Confirmation that the lease area will be used for the grazing of livestock, how the solar array design accommodates that ongoing rural use and how the solar array and associated infrastructure will be protected from damage.
- f) A Traffic Management Plan (TMP) prepared by a suitably qualified and experienced traffic consultant detailing the following:
  - i. The type and number of vehicles accessing the site for construction and decommissioning phases;
  - ii. Details of the entire transport route to be utilised for development-related traffic during construction, operation and decommissioning phases;
  - iii. Works required in the road network (local and regional) necessary to accommodate the vehicle type and number identified in the TMP;
  - iv. 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:
    - (a) Temporary traffic controls, including detours or signage,
    - (b) Notifications to the local community about project-related traffic impacts,
    - (c) Procedures for receiving and addressing complaints from the community about development related traffic,
    - (d) Measures proposed to mitigate any associated general traffic, school buses, pedestrian and cyclist impacts should be clearly identified,
    - (e) Scheduling of haulage vehicle movements to minimise convoy length or platoons,
    - (f) Actions to respond to local climate conditions that may affect road safety such as fog, dust, and wet weather,
    - (g) Process to respond to any emergency repair or maintenance requirements in the transport route,
    - (h) Identification of traffic control devices required to be installed in the road reserves along the transport route. Any such devices to be in accordance with NSW Transport for NSW / Roads and Maritime Services publication 'Traffic Control Worksite Manual', and
    - (i) A traffic management system for managing over-dimensional vehicles;
  - v. A heavy vehicle driver's code of conduct that addresses:
    - (a) travelling speeds,
    - (b) driver fatigue,
    - (c) procedures to ensure that drivers adhere to the designated transport routes and
    - (d) procedures to ensure that drivers implement safe driving practices.

## **PART B OPERATIVE CONDITIONS**

### **2. Development in Accordance with Plans**

The development being carried out in accordance with the development application, the drawings referenced below, as endorsed with Council's approval stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations and plans required under Part A of this consent.

### Development Plans prepared by RINA Consulting

Drawing Number	Revision	Drawn by	Drawing Date	Received
FI-1	3	RINA Consulting Sheet	30/04/2020	19 May 2020
FI-5	2	RINA Consulting Sheet	11/03/2020	19 May 2020
FI-6	2	RINA Consulting Sheet	11/03/2020	19 May 2020
FI-7	2	RINA Consulting Sheet	11/03/2020	19 May 2020
FI-8	2	RINA Consulting Sheet	11/03/2020	19 May 2020
FI-9	2	RINA Consulting Sheet	11/03/2020	19 May 2020

### Specialist Reports

- a) Statement of Environmental Effects by KDC dated April 2020,
- b) Draft Due Diligence Aboriginal Archaeological Assessment by Virtus Heritage dated March 2020,
- c) Noise Assessment by Mac Muller Acoustic Consulting dated April 2020,
- d) Stormwater Management Report by DRB Consulting Engineers dated April 2020 as amended by plans submitted in satisfaction of Part A of this consent,
- e) Flora and Fauna Assessment Report by Kleinfelder dated 24 April 2020,
- f) Reflective Glare Assessment by SLR Ref 620.13767-R01, dated April 2020,
- g) Social Impact Statement MARA Consulting dated 27 April 2020,
- h) Traffic Impact Assessment by Intersect Traffic dated April 2020,
- i) Visual Impact Assessment by MARA Consulting dated 17 April 2020,
- a. Waste Management Plan by KDC dated April 2020,

and on any supporting information received with the development application except where amended by the following conditions.

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

**Reason:** To ensure the work is carried out in accordance with the approved plans

### 3. Disturbed Area

The total disturbed area of the solar array is not to exceed the area marked on Approved Plans (approximately 14.97 hectares).

**Reason:** To ensure the orderly development with the aim of minimising the environmental impacts and retaining other lands for unimpeded agricultural pursuits.

#### 4. Connection to the Network

Prior to the commencement of works, satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm and its connection to the network. The applicant is to enter into the required Connection Agreement/s and any other requirements with Essential Energy for the development, which may include the payment of fees, design and environmental assessment for works outside the lease area and contributions.

**Reason:** To ensure works do not commence until appropriate arrangements are in place with the relevant electricity supply authority.

#### 5. Construction Certificate

Prior to commencement of any construction works associated with the approved development (including excavation), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent. .

**Reason:** To ensure compliance with legislative requirements.

#### 6. Appointment of PCA and Notice of Commencement

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

- a) Appointed a PRINCIPAL CERTIFYING AUTHORITY
- b) Notified the Council of the appointment
- c) Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- d) Given the Council at least 2 days' notice of the intention to commence erection of the building.

**Reason:** To ensure compliance with legislative requirements.

#### 7. Compliance with Building Code of Australia

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

**Reason:** To ensure compliance with legislative requirements.

#### 8. 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.

**Reason:** To ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

#### 9. Duration of Civil Works



Construction and decommissioning works are permitted for a maximum period of nine months from the date of commencement of construction works until commissioning and from the date of commencement of decommissioning works until site is cleared of all elements of the operation.

**Reason:** To limit the impact of construction and decommissioning works on the locality

#### 10. Traffic Management Plan

Prior to the commencement of work on site a construction certificate or relevant approval under the Roads Act 1993 is to be obtained for any road upgrades required under the approved TMP submitted under the deferred commencement conditions of this consent. The approved works must be constructed and the traffic management requirements of the TMP to be in place prior to and during the construction and decommissioning phases of the development:

A copy of the approved TMP must be kept on site at all times.

**Reason:** 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.

#### 11. Transport Routes and Site Access

Prior to the issue of the construction certificate for works within the lease area, the following works and activities are required to be undertaken:

- a) Dilapidation surveys of the transport routes within Finley and to the site access;
- b) Engineering design plans prepared detailing road upgrades to the transport routes within Finley to accommodate the traffic (as identified in the TMP) must be submitted to and approved by the Director Technical Services of Council and the works completed;
- c) A culvert must be constructed in the Broockmanns Road Reserve in the location of a site access to accommodate water drainage along the road reserve in accordance with engineering plans submitted to and approved by Director Technical Service of Council.
- d) A sealed access driveway from the property boundary (to which the lease area is within) to Broockmanns Road prior to works commencing on the site. Construction plans for an access driveway must be submitted to and approved by the Director Technical Services of Council.

During and upon completion of works in the Construction and Decommissioning phases and as may be directed by Council the Applicant is to,

- a) Undertake dilapidation surveys of the transport routes within Finley and to the site access;
- b) Identify required road upgrades or rectification works; and
- c) Undertake the rectification works to the satisfaction the Director Technical Services of Council.

All road works must be constructed to the satisfaction of Director of Technical Services of Council and in accordance with the *Austroads Guide to Road Design* (as amended by Transport for NSW supplements). A record is to be kept by the applicant of any road upgrades made to the transport routes in Finley and to the site access as required by this condition.

**Reason:** 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 traffic requirements for the area.

## 12. 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 and approved by Council, along with relevant plans and the determined fee. This approval must be obtained, before commencement of any work on site or within the road reserve.

**Reason:** To ensure the development does not impact on the local traffic requirements for the area.

## 13. 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 within the approved lease area as shown on the approved plans.
- 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.
- h) No vehicles associated with the operation are to park on the adjoining public streets.

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

**Reason:** 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.

## 14. Onsite Vehicle Access

An onsite vehicle access must be provided from Broockmanns Road to the Lease area as shown on the approved plans. Details of the vehicle access are to be submitted to and approved by Director of Technical Services at Berrigan Shire Council prior to the release of the construction certificate and to include the following:

- a) An all-weather access road to cater for heavy vehicle movement that link the development to Broockmanns Road 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.

**Reason:** To ensure safe vehicle movements for the development onsite.

#### 15. 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. The details of the finished levels and materials of the onsite vehicle parking areas is to be detailed in the construction certificate.

**Reason:** To ensure safe vehicle movements for the development onsite and to ensure the development does not impact on the local road network.

#### 16. Stormwater

All stormwater water from the development must be managed onsite. A final stormwater management plan (SMP) must be submitted for approval by the Director of Technical Services at Berrigan Shire Council prior to commencement. The SWP must reflect the layout of the site as required in the Deferred Commencement Conditions.

**Reason:** To ensure that stormwater from the development does not impact on adjoining allotments or the road reserve.

#### 17. Erosion and Sedimentation Control Plan

An Erosion and Sedimentation Control Plan (ESCP) must be submitted to Council and approved by Director or Technical Services at Berrigan Shire Council prior to the issue of the construction certificate. This plan must acknowledge and reflect the required landscape plan and landscape buffers. Strategies identified in the plan must be progressively implemented during works. The ESCP must demonstrate that the works will:

- a) 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;
- b) ensure the solar panels and associated infrastructure are designed, constructed and maintained to avoid causing any tunnel erosion on site;
- c) 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
- d) ensure all works (including waterway crossings) are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land (2012)*, or its latest version.

**Reason:** To ensure erosion and sedimentation does not affect neighbouring environment and or the local road network.

#### 18. Water Pollution

The applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997* in the commissioning, operational and decommissioning phases of the project

**Reason:** To ensure compliance with legislative requirements.

#### 19. 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 invasive weed species.

**Reason:** 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*.

#### 20. Noise Suppression

The noise recommendations and strategies presented in the 'Noise Assessment by MAC Muller Acoustic Consulting April 2020' are to be implemented during the construction, operational and decommissioning phases of the project. The following recommendations are to be detailed with the construction certificate and the recommendations and following requirements to be implemented at each relevant phase:

- 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.

In response to the implementation of the above the project operator to provide the following to the Development Manager of Berrigan Shire Council:

- a) Records of complaints received, and actions taken
- b) Records of community consultation forums undertaken
- c) Results of noise validation exercises
- d) Details of machinery in use

**Reason:** To ensure there are minimum noise impacts on the surrounding environment.

#### 21. Dust suppression

The recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 as they relate to dust suppression during the construction, operational and decommissioning phases of the project are to be implemented. 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.

**Reason:** To minimise the generation of dust and associated impacts on adjacent and natural environments.

## 22. Lighting

Any security lighting onsite must minimise the off-site lighting impacts of the development. Details of the proposed lighting is to be included on the construction certificate drawings which are to demonstrate 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.

The installed lighting is to be maintained for the life of the project in good working order and the requirements of this condition.

**Reason:** To ensure that any lighting for the proposal has minimal effect on residential amenity in the neighbouring environment.

## 23. Maintenance of Landscaping

The required landscape buffer to the four boundaries of the lease area is to be established prior to commencement of the operation and is to be maintained for the life of the project. The operator of the project is to:

- (a) Regularly water the landscape buffer during the establishment phase (the first three years) and as required once the vegetation is established,
- (b) Replace any plantings that die, are damaged or are diseased or as may be directed by the Council during the life of the project, and
- (c) Remove weed species from the landscape buffer zones.

**Reason:** To enhance the visual amenity of the area.

## 24. Visual amenity and reflectivity

The plans submitted with the construction certificate must demonstrate that the proposed materials:

- a) Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels, with the use of anti-reflective coating.
- b) of site buildings and infrastructure have textures and colour selection that relates to the palette of the surrounding environment, where possible having a low glare and reflectivity

finish. The reflectivity index of building finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place.

- 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 or subject of a separate planning approval.

**Reason:** To avoid the potential for adverse glare and enhance the visual amenity of the area.

#### 25. 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. A copy of the agreed ERP is to be submitted to Development Manager at the Berrigan Shire Council. This ERP must be followed during the operational phase and is to identify, 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.

**Reason:** To ensure the safety of anyone accessing or working the site.

#### 26. Site Safety Plan

A Site Safety Plan (SSP) covering all safety requirements of the development must be submitted to and approved by the Development Manager at the Berrigan Shire Council prior to the issue of the construction certificate. The SSP is to include any current COVID-19 safe workplace plans, traffic movements, signage and storage.

**Reason:** To ensure the safety of anyone accessing or working the site.

#### 27. Risk and emergency management

The following conditions must be followed during the construction, operational and decommissioning phases in order to minimise fire risks within the development and within the site:

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

**Reason:** To minimise fire risks from the development for the site and the neighbouring environment.

#### 28. Native flora and fauna

Avoidance and mitigation measures for the protection of native flora and fauna as identified in the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020' must be implemented for the construction, operation and decommissioning phases.

**Reason:** To minimise impact from development on the surrounding environment.

### 29. Control of weeds

During the construction, operational and decommissioning phases the recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020' must be implemented in terms of controlling weeds and to include but is not limited to:

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

**Reason:** To ensure the control of weeds from the site to surrounding neighbouring environments

### 30. Chemical containment

The recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020' as they relate to chemical containment must be implemented during the construction, operational and decommissioning phases. This includes, but is not limited to:

- a) All chemicals must be kept in clearly marked bunded areas;
- b) Regularly inspect vehicles and mechanical plant for leakage of fuel or oil;
- c) No re-fuelling of vehicles, washing of vehicles or maintenance of vehicles and plant to be undertaken within 20 m of natural drainage lines.
- d) 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.

**Reason:** To protect the site from any soil contamination and to assist in the latter rehabilitation of the site.

### 31. Battery Storage Restrictions

Battery storage is not under this consent. Should battery storage be required in the future a separate planning approval under the Environmental Planning and Assessment Act 1979 is required to be obtained.

**Reason:** To ensure that there is no potential contamination on the site due to the development and all potential environmental impact are assessed.

### 32. Storage and Handling of Dangerous Goods

During the construction, operational and decommissioning phases the following requirements apply in relation to the storage and handling of Dangerous Goods:

- a) 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;
- b) Ensure that substation is suitable bunded; and
- c) 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.

**Reason:** To ensure that Dangerous Goods are appropriately managed and do not impact on the site or the neighbouring environment.

### 33. Waste Management

No waste is permitted to be 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. Prior to the issue of the construction certificate and commencement of any work on site a Waste Minimisation and Management Plan must be prepared in consultation with and approved by the Development Manager at Berrigan Shire Council . The plan must include, but is not limited to:

- a) Waste minimisation and recycling strategies to minimise waste going to landfill, particularly during construction and decommissioning the development;
- b) A list all anticipated waste during construction, operation 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 licenced facility in accordance with its classification;
- e) An appropriate location of waste stockpile onsite during construction and decommissioning to minimises impact on the amenity of the neighbouring properties and public domain.

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

### 34. 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.

**Reason:** To ensure compliance with legislative requirements.

### 35. Asbestos Material

Should the construction or decommissioning phases of the project involve the removal of more than ten (10) square metres of asbestos containing material, this work must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulations 2011.

Prior to commencement of any asbestos removal 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.

**Reason:** To ensure compliance with legislative requirements.



### 36. Community Consultation

Recommendations from the 'Social Impact Statement – Finley Solar Farm by MARA Consulting 27 April 2020' are to be implemented and followed during the construction, operational and decommissioning phases where relevant.. This includes, but is not limited to:

- a) Liaison with local industry representatives to maximise the use of local contractors, manufacturing facilities, materials;
- b) Establishing and maintaining good relations with people living in the vicinity of the proposal site at the beginning of the proposal;
- c) Implement a community consultation plan to identify and manage potential 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, off site connection works),
  - iii. Protocols to respond to any complaints received,
  - iv. Information on how potential customers can access the renewable energy source.

**Reason:** To ensure the community have access to appropriate information on the development and communication methods available with the developer if required.

### 37. Heritage

The recommendations in the 'Draft Due Diligence Aboriginal Archaeological Assessment by Virtus Heritage March 2020' must be implemented and followed during the construction, operational and decommissioning phase as relevant. . This includes, but is not limited to, all site workers to 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.

**Reason:** To ensure the conservation of significant heritage.

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

Any hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:

- a) Work Health and Safety Act 2011;
- b) NSW Protection Of the Environment Operations Act 1997 (NSW); and
- c) NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

**Reason:** 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* and that any contaminating material required to be removed from the property is removed in accordance with the prescribed manner

#### 39. Incident or Non-Compliance Notification

Council must be notified in writing immediately after an incident or non-compliance with 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 and timeframe for resolution and to prevent repeat occurrences.

**Reason:** To ensure effective communication to Council on compliance of the development.

#### 40. Access to information

A site-specific website must be established and operational prior to commissioning. The website must include information on the development that is publicly available as relevant to the stage of the development and is up to date. Information to be provided on the website is to include, but is not limited to:

- a) The Statement of Environmental Effects;
- b) The final layout plans for the development;
- c) Current statutory approvals for the development;
- d) The proposed staging plans for each phase of the development if the construction, operation or decommissioning of the development is to be staged;
- e) How complaints about the development can be made;
- f) A complaints register;
- g) Any other matter required by Council.

**Reason:** To ensure the community have access to appropriate information on the development and communication methods available with the developer if required.

#### 41. Amenities

Onsite amenities must be provided to adequately cater for all employees/visitors to the site during the construction, operational and decommissioning phases including toilet facilities. Any contractor awarded the contract to remove wastewater for offsite disposal, is required to apply to Council for a trade waste approval.

**Reason:** To ensure there is adequate amenities for all employees/visitors and to ensure that waste from the development is affectively managed.