



DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	12 May 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Clare Brown
APOLOGIES	Darryl Morris, John Taylor, Andrew Hutton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 27 April 2021.

MATTER DETERMINED

PPSWES-47 – Berrigan – DA40/21/DA/DM at Broughans Road Finely 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.

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's supplementary assessment report dated 9 April 2021. In this respect, the Panel considered that the amended and supplementary material provided by the applicant in response to the Panel's decision of 16 November 2020 to defer determination of the application responded appropriately and responsibly to the 9 deferral matters raised in the Panel's Record of Deferral. Accordingly, having regard to the matters for consideration under s4.15 of the EP&A Act 1979, the Panel resolved to grant consent to the proposal.

CONDITIONS




The development application was approved subject to the conditions in the council supplementary assessment report dated 9 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 the single written submission of objection made during public exhibition. The panel notes that issues of concern included:

- Visual impacts
- Landscaping
- Noise assessment and
- Stormwater management

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

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-47 – Berrigan – DA40/21/DA/DM
2	PROPOSED DEVELOPMENT	<p>Construction of a solar renewable energy development with a capacity of up to 4.95 Megawatts (“MW”) on approximately 17 hectares. The facility will include:</p> <ul style="list-style-type: none"> • 16,500 solar photovoltaic panels to be mounted in arrays on single axis trackers • Cabling from solar arrays to panel inverters • Substation and connection to local electricity network in the north west corner of the development area • Unsealed perimeter and internal access tracks and parking • laydown area for storage of equipment and machinery • perimeter security fencing (2 metres height) comprising steel posts and transparent mesh • internal drainage detention basin and outfall • landscaping • waste storage area
3	STREET ADDRESS	Lot 126 Broughans Road, Finley Lot 126 DP752299
4	APPLICANT/OWNER	Mary and Kevin Stephens
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 (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Primary Production and Rural Development) 2019 ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Koala Habitat Protection) 2019 ○ Berrigan Shire Land Use Strategy 2018 ○ Berrigan Shire Local Strategic Planning Strategy 2020-2040 ○ Riverina Murray Regional Plan 2036 ○ Berrigan Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Berrigan Development Control Plan 2014 • 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: 3 November 2020 • Revised assessment report with numbered conditions: 11 November 2020 • Council supplementary memo: 13 April 2021 • Council memo with revised conditions: 26 April 2021 • Written submissions during public exhibition: 1 • Unique submissions received by way of objection: 2
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 5 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown, Daryll Morris ○ <u>Council assessment staff</u>: Liz Schindler, Laurie Stevens • Site inspection: 4 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown ○ <u>Council assessment staff</u>: Liz Schindler • Final briefing to discuss council's recommendation: 16 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown ○ <u>Council assessment staff</u>: Liz Schindler, Laurie Stevens • Final briefing to discuss council's recommendation: 23 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown ○ <u>Council assessment staff</u>: Liz Schindler, Laurie Stevens ○ <u>Applicant</u>: David Hunter, Brendan Murphy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

Conditions of Consent

1. Approved Plans

The development shall be 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 as amended by the conditions specified hereunder.

Approved Plans

Drawing Title	Drawing Number	Rev #	Drawing Date
Development Plans by Habitat Planning			
Overall Site Layout	S1/DA1		Dec 2020
Development Site Layout 1	S2/DA1		Dec 2020
Development Site Layout 2	S3/DA1		Dec 2020
Stormwater & Drainage Plan	S4/DA1		Dec 2020
Lease Area	S5/DA1		Dec 2020
Site Entry Layout	S6/DA1		Dec 2020
Substation Layout	S7/DA1		Dec 2020
Infrastructure Detail 1	S8/DA1		Dec 2020
Infrastructure Detail 2	S9/DA1		Dec 2020
Single Line Diagram	S10/DA1		Dec 2020
Landscape Plans by FSLA			
Landscape Plan	20032 L01	C	22/4/2021
Typical Buffer Planting Plan, Planting Details & Plant Schedule	20032 L02	C	22/4/2021
Concept Access Plans by SJE Consulting			
General Arrangement Plan Proposed Access Roads including Channel Culvert	500090-C01	A	Undated
General Arrangement Plan Proposed Access Roads Turning Movements	500090-C01	A	Undated

Specialist Reports

- a) Statement of Environmental Effects by Habitat Planning Rev D dated 23 April 2021
- b) Traffic Impact Assessment by Spotto Consulting Ref P0091 Rev B dated 24 April 2020
- c) Aboriginal Due Diligence Assessment by NGH Ref 20-041 dated 12 June 2020
- d) Stormwater Management Plan by SJE Consulting Ref 500090 Rev A dated July 2020
- e) Environmental Noise Impact Assessment by Harwood Acoustics Ref 2011011E-R dated 22 December 2020

and any supporting information received with the development application except where amended by conditions. All recommendations made within specialist reports and supporting documents shall be implemented as part of the development.

Note: In the event of any inconsistency between the plans and reports, the landscape plan prevails, followed by the development plans to the extent of the inconsistency, or otherwise the most recent document must prevail to the extent of the inconsistency.

Reason: To ensure works are carried out in accordance with approved plans.

2. Disturbed Area

The total disturbed area of the solar array is not to exceed the area marked on Approved Plans (approximately 17 hectares) and all works including fencing and landscaping is to sit within the project lease area marked on Approved Plans (approximately 20.16 hectares).

Reason: This is to ensure the orderly development with the aim of minimising the environmental impacts.

3. 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 Agreements and any other requirement 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 or creation of easements for the electricity supply.

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

4. 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].

Reason: to ensure compliance with legislative requirements.

5. 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)

Reason: to ensure compliance with legislative requirements.

6. 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.

7. 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.

8. 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. Any further works outside this period will require prior approval from Council.

Reason: To Limit the impact of construction and decommissioning works on the locality.

9. 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 once a contractor has been awarded the contract this will need then be reviewed prior the to the issue of the construction certificate.

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.

10. Broughans Road 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 and to the site access must be submitted to Council for approval;
- b) Road upgrades must be made to the transport routes and Broughans Road to accommodate the traffic as identified in dilapidation surveys;
- c) A culvert must be constructed in the Broughans Road Reserve to ensure water drainage along the road reserve in accordance with plans submitted to and approved by Council.
- d) A sealed access driveway must be constructed from the property boundary to Broughans Road to allow turning movement of heavy vehicles to the satisfaction of Council engineering and prior to works commencing within the lease area.

During and upon completion of works during the Construction and Decommissioning phases 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 road upgrades or rectification works as identified in dilapidation surveys to the satisfaction of Council.

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 Broughans Road and transport routes as per the dilapidation surveys;

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 local traffic requirements for the area.

11. 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.

Reason: To ensure compliance with legislative requirements.

12. 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, Broughans 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 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 movement's onsite.
- h) No vehicle associated with the operation are to park on the adjoining public roads.

The Applicant must keep accurate records to identify compliance with above.

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

13. 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 Broughans 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 Broughans Road.

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

14. 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.

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

15. 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 or 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.

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

16. 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*.

Reason: To ensure compliance with legislative requirements.

17. Top Soil

Top soil removed for site works must 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.

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*.

18. Waste Management Plan

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 in accordance with its classification (including a site map of waste 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.

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

19. Stormwater

All stormwater water from the development must be managed onsite. A Stormwater Management Plan must be prepared in consultation with Council and be approved by Council prior to issue of the construction certificate.

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

20. Native Flora and Fauna

Vegetation is to be retained onsite as per approved Statement of Environmental Effects and strategies must be implemented where required such as, but not limited to:

- Scattered trees located adjacent to the impact area and the electrical supply services traversing the site are to be protected by appropriate barriers, in accordance with AS4970 – Protection of trees on development sites.
- If threatened species are observed during works, works should cease immediately, and an appropriately qualified ecologist be contacted.

Reason: To minimise impact from development on vegetation onsite and on the surrounding environment.

21. Heritage

The recommendations in the Aboriginal Due Diligence Report for the Finley Solar Facility must be implemented where required including but not limited to:

- a) All works must be constrained to the areas of existing disturbance and any activity proposed outside of the current assessment area should also be subject to an Aboriginal heritage assessment.
- b) If any item suspected of being Aboriginal in origin are discovered during the work, all work in the immediate vicinity must stop and the appropriate authority notified (such as Berrigan Shire Council and the 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 protection of significant heritage objects and is as per the *NSW National Parks and Wildlife Act 1974*.

22. Dust Suppression

Dust suppression recommendations and strategies as per the approved Statement of Environmental Effects are to be implemented where required to minimise dust off site. This is including, but not limited to:

During construction:

- a) Minimise vehicle movements to defined paths and laydown areas
- b) Suppress dust emissions using watering
- c) Pause works during dry and windy weather
- d) Minimise the driving of footings of the arrays through an appropriately designed layout
- e) Ensure stockpiles of excavation material is bunded and protected from wind and vehicle movements.
- f) Use of water carts where required.

During operation:

- g) Revegetation and regeneration of site with appropriate ground cover species
- h) Ensure all plant, storage areas and equipment is contained within a designated graded area
- i) Grade and add gravel base to accessways and circulating roads, where appropriate.

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

23. Noise Suppression

Noise suppression recommendations and strategies as per the approved Statement of Environmental Effects 2020, as well as the additional Environmental Noise Impact assessment supplied by Harwood Acoustics Reference Number 2011011E-R are to be implemented where required to minimise noise off site. This is including, but not limited to:

- a) limiting the construction works and vehicle movement to appropriate hours of operation and through a traffic management plan.
- b) Placement of signage at site entrance advising drivers to minimise noise both on and off site
- c) Utilise temporary fencing and other barriers to nullify construction noise between construction works and receptors where possible.
- d) Select and utilisation of quietest available machinery and minimise the total number of vehicles
- e) Where possible, avoid simultaneous use of machinery to avoid the accumulation of noise.

- f) A community liaison officer to be appointed by the contractor prior to commencement of works, to engage with the surrounding residences to explain construction timeframes and potentially noisy periods that could be expected during the works.

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

24. 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.

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

25. Landscaping

The required landscape buffer zones surrounding the development and leased 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 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 weeds species from the landscape buffer zones.

Reason: To enhance the Visual amenity of the area.

26. Visual amenity

The applicant must implement strategies from the Statement of Environmental Effects where required, including but not limited to:

- a) Use of anti-reflective coating.
- b) Materials, textures and colour selection of infrastructure onsite relating 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.

For the Finley Aerodrome:

- e) Notify Finley Aerodrome management and operators, including but not limited to, any management committee, local commercial operators from the aerodrome, at the commencement of works to provide notification of the placement of solar panels.

- f) Implementing landscaping strategies to reduce glare for the Finley Aerodrome as soon as possible as identified in the supporting PV Glare Analysis.

Reason: To avoid the potential for adverse glare or reflection from the solar panels and enhance the visual amenity of the development area for the surrounding environment.

27. 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.

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

28. 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. A SSP is to include, but not limited to, any current COVID-19 safe workplace plans, traffic movements, signage and storage.

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

29. Mitigation of Potential Impacts

To minimise the potential impacts of the development on the surrounding area, a Construction Environmental Management Plan (CEMP) or similar is required to be provided where required and submitted to Council for approval prior to the issue of a construction certificate. This is to include, but not limited to:

- Aboriginal Heritage Management.
- Construction Traffic Management.
- Site Establishment.
- Bushfire Management (including the following where required)
 - Include an appropriate fire defendable space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - Manage 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 2019* (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.
- Waste Management.

- Erosion and Sediment Control.
- Noise Management.
- Dust Management.
- Site Decommissioning.
- Operation Hours.
- Emergency, safety and security. And
- Weed Management and Biosecurity.

Reason: To ensure the minimisation of potential impacts from the development on the surrounding environment.

30. Control of weeds

The following must be implemented where required to ensure the control of weeds:

- 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.

Reason: To ensure the control of weeds from the site to surrounding environment.

31. Chemical containment

- 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 area from any soil contamination and to assist in the latter rehabilitation of the site.

32. Storage and Handling of Dangerous Goods

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

- 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 protect the area from any soil contamination and to assist in the latter rehabilitation of the site

33. 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.

Reason: To ensure waste from the development is minimisation and affectively managed to minimise the impacts on 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

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.

Reason: To ensure compliance with legislative requirements.

36. Community Consultation

Community consultation recommendations and strategies as per the approved Statement of Environmental Effects are to be implemented where required. This is including, but not limited to:

- a) Project information for the project is to remain on the project website including an overview of the project, key timeframes and will allow interested stakeholders the opportunity to review information and contact the project team.
- b) Continued liaison with the community where required with surrounding landowners during the construction phase to ensure that no further issues arise.

- c) Relevant information and detail is to be posted on the project website as it is made available.

37. 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.

Reason: To ensure compliance with legislative requirements.

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">• 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

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*.

39. Broughans Road Condition

Upon commencing of works and issuance of the Construction Certificate Councils Operation Manager will visually inspect the existing condition of Broughans Road. Upon practical completion of the solar and at decommissioning stage of the solar farm a further inspection will be undertaken at each of these stages by the Operations Manager to ensure the Broughan's road is in a condition to the satisfaction of the Council.

If Broughans road has occurred any damage directly resulted from traffic movements generated from the development the applicant may be requested to undertake rectification works as directed from the Operations Manager.

Reason: To ensure the condition of Broughans Road is maintained during the construction/decommission process

40. 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.

Reason: To ensure resolutions to any breach can be achieved with minimal disruption.

41. Access to information

Information for the development must be publicly available on its website as relevant to the stage of the development and is up to date, including, but 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) Any proposed staging plans for the development if the construction, operation or decommissioning of the development.
- e) How complaints about the development can be made.
- f) A complaints register.
- g) Any other matter in relation to public consultation on the development as required by Council.

Reason: To ensure compliance with legislative requirements.

42. Resources, Workforce and Accommodation

The recommendations and strategies as per the approved Statement of Environmental Effects are to be implemented where required. This is including, but not limited to:

- a) Preparation of a detailed Construction Schedule for discussion with local community, resource providers, service providers and accommodation providers.
- b) Locate resources for the project locally where possible.
- c) Engage the majority of construction workforce from the local area, including both specialised contractors and other workers.
- d) Through tender and procurement processes, the applicant will give higher weighting to these individuals and companies that employ staff from the local area.
- e) Undertake initial and ongoing engagement with local housing and accommodation providers to determine availability of accommodation ahead of time and ensure that peak periods of those providers are not detrimentally affected.

Reason: To ensure the community is engaged as part of the overall project.

43. Battery Storage

Battery storage is not approved 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

44. Amenities

Onsite amenities must be provided to adequately cater for all employees/visitors to the site during 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 amenity for all employees /visitors and to ensure that waste from the development is affectively managed.