



DATE OF DETERMINATION	12 October 2021
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Sandra Hutton, Robert Black and Ruth McRae
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 27 September 2021.

MATTER DETERMINED

PPSWES-88 – Murrumbidgee – DA10-2021 at 1207 Donald Ross Drive, Coleambally – micro 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 in the council assessment report with the following amendments:

- Condition B3 amended to require that the Construction Site Management Plan is to the satisfaction of Council. Amended condition B3, first paragraph, to read as follows:

Prior to the issue of a Construction Certificate, the applicant must make the following additions to the satisfaction of Council (or provide more detail to ensure requirements are clearly understood and implemented) to the approved Construction Site Management Plan prepared by ACENERGY dated 17/03/2021:

- Condition B4 amended to require that the Traffic Management Plan is to the satisfaction of Council. Amended condition B4, first paragraph, to read as follows:

Prior to the issue of a Construction Certificate, the applicant shall prepare a Traffic Management Plan to the satisfaction of Council, that must be implemented during the construction of the development. The plan shall include but not be limited to the following:

- Condition B4(i) amended to also include the following:

This is to include the location and timing of school bus services in the vicinity of the site and to avoid these locations and times where relevant.

- New Condition B4(l) to read as follows:

(l) This is to include the location and timing of school bus services in the vicinity of the site and to avoid these locations and times where relevant.

- Condition B5 amended to require that the Operational Environmental Management Plan is to the satisfaction of Council. Amended condition B5, first paragraph, to read as follows:

Prior to the issue of a Construction Certificate, the applicant shall prepare an Operational Environment Management Plan to the satisfaction of Council, that must be implemented during the operation phases of the development. The plan shall include provisions for the planning, control and/or management of, the following:

- Condition B8 amended to include the date of the document that specifies the road improvement works. Amended condition B8, to read as follows:

The applicant shall carry out the road improvement works specific in their letter of commitment and response to submissions from MJM Consulting Engineers dated 16 August 2021, including gravelling 20m either side of the Boona channel bridge, gravelling the frontage of the neighbouring dwelling and 100m either side and extending the seal 20m up Cockys Lane at the Wallace Road intersection.

- New Condition B15 to read as follows:

Decommission Management Plan

A Decommission Plan must be provided to Murrumbidgee Council for approval prior to the issuing of a Construction Certificate. The Plan shall identify the rehabilitation measures that will be implemented post development to enable the continuation of productive agriculture at a level that is at least commensurate with the land's current condition.

The Plan must include, but not be limited to, the following:

1. *A rapid assessment method to enable the rapid assessment of land agricultural condition that is based on scientific principles. The method shall identify a suite of indicators including those recommended by the Department of Primary Industries to identify the current condition of the development site. The indicators should be measurable to enable a rapid assessment and comparison of pre and post development site conditions to quantify and determine the sites suitability and productivity for agriculture. The indicators selected should include measures that are commonly used to assess the condition and productivity of land and water resources for agricultural production and include both chemical and physical properties. Measures could include hydraulic conductivity, compaction rates, cation exchange capacity, exchangeable sodium percentage, salinity, permeability and surface and ground water quality as an example. The pre development condition of the site for productive agriculture should be identified using the selected rapid appraisal method.*

2. *Expected timeline and program for rehabilitation works*
3. *Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;*
4. *Details on waste management and recycling of all materials arising from the development.*

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

- Condition C5 is to be deleted.




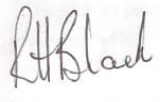

The approved conditions are attached at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

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

- Condition and capacity of Cockys Lane
- Adverse environmental impact on neighbours, particularly air quality impacts
- Hazards and risks associated with fire and bush fire
- The loss of productive agricultural land

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the conditions and that no new issues requiring assessment were raised during briefings.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Sandra Hutton	 Robert Black
 Ruth McRae	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSWES-88 – Murrumbidgee – DA10-2021
2	PROPOSED DEVELOPMENT	Construction and use of a 5MW micro solar farm and associated infrastructure
3	STREET ADDRESS	Lot 135 DP750903 1207 Donald Ross Drive, Coleambally
4	APPLICANT OWNER	Greentech Solar Project No 1 Pty Ltd Mr PG and Mrs MC Wythes
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 No 55 – Remediation of Land State Environmental Planning Policy (Primary Production and Rural Development) 2019 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Riverina Murray Regional Plan 2036 Murrumbidgee Local Environmental Plan 2013 Murrumbidgee Council Local Strategic Planning Statement Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Murrumbidgee Council Development Contributions Plan 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: 24 September 2021 Written submissions during public exhibition: three (3)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing and site inspection: 13 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Robert Black, Ruth McRae <u>Council assessment staff</u>: Kelly Tyson <u>Department staff</u>: Amanda Moylan Final briefing to discuss council's recommendation: 5 October 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Sandra Hutton, Robert Black and Ruth McRae <u>Council assessment staff</u>: Kelly Tyson

		<ul style="list-style-type: none"> ○ <u>Department representatives:</u> Carolyn Hunt and Lisa Foley • Applicant Briefing: 5 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Garry Fielding (Chair), Graham Brown, Sandra Hutton, Robert Black and Ruth McRae ○ <u>Council assessment staff:</u> Kelly Tyson ○ <u>Department representatives:</u> Carolyn Hunt and Lisa Foley ○ <u>Applicant representatives:</u> Michael McFeeters <u>Note:</u> Applicant briefing was requested to respond to the recommendation in the council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

PART A: GENERAL

A1 Approved Plans and Supporting Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Reference No	Revision	Prepared by	Date
Site Plan	G-1.0_001205	C	ACENRGY	30/7/2021
Location Diagram	G-2.0_001205	D	ACENRGY	30/7/2021
DC Coupled Energy Storage Container Elevations	G-3.0_001205	A	ACENRGY	5/04/2021
Central Inverter, HV Switchboard, O/H Pole Elevation	G-4.0_001205	A	ACENRGY	5/04/2021
Security Fence Details	G-5.0_001205	B	ACENRGY	30/07/2021
Coleambally Solar Farm Flora and Fauna Assessment Report	NCA21R124675		KLEINFELDER	30/04/2021
Bushfire Assessment and Emergency Management and Operations Plan	Report Ref 210146	Rev 1.1	MJM Consulting Engineers	25/05/21
Overview Plan	21524 Dwg 01	01	Ground Control Landscape Architecture Pty Ltd	16/08/2021

Plan/Report Title	Reference No	Revision	Prepared by	Date
Landscape Screening Plan	21524- Dwg 02	01	Ground Control Landscape Architecture Pty Ltd	16/08/2021
Landscape Screening Plant Schedule & Sections	21524- Dwg 03	01	Ground Control Landscape Architecture Pty Ltd	16/08/2021
Landscape Specification Notes	21524- Dwg 04	01	Ground Control Landscape Architecture Pty Ltd	16/08/2021
Social Impact Statement	2126	005	MARA Consulting	05/08/2021
Statement of Environment Effects	210146	Rev 1.1	MJM Consulting Engineers	24/05/2021
Traffic Impact Assessment	Project Ref 200878	3	Trafficworks	28/07/2021

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

A2 Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Reason: To ensure any signage is assessed in accordance with the planning controls.

A3 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

A4 Lapsing of consent

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

A5 Tree Retention and Removal

Existing trees on the site are to be retained and protected from damage during work.

Reason: To protect trees on the site to be retained.

A6 Requirements of Government Agencies

The following conditions have been imposed by government agencies: (a)

Essential Energy

- i. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- ii. Any activities within the vicinity of Essential Energy's infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities.
- iii. Easements shall be created over the land occupied by all essential energy infrastructure;
- iv. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW). Note: SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

(b) NSW Rural Fire Service

- i. From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the property around any structures and associated buildings/infrastructure must be managed an inner protection area (IPA) for a distance of 10 metres. When establishing and maintaining an IPA the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:
 - ▣ Tree canopy cover should be less than 15% at maturity;
 - ▣ Trees at maturity should not touch or overhang the building;
 - ▣ Lower limbs should be removed up to a height of 2m above the ground;
 - ▣ Tree canopies should be separated by 2 to 5m;
 - ▣ Preference should be given to smooth barked and evergreen trees;
 - ▣ Create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
 - ▣ Shrubs should not be located under trees;
 - ▣ Shrubs should not form more than 10% ground cover;
 - ▣ Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - ▣ Grass should be kept mown (as a guide grass should be kept to no more

- than 100mm in height); and
 - Leaves and vegetation debris should be removed.
- ii. Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure during bush fire emergencies. It should also be designed and maintained so that it will not serve as a bush fire risk to surrounding bush.
- iii. Access to the site shall comply with the provisions for Property Access Roads as detailed in section 7.4 of Planning for Bush Fire Protection 2019.
- iv. To allow for emergency service personnel to undertake property protection activities a perimeter road shall be provided surrounding the facility and shall comply with the following requirements in accordance with Planning for Bushfire Protection 2019;
 - Two-wheel drive, all-weather roads;
 - The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.
 - There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - Minimum 4m carriageway width;
 - In forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - Property access must provide a suitable turning area in accordance with Appendix 3 of PBP 2019;
 - Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - The minimum distance between inner and outer curves is 6m;
 - The crossfall is not more than 10 degrees; and,
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- v. The provision of water, electricity and gas services to comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:
 - A 20,000 litre static water supply must be provided on-site;
 - An outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure, (5-20 metres);
 - 65mm Storz connection with a ball valve is fitted to the outlet;
 - The ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material;
 - Underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank;
 - A hardened ground surface for truck access is supplied within 4m of the water outlet or access hole;
 - above-ground tanks are manufactured from concrete or metal;
 - Raised tanks have their stands constructed from non-combustible material or bush - fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine;

- ▣ Unobstructed access can be provided at all times;
 - ▣ Underground tanks are clearly marked;
 - ▣ Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
 - ▣ All exposed water pipes external to the building are metal, including any fittings;
 - ▣ Where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and
 - ▣ Fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
 - ▣ A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location so as to be highly visible; and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.
 - ▣ Where practicable, electrical transmission lines are underground;
 - ▣ Where overhead, electrical transmission lines are proposed as follows:
 - Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - ▣ Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - ▣ All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - ▣ Connections to and from gas cylinders are metal;
 - ▣ Polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets.
- vi. A Bush Fire Emergency Management and Operations Plan shall be prepared for the site and shall identify all relevant risks and mitigation measures associated with the construction and operation of the solar farm. This should include:
 - ▣ Detailed measures to prevent or mitigate fires igniting;
 - ▣ Work that should not be carried out during total fire bans;
 - ▣ Availability of fire-suppression equipment, access and water;
 - ▣ Storage and maintenance of fuels and other flammable materials;
 - ▣ Notification of the local NSW Rural Fire Service fire control centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
 - ▣ Appropriate bush fire emergency management planning.
- vii. A Bush Fire Management Plan (BFMP) shall be prepared in consultation with NSW RFS District Fire Control Centre. The BFMP shall include:
 - ▣ 24/7 contact details including alternative telephone contact;
 - ▣ Site infrastructure plan;

- ▢ Fire fighting water supply plan;
- ▢ Site access and internal road plan;
- ▢ Construction of asset protection zones and their continued maintenance;
- ▢ Location of hazards (Physical, Chemical and Electrical) that will impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- ▢ Such additional matters as required by the NSW RFS District Office (Plan review and update).

(c) Department of Primary Industries

- i. The applicant is to prepare and implement a Pasture Management Plan that ensures the soil is protected from erosion and degradation through the life of the solar farm.
- ii. The applicant is to prepare a Weed Management Plan developed in conjunction with the landholder that shall be implemented through the life of the solar farm. This shall include best practice measures to manage biosecurity risk (during and after construction) including those to prevent the transmission of Spiny Burr Grass
- iii. The applicant is to prepare and implement a Decommissioning Plan where all above and below ground infrastructure must be removed to enable an unconstrained return to cropping at the end of the solar farm life This plan should include current productivity measures for use in measuring rehabilitation outcomes. Records over a number of seasons should be used to determine current productivity, while yields on identical soil landscapes in the locality may be used if the site is put to solar before this can be measured
(Note Please refer to Condition C5)

Reason: To ensure compliance with Section 4.47(3) of the *Environmental Planning and Assessment Act 1979* and the conditions of Government agencies are complied with.

PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is required for the development (solar panel arrays and HV Switchboard platform) in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

B2 Payment of Security Deposits, Levies and Contributions

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate.

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy of \$22,606 as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provides proof of this payment to the certifier.
- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
- (c) In accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (former S94A) and Council's Development Contribution Plan this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted Section 94A Contributions Plan). A copy of this policy is publicly available from Council's website www.murrumbidgee.nsw.gov.au.

Total payment shall be \$64,589.43 (1% of the proposed cost of carrying out the development).

The contribution is to be paid prior to the issue of the Construction Certificate, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

Reason: To ensure payments are made in accordance with legislative requirements.

B3 Construction Site Management Plan

Prior to the issue of a Construction Certificate, the applicant must make the following additions to the satisfaction of Council (or provide more detail to ensure requirements are clearly understood and implemented) to the approved Construction Site Management Plan prepared by ACENERGY dated 17/03/2021:

- (a) Drainage, erosion and sediment control,
- (b) Earthworks to comply with *AS3798-2007 Guidelines on earthworks for commercial and residential developments*.
- (c) Waste management ensuring that prior arrangements are agreed with Council should access to the Coleambally landfill be required
- (d) Measures to manage dust noise and vibration during construction.
- (e) Emergency, hazards and risk management including fire protection during construction and associated with the Battery Energy Storage System.
- (f) Measures to manage weeds including the transmission of Spiny Burr Grass, particularly by machinery
- (g) Worker transport and vehicles.
- (h) Weather monitoring to manage working in wet conditions and to better manage dust in windy conditions

- (i) Access, traffic and road condition (with reference to traffic management plan
- (j) Site security
- (k) Safety of those accessing and working on site
- (l) Tree protection measures including those trees with the potential to be impacted by larger vehicles and cranes accessing the development site from Donald Ross Drive
- (m) Neighbour consultation, emergency contacts and complaints management
- (n) Measures to monitor and manage flora and fauna impacts
- (o) Site rehabilitation after construction is completed. (p) Facilities management

For each of the above the Plan will need to identify the specific actions to be implemented and responsibility allocated. Provisions relating to bush fire must reflect the requirements of the Bush Fire Emergency Management and Operations Plan that has prepared with the assistance of or endorsed by a person experienced in bush fire planning and accredited with Fire Protection Australia (FPA).

Reason: To require details of measures that will protect the public and the surrounding environment during site works and construction.

B4 Traffic Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare a Traffic Management Plan to the satisfaction of Council, that must be implemented during the construction of the development. The plan shall include but not be limited to the following:

- a) Provisions to satisfy the requirements of Coleambally Irrigation including those relating to Boona bridge speed and load restrictions, bridge travel paths, signage, driver behaviour and measures to minimise dust.
- b) Measures to manage access from Cockys Lane and Donald Ross Drive c) Cockys Lane and on-site vehicle speed restrictions
- d) Measures to, as far as practicable, restrict vehicles encroaching upon, accessing or using the Cockys Lane road reserve
- e) Measures to minimise dust generation, noise and vibration from vehicular traffic
- f) Delivery schedules ensuring that larger deliveries access the development site from Donald Ross Drive
- g) Monitoring the condition of local roads
- h) Transport routes
- i) Traffic control on and off site to promote safety and manage the flow of traffic and limit vehicular use to defined trafficable areas.
- j) Access, car parking and loading/unloading
- k) Proposed maintenance of road improvement works such as gravelling along the frontage and 100m each side of the nearest neighbouring dwelling in Cockys Lane and gravelling 20m either side of the Boona bridge crossing on Cockys Lane
- l) This is to include the location and timing of school bus services in the vicinity of the site and to avoid these locations and times where relevant.

Reason: To require details of measures that will protect the public and the surrounding environment during site works and construction.

B5 Operational Environment Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare an Operational Environment Management Plan to the satisfaction of Council, that must be implemented during the operation phases of the development. The plan shall include provisions for the planning, control and/or management of, the following:

- (a) Pasture, stock, vegetation and weeds
- (b) Emergencies
- (c) Bush fire management
- (d) Access and security
- (e) Complaints and communications
- (f) Site monitoring, servicing and maintenance
- (g) Fire safety measures including annual certification

B6 Other Approvals

PRIOR TO COMMENCEMENT The following approvals are required where relevant: (a)

Roads Act 1993 approval - The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicle crossings, access, road improvement and pavement works for local roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.

- (b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation and waste management. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

B7 Servicing

In relation to services, the following must be undertaken by the applicant where relevant:

- (a) **Adequate services** – the applicant must demonstrate that adequate services and facilities for water, electricity and wastewater are made available to the site.
- (b) **Dial before your dig** - the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and underground infrastructure for safety and efficiency.

B8 Road Improvement Work

The applicant shall carry out the road improvement works specific in their letter of commitment and response to submissions from MJM Consulting Engineers dated 16 August 2021, including gravelling 20m either side of the Boona channel bridge, gravelling the frontage of the neighbouring dwelling and 100m either side and extending the seal 20m up Cockys Lane at the Wallace Road intersection.

Reason: To minimise the impacts of dust, noise, vibration and road damage from vehicular movements.

B9 Stormwater Management

The development must not result in the diversion of overland surface waters onto adjoining properties or discharge contaminated water to Coleambally Irrigations drainage system and where necessary shall construct appropriate surface drainage management systems.

Reason: To ensure stormwater is appropriately managed on the site.

B10 Bush fire Management

The solar farm shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* prepared by the NSW Rural Fire Service and as outlined in the Bushfire Assessment Report

Reason: To ensure the development complies with the relevant requirements for bushfire management and to protect the safety of occupants on the site.

B11 Vehicle Access Requirements

The following vehicle access arrangements must be provided to the site:

- (a) Murrumbidgee Council's requirements for site access from Cockys Lane and from Donald Ross Drive

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council approved specifications and standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

B12 Reflection Mitigation Measures

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

- (a) Planting and maintenance of a vegetation screen along the perimeter boundary of the development site to reduce the impact of the solar panels on the

adjoining properties/road;

Reason: To ensure the solar panels do not cause a nuisance, disturbance or hazard to adjoining properties, nearby aircraft and the public using nearby public roads from glint and glare.

B13 Car Parking

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and *AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line marked or otherwise designated. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

B14 Dilapidation report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier.

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the demolition works. The insurance cover shall be a minimum of \$10 million.

Reason: To ensure any damage caused by the development is documented prior to works commencing on the site.

B15 Decommission Management Plan

A Decommission Plan must be provided to Murrumbidgee Council for approval prior to the issuing of a Construction Certificate. The Plan shall identify the rehabilitation measures that will be implemented post development to enable the continuation of productive agriculture at a level that is at least commensurate with the land's current condition.

The Plan must include, but not be limited to, the following:

1. A rapid assessment method to enable the rapid assessment of land agricultural condition that is based on scientific principles. The method shall identify a suite of indicators including those recommended by the Department of Primary Industries to identify the current condition of the development site. The indicators should be measurable to enable a rapid assessment and comparison of pre and post development site conditions to quantify and determine the sites suitability and productivity for agriculture. The indicators selected should include measures that are commonly used to assess the condition and productivity of land and water resources for agricultural production and include both chemical and physical properties. Measures could include hydraulic conductivity, compaction rates, cation exchange capacity, exchangeable sodium percentage, salinity, permeability and surface and ground water quality as an example. The pre development

condition of the site for productive agriculture should be identified using the selected rapid appraisal method.

2. Expected timeline and program for rehabilitation works
3. Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
4. Details on waste management and recycling of all materials arising from the development.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

PART C: PRIOR TO WORKS COMMENCING

C1 Appointment of Principal Certifying Authority

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

C2 Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

C3 Tree Protection Measures

Before the commencement of any site or building work, the applicant must ensure the measures for tree protection detailed in the Fauna and Flora Assessment Report and the landscaping plan are in place.

Reason: To protect trees which are to be retained prior to work commencing on the site.

C4 Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- (a) Be a standard flushing toilet, connected to a public sewer, or
- (b) If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- (c) A portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

PART D: DURING WORKS

D1 Construction Hours

The hours of demolition and/or building work shall be limited to the following hours: (a)

- | | |
|--|-------------|
| Monday to Friday: | 7am to 6pm; |
| (b) Saturday: | 8am to 1pm; |
| (c) No Construction on Sundays or Public Holidays. | |

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

D2 Compliance with Construction Site Management Plan

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- ▣ All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
- ▣ All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- ▣ During construction, care must be taken to protect Council's infrastructure.
- ▣ Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- ▣ The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

D3 Waste Management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

D4 Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure

Reason: To ensure payment of approved changes to public infrastructure.

D5 Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- ▮ “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- ▮ “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

D6 Discovery of Contamination

Should any contaminated, scheduled, hazardous or asbestos material be discovered before, during or after construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D7 Construction Noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out

Reason: To protect the amenity of the neighbourhood.

D8 Imported Fill

While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

D9 Critical Stage Inspections

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2000*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

D10 Tree Protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent and the relevant requirements of AS 4970-2009 *Protection of Trees on Development Sites*. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

D11 Native Vegetation

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

D12 Clearing for Asset Protection Zones (APZ)

While building work is being carried out, the applicant must ensure the clearance of vegetation to establish the APZ is confined to within the marked APZ boundary, to the satisfaction of the principal certifier.

Reason: To ensure vegetation clearance during construction is confined within the APZ.

D13 Demolition Work

All demolition work shall be carried out in accordance with *Australian Standards AS 2601-1991 Demolition of Structures*, other relevant Australian Standards and the requirements of SafeWork NSW.

Reason: To ensure demolition work is carried out in a safe manner.

D14 Exempt development, Temporary Structures and Equipment

Where exempt development, temporary structures or equipment do not require a Construction Certificate to be issued prior to their footings being constructed, their founding or tie down must be designed and certified by a Professional Engineer as meeting the requirements of AS1170:1,2,3 Structural Design Actions and structurally adequate to withstand the most critical loads and forces that they might be exposed to.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*

PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

E1 Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

E2 Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

E3 Post-construction Dilapidation Report and Repair of Infrastructure

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council

Reason: To identify damage to adjoining properties resulting from building work on the development site.

E4 Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored

E5 Landscaping

All landscaping required by the approved Landscape Plan must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

E6 Drainage works

All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Reason: To ensure adequate arrangements have been made for the collection, conveyance, storage and discharge of stormwater on the site.

PART G: OPERATIONAL CONDITIONS

G1 Decommissioning of the Development Site

The applicant shall contact Council within 12 months of the expected cessation of operations to advise that the decommissioning process will be commenced in accordance with the approved Decommission Plan. The development shall be decommissioned and the site rehabilitated in accordance with the timeframes stated in the Decommission Plan.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

G2 Emergency Management Plan

The approved Emergency Management Plan ('EMP') for the development shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

G3 Operations Environmental Management Plan

The approved Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the solar farm.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

G4 Vehicle Management

All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction. Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site. The entry and exit points are to be clearly signposted and visible from both the street and the site at all times.

The maximum size truck permitted to access the site is a 19m semi- trailer.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network.

G5 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On- going monitoring of the health and performance of the visual plant screen during the

life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer. Following construction, the applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

G6 External lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

G7 Minimise Harm to the Environment

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction, operation or decommissioning of the development, including weed control.

Reason: To minimise harm to the environment.

G8 Visual Impacts

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;
- b) Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- c) Not mount any advertising signs or logos on site, except where this is required for safety purposes.

Reason: To minimise the visual impact of the development.

G9 Storage of hazardous materials

The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

G10 Maintenance of Wastewater and Stormwater Treatment Device

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems.

G11 Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver. The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

G12 Waste materials

All solid waste from construction and operation of the development shall be assessed, classified and disposed of in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014. All hazardous building materials must be disposed of in accordance with the relevant statutory requirements.

Reason: To protect the environment.