

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES 127
DA Number	DA2021/430
LGA	Gilgandra Shire Council
Proposed Development	Electricity Generating Works (Solar Farm)
Street Address	Lots 1 and 2 DP 1070081 361 Oxley Highway, Gilgandra
Applicant/Owner	Applicant: Mrs Jou Jong Owner: Mr Andrew Schier
Date of DA lodgement	24/11/2021
Total number of Submissions	Two (2)
Recommendation	Approval – subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Private infrastructure for the purpose of electricity generating works with a capital investment value of more than \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Koala Habitat Protection) 2020 Gilgandra Local Environmental Plan 2011 Gilgandra DCP 2011
List all documents submitted with this report for the Panel's consideration	<p>Schedule of Conditions (Appendix A) Plan set (Appendix B) Public submissions (Appendix C) Agency submissions (Appendix D)</p> <p>Supporting information supplied by the applicant:</p> <ul style="list-style-type: none"> Biodiversity Assessment report <ul style="list-style-type: none"> Cost breakdown Landscape Character and Visual Impact Assessment Noise Assessment report Water Assessment report Glint and Glare Impact Assessment Fire Assessment Statement of Environmental Effects Traffic Impact Assessment report Waste and Decommissioning Assessment
Clause 4.6 requests	None
Report prepared by	Lindsay Mathieson – Director Planning & Environment
Report date	31/01/2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

Council is in receipt of a development application for an electricity generating works (solar farm) on Lots 1 and 2 DP 1070081 – 361 Oxley Highway, Gilgandra NSW 2827.

The development is regionally significant and proposes a 5-megawatt solar farm including inverters and an on-site battery energy storage system.

The solar farm development will have an overall footprint of approximately 11.3 hectares and is intended to have a 35-year lifespan from the beginning of construction, with the project to be decommissioned and the site rehabilitated at the conclusion of its use, allowing the site to be re-utilised for its previous agricultural use.

The proposed development will have a maximum output of 5 megawatts, operate 24 hours, 7 days per week and will not be staffed other than during the construction phase and for ongoing maintenance purposes (a maximum of two (2) staff attending the site up to three times per month).

The proposed development is considered to be regionally significant development due to its capital investment value being over \$5 million (\$8.67 million ex GST) and as such, the application shall be referred to the Western Regional Planning Panel for determination.

Key Issues are:

Waste

Prior to construction of the proposed project a Waste Management Plan is to be submitted and approved by Gilgandra Shire Council.

Gilgandra Waste Management Facility is an unlicensed facility that services the LGA of Gilgandra and is not equipped to handle large volumes of commercial waste. Council reserves the right to accept or refuse waste and recycling products at its discretion. Waste not suitable for this facility will need to be transported to Dubbo.

During the construction period there will be a need for portable toilets for up to 50 workers plus general waste collection. This will be addressed in conditions of consent. Permanent on-site wastewater disposal is not proposed and not required.

A decommissioning plan will also be required to address waste at the cessation of the solar farm (in approximately 35 years).

Traffic and Parking

The wider road network is considered to have sufficient capacity to cater for additional traffic movements generated by this development during the construction period and beyond. However, Aralee Road is only sealed and properly formed from the Oxley Highway to Timbara Court. Given the extent of vehicle traffic during the construction period, a condition is proposed that Aralee Road shall be constructed from the existing formation to the proponent's access. This will limit dust impacts and improve the safety of the road.

The applicant suggests that up to 50 construction workers may attend the site but that car pooling and a mini bus will reduce the need for a full 50 spaces. The applicant considers

that 40 spaces will be sufficient and this is realistic for a temporary car park during the construction period. Post construction, a permanent car park for two vehicles is required to cater for maintenance staff visits.

Glare and Reflectivity

The development application was accompanied by a Glint and Glare Impact Assessment report dated November 2021, which looked at selected ground level observation points surrounding the subject land and concluded that they are unlikely to receive glare from the proposed solar farm. Existing roadside vegetation and proposed edge landscaping are expected to provide a physical obstruction between the solar farm and road users, further minimising the visual impact of the project.

Contact was made with the Air Navigation, Airspace and Aerodromes Branch of CASA and it advised “there are no aviation specific Australian standards that apply to solar farms near aerodromes. CASA does not have any regulatory advice or ‘reflectivity standards’ with specific regard to solar installations. The proposed solar farm is not likely to impact pilots’ sight during the critical approach phases of a flight. CASA has no objection to the installation of the solar farm.”

It can be concluded that glint, glare and reflectivity are unlikely to be a problem with this development in this locality.

Agricultural Land

The subject land is not on the Biophysical Strategic Agricultural Land (BSAL) mapping for this locality. It is also not identified on the recently exhibited State Significant Agricultural Land (SSAL) mapping. The area of solar panels and infrastructure will directly impact 11.3 hectares (8.5% of the 133.2-hectare site) but it is anticipated that sheep will be grazed throughout the panels so some agricultural use will remain. When the site is eventually abandoned (in approximately 35 years), it can easily be returned to either grazing or cropping.

A condition will be imposed that soil tests be carried out after the site is decommissioned to demonstrate that it is not contaminated.

CONCLUSION

The proposed development is considered to be generally compatible with its surrounds and provides for a diversification of land uses on the property without adversely substantially reducing the existing agricultural use of the land.

As a result of this assessment, the proposed development is recommended for conditional consent.

Appendix A to this report contains the proposed conditions of consent.

PLANNING ASSESSMENT Section 4.15(1)

Introduction

Development Application 2021/430 (planning portal reference PPSWES 127) was lodged with Council on 24 November 2021. It is not Designated development and is not Integrated development.

It was publicly exhibited from 29 November 2021 to 11 January 2022, and two public submissions were received (Appendix C). Agency submissions were received from Biodiversity, Conservation and Science Directorate (DPIE), Civil Aviation Safety Authority (CASA) and Essential Energy (Appendix D).

This assessment has been undertaken by Lindsay Mathieson (Director Planning and Environment, Gilgandra Shire Council). An inspection of the site was conducted by Council on 16 December 2021.

This assessment has been peer reviewed by Mike Svikis (consultant planner).

It is presented to the Western Regional Planning Panel for determination.

Details of Proposal

The development is for a 5-megawatt Electricity Generating Works (Solar Farm) including inverters and an on-site battery storage system (Figure 1) comprising the following:

- 12,000 solar modules ranging in height from 1.5 metres to 2.75 metres installed in rows running north to south, with approximately 6.25 metres centre-to-centre spacing between each row,
- Two 3.4-megawatt inverter stations that are 3 metres high and each mounted on a 12.2-metre-long skid,
- A 2.9-metre-high kiosk to convert high and medium voltage to low voltage electricity suitable for connection to the local system,
- A battery energy storage system that is 12.2 metres long, 2.4 metres wide and 2.9 metres high,
- A temporary car parking and lay-down area,
- A 1.8-metre-high security fence topped with three rows of barbed wire to give a total height of 2.3 metres, and
- 5-metre-wide perimeter landscaping with shrubs that grow to a maximum height of 3 metres on the outer side of the security fence along the northern section, and along the western edge.

The solar farm development will be accessed from Aralee Road and will have an overall footprint of approximately 11.3 hectares. It is intended to have a 35-year lifespan from the beginning of construction, with the project to be decommissioned and the site rehabilitated at the conclusion of its use, allowing the site to be re-utilised for its previous agricultural use.

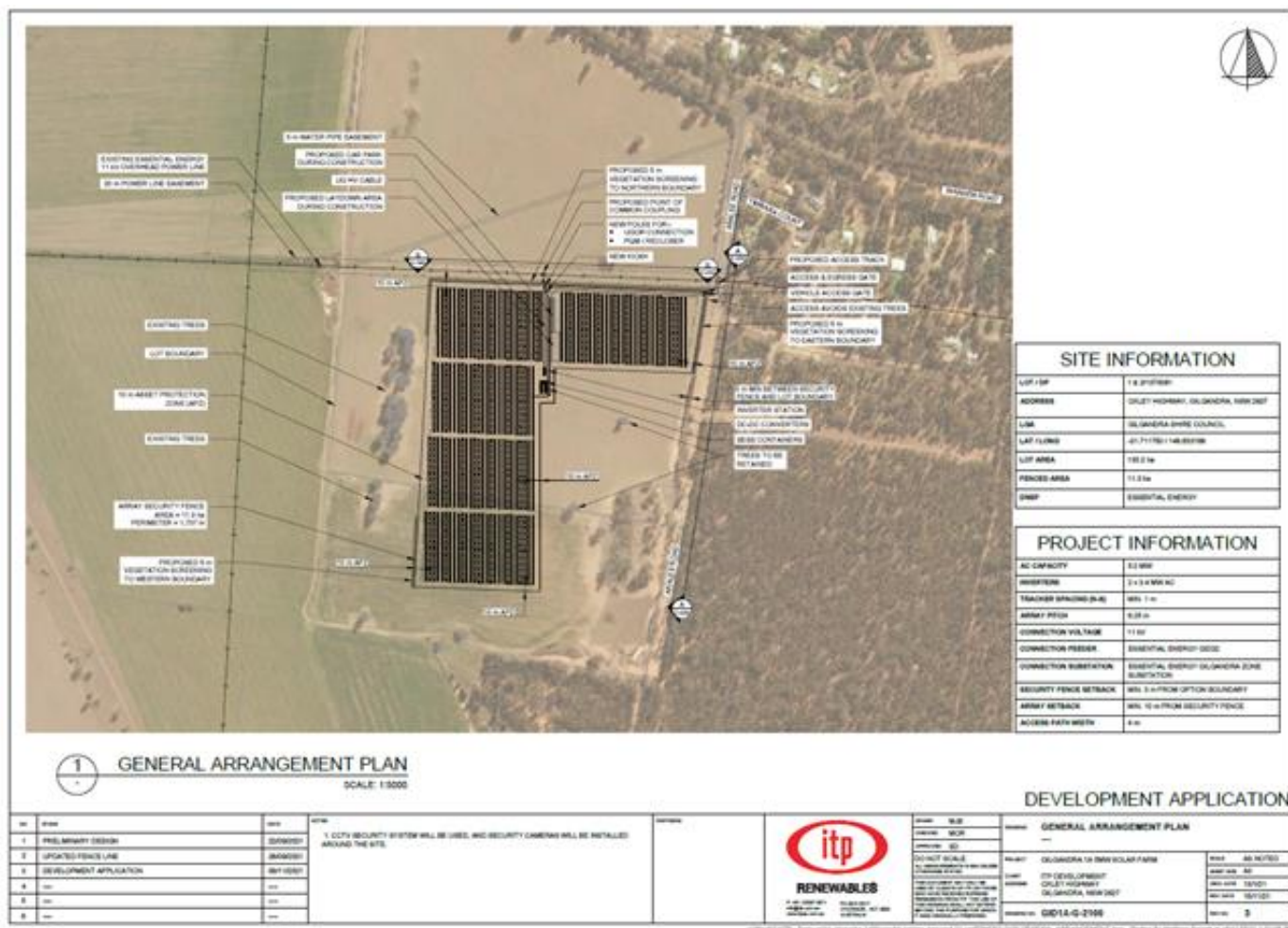
The proposed development will have a maximum output of 5 megawatts, operate 24 hours, 7 days per week and will not be staffed other than during the construction phase

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and for ongoing maintenance purposes (a maximum of two (2) staff attending the site up to three times per month).

Reticulated water and sewer are not required for the proposed development. 11 kV power lines traverse the site. An application for connection to the electricity network grid will be required.

Figure 1: Proposed development layout on subject land



Description of Subject Site and Surrounds

The solar farm will be located on Lots 1 and 2 DP 1070081 – 361 Oxley Highway, Gilgandra NSW. It also has frontage to Aralee Road and this will provide access. No direct access from the Oxley Highway is proposed (Figures 2 and 3).

Slope

The majority of the subject land is flat and gently slopes down from 290 metres AHD at the eastern boundary heading west to 288 metres AHD then continuing to fall to 284 metres AHD.

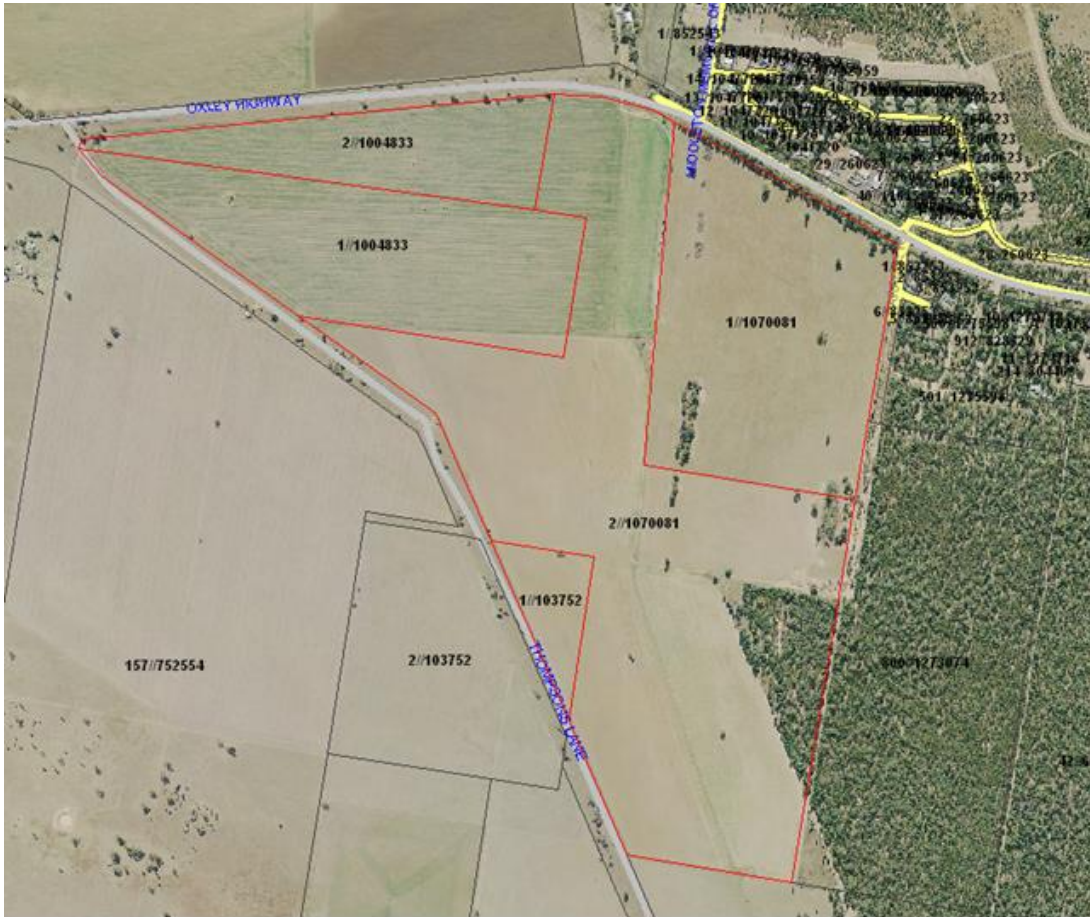
Vegetation

The development site is generally void of native vegetation due to the existing agricultural use (cropping and grazing). No trees are to be removed to construct the development.

Drainage

The site does not contain any natural waterways and is not flood affected.

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As required by the *Environmental Planning and Assessment Act 1979*, section 4.15(1), the following relevant matters are addressed below:

(a) Environmental planning instruments

(i) SEPP 55 – Remediation of Land

The subject land is not listed on Council's register of potentially contaminated land. Previously, the land was used for grazing and other agricultural purposes. No further studies are required.

A condition of consent in relation to waste classification and disposal shall be imposed. A condition requiring soil contamination testing after the solar farm has been removed will also be imposed.

(ii) SEPP (Infrastructure) 2007

Division 4 Electricity generating works or solar energy systems

The subject land is zoned RU1 Primary Production. Under Gilgandra LEP 2011, the proposed development is prohibited within the zone. Under the Infrastructure SEPP, the proposed development is considered development permitted with consent in accordance with clause 34(1)(b) as follows:

34 Development permitted with consent

- (1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—*
 - (a) ...*
 - (b) in any other case—any land in a prescribed rural, industrial or special use zone.*

Note: RU1 Primary Production is listed as a prescribed rural zone.

Clause 45 (referral to an electricity supply authority)

The application was referred to Essential Energy in accordance with clause 45. It responded in correspondence dated 16 December 2021, raising no objection to the proposed development. The requirements specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.

Clause 101 Development with frontage to classified road

The site of the proposed development has a long frontage to a classified road (Oxley Highway). The proposed access to the development is off Aralee Road, approximately 260 metres south of its intersection with the Oxley Highway. As such, clause 101 of SEPP (Infrastructure) is considered.

Clause 101(2) states:

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Aralee Road is a combination of sealed and unsealed road with grassed table drains, and services the existing rural and residential development in the vicinity. Most traffic on Aralee Road is generated by the six dwellings located on Timbara Court.

During construction, the traffic assessment has identified a 12-week period where an estimated 12 B-doubles and 33 semi-trailers will access the site, with an expected daily maximum of three (3) trucks. Up to 40 light vehicles per day could access the site if construction workers all travel separately to work.

Post construction, vehicle movements will reduce to one light vehicle periodically accessing the site for maintenance.

The current intersection of the Oxley Highway and Aralee Road is a channelised left turn (CHL) and a basic right turn (BAR) and is sufficient to cater for the expected truck movements during construction. Aralee Road meets the SEPP requirement that access be from a road other than the Oxley Highway.

During construction, the Oxley Highway/Aralee Road intersection will be a lot busier than it currently is but this will reduce to a negligible change once the development is up and running. Even during construction, it is considered unlikely to create adverse impacts on the safety, efficiency or ongoing operation of the classified road. The development will not generate smoke or significant dust volumes, and significant traffic generation once operational is not anticipated.

The proposed development is not sensitive to traffic noise or vehicle emissions from the Oxley Highway. No mitigation measures are required.

As such, the consent authority can be satisfied that the proposed development will not adversely impact the safety, efficiency and ongoing operation of the Oxley Highway.

The application was referred to Roads and Maritime Services in accordance with section 138 of the *Roads Act 1993*. As there are no proposed works in the road reserve on the Oxley Highway, RMS provided no comment and rejected Council's referral on the Portal.

(iii) SEPP (State and Regional Development) 2011

Schedule 7 of the SEPP specifies development that is declared to be regionally significant development. Pursuant to section 5 of Schedule 7, the proposed development is considered to be regionally significant development as it is private electricity generating works infrastructure with a capital investment value of more than \$5 million. Consequently, the application will be referred to the Western Regional Planning Panel for determination.

(iv) *SEPP (Koala Habitat Protection) 2020*

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The land exceeds 1 hectare in size and was assessed by a qualified ecologist for the presence of koala food trees and koalas. The actual development site only contains scattered paddock trees that are not going to be cleared. There are areas of koala food trees within 5 kilometres of the subject land, but no evidence of koalas on or near the development site.

It is reasonable to conclude that the site does not contain potential or core koala habitat.

The application is consistent with this SEPP.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

(v) *Gilgandra Local Environmental Plan 2011*

The following clauses of Gilgandra Local Environmental Plan (LEP) 2011 have been assessed as being relevant and matters for consideration in the assessment of the development application:

	Complies (Yes/No)
Part 1 Preliminary	
Clause 1.2 Aims of the Plan	
The proposed development is consistent with the relevant aims of Plan	Yes
Clause 1.4 Definitions	
The proposed development is defined as: <i>electricity generating works means a building or place used for the purpose of—</i> (a) <i>making or generating electricity, or</i> (b) <i>electricity storage.</i>	Consistent
Clause 2.2 Zoning of land to which Plan applies	
The subject site is zoned RU1 Primary Production	Prohibited
Clause 2.3 Zone objectives and Land Use Table	
The proposed development is permitted with consent on the subject land pursuant to clause 34 of SEPP (Infrastructure) 2007. Further, the proposed development is consistent with the following relevant objective of the zone: • <i>To provide for a range of compatible land uses, including extensive agriculture.</i> In this regard, the proposed development is considered compatible with the agricultural use of the land. The balance of the subject land will continue to support agricultural practices whilst the electricity generating works (solar farm) is constructed and in operation. The applicant intends to graze sheep within the operational solar farm as part of the ongoing maintenance of the site. The development is compatible with extensive agriculture. Once the electricity generating works (solar farm) is decommissioned, the site will be rehabilitated to re-establish the agricultural use of the site in its entirety.	Yes

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	Complies (Yes/No)
Clause 5.10 Heritage conservation	
<p>No heritage items are located on the site and no known Aboriginal sites are located on the site.</p> <p>An AHIMS search was undertaken which found no nearby artefacts.</p> <p>The cropping history of the site is sufficient evidence that the site is classified as 'disturbed' under the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW".</p> <p>As a result of this, and the AHIMS search that has been carried out finding no nearby artefacts, it is confidently believed that the project will have no impact on Aboriginal objects.</p> <p>As such, no further investigations are required.</p>	Yes
Clause 5.14 Siding Spring Observatory – maintaining dark sky	
<p>The proposed development is considered unlikely to adversely affect observing conditions at the Siding Spring Observatory having regard to the following matters:</p> <ul style="list-style-type: none"> (a) <i>the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,</i> (b) <i>the impact of those light emissions cumulatively with other light emissions and whether the light emissions are likely to cause a critical level to be reached,</i> (c) <i>whether outside light fittings associated with the development are shielded light fittings,</i> (d) <i>the measures to be taken to minimise dust associated with the development,</i> (e) <i>the Dark Sky Planning Guideline published in the Gazette by the Planning Secretary.</i> <p>Conditions can be imposed to ensure security lighting does not impact on the dark night sky.</p>	Yes
Clause 7.1 Biodiversity protection	
<p>The project requires <1 hectare clearance of native grasses and zero remnant trees. The proposed activities are unlikely to have an adverse impact on the natural vegetation or fauna species that may be using the site. As such, the proposed development is unlikely to result in an adverse impact. In this regard, no further action is required.</p>	Yes
Clause 7.4 Ground water vulnerability	
<p>The subject lots are not mapped on Council's Groundwater Vulnerability Map.</p> <p>As such, no further investigations are required.</p>	Yes
Clause 7.6 Essential services	
<p>As the site is zoned RU1, there is currently no reticulated water or sewer connected to the site. The proposed development will require connection to the electricity network grid. This will be an application for connection with the energy network provider.</p> <p>Access is proposed from Aralee Road during and post construction.</p> <p>Conditions will be required to upgrade the unsealed part of Aralee Road and ensure it is in good condition post construction.</p>	Yes
Clause 7.8 Earthworks	
<p>The proposed development will require earthworks to be undertaken on the site. Erosion and sediment control measures are required before any earthworks commence. A condition to this effect will be placed on the consent.</p>	Yes. Condition of consent recommended.

(b) Draft environmental planning instruments

No draft environmental planning instruments apply to the land to which the development application relates.

(c) Development control plans*(i) Gilgandra Shire Development Control Plan 2011*

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were not considered to be specifically applicable to this application or are discussed elsewhere in this report.

	Complies?
Chapter 11 Indigenous heritage	
A due diligence assessment was carried out using the AHIMS database and no items or places of significance were identified. Gilgandra LALC was contacted but is yet to respond.	Yes
Chapter 12 Non indigenous heritage	
No heritage items listed under Gilgandra LEP 2011 are identified on the subject lots. Council's works depot to the north of the site contains two listed heritage items, being I53 The Igloo and I26 Butler Airlines Hangar. A Heritage Impact Statement was completed for The Igloo and has been demolished as part of the works depot upgrade. The Oxley Highway and vegetation in the road verges serve as additional screening from the proposed development.	Yes
Chapter 14 Car parking	
The DCP requires one (1) car parking space per employee for an electricity generating works. The applicant suggests that up to 50 construction workers may attend the site but that car pooling and a mini bus will reduce the need for a full 50 spaces. The applicant considers that 40 spaces will be sufficient and this is realistic for a temporary car park during the construction period. Post construction, a permanent car park for two vehicles is required to cater for maintenance staff visits. This will be addressed in conditions of consent.	Yes
Chapter 17 Aerodrome	
<p>The solar farm has no residential component and will not be affected by aircraft noise or by aircraft in any other way.</p> <p>The subject site is located within the Obstacle Limitation Surface Map at height 290 metres AHD, the Inner Horizontal being 45 metres. The site for the proposed development has a surface level of 288 metres AHD and, with the development having a height of 3 metres, this equates to an overall height of 291 metres AHD, 44 metres below the Inner Horizontal. There are no height concerns.</p> <p>The development application was accompanied by a Glint and Glare Impact Assessment report dated November 2021. It was referred to CASA in relation to the aerodrome and potential impact on pilots. CASA advised "that it is unlikely to be a problem mainly due to the orientation of the site to the south the airport, the use of smooth glass with anti-reflective coating and the fact that there is no Air Traffic Control Tower at Gilgandra Airport. The proposed solar farm is not likely to impact pilots' sight during the critical approach phases of a flight. CASA has no objection to the installation of the solar farm."</p> <p>Night lighting and/or security lighting is not identified on the plans for the development. Conditions will be imposed to ensure that if any night lighting is installed, it will be shielded to have minimal impact on local night-time flying operations.</p>	Yes
Chapter 21 Environmental hazards	
<p>Flooding</p> <p>Council's flood mapping does not extend to the subject land and as such, the site is not mapped as flood prone. Due to the lack of flood mapping data, the development application was accompanied by a Water Assessment prepared by ITP Renewables Pty Ltd, dated 3 November 2021. The assessment concluded that the site is not impacted by flooding.</p> <p>Bushfire</p> <p>The subject site is identified as bushfire prone on Council's bushfire prone land maps. A Fire Assessment report was submitted with the application. As there are no habitable buildings on site, the report has recommended a 10-metre APZ around all infrastructure on site. The recommendations from the report will form conditions of consent.</p>	Yes

	Complies?
<p>Land contamination</p> <p>The subject lots are not listed on Council's register of potentially contaminated land. There are no known prior land uses on the proposed development site that are likely to have resulted in contamination of the land. No further assessment is considered necessary.</p>	
<p>Chapter 22 Waste minimisation and management</p> <p>A waste and decommissioning assessment was submitted with the development application. Standard conditions of consent are recommended.</p> <p>The application details that no later than 12 months prior to the proposed cessation of operation, a decommissioning plan be prepared and provided to Council for review and approval. The objective of the plan would be to restore the land to its pre-existing state suitable for agricultural use. It would include, but not limited to, the following details:</p> <ul style="list-style-type: none"> • Expected timeline for rehabilitation completion; • Decommission of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development; and • Program of site restoration to return the land to a suitable state for agricultural purposes. • Post restoration soil testing to demonstrate absence of contamination. <p>A condition requiring this plan be provided at least 12 months prior to the cessation of the development is to be imposed.</p> <p>Prior to construction of the proposed project, a Waste Management Plan is to be submitted and approved by Gilgandra Shire Council.</p> <p>It should be noted that the Gilgandra Waste Management Facility is an unlicensed facility, thus not requiring an Environmental Protection Licence from the EPA. The facility services the LGA of Gilgandra and is not equipped to handle large volumes of commercial waste. Council reserves the right to accept or refuse waste and recycling products at its discretion. Waste not suitable for this facility will need to be transported to Dubbo.</p> <p>During the construction period there will be a need for portable toilets for up to 50 workers plus general waste collection. This will be addressed in conditions of consent. Permanent on-site wastewater disposal is not proposed and not required.</p>	<p>Yes. Conditions of consent recommended.</p>
<p>Chapter 25 Erosion and sediment control</p> <p>As identified in the Water Assessment report, the panels may impact the vegetation and grass coverings on site. This has the potential to increase surface run-off and peak discharge, including increased flow concentration off the panels which has the potential to erode soil at the base of the panels.</p> <p>A number of proposed mitigation measures in the SEE are recommended, including the development of site erosion and sediment control plan and site drainage design. These are to form conditions of consent.</p>	<p>Yes. Conditions of consent recommended.</p>
<p>Chapter 26 Stormwater management</p> <p>It is important that stormwater is not directed to Aralee Road or other private property and is dealt with on the subject land. The design and location of stormwater drainage structures is to be integrated with the landscape design for the site.</p> <p>Run-off entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal. Conditions to address this are proposed.</p>	<p>Yes. Conditions of consent recommended.</p>
<p>Chapter 27 Preservation of trees or vegetation</p> <p>A Biodiversity Assessment report was prepared by Red-Gum Environmental Consulting. The proposed development requires <1 hectare clearing of native grasses and no remnant native trees. As the subject site is 133 hectares, the area threshold clearing does not trigger the BOS.</p> <p>The application was referred to the Biodiversity, Conservation and Science Directorate (BCS) for comment. BCS is also satisfied that the proposed works do not trigger entry into the Biodiversity Offset Scheme. Conditions will be imposed to protect remnant trees across the site.</p>	<p>Yes</p>

- (d) Section 4.15(1)(a)(iia) – the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There is no planning agreement or draft planning agreement applying to this development or the subject site.

- (e) Section 4.15(1)(a)(iv) – the provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

There are no prescribed matters in the regulations applying to this development or the subject site.

- (f) Section 4.15(1)(b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The following assessment addresses the impacts that the development will have on the surrounding natural and built environment, and the social and economic impacts that the proposal may have on the locality.

Agricultural land

The subject land is not on the Biophysical Strategic Agricultural Land (BSAL) mapping for this locality. It is also not identified on the recently exhibited State Significant Agricultural Land (SSAL) mapping (Figure 4). The area of solar panels and infrastructure will directly impact 11.3 hectares (8.5% of the 133.2-hectare site) but it is anticipated that sheep will be grazed throughout the panels so some agricultural use will remain. When the site is eventually abandoned (in approximately 35 years), it can easily be returned to either grazing or cropping. A condition will be imposed that soil tests be carried out after the site is decommissioned to demonstrate that it is not contaminated.

The development will not restrict the balance of the subject land from being used for either grazing or cropping. If adjacent land is cropped, the panels may need to be cleaned but dust impacts on the panels can be minimised by being cognisant of wind direction and soil moisture. It is not appropriate to restrict neighbouring agricultural land uses.

Figure 4: Draft SSAL mapping for subject land



Glint, glare and reflectivity

The development application was accompanied by a Glint and Glare Impact Assessment report dated November 2021, which looked at selected ground level observation points surrounding the subject land and concluded that they are unlikely to receive glare from the proposed solar farm. Existing roadside vegetation and proposed edge landscaping are expected to provide a physical obstruction between the solar farm and road users, further minimising the visual impact of the project.

Contact was made with the Air Navigation, Airspace and Aerodromes Branch of CASA and it advised “there are no aviation specific Australian standards that apply to solar farms near aerodromes. CASA does not have any regulatory advice or ‘reflectivity standards’ with specific regard to solar installations. The proposed solar farm is not likely to impact pilots’ sight during the critical approach phases of a flight. CASA has no objection to the installation of the solar farm.”

It can be concluded that glint, glare and reflectivity are unlikely to be a problem with this development in this locality.

Context, setting and public domain

- *Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?*

The proposed development will not have any adverse effect on the landscape/scenic quality, views/vistas and access to sunlight on adjacent properties or in the locality. It will

not be seen easily from the Oxley Highway or the nearest dwellings once the edge vegetation has been planted. It is not in a prominent or elevated site.

- *Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?*

All structures are low profile with the maximum height of a solar array being 2.75 metres above ground level. The maximum height of the inverter station will be 3.05 metres and the battery structure will be 2.9 metres. It is considered that the external appearance of the proposed development is deemed appropriate in the context of the locality.

- *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

The parent parcel is 133.2 hectares and the development will occupy 11.3 hectares. It is considered that the size and shape of the land is suitable for the proposed development.

- *Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

The presence of the solar panels (etc) will alter the amenity of the subject land (from grazing and cropping land to a solar farm) but not the wider locality. During the construction period (approximately 12 weeks) there will be amenity impacts on the quiet Aralee Road and residents of Timbara Court. But this will be during daylight hours and will only last for a short period. Overall, it is considered that the proposed development will have minimal detrimental impact on the existing or likely future amenity of the locality.

Environmental considerations

- *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

It is considered that the development will not have an adverse impact on the local environment. There are no activities proposed which may cause adverse air, soil or water pollution. Appropriate conditions on the consent will ensure that possible environmental impacts such as sediment and erosion are minimised.

- *Is the development likely to cause noise pollution?*

Noise will be generated during construction through the use of power tools, machinery and truck movements. An appropriate condition will be included on the consent restricting work hours to minimise impacts to neighbouring properties. Conditions will also be imposed to minimise construction noise.

Upon occupation, the development is not likely to generate noise above that of neighbouring properties. No special conditions in relation to noise generation will therefore be included on the consent.

Access, transport and traffic

- *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

The wider road network is considered to have sufficient capacity to cater for the additional traffic movements generated by this development during the construction period. However, Aralee Road is only sealed and properly formed from the Oxley Highway to Timbara Court. Given the extent of vehicle traffic during the construction period, a condition is proposed that Aralee Road shall be constructed from the existing formation to the proponent's access such that:

- 1 Its sub-base and base course layers comply with Council's Secondary Through Road (Urban Unsealed) Specification,
- 2 It is sealed with a 14/7 mm C170 bitumen spray seal.

Design of the road upgrade shall be submitted to Council's engineer for review and approval 14 working days prior to construction.

A condition of consent will also require the developer to repair any damage to the immediate road network should it occur.

B-double trucks are not currently permitted on Aralee Road. Any permit granted by the National Heavy Vehicle Regulator should be restricted to five (5) months.

To ensure that Aralee Road is not affected by truck movements at the site access, a driveway into the site shall be:

- 1 Recessed such that one B-double truck length (26 metres) can be stored between the entrance gate and the road reserve/property boundary,
- 2 Sealed with a 14/7 mm C170 bitumen spray seal to the gate,
- 3 Contain a 450 mm diameter Class 2 reinforced concrete pipe (or similar) placed in the invert of the table drain.

Design of the access, including pavement and swept path analyses, shall be submitted to Council's engineer for review and approval 14 working days prior to construction.

(g) Section 4.15(1)(c) – the suitability of the site for the development

The subject site is considered appropriate for the proposed solar farm. It is compatible with neighbouring land uses such as grazing and broad acre cropping. Once construction is completed, there will be negligible impacts on the nearest residents. The proposal is not anticipated to have any significant negative impacts on the surrounding receiving environments, subject to compliance with the recommended conditions of consent.

The proposed development is considered to be of a suitable scale, form and character, and generally complies with State Environmental Planning Policies, Gilgandra Local Environmental Plan 2011 and Gilgandra Shire Development Control Plan 2011.

(h) Section 4.15(1)(d) – any submissions made in accordance with this Act or the regulations

The development application and SEE (Council reference DA 2021/430 and planning portal reference PPSWES 127) were placed on public exhibition from 29 November 2021 to 11 January 2022, and two public submissions were received. Agency submissions were received from Biodiversity, Conservation and Science Directorate (DPIE), Civil Aviation Safety Authority (CASA) and Essential Energy. RMS were consulted but declined to make a submission.

Public submissions

Submission issues raised	Council comment
<p>Mrs Anderson</p> <ul style="list-style-type: none"> Use of the Oxley Highway and Aralee Road intersection Bitumen Aralee Road 	<p>As part of the residential subdivision for the Aralee estate (Timbara Court), the developer (Mrs Anderson) was required to upgrade the intersection of the Oxley Highway and Aralee Road and seal a section of Aralee Road. It is standard practice for Council to impose conditions of consent that require the developer to install or upgrade infrastructure in association with a proposed development.</p> <p>Accessing this solar farm from Aralee Road means that they are using the intersection previously upgraded by the Aralee estate developer. It is not possible to apportion a cost of a previous upgrade to a current development.</p> <p>However, the current application will be required to form and seal the balance of Aralee Road to reduce dust and increase safety to road users before the development can proceed.</p>
<p>D & J Seton</p> <ul style="list-style-type: none"> Traffic impacts Traffic volumes Noise Vegetation removal 	<p>The current intersection of the Oxley Highway and Aralee Road is a channelised left turn (CHL) and a basic right turn (BAR). The BAR is a shared combination with a BAL to service the entrance to Howard Place, which is opposite Aralee Road. Council is aware that Aralee Road is an urban street and is not gazetted for heavy vehicles. A permit would be required from NHVR for B-double access.</p> <p>The proposed construction phase is a 12-week timeframe, which would see the bulk of traffic movements. Once commissioned, the expected operational traffic movements are one (1) light vehicle every 2–3 months.</p> <p>In regard to dust and noise, Council will be requesting that the unsealed section of Aralee Road to the proposed access gate be sealed to mitigate any issues during the 12-week construction phase.</p> <p>Council is not proposing to remove any vegetation on the Oxley Highway.</p> <p>Council is satisfied that appropriate conditions of consent will mitigate any disruption during the construction phase. It will be a brief period of amenity impacts.</p>

Agency submissions

Submission issues raised	Response
DPIE – Biodiversity, Conservation and Science Directorate	BCS are satisfied that the proposed works do not trigger entry into the Biodiversity Offset Scheme. They raise no other concerns.
Essential Energy (provided general comments for inclusion as notes on any approval issued)	General comments have been included as notes in draft approval conditions.
Civil Aviation Safety Authority	CASA advised that there are no aviation specific Australian standards that apply to solar farms near aerodromes. CASA does not have any regulatory advice or “reflectivity standards” with specific regard to solar installations. Given its location, it is unlikely that there will be glint or glare issues. CASA has no objection to the solar farm proceeding.
Roads & Maritime Services	Rejected referral – no comment.

(i) Section 4.15(1)(e) – the public interest

There are no matters, other than those discussed in the assessment of the development application above, that would be considered contrary to the public interest.

BIODIVERSITY CONSERVATION ACT 2016

The proposed development will require <1 hectare of native grasslands to be disturbed. The application was accompanied by a Biodiversity Assessment undertaken by Red-Gum Environmental Consulting, dated 17 November 2021.

The site is highly modified and routinely cropped and has an obvious history of pastoralism and cultivation.

The biodiversity impact assessment correctly concludes that the proposal does not meet any of the threshold requirements for entry into the Biodiversity Offset Scheme (BOS) and is unlikely to have a significant impact on any threatened species. The assessment further postulates that the transformation from regular cropping to permanent solar installation may well encourage re-establishment of the previous native grassland vegetation with attendant environmental benefits.

No further action is required.

PLANNING FOR BUSHFIRE PROTECTION 2019

In accordance with chapter 8.3.5 of *Planning for Bushfire Protection 2019*, wind and solar farms should be provided with a minimum 10-metre Asset Protection Zone (APZ) for the structures and associated building/infrastructure, and a Bush Fire Emergency Management and Operations Plan should be developed.

The proposed development intends to comply with such requirements as detailed in the submitted documentation and plans including the submitted Fire Assessment.

The Bush Fire Emergency Management and Operations Plan should include detailed measures to be undertaken to minimise the risk of a bushfire threat and actions to take when the site is impacted by a bushfire event. Compliance with the submitted documents and plans will form conditions of consent.

The Fire Assessment also nominates that the Battery Energy Storage System (BESS) contains a self-integrated automated fire detection and suppression system. The BESS equipment will satisfy the safety requirements of relevant Australian standards, accompanied by certified test reports where applicable. It will be pre-fabricated and containerised before shipping to prevent damage to the sensitive components inside. The BESS containers will be provided with appropriate spill containment/bunding, including provision for fire water run-off.

Should a fire ignite within a BESS container, an alarm signal would be sent to the operation and maintenance (O&M) team that constantly monitors the solar farm via real-time signals and security cameras. Therefore, in the unlikely event where a fire cannot be suppressed by the automatic suppression system, the O&M team would notify local fire authorities immediately.

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As such, it is considered that the proposed development has been designed and shall be operated in a manner that will minimise the risk of fire originating from the battery storage containers. A condition of consent will require the development to be operated in accordance with the document written by ITP Development dated October 2021 and the submitted document “Fire Assessment Gilgandra 1A Solar Farm”.

DEVELOPER CONTRIBUTIONS

Gilgandra Shire Council adopted a Section 7.12 Contributions Plan commencing 1 July 2011.

Contribution Type	Calculation	Sub-total
s7.12	0.5% – Commercial \$500,000 or more	\$43,350

A condition will be imposed that the proponent pays the s7.12 contribution prior to occupation of the site.

CONCLUSION

The application has been assessed having regard to the relevant matters for consideration prescribed by section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

The proposed development is in the public interest as it will create positive social and economic impacts in the short and long term without significant environmental impacts, subject to the proposed conditions.

The proposed development has been assessed for possible negative impacts to the natural and built environments. The negative impacts anticipated will be mitigated by way of conditions.

It is considered that the reports and assessments provided with the application have satisfied the relevant matters within section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is determined that through the application of the attached conditions, the proposed electricity generating works can produce a significant amount of renewable energy for New South Wales while providing an acceptable environmental outcome.

RECOMMENDATION

The applicant has sought development consent for an electricity generating works (solar farm) at Lots 1 and 2 DP 1070081 – 361 Oxley Highway, Gilgandra NSW 2827.

The proposed development is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The proposed development is consistent with the applicable environmental planning instruments, Gilgandra Shire Development Control Plan 2011 and Council policies, and is therefore recommended for approval subject to the conditions of consent attached.

Appendices

Appendix A: Schedule of Conditions

Appendix B: Plan Set

Appendix C: Public Submissions

Appendix D: Agency Submissions

Appendix E: SEE and Appendices (separately supplied)

APPENDIX A

Development Consent No and Panel Ref:	DA 2021/430 and PPSWES 127
Description of Development:	Electricity Generating Works
Subject Land:	Lots 1 and 2 DP 1070081
Property Address:	361 Oxley Highway, Gilgandra
Date of Determination:	??? 2022
Date of Determination Notice:	???? 2022
Date Development Consent to Operate from:	??? 2022
Consent to Lapse on:	??? 2027

DETAILS OF CONDITIONS**PLANS & EXTENT OF APPROVAL**

1. The development shall be undertaken in accordance with the Statement of Environmental Effects prepared by Zenith Town Planning dated 23 November 2021 and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan: Location Plan
Drawing No: GID1A-G-0400
Revision: 1
Dated: 09/11/2021

Title/Plan: General Arrangement Plan
Drawing No: GID1A-G-2100
Revision: 3
Dated: 09/11/2021

Title/Plan: Site Elevations
Drawing No: GID1A-G-2200
Revision: 1
Dated: 09/11/2021

Title/Plan: Inverter Footing Details
Drawing No: GID1A-C-4300
Revision: 1
Dated: 09/11/2021

Title/Plan: BESS Footing Details
Drawing No: GID1A-C-4310
Revision: 1
Dated: 09/11/2021

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Title/Plan: Fencing Details
Drawing No: GID1A-C-5300
Revision: 1
Dated: 09/11/2021

Title/Plan: Gate Details
Drawing No: GID1A-C-5301
Revision: 1
Dated: 09/11/2021

Title/Plan: Access Path Details
Drawing No: GID1A-C-6300
Revision: 1
Dated: 09/11/2021

Title/Plan: Landscape Details
Drawing No: GID1A-C-7300
Revision: MJB
Dated: 09/11/2021

Title/Plan: Nextracker Array Details
Drawing No: GID1A-E-3400
Revision: 1
Dated: 09/11/2021

Title/Plan: Inverter Station Details
Drawing No: GID1A-E-4300
Revision: 1
Dated: 09/11/2021

Title/Plan: BESS Station Details
Drawing No: GID1A-E-5300
Revision: 1
Dated: 09/11/2021

Title/Plan: DC-DC Skid Details
Drawing No: GID1A-E-5310
Revision: 1
Dated: 09/11/2021

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.

PRIOR TO COMMENCEMENT

2. Prior to any works commencing on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by Council.
3. Prior to works commencing, the applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:
 - (a) The name, address and telephone number of the Principal Certifier (PC) for the

work;

- (b) The name of the principal contractor for the building work and a telephone number on which that person may be contacted outside of working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building work and not be removed until the work has been completed.

- 4. Prior to commencement of construction, an Erosion and Sedimentation Control Plan is required to be submitted to Council for approval. The approved plan shall be implemented on site prior to any site disturbance works being commenced and shall remain in place until all site works are completed.

It is important that stormwater is not directed to Aralee Road or other private property and is dealt with on the subject land. The design and location of stormwater drainage structures is to be integrated with the landscape design for the site.

Run-off entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.

Impacts associated with erosion and sedimentation resulting from construction activities shall be minimised by undertaking works in accordance with provisions of the NSW government's best practice sediment and erosion control series, *Managing Urban Stormwater: Soils and Construction* (DECC, 2008).

Implement the proposed sedimentation mitigation measures in Table 6 on page 30 and 31 of "Water Assessment of the Gilgandra Solar Farm July 2020".

- 5. Prior to commencement of construction, a Waste Management Plan is to be submitted and approved by Gilgandra Shire Council.

All solid waste from construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the NSW Environment Protection Authority's Waste Classification Guidelines. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the *Protection of the Environment Operations Act 1997*.

The Gilgandra Waste Management Facility is an unlicensed facility. Council reserves the right to accept or refuse waste and recycling products at its discretion. Any waste not accepted at Gilgandra will need to be disposed of at Dubbo.

- 6. Prior to commencement of construction, portable toilets commensurate with site worker numbers will be installed on the site and maintained/serviced regularly until construction is completed. Provision will be at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site and no less than two toilets at any time.
- 7. A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.
- 8. 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.

OPERATIONAL MATTERS

9. The BESS containers and inverter must be provided with appropriate spill containment/bunding, including provision for fire water run-off.
10. A well maintained spill kit must be available for use at all times in the bunded area inside which the transformer is kept, to appropriately dispose of any unforeseen oil/chemical spills which may arise during the operation/maintenance phase of the development.
11. No advertising, advertising sign/s or structure/s of any standard will be permitted to be displayed within (or overhang onto) the road reserve area/s.
12. All noise mitigation measures proposed in the Noise Assessment report prepared by Muller Acoustic Consulting Pty Ltd, dated 15 November 2021, and SEE submitted with this development application shall be adhered to at all times as follows:
 - Where possible, use localised mobile screens or construction hoarding around piling rig/plant to act as barriers between construction works and receivers, particularly where equipment is near the site boundary and/or a residential receiver, including areas in constant or regular use (e.g. unloading and lay-down areas);
 - Operate plant in a conservative manner (no over-revving), shutdown when not in use, and be parked/started at farthest point from adjacent dwellings;
 - Selection of the quietest suitable machinery available for each activity;
 - Minimise impact noise and plant/machinery noise wherever possible;
 - Utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm;
 - Provide toolbox meetings, training and education to drivers and contractors visiting the site during construction so they are aware of the location of noise sensitive receivers and to be cognisant of any noise generating activities;
 - Signage is to be placed at the front entrance advising truck drivers of their requirement to minimise noise both on and off site; and
 - Utilise project related community consultation forums to notify residences within proximity of the site with project progress, proposed/upcoming potentially noise generating works, its duration and nature, and complaint procedure.
13. Any proposed future external lighting located on the subject site is to comply with Clause 5.14 of the Gilgandra Local Environmental Plan 2011. Should additional external lighting be required that will exceed this requirement, approval from Council must be obtained.

14. The person having the benefit of this Development Consent must, unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifier (PC) to be carried out.
15. Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.
16. All excavations associated with the erection of buildings/structures and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property.
17. All building work must be carried out in accordance with the provisions of the National Construction Code.
18. Construction work shall only be carried out within the following times:

Monday to Friday:	7 am to 6 pm
Saturday:	8 am to 1 pm
Sunday and public holidays:	No construction work permitted

ROADS, TRAFFIC AND PARKING

19. Prior to installation of any solar infrastructure, Aralee Road shall be constructed from the existing formation to the proponent's access such that:
 - Its sub-base and base course layers comply with Council's Secondary Through Road (Urban Unsealed) Specification,
 - It is sealed with a 14/7mm C170 bitumen spray seal.Design of the road shall be submitted to Council's engineer for review and approval 14 working days prior to construction.
20. Following the construction phase, Aralee Road will be reinstated to its pre-construction condition at full cost to the developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Construction Standards.
21. As Aralee Road is not an approved B-double route, application shall be made to the National Heavy Vehicle Regulator for any B-double truck movements on Aralee Road.

Note: Any permit period granted via NHVR will be restricted to five (5) months.
22. The proposed access servicing the solar farm off Aralee Road shall be constructed by and at full cost to the developer.

The access to the site shall:

 - Contain a 450 mm diameter Class 2 reinforced concrete pipe (or similar) placed in the invert of the table drain,
 - Be recessed such that one B-double truck length (26 metres) can be stored between the entrance gate and the road reserve/property boundary,
 - Be sealed with a 14/7 mm C170 bitumen spray seal to the gate.

Design of the access, including pavement and swept path analyses, shall be submitted to Council's engineer for review and approval 14 working days prior to construction.

All works required to fulfil the above condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and Construction Standards, with detailed engineering design plans being submitted and approved prior to any construction works commencing.

23. No vehicles larger than a B-double 26 metres in length (utilising the Austroads design templates) are permitted to access the subject land and the development proposal.
24. Prior to any construction works commencing, a separate 'Road Opening Application' (Section 138 Application under the *Roads Act 1993*) will be required to be made to Council's Infrastructure Division, plus payment of appropriate fee/s to authorise works within the road reserve.
25. The applicant is to provide 40 car parking spaces as a temporary car park during the construction period. Post construction, one permanent car park is required to cater for maintenance staff visits.
26. All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.
27. For the duration of the construction period and prior to construction work commencing, a Traffic Management Plan (TMP) including a Driver Code of Conduct must be prepared in consultation with Council, the principal contractor(s). The TMP is to cover strategies to mitigate the effects of construction related traffic on State and local roads including noise control, volume of heavy traffic and road safety within school zones.

Copies of the TMP and Driver Code of Conduct shall be provided to contractors and employees as part of the site induction.
28. All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

LANDSCAPING

29. Prior to the issue of an Occupation Certificate, the landscaping and associated infrastructure as detailed in the approved plan, shall be established and maintained to at least the standard specified on the approved development plans. Such landscaping shall be maintained for the life of the development.
30. The proposed vegetation screening to the Eastern boundary is to be increased from 5m to 7m to provide additional screening to the adjoining residential zone.
31. A rural style fence is to be provided to the external perimeter of the vegetation screening to prevent stock from entering and destroying the vegetation.

32. A weed management control program is to be developed in consultation with Council. The program is to outline a routine spraying program to control noxious weeds in particular spiny burr grass (*Cenchrus longispinus*).

CONTAMINATION

33. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Department of Planning, Industry and Environment (DPIE), WorkCover Authority, Council, Fire and Rescue NSW, etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the Environment Protection Authority (EPA) to receive that type of waste.

ABORIGINAL CULTURAL HERITAGE AND VEGETATION

34. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Department of Planning, Industry and Environment notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the DPIE.
35. Prior to the issue of a Construction Certificate, the applicant must undertake further consultation with the LALC and consider any feedback provided.
36. No native trees are authorised to be removed as part of this consent.

BUSHFIRE

37. An Asset Protection Zone (APZ) of a minimum width of 10 metres shall be provided around the outside perimeter of the PV modules and associated building infrastructure (the whole development site). The APZ shall be provided and maintained in accordance with the requirements of the *Planning for Bushfire Protection 2019* guidelines for the life of the subject development.

Such APZ may be implemented as 'managed land' whereby the required minimum width of 10 metres is provided as one or a combination of the following:

- (a) The existing grassland vegetation is maintained in a low fuel condition by regularly mowing to achieve a nominal height no greater than 100 mm; and/or
- (b) Gravel paved access roadway.

The APZ shall be established prior to the issue of that building's Occupation Certificate(s).

38. A water storage tank is to be provided to the development for fire-fighting purposes and shall have a minimum effective storage of 20,000 litres of water (i.e. storage capacity above its outlet). Any on-site static water storage tank shall meet the following requirements:

- (a) For an underground storage tank:
 - (i) Unobstructed access provided directly to the storage for fire-fighting appliances;
 - (ii) A hardened surface for truck access is provided within 4 metres of the access hole;
 - (iii) An access hole of at least 200 mm provided in the lid of the storage tank,
- (b) For an above-ground storage tank:
 - (i) A 65 mm Storz outlet with a metal gate valve or ball valve and blanking cap provided at the lowest possible point;



- (ii) The tank is to be of concrete or metal construction (plastic or fibreglass is not acceptable); and
- (iii) The tank and its Storz outlet must be located so that it is accessible by fire-fighting units and personnel.

39. The development is to be operated in accordance with the Fire Assessment report submitted with the application dated 26 October 2021, prepared by ITP Development Pty Ltd.

OPERATIONAL PLAN IMPLEMENTATION

40. The approved Construction Environmental Management Plan (CEMP), Erosion and Sedimentation Control Plan, and Waste Management Plan for the development shall be complied with throughout the operation of the development.

DECOMMISSIONING

41. A decommissioning plan is to be submitted to Council for review and approval no later than 12 months prior to the proposed cessation of the electricity generating works. The objective of this is to restore the land to its pre-existing state suitable for agricultural use.
42. The site operator shall undertake soil tests after the site is decommissioned to demonstrate that it is not contaminated.

DEVELOPER CONTRIBUTIONS

43. The proponent shall pay a s7.12 contribution of \$43,350 (adjusted for CPI) prior to occupation of the site.

SCHEDULE A: REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From 1 July 2018, Council is required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development substantially complies with the provisions of Gilgandra Local Environmental Plan 2011.
The proposed development complies with relevant State Environmental Planning Policies.
The proposed development complies or is generally consistent with relevant provisions of Gilgandra Shire Development Control Plan 2011.
The proposed development complies with <i>Environmental Planning and Assessment Regulation 2000</i> considerations.
The proposed development will not have significant adverse impacts on the natural, built or social environment or economic impacts on the locality subject to the proposed conditions of approval.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed

during assessment of the application. Conditions have been imposed to specifically address issues raised in submissions, including reducing the hours of operation, dust control, noise control.

The proposed development is unlikely to prejudice or compromise the public interest.

NOTES—

- (1) A separate application is required to be submitted to either Council or an accredited certifier to obtain a Construction Certificate to permit the erection of any proposed buildings or structures.
- (2) Any proposed building or structure is required by the Deemed-to-satisfy NCC and the Premises Standards to provide disabled access. However, notwithstanding this, the applicant's attention is drawn to the owners' and employers' obligations under the NSW Anti-Discrimination Act whereby the design of the premises and workplace should not discriminate against disabled persons visiting and obtaining access to such premises. It should be noted that compliance with the BCA and the Premises Standards is not a defence against prosecution, or the issue of a rectification order under the subject Act in respect of all disability access issues. Accordingly, Council recommends that the applicant and owner investigate their liability under such Acts.
- (3) Any proposed building or structure is to provide a list of Fire Safety Measures which must be submitted with the Construction Certificate application pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000*. The Regulation prescribes that the information to be submitted must include:
 - A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (4) Any proposed building or structure requires the owner of the building to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each *essential fire safety measure* installed in association with the building – as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must also be forwarded by the owner to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and be displayed within the subject building in a prominent position.

- (5) Any proposed building or structure requires the owner of the building to submit to Council at least once in each period of 12 months following the completion of the building, an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statement(s) must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW and be displayed within the subject building in a prominent position. In this regard, Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded, with their dedicated email address for such statements being afss@fire.nsw.gov.au.

- (6) Offensive noise as defined under the *Protection of the Environment Operations Act 1997* shall not be emitted from the proposed development.

Air impurities as defined under the *Protection of the Environment Operations Act 1997* shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

RIGHT OF APPEAL

Section 8.3 of the *Environmental Planning and Assessment Act 1979* confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

Essential Energy makes the following general comments:

1 Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreements 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.

2 Minimum safety clearance requirements are to be maintained at all times for the proposed access track, as such access track will pass under Essential Energy's existing high voltage overhead powerlines located near the entrance to the site. The access track must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

3 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

4 Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

5 In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location 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.

6 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).

7 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. 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.