

Appendix D – Development Approval

**CROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE
AND
ELECTRICITY INFRASTRUCTURE DEVELOPMENT
DECISION NOTIFICATION FORM**

Contact Officer: Lee Webb
Telephone: 0871097066
KNET Reference: 2017/16200/01

Development Number:
711/V030/17

FOR DEVELOPMENT APPLICATION

DATED: 11 July 2017
REGISTERED ON: 20 July 2017

TO: Ms Susie Smith

EMAIL: susie@esgcs.com

LOCATION OF PROPOSED DEVELOPMENT:

Address	Title	Plan parcel
278 NIKALAPKO RD, STUART, SOUTH AUSTRALIA, 5320	CT 5990/945	H760400 S65
278 NIKALAPKO RD, STUART, SOUTH AUSTRALIA, 5320	CT 5990/945	H760400 SE66
278 NIKALAPKO RD, STUART, SOUTH AUSTRALIA, 5320	CT 5990/945	H760400 SE67

NATURE OF PROPOSED DEVELOPMENT: Large scale 330 MW solar farm, with 400 MW of battery storage, located approximately 10km east of the River Murray township of Morgan. A 132 kV substation would also be constructed, with a grid connection to the existing North West Bend to Monash 132 kV transmission line. A site office, maintenance building, ablution block, parking area, undercover storage area and waste storage area would also be built. A temporary construction compound and materials laydown area would be established for the construction phase.

From: MINISTER FOR PLANNING

I hereby **APPROVE** the above-mentioned application under the Development Act 1993.

You may therefore proceed in accordance with your plans, as submitted, subject to conditions as shown on the attached sheet.

Building works may commence only when a Certificate of Compliance with Building Rules has been received from a Private Certifier, subject to any conditions imposed by the Minister for Planning (or his delegate) and the Certifier.



Sally Smith
GENERAL MANAGER – PLANNING AND DEVELOPMENT

as delegate of the
MINISTER FOR PLANNING

Date of Decision: 27 November 2017

Pages: 6

KNet Ref: #12123659

DEVELOPMENT APPLICATION: 711/V030/17

CONDITIONS OF APPROVAL

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted in Development Application No 711/V030/17 and the accompanying documents titled 'Riverland Solar and Storage Project - Development Application, Lyon Solar, July 2017', prepared by ESG & Carbon Services and JBS&G Australia Pty Ltd and the correspondence from Lyon Solar titled 'Responses to agency and public comments on Riverland Solar and Storage Project' dated 1 November 2017.
2. Prior to the commencement of construction, the following information shall be submitted for approval by the Minister for Planning (and prepared in consultation with the local council and relevant State and Commonwealth agencies, where applicable):
 - a) Final layout, designs and specifications of all solar photovoltaic (PV) arrays (especially to minimise glare risk) and associated inverter stations.
 - b) Final layout, designs and specifications of the converter stations, transformers and substation - including all buildings, structures, fencing, earthworks, landscaping, and any other relevant matters.
 - c) Final layout, designs and specifications of the battery storage facility.
 - d) Final layout, designs and specifications of any office/control building, storage facility, maintenance building, monitoring stations, construction facilities and temporary facilities - including all buildings, infrastructure, internal roads, fencing, earthworks, landscaping, and any other relevant matters.
 - e) Final alignment and design of any above-ground transmission lines.
 - f) Final layout, designs and specifications of access points to the road network, prepared in consultation with the Department of Planning, Transport and Infrastructure - Safety and Service Division and the Mid Murray Council, where relevant.
3. Vehicle access to/from the site off the Goyder Highway shall be gained via a single two-way access point located at a point approximately 300 metres east of the western property boundary only. No additional vehicular access to/from Goyder Highway shall be permitted.
4. The access shall be provided with a BAL and CHR(S) treatment and shall be sealed (spray seal) from the edge of seal of Goyder Highway for a distance of at least 25 metres in order to minimise the amount of dust and debris being transferred onto Goyder Highway as well as to provide better traction for vehicles exiting the site and to minimise damage to the edge of the road. These works shall be completed prior to the commencement of on-site construction works.
5. A Traffic Management Plan for the construction and operational phases of the development, prepared in consultation with the Department of Planning, Transport and Infrastructure - Safety and Service Division (DPTI-SSD) and the Mid Murray Council, shall be submitted for approval by the Minister for Planning, prior to the commencement of construction. As part of the plan, the applicant shall engage an accredited road safety auditor to undertake a safety audit of the local road network to be used by vehicles servicing the development. The Plan shall include the following:
 - a) The final construction traffic route/s.
 - b) Details of the vehicle types, volumes and distributions.
 - c) Details of delivery times.
 - d) Details of any proposed road closures and their management.
 - e) Details of any permits required.
 - f) Details of all required road signs and advisory signs.
 - g) A route risk assessment for roads intended for transportation of any over-dimensional components.

The Plan shall address road safety for the secondary access off the Woods and Forest Road, such as restricted use by light vehicles and low traffic volumes. The Plan shall also address road safety associated with vehicles stopping to view the solar farm, including monitoring during operation and the potential future need for a dedicated viewing point.

The plan shall also reference the guidelines pertaining to the transportation of indivisible items in South Australia.

6. All vehicles shall enter and exit the site in a forward direction.

7. The access, its treatment and any road and/or junction upgrades required to facilitate safe access to the site shall be consistent with all relevant Ausroads Guides, Australian Standards and DPTI requirements. All works shall be undertaken to the satisfaction of DPTI-SSD and all costs shall be borne by the applicant.
8. A Construction Environmental Management Plan (CEMP), prepared in consultation with the Mid Murray Council and relevant State Government agencies, shall be submitted for approval by the Minister for Planning, prior to the commencement of construction. The CEMP should address the specific elements of the project outlined in the development application and be amended to incorporate environmental management measures identified through these conditions of approval.

Construction of the project must be in accordance with the approved CEMP and include specific management measures or plans for at least the following aspects:

- a) Noise and vibration.
- b) Air quality and dust (especially during the clearing of the site in preparation for construction and from the access road).
- c) Native flora and fauna.
- d) Aboriginal heritage.
- e) Traffic and access.
- f) Erosion and stormwater management.
- g) Waste management (including litter).
- h) Storage and handling of hazardous substances.
- i) Weeds and pests.
- j) Water quality.
- k) Fire risk.
- l) Flood risk.
- m) Public safety.
- n) Emergency response planning.
- o) Site remediation (post construction).

The CEMP shall include the following sub-plans:

- a) Construction Noise and Vibration Management Plan. The Plan must detail of how construction noise and vibration impacts (including site preparation works) would be managed to ensure compliance with the mandatory provisions of Part 6 Division 1 of the *Environment Protection (Noise) Policy 2007*.
- b) An appropriate *Soil Erosion and Drainage Management Plan* (SEDMP) (as described in the EPA "Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government"), which includes a range of strategies to manage stormwater during construction and from the final form of the development (including from roofs, driveways, parking areas, landscaping, etc) while minimising disposal into the environment. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following website: <http://www.epa.sa.gov.au>.

The SEDMP should, as a minimum, include:

- i. Mitigation and management measures to ensure no pollutants or sediment are transported off site by water erosion or surface water runoff.
- ii. Mitigation and management measures for the control of dust.
- iii. Mitigation and management measures to address flooding risk.
- iv. Mitigation and management measures to ensure no lasting impacts from the operation on site contamination, land stability and weed control.

Note – It is understood that the CEMP may be amended during the construction phase of the development to account for changing site conditions.

9. A Fire and Emergency Management Plan, prepared in consultation with the CFS and SafeWork SA, shall be submitted for approval by the Minister for Planning, prior to the commencement of operation.

Construction and operation of the development must be in accordance with the approved Plan and include specific management measures or plans for at least the following aspects:

- a) Emergency response procedures.

- b) Emergency vehicle access.
- c) Fire-fighting equipment and water supply.
- d) Vegetation management.
- e) Training for employees, contractors and local CFS volunteers.

10. An Operational Environmental Management Plan (OEMP) shall be submitted for approval by the Minister for Planning, prior to the commencement of operation. The OEMP should address the specific elements of the project outlined in the development application and be amended to incorporate environmental management measures identified through these conditions of approval.

Operation of the development must be in accordance with the approved OEMP and include specific management measures or plans for at least the following aspects:

- f) Air quality (noise and dust).
- g) Native flora and fauna (including impacts on avifauna).
- h) Traffic and access.
- i) Erosion and stormwater management.
- j) Waste management (including litter).
- k) Storage and handling of hazardous substances.
- l) Weeds and pests.
- m) Fire risk.
- n) Glare risk (including potential for driver distraction on the Goyder Highway).
- o) Public safety.
- p) Emergency response planning.

11. A Draft Decommissioning Environmental Management Plan for the entire site (solar farm, battery storage facility, convertor stations, sub-station, access roads etc.) that outlines end-of-project decommissioning works (describing the extent of reinstatement and restoration activities upon the removal of the renewable energy infrastructure and associated facilities), shall be submitted to and approved by the Minister for Planning prior to commencement of operation. The Plan would be replaced by a more detailed final Plan, based on current best practices at the time prior to decommissioning, which would be submitted for approval to the Minister for Planning six (6) months prior to decommissioning.

12. Upon cessation of the use hereby approved, the owner/operator must remove the solar farm, battery storage facility and other above and below ground infrastructure (including access roads) and the subject land shall be restored within 2 years to the reasonable satisfaction of the Minister for Planning (or to such a lesser extent as to be agreed with the Minister for Planning as part of the Final Decommissioning Plan). All costs shall be borne by the owner/operator.

13. Following the completion of construction works on-site, any tracks and disturbed areas (excluding those used for ongoing access and maintenance) must be rehabilitated and bare areas re-vegetated as soon as possible, taking advantage of natural rainfall. Any sections of the site that require rehabilitation should be monitored and maintained for a period of at least five years to ensure areas have stabilised fully post rehabilitation.

14. All earthworks shall be restricted to only those which are shown on the approved plans as required for building and/or access purposes.

15. All Council, utility or state-agency maintained infrastructure (i.e. roads, drains, crossovers, cabling, pipe work etc.) that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the applicant.

16. All works undertaken as part of this approval shall be at the cost of the applicant.

17. The final design of all buildings and associated structures should have exterior colours and finishes in non-reflective, neutral colours that complement the surrounding landscape.

18. Any imported substrate or engineered fill shall be free of weeds and pathogens.

19. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).

20. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.
21. That no additional signs shall be displayed upon the subject land other than those identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.

OBLIGATIONS PURSUANT TO THE DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

- i. Pursuant to Section 49(14) of the *Development Act 1993* before any building work is undertaken, the building work is to be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulations).
- ii. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the State Commission Assessment Panel.
- iii. The authorisation will lapse if not commenced within 12 months of the date of the Notification.
- iv. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Panel.
- v. Any request for an extension of time must be lodged with the Assessment Branch prior to the time period specified above, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001.

ADVISORY NOTES

- a. A current list of Registered Private Certifiers in South Australia is available here: <http://sa.gov.au/subject/Housing%2C+property+and+land/Building+and+development/Building+and+development+applications/Development+applications+with+a+building+component/List+of+registered+private+certifiers> (sa.gov.au website).
- b. At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- c. Building Code of Australia and the Australian Standards will determine requirements for any structures on the site and fire protection measures for plant and machinery operating on the site.
- d. The applicant should contact the Department of Planning, Transport and Infrastructure Vehicle Permits Team on telephone 1300 882 249 to discuss the required permits and processes for the use of oversize/overmass vehicles on public roads. The applicant should contact Mr Bonaventure Tan, Concept Planner, on 8648 5243 or bonaventure.tan@sa.gov.au should there be specific traffic/transport aspects of the project that require further investigation.
- e. Development approval would be required for the establishment of a land parcel for a long-term lease of the site (i.e. for greater than a six year period), which is defined as land-division under the *Development Act 1993*.
- f. Development approval would be required for the any potential construction camp or tourist viewing point (including signage) that may be required in the future.

General Legislative Requirements

Further to and in conjunction with the above notes and conditions the following are "Legislative Requirements" identified by the referral agency's that the applicant must adhere to. The list below is not necessarily comprehensive and it is the proponent's responsibility to ensure compliance with all relevant legislation.

Heritage Places Act 1993

If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

Aboriginal Heritage Act 1988

If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Environment Protection Act 1993

All construction works associated with the development are required to be undertaken in accordance with section 25(1) of the *Environment Protection Act 1993*, which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment. In addition, noise emissions associated with the construction and operation of a solar farm must comply with the *Environment Protection (Noise) Policy 2007*. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc. can be accessed at: <http://www.epa.sa.gov.au>

Native Vegetation Act 1991

The applicant will need to seek permission for any clearance of native vegetation, pursuant to the *Native Vegetation Act 1991* (unless an exemption applies). The applicant will need to calculate the amount of all native vegetation (for each community type) that would be cleared or disturbed, once the layout of turbines and ancillary infrastructure has been finalised. A Significant Environmental Benefit (SEB) to compensate for any clearance will need to be negotiated with the Native Vegetation Council as part of an application, pursuant to the Act.

Natural Resources Management Act 2004

Should the applicant choose to take water from the River Murray, the applicant will be required to source sufficient water allocations to service the development from existing users in River Murray Prescribed Watercourse and apply to the Department of Environment, Water and Natural Resources (DEWNR) to transfer the allocation.

While dust suppression activities meet the definition of road building under the *Notice of Authorisation to Take Water for Road Making*, it only applies to the construction of course roads for public use. Dust suppression for any purpose other than public road making requires a water allocation.

Further information can be obtained by contacting Water Licencing, DEWNR on 8595 2053.

Environment Protection and Biodiversity Act 1999

Your attention is drawn to the environmental assessment and approval requirements of the Commonwealth's *Environment Protection and Biodiversity Act 1999*. The Act regulates proponents directly and civil and criminal penalties apply for breaches of the Act. The proponent should contact the Commonwealth Environment Minister through Environment Australia to seek a further determination for this proposal if required.

Effluent Treatment

If a septic tank or other wastewater control system is to be installed at the control building or temporary construction compounds, a wastewater control system application must first be lodged with and approved by the local Council. When the development is decommissioned, any wastewater control system installed on the site will also need to be decommissioned to Council requirements.