

## Draft Conditions – RVA0002/2022 – Burrundulla Solar

### APPROVED PLANS

1. The development is to be carried out generally in accordance with the following stamped plans except where amended as required by the following conditions. Approved documentation may include any Planning or Engineering reports submitted with and in support of the Application as detailed below.

Drawing No.	Plan Title	Sheet	Date
MUD3C-G-0400, REV 2	Location Plan	-	16/12/2021
MUD3C-G-2100, REV 5	General Arrangement Plan	-	30/6/2022
MUD3C-G-2200-, REV 4	Site Elevations	-	16/12/2021
MUD3C-C4300, REV 2	Inverter Footing Details	-	16/12/2021
MUD3C-C5300, REV 2	Fencing Details	-	16/12/2021
MUD3C-C-5301, REV 2	Gate Details	-	16/12/2021
MUD3C-C6300, REV 2	Access Path Details	-	16/12/2021
MUD3C-E-3400, REV 2	Nextracker Array Details	-	16/12/2021
MUD3C-E-4300, REV 2	Inverter Station Detail	-	16/12/2021
2021-223, REV 3	Landscape Concept – Figures 1 to 6	-	July 2022

Any minor modification to the approved plans other than as required by following conditions will require the lodgement and consideration by Council of amended plans and lodgement of a Modification Application.

2. For clarity, this development consent provides approval for a 10MW electricity generating works (solar farm) with ancillary infrastructure. No battery storage, water supply works approval or advertising signage is authorised by this development consent.

### GENERAL

3. Prior to the commencement of any construction within the proposed development site, the applicant must construct an access crossover at an approved location. The crossover must incorporate any and all intersection construction requirements as determined and required by the relevant Road Authority. Works must comply with any and all conditions of construction that may include re-location as necessary to avoid conflict with any other existing property access. Separate approval under the provisions of Section 138 of the Roads Act 1993 must also be obtained prior to the commencement of this work.
4. There shall be no clearing of native vegetation other than to the extent nominated within

the application without the prior consent of Council.

5. All unauthorised advertising signage shall be removed from the subject site, or consent obtained from Council.
6. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment, Energy and Science (OESS) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the (OESS).
7. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
8. The only waste derived fill material that may be received at the development site must be:
  - Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
  - Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
9. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
10. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
11. Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, Plumbing and Drainage Act 2002 and Plumbing and Drainage Regulations to the complete satisfaction of the Plumbing and Drainage Inspector.
12. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act 1997.
13. Where required, the developer must construct at no cost to Mid-Western Regional Council all external roadwork, stormwater drainage and water infrastructure that may be required to service the development.
14. The Applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Registry Services and Council.
15. To reduce the likelihood of air emissions, dust and noise impacts, the Applicant shall ensure that all the plant and equipment used at the site is:
  - a) maintained in a proper and efficient condition; and,
  - b) operated in a proper and efficient manner.

16. The developer and / or the landowner, as relevant, is responsible for all costs associated with construction and rehabilitation of the site.

17. The Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

18. The Applicant must minimise the dust generated by the development at all times.

19. The Applicant must:

- minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

20. The Applicant must:

- ensure the solar panels and ancillary infrastructure (including security fencing and earth mounds) are designed, constructed and maintained to reduce impacts on localised flooding and groundwater at the site;
- minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version; and
- ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site.

21. The Applicant must:

- a) minimise the fire risks of the development;
- b) ensure that the development complies with the requirements of the NSW RFS (letter dated 27 February 2022) including the following:
  - there is defensible space of at least 10 metre around the perimeter of the solar arrays that permits unobstructed vehicle access;
  - the defensible space and solar array areas are managed as an Asset Protection Zone;
  - the development complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection (or equivalent)* and *Standards for Asset Protection Zones*;
  - the Asset Protection Zone for the development is wholly contained within the development footprint;
  - the development is suitably equipped to respond to any fires on site including provision of a minimum of 20,000 litre water supply tank fitted with a 65 mm Storz fitting and compatible suction connection located adjacent to the internal access road.
- c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

22. The Applicant must:

- a) store and handle all dangerous or hazardous materials on site in accordance

with AS1940-2017: The storage and handling of flammable and combustible liquids, or its latest version;

- b) ensure the materials or goods stored are suitably banded; and
- c) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

23. The Applicant must commission and pay the full cost of Independent Environmental Audits of the development. The audits must:

- a) be led and conducted by a suitably qualified, experienced and independent team of experts;
- b) be prepared, unless otherwise agreed with Council:
  - i. within 3 months of commencing construction;
  - ii. within 3 months of commencement of operations; and
  - iii. as directed by Council;
- c) be carried out in consultation with the relevant agencies;
- d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
- e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed, a copy of the audit report must be submitted to Council, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of Council.

24. All internal driveways and access tracks must be constructed of compacted gravel to a suitable standard to sustain all construction and future maintenance traffic requirements. Pavement must be wide enough to allow two vehicles to safely pass or with provision made for localized widening. Where necessary culverts or suitable erosion protection measures must be made for stormwater drainage.
25. Car parking areas must be provided of sufficient size to allow for one car parking space per two employees for the life of the proposal. Car parking areas must generally provide sufficient space for parking and manoeuvring as specified in AS2890.1 - Parking facilities – Part 1: Off-street car parking.
26. The approved development must not interfere with the natural flow of stormwater over the land and must not cause ponding or concentration of stormwater runoff on the subject land or adjoining roads.
27. Stormwater runoff from pavement areas must be managed within the site and dispersed to landscaped areas.
28. All earthworks must ensure that the site shall be graded so as to be free draining.
29. Any permanent facilities on the site must provide for adequate treatment of waste water. No treated waste water contaminated with oil, grease or other contaminants is permitted to discharge into any natural water course or/and Council stormwater system.
30. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

31. No development is to take place within 10 metres either side of the centreline of the 22,000 volt overhead power line and the support poles including changing the ground levels under this power line and around the poles.
32. Fencing and landscaping is to comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
33. Satisfactory arrangements are to be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions. Refer to Essential Energy's Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
34. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreement/s and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email [networkconnections@essentialenergy.com.au](mailto:networkconnections@essentialenergy.com.au).
35. Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations 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*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

36. Prior to issue of a Construction Certificate, the Applicant, unless otherwise exempt, shall obtain a Water Supply Works Approval in accordance with Section 90 of the *Water Management Act 2000*.
37. Prior to issue of a Construction Certificate, a revised vegetation management plan is to be prepared and submitted to Council for approval that incorporates the revised landscape design dated July 2022 approved by this consent. This shall also include the requirement to maintain at least 70% ground cover within 3 months following completion of construction and include the perennial grass species to mitigate weed invasion and support future grazing activities.
38. Prior to issue of a Construction Certificate, a detailed drainage design report with supporting management plan is to be prepared by a suitably qualified engineer and provided to Council for approval. This must include full calculations to ensure that the post-development runoff does not exceed pre-development runoff, and there is no impact to adjoining land. All proposed mitigation measures such as sediment and erosion control shall also be clearly shown within the management plan prepared.
39. Prior to issue of a Construction Certificate, the Applicant shall provide Council for approval a detailed design of all water supply, storage and reticulation arrangements to the land for the purpose of maintaining the site during construction and operation, and to establish all landscaping.
40. Prior to issue of a Construction Certificate, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with

and for approval by Council. The strategy must:

- Propose measures to ensure there is sufficient accommodation for the workforce associated with the development;
- Consider cumulative impacts associated with other development projects, including State Significant development projects, in the area, including nearby mines;
- Investigate options for prioritizing the employment of local workers for the construction and operation of the development, where feasible; and
- Include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.

Following the approval of Council, the Applicant must implement the Accommodation and Employment Strategy.

41. Evidence shall be provided to the Certifying Authority, prior to issue of the Construction Certificate, demonstrating the following:

- the solar panels have an anti-reflective coating;
- the solar panels have black frames, not galvanized frames; and
- the perimeter security fencing is powder-coated in black or green, not galvanized.

42. Prior to issue of a Construction Certificate, the developer is to prepare, in consultation with all adjoining and adjacent landowners of the site, and submit to Council's satisfaction a comprehensive Site Environmental Management Plan that includes, but shall not be limited, to the following:

- Management strategies to limit noise and vibration impacts during construction and operation on surrounding land;
- Management strategies to limit traffic impacts on surrounding land;
- Measures to reduce air emissions, including dust to surrounding land;
- Management strategies to ensure groundwater is not contaminated;
- Measures to conserve water during construction and operation such as during regular cleaning of the infrastructure during operation;
- Measures to manage groundcover vegetation and reduce bushfire risks to surrounding land;
- Management strategies to limit the spread and contamination of the site from all waste material including oil used in the integrated transformer and inverter stations along with full details of how each type of waste material will be disposed during construction and operation;
- Measures to maintain site landscaping for the life of the operations;
- Rehabilitation objectives and strategies for the site including timeframes for rehabilitation and decommissioning;
- Specific measures to protect productive capacity including soil and erosion mitigation and weed management practices;
- Topsoil management proposals to make best use of this resource and maximise rehabilitation and revegetation success;
- Proposals to reform the landscape to blend with surrounding land and avoid land use conflicts; and,
- Complaints management procedures and contact person for the site including notification processes to be implemented when the owner and / or operator of the site changes over time.

43. Prior to the issue of a Construction Certificate, the Developer shall obtain a Section 138 approval for all road works and driveway works required to service the development. Concurrence to the detailed design must be obtained from TfNSW

pursuant to Section 138(2) of the Roads Act 1993, by sending to [development.western@rms.nsw.gov.au](mailto:development.western@rms.nsw.gov.au) drawings and supporting information. Note that the consent of Council is also required as the roads authority. Any plans and supporting information prepared are to:

- Address the deficiencies of the length and width of the taper;
- Intersection treatments should be designed to provide Safe Intersection Sight Distance (SISD) requirements as outlined in Part 4A Austroads Guide to Road Design;
- SISD is to be provided and maintained in both directions at the intersection of the vehicular access and the Castlereagh Highway. For a 100km/h speed environment, SISD is a minimum of 250 metres in each direction;
- A Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of a State classified road, or work that has potential to impact traffic flow such as the use of traffic control devices or signage to protect workers. The applicant is to contact 1300 656 371 for further information regarding a ROL. A Traffic Control Plan prepared by a TfNSW accredited person is to be submitted as part of the ROL application;
- Works in a State Classified Road are subject to the developer being required to undertake private financing and construction of these works in which TfNSW has a statutory interest. A formal agreement in the form of a Works Authorisation Deed; and,
- (WAD) is required between the developer and TfNSW prior to works commencing. This will be further addressed as part of a Section 138 Roads Act, 1993 referral to TfNSW.

44. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plan 2019, Development Contributions must be paid to Council prior to the release of the Construction Certificate.

Section 7.12 charges are 1% of the submitted estimated cost of the development where the value of work exceeds \$200,000. On the basis of the cost of works submitted with the development application of \$13,200,000, the contributions amount payable to Council is \$132,000. A QSA is to be submitted confirming the total cost of the development prior to Council confirming the Development Contribution amount required to be paid.

*Note 1 - Section 7.12 Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.*

*Note 2 – Council's Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.*

*Note 3 – This condition does not preclude the negotiation of a Voluntary Planning Agreement in accordance with the Contributions Plan 2019 and Section 7.4 of the Environmental Planning and Assessment Act 1979.*

## **PRIOR TO COMMENCEMENT OF WORKS**

45. No work shall commence until a Construction Certificate has been issued and the Applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be

submitted to Council at least two (2) days before work commences.

46. Prior to commencement of solar array construction activities, landscaping and installation of visual mitigation measures (mounding) of the site shall be completed in accordance with the approved landscaping plan.
47. Prior to commencement of works, the requirements of the revised Vegetation Management Plan is to be implemented.
48. Prior to commencement of works, a soil survey of the development site shall be prepared and shall include, but is not limited to the following:
  - identify the soil type, fertility and land and soil capability;
  - describe the current and potential agricultural productivity including the use of the land over the last 10 years of the site, and information on nearby agricultural land uses.
  - use the following references to inform the survey:
    - Australian Soil and Land Survey Handbook (CSIRO, 2009)
    - Guidelines for Surveying Soil and Land Resources (CSIRO, 2008)
    - The land and soil capability assessment scheme: second approximation (OEH, 2012).
49. Prior to commencement of works, the Applicant must prepare a Traffic Management Plan including Driver Code of Conduct for the development which is to be submitted to and concurrence obtained from Transport for NSW (TfNSW) and Council in accordance with TfNSW correspondence dated 3 November 2020. This plan must include:
  - a) details of the transport route to be used for all development-related traffic in accordance with the conditions of consent;
  - b) details of the employee bus collection program to ensure the 50% of employees are conveyed to the site by bus. This must including details of external pick up and drop off locations and suitable parking points as approved by Council.
  - c) a protocol for undertaking independent dilapidation surveys to assess the existing condition of all nominated access roads prior to the commencement of construction;
  - d) a protocol for the repair of any public road if dilapidation surveys identify the road to be damaged during construction, upgrading or decommissioning works;
  - e) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
    - temporary traffic controls, including detours and signage;
    - notifying the local community about project-related traffic impacts;
    - procedures for receiving and addressing complaints from the community about development-related traffic;
    - minimising potential for conflict with school buses, other motorists and rail services as far as practicable;
    - minimising dirt tracked onto the public road network from development-related traffic;
    - details of any employee shuttle bus service and measures to ensure employee use of this service;
    - scheduling of haulage vehicle movements to minimise convoy length or platoons;
    - responding to local climate conditions that may affect road safety such as

- fog, dust and wet weather;
  - responding to any emergency repair or maintenance requirements; and
  - a traffic management system for managing over-dimensional vehicles;
- f) a driver's code of conduct that addresses:
  - travelling speeds;
  - driver fatigue;
  - procedures to ensure that drivers adhere to the designated transport routes; and
  - procedures to ensure that drivers implement safe driving practices;
- g) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan;
- h) a procedure to ensure the TMP and Driver Code of Conduct is kept up to date in response to changes in operating conditions. The TMP and Code of Conduct is to be provided to all contractors and employees as part of the site induction and copy made available to TfNSW and Council with each update; and.
- i) a flood response plan detailing procedures and options for safe access to and from the site in the event of flooding.

Following approval, the Applicant must implement the Traffic Management Plan during construction and operation.

50. Prior to commencement of construction, a comprehensive Fire Management Plan (FMP) shall be prepared in consultation and to the satisfaction of NSW RFS District Fire Control Centre, Fire and Rescue NSW and Council. The FMP shall include:

- 24/7 contact details including alternative telephone contact;
- Site infrastructure plan;
- Firefighting 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 firefighting operations;
- Detail all site management activities including scheduling of site, infrastructure and vegetation maintenance and be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline, the NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*, the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
- Include procedures that would be implemented if there is a fire on-site or in the vicinity of the site; and,
- Such additional matters as required by the NSW RFS District Office, Fire and Rescue NSW or Council.

Following approval, the Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times and must implement the measures described in the Fire Management Plan during both construction and operations.

51. Prior to the commencement of work the Applicant must enter into an agreement with

Council and lodge a Bank Guarantee, or other acceptable security, adequate funds to remedy and repair, to Council satisfaction, any defects or damage that may be caused by construction traffic associated with the development.

52. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.**

53. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.

54. The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

55. If the work involved in the erection/demolition of the building;

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

## **DURING CONSTRUCTION**

56. During construction, all relevant requirements of the approved Site Environmental Management Plan shall be implemented at all times.
57. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
58. All plumbing and drainage work must be carried out by a licensed plumber and drainer

and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

59. Construction work noise that is audible at other premises is to be restricted to the following times:

- Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

60. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.

61. Vehicles must be clean and free of debris prior to leaving the site during construction. Deposited material may be ordered to be removed at the Applicant/operator's expense.

62. During construction the proponent must undertake measures to minimise dust and noise and ensure that the impact on neighbouring properties is minimised.

63. During construction solar panels should not be left in a fixed position (in particular horizontal) which can create glint or glare on surrounding sensitive receptors.

64. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms, subject to such alarms not causing an acoustic or amenity impact on adjoining or adjacent residents.

65. Movement of heavy vehicles associated with the development must not coincide with local school bus pick up/drop off times and shall only occur in accordance with the approved Traffic Management Plan.

66. Any fill material that is imported to the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with the relevant NSW EPA Guidelines, including the *Waste Classification Guidelines* (2014). To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

67. If unexpected soil contaminants are discovered during works which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately. The contaminants located are to be evaluated by a supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.

*Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review and new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.*

68. The Applicant must:

- a) minimise the waste generated by the development;
- b) classify all waste generated on site in accordance with the EPA's *Waste*

- Classification Guidelines 2014* (or its latest version);
- c) store and handle all waste on site in accordance with its classification;
  - d) not receive or dispose of any waste on site;
  - e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal, capable of receiving such waste; and
  - f) must not be reliant on disposal at any of Council's waste management facilities.

#### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE / COMMENCEMENT OF USE**

- 69. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
- 70. Prior to issue of an Occupation Certificate, all approved car parking, landscaping, mounding, water supply, fencing, road and associated driveway works are to be completed.
- 71. Council must be notified of the completion of the works and the site must be rehabilitated and stabilised. Surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works must be removed.
- 72. At the completion of construction works and prior to commencement of use or commissioning of the development, the Applicant must, in conjunction with Council arrange for a post-construction dilapidation survey to identify any apparent defects caused by construction activities and repair any defects to the satisfaction of Council within 28 days or other period as may be agreed.
- 73. Prior to commencing operations, or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to Council.
- 74. Prior to issue of an Occupation Certificate, a Rehabilitation and Decommissioning/Closure Plan must be prepared and submitted for approval by Council. The plan must include rehabilitation objectives and strategies, including:
  - a) description of the design criteria of the final landuse and landform;
  - b) indicators to guide the return of the land back to agricultural production;
  - c) expected timeline for the rehabilitation program;
  - d) management controls regarding decommissioning and removal of all solar arrays and ancillary infrastructure, including methods, responsibilities of personnel and locations proposed for all waste disposal; and
  - e) a commitment to remove all solar farm infrastructure including all works installed below the surface of the site.

#### **DURING OPERATION**

- 75. The site must be monitored and maintained to a satisfactory condition by maintenance staff, for the management of grass and weed growth including maintenance of ground cover, and any indications of erosion. Particular attention must be given to site management during the annual Bushfire Danger Period.
- 76. All requirements of the Site Environmental Management Plan shall be implemented onsite for the life of the development.

77. All requirements of the Fire Management Plan shall be implemented onsite for the life of the development.
78. All requirements of the Traffic Management Plan including Driver Code of Conduct shall be implemented onsite for the life of the development.
79. Should the site operator / manager change at any time over the life of the proposal, Council shall be notified immediately.
80. If any of the vegetation comprising the approved landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation that died or was removed.
81. All vehicles entering or leaving the subject property shall be driven in a forward direction.
82. The loading and unloading of all vehicles and equipment must be done entirely within the property and not upon the road reserve.
83. Any signage proposed should be designed to meet the objectives of the publication Transport Corridor Outdoor Advertising and Signage Guidelines (Department of Planning and Environment, 2017), and if required, details are to be referred to Roads and Maritime.
84. All road users of the classified road and other sensitive receptors are not to be adversely impacted by glint and glare from the proposal, even before screening vegetation or mounding is established.
85. The internal access road/driveway is to be maintained so that it is trafficable to all vehicles including fire-fighting trucks and emergency services (two-wheel drive traffic), at all times.
86. The development must ensure that the water supply is accessible and reliable for firefighting purposes for the life of operations.
87. A complaints register is to be maintained by the operator for the life of the development. Details of the date, time, complainant contact details (if offered), nature of the complaint and adopted corrective actions are to be recorded in the complaints register. A copy of the complaints register is to be given to Council upon request.
88. No materials are permitted to be disposed of or stored on roads or waterways at any time.
89. Over the life of the proposal, the Applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site and will not increase the height or overall size of the solar panels or ancillary infrastructure. Prior to carrying out any such upgrades, the Applicant must provide revised layout plans and project details of the development to Council incorporating the proposed upgrades. Should the upgrades change the approved development configuration, a modification application is to be submitted and approved by Council prior to upgrade works commencing onsite.

## **OTHER APPROVALS**

N/A

## ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. Underground assets may exist in the area that is subject to the application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.
3. 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. SafeWorkNSW ([www.safework.nsw.gov.au](http://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 Underground Assets.
4. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
5. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
6. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
7. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
8. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&AAct.