

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-256 – DA17/2024
PROPOSAL	New 5MW Solar Farm with Battery Energy Storage System
ADDRESS	Lot 222 DP753378, 9204 Newell Highway, Coonabarabran
APPLICANT	ITP Development Pty Ltd
OWNER	Stewart Clifford Rogers
DA LODGEMENT DATE	24 June 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as electricity generating works with a development cost greater than \$5M.
CIV	\$8,667,599.32 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Primary Production) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Warrumbungle Local Environmental Plan 2013;</i> • <i>Warrumbungle Development Control Plan 2015.</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	2
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects Project Drawings Noise Assessment

	Biodiversity Inspection Report Fire and Hazard Assessment Water Assessment Visual Impact Assessment Glint and Glare Assessment Waste and Decommissioning Assessment Traffic Impact Assessment Report Cost Estimate Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	24 June 2025
PLAN VERSION	18 March 2025 Location Plan and Site Plan, 22020-G-0400, Revision No. 5
PREPARED BY	Mark Hitchenson, Navigate Planning
DATE OF REPORT	13 June 2025

EXECUTIVE SUMMARY

The development application (DA 17/2024) seeks consent for the installation of a 5MW Solar Farm with a battery energy storage system at Lot 222 DP753378, 9204 Newell Highway, Coonabarabran.

The subject land is zoned RU1 Primary Production. The proposal is defined as electricity generating works which is permitted with consent in the RU1 zone under clause 2.36(1) (b) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The land has a gentle slope and is mostly cleared of native vegetation. The site has previously been used for agricultural purposes, namely grazing of animals. Two small farm dams are located in the southern part of the site.

The application was placed on public exhibition from 11 July 2024 to 25 July 2024, with two submissions received. Issues raised included visual impact, impact on farming land, impact on development of adjoining properties, dust impacts, risk of fire, weed proliferation and proximity of the proposed Coonabarabran bypass. The applicant has provided responses to the issues raised in submissions. These issues are considered further in this report.

The application originally proposed access to the solar farm from Newell Highway via existing tracks on the subject property. However, the application has been amended to provide access through an adjoining property (528 Purlewaugh Road, Coonabarabran) and a Crown Road to Purlewaugh Road. Connection of the solar farm to the grid will follow the same access route. Purlewaugh Road is a classified regional road and the revised plans were referred to Transport for NSW for comment.

The proposed access to Purlewaugh Road requires the removal of one dead tree and two small shrubs. No tree removal is required for the remainder of the proposed access route.

TfNSW has raised no concerns with the proposed access to Purlewaugh Road subject to a number of conditions. Appropriate conditions have been included in the draft conditions of consent.

Consent from the owners of the adjoining property through which access will be provided has been obtained. A right of carriageway will be required to be provided over the access track to ensure legal access is provided and maintained. Crown Lands have issued a Deed of Agreement for the construction of an access track across the Crown Road separating Lot 1, DP1291149 and Lot 222, DP753378.

The proposed solar farm will be also be connected to the grid via an existing power line and pole located in the adjoining property at 528 Purlewaugh Road, Coonabarabran.

The applicant has consulted with Crown Lands regarding the use of and works on the Crown Road. On the advice of Crown Lands, the applicant has submitted a Crown road works enquiry form, which has been accepted and is currently being assessed by Crown Lands.

There are no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). Referrals to Essential Energy, Transport for NSW and the Siding Springs Observatory Director were undertaken.

The application is referred to the Western Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for electricity generating works with a CIV over \$5 million.

A briefing was held with the Panel on 25 February 2025 where key issues were discussed, including visual impact, access, connection to the electricity grid and the need to assess the environmental impact of any alternative access route proposed. The Panel requested that the applicant provide a full response to the outstanding information requirements by the end of March.

The key issues associated with the proposal at the 25 February 2025 briefing included:

- **Visual Impact**

The proposed solar farm is a relatively small-scale project with a small footprint compared to larger solar farm projects. The location of the site is elevated and on a gentle slope with only a small number of residential dwellings with a direct view of the solar farm. Additional visual impact assessment in relation to these dwellings has been provided by the applicant.

- **Traffic Impacts**

The development plans were revised to remove access from the Newell Highway and it is now proposed to provide access through an adjoining property and a Crown Road to Purlewaugh Road. Council's Technical Services Department has reviewed the revised access and has recommended conditions of consent.

The revised plans were also referred to Transport for NSW for comment with no concerns raised subject to certain conditions.

- **Connection to the Grid**

Connection to the grid is proposed via a short section of new line to existing power pole located in the adjoining property at 528 Purlewaugh Road, Coonabarabran. Consent from the owners of that land has been obtained.

- **Stormwater Impacts**

Additional information in relation to stormwater runoff and management were originally requested, however it has been determined that these matters can be appropriately addressed through conditions of consent.

A further briefing was held with the Panel on 29 April 2025 where the applicant updated the Panel on the progress of responding to the outstanding information requests, including provision of updated plans and reports addressing the revised access to Purlewaugh Road and consent from the adjoining owners. The Panel requested that the applicant provide the required information as soon as possible.

On 7 May 2025, the applicant provided:

- Adjoining owner's consent
- Revised Plans
- Revised Traffic Impact Assessment
- Revised Visual Impact Assessment
- Revised Noise Assessment
- Revised Statement of Environmental Effects.

It is considered that the amended plans and additional information provided by the applicant satisfactorily address a number of the issues raised with the proposal and that subject to conditions, the remaining issues can be addressed appropriately.

The proposed solar farm complies with all relevant provisions of State Environmental Planning Policies, the *Warrumbungle Local Environmental Plan 2013* and the *Warrumbungle Development Control Plan 2015*.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, the proposal can be supported with appropriate conditions of consent.

1. THE SITE AND LOCALITY

1.1 The Site

The subject land is Lot 222 DP753378, 9204 Newell Highway, Coonabarabran. Access to the site and connection of the solar farm to the electricity grid is proposed through an adjoining property (528 Purlewaugh Road, Coonabarabran) and a Crown Road to Purlewaugh Road. Connection of the solar farm to the grid will follow the same access route. Purlewaugh Road is a classified regional road and the development application was referred to Transport for NSW for comment.

Consent from the owners of the adjoining property through which access will be provided has been obtained.

The land has a gentle slope and is mostly cleared of native vegetation. The site has previously been used for agricultural purposes, namely grazing of animals. Two small farm dams are located in the southern part of the site.

The following map shows the location of the site in relation to the town of Coonabarabran to the north-west of the site. The location of the proposed solar farm is in the central part of the site (within the red outline). The green corridor to the west of the site is for the future Coonabarabran Bypass.



1.2 The Locality

The locality is rural in nature, approximately 4km south-east of the Coonabarabran township. Surrounding properties are a mix of large rural lots and rural residential lots.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for a 5MW solar system with battery energy storage system (BESS), to be connected to the existing electricity network. The proposal involves:

- 11,700 solar modules ranging in height from 1.5m to 2.75m installed in rows running north to south with approximately 6.25m spacing between each row.
- An inverter station with two 3.4MW inverters that are 3m high and mounted on a 12.2m long skid.
- A battery storage system that is 12.2m long, 2.4m wide and 2.9m high.
- A temporary car parking and materials laydown area located at the eastern side of the array.
- A vehicle access gate at the centre of the eastern edge of the array.
- A 2.5m high kiosk within the fenced area of the solar farm site. The kiosk will act as the main switch board for the solar farm facility.
- A 1.8m high security fence topped with three rows of barbed wire to give a total height of 2.3m.



2.2 Background

The development application was lodged on **24 June 2024**. A chronology of the development application since lodgement is outlined in **Table 1**.

Table 1: Chronology of the DA

Date	Event
11 July 2024	Exhibition of the application and referral to external agencies.
7 August 2024	Council requested from the applicant a response to submissions received to the notification of the development application. The applicant provided a response on 12 August 2024.
20 August 2024	Council requested additional information in relation to the extent of earthworks proposed. The applicant advised on 23 August 2024 that no cut and fill is proposed.
22 August 2024	Transport for NSW requested additional information from the applicant. The applicant responded on 2 October 2024.
27 August 2024	Site Inspection undertaken
28 August 2024	Council requested additional information in relation to:

	<ul style="list-style-type: none"> • How the proposed solar farm will connect to the grid. • Stormwater runoff from the development. • Clarification of the alternative truck route through Coonabarabran.
9 September 2024	<p>Council requested additional information in relation to:</p> <ul style="list-style-type: none"> • Water and Groundwater – The Water Study contains out of date and incorrect information. The Water Study doesn't specify the design, Site drainage and water quality control, sediment management targets. • Glint and Glare – The Forgesolar Glare Analysis results have not been provided to support this suggested mitigation measure. • Visual Impact – Request for photomontages from the viewpoint of any affected residence or public places with a direct line of sight to the solar farm. • Waste and decommissioning – Request the study address additional waste streams.
12 November 2024	<p>Transport for NSW again requested additional information from the applicant.</p>
25 February 2025	<p>Panel briefing The key matters discussed were:</p> <ul style="list-style-type: none"> • Regarding visual impact, Council indicated that one dwelling to the NW could be partially seen from the site and a second dwelling may also be visible. Submissions raised visual impact as an issue. • Applicant will meet with TfNSW on 27 February 2025. • 10m APZ is proposed. Any tree removal may require a biodiversity assessment. • Connection of the solar farm to the grid may require new power lines over an adjoining property that will require owners' consent. An in-principle agreement exists with the relevant owner, subject to agreement on road access. Any changes to the proposed access point will require a further Council internal referral. • Council will need to assess the environmental impacts of any new roads or access points as well as consider potential landscaping to soften visual impact.
25 February 2025	<p>The applicant provided a response to a number of the outstanding requests for additional information including:</p> <ul style="list-style-type: none"> • A revised Glint and Glare Assessment incorporating the Forgesolar glare analysis results.

	<ul style="list-style-type: none"> • A revised Visual Impact Assessment incorporating photomontages of view from adjoining properties to the north of the subject site. • A request that a revised Water Study be included as a condition of consent. • A request that a revised Waste and Decommissioning Study be included as a condition of consent. • Advice that alternative access options are being considered, with further information to come. • Advice that plans regarding connection of the solar farm to the grid is being investigated, with further information to come.
29 April 2025	<p>Second Panel Briefing.</p> <p>The outcomes of the briefing were:</p> <ul style="list-style-type: none"> • Owners' consent for both access options is expected to be secured by the applicant this week and provided to Council. • The applicant is to amend the development application and advise Council of the nature of the changes as well as the name, number and date of the plans that have changed. Council indicated that renotification will not be required. • Council assessment report due to be submitted by 13 May.
7 May 2025	<p>Applicant provided:</p> <ul style="list-style-type: none"> • Adjoining owner's consent • Revised Plans • Revised Traffic Impact Assessment • Revised Visual Impact Assessment • Revised Noise Assessment • Revised Statement of Environmental Effects.
16 May 2025	Applicant provided further information in relation to access arrangements.
4 June 2025	Transport for NSW provided final comments on the development application.
13 June 2025	Applicant provided a Deed of Agreement from Crown Lands for works within a Crown Road.

2.3 Site History

The site has previously been used for rural purposes, namely grazing of animals.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *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, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
that apply to the land to which the development application relates,
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*

- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Warrumbungle Local Environmental Plan 2013*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 3: Koala Habitat Protection 2020 The land is not core koala habitat. It is considered that the proposed development will have low or no impact on koalas or koala habitat.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6.	Y
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development The subject land is not mapped on the Draft State Significant Agricultural Land Map.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered and the site is considered suitable for the proposed use.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure Clause 2.36 – Provides for electricity generating works of the kind proposed to be permitted with consent in a prescribed non-residential zone, including the RU1 Primary Production zone. The subject land is zoned RU1. Clause 2.42 – Applies to development of solar farms in a regional city for State significant or regionally significant development. The subject land is not in a defined regional city. Clause 2.48 – Applies to development that may have an impact on electricity power lines and requires referral of the development application to the relevant electricity supply authority. The application has been referred to Essential Energy and their comments have been considered in the assessment of the application.	Y

	<p>Clause 2.119 – Applies to development that has a frontage to a classified road. The development application was referred to Transport for NSW for comment, who raised no concerns subject to conditions.</p>	
Proposed Instruments	No compliance issues identified.	Y
Warrumbungle LEP 2013	<p>Clause 2.3 – The proposal is permissible in the zone with consent pursuant to clause 2.36(1) (b) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and is considered to be consistent with the zone objectives.</p> <p>Clause 5.14 – The development is more than 18km from the observatory. The application was referred to the Observatory Director who raised no objections.</p> <p>Clause 5.21 – The lot is not identified as being flood prone land as per the WLEP2013.</p> <p>Clause 6.1 – The proposed earthworks are ancillary to the development and do not adversely affect the land or surrounding land.</p> <p>Clause 6.4 – Located within the Groundwater vulnerability area however development will have minimal to no impact on the groundwater.</p> <p>Clause 6.5 – The site is not identified as being affected by riparian land or watercourses under the WLEP2013.</p>	Y
Warrumbungle DCP 2015	<p>Access & Traffic Generation The proposal involves heavy vehicle access via Purlewaugh Road. Council's Technical Services Department has reviewed the revised access and has recommended conditions of consent.</p> <p>Parking Controls The proposed development does not indicate any permanent parking onsite. The proposal identifies that quarterly access to the site will be required for maintenance purposes. It is therefore considered appropriate that a minimum of two parking spaces be provided for maintenance workers.</p> <p>Bush Fire Prone Land The subject land is mapped as bushfire prone. The proposed development can comply with the requirements of Planning for Bushfire Protection subject to appropriate conditions of consent.</p> <p>New buildings</p>	Y

	<p>The proposal involves a number of small “buildings” for the inverter and battery storage. These buildings will not be visible from the public domain. The proposal is considered satisfactory.</p> <p>Environmental Considerations No trees are proposed to be removed for the development. One dead tree and two small shrubs will require removal for an upgrade to the Purlewaugh Road access driveway. The applicant has advised that no trees are required to be removed along the proposed access route. A small area of low quality native grasses will be impacted by the solar farm development. The extent of clearing will not exceed the biodiversity offset scheme threshold and will have no significant impact on threatened species or communities. The land is not identified as an area of biodiversity in accordance with the Biodiversity Values Map. No riparian land is located within 60m of the proposed development site. The proposed land that the development is to take place on is free of any terrestrial biodiversity (in accordance with Warrumbungle Shire Council’s current LEP 2013) and is not an area that includes land of declared outstanding biodiversity value.</p> <p>Land Use Separation No buffers required to land use in the vicinity of the development.</p> <p>Fencing Security fencing of the solar farm is proposed. The proposed fencing will be no more than 2.3 metres high, constructed of chain link fencing with barbed wire above and is considered appropriate for the use and the location.</p>	
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Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3: Koala Habitat Protection

The proposal does not involve the removal of any native trees. A biodiversity assessment, including a koala assessment, was provided with the development application. The assessment noted that there have been 25 records of koala sightings within 5km of the subject land, with the closest being 1.5km from the site. The report states that *“it is entirely feasible that Koala could be using several vegetated sections around the area, including the roadside corridor along Purlewaugh Road north of the site, however none have been recorded in that zone previously”*. The site is therefore considered to be potential koala habitat. An inspection of the site found no Koalas, scats or other evidence of use of the development site. As the proposal is on a cleared part of the site, with no trees to be removed, the site of the proposed development is not considered to be core koala habitat. It is therefore considered that the proposed development will have low or no impact on koalas or koala habitat.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for electricity generating works with a development cost greater than \$5M. Accordingly, the Western Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

The subject land is not included on the Draft State Significant Agricultural Land Map. The proposed development will utilise a relatively small part of a large rural property and will not restrict agricultural activities from being undertaken on the remainder of the land. The proposal is considered acceptable having regard to the objectives of this SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land has a history of agricultural use, primarily being the grazing of animals, with some previous history of cropping. There is no known information that suggests the land may have been previously used for potentially contaminating activities according to the applicant and Council records. No contaminated land is registered on councils' records. Given the proposed development is a solar farm with minimal earthworks, it is considered that a preliminary site investigation is not required. The proposal is considered to be consistent with the Resilience and Hazards SEPP and the site is suitable for the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.36 of the SEPP provides for electricity generating works of the kind proposed to be permitted with consent in a prescribed non-residential zone, including the RU1 Primary Production Zone. The subject land is zoned RU1.

Clause 2.42 of the SEPP applies to development of solar farms in a regional city for State significant or regionally significant development. The subject land is not in a defined regional city.

Clause 2.48 of the SEPP applies to development that may have an impact on electricity power lines and requires referral of the development application to the relevant electricity supply authority. The application has been referred to Essential Energy and their comments have been considered in the assessment of the application.

Clause 2.119 of the SEPP refers to development with frontage to a classified road. The lot on which the solar farm is proposed itself does not have frontage to a classified road, however the proposal involves access via adjoining properties to Purlewaugh Road which is a classified regional road. The development application was referred to Transport for NSW for comment. TfNSW advised as follows:

“TfNSW has considered the impacts of the application to the state road network particularly to the intersection of the Newell Highway/Edwards Road and does not raise further concerns subject to the draft conditions being forwarded to TfNSW for comment prior to determination. These must include:

- 1. A condition of consent levied for inclusion of the AM/PM peak hour traffic volumes,*
- 2. A condition confirming no high-risk oversize overmass (OSOM) vehicles are to be used for the project,*
- 3. Inclusion within the Traffic Management Plan for review by TfNSW and Council:*
 - A commitment to carpooling to align with the assumptions of light vehicles having a two person occupancy rate,*
 - Notification to the public of the increased traffic volumes at the Edward Street / Newell Highway Intersection,*
 - A commitment to mitigation measures to stagger traffic volumes at the Edwards Street/Newell Highway intersection in consideration of the provided AM/PM peak hour traffic volumes,*
- 4. Future concurrence under section 138 of the Roads Act (1993) for the regional roads.”*

Warrumbungle Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the *Warrumbungle Local Environmental Plan 2013* (‘the LEP’). The aims of the LEP include

- (a) to encourage sustainable economic growth and development in Warrumbungle,*
- (b) to encourage and provide opportunities for local employment growth and the retention of the population in Warrumbungle,*
- (c) to encourage the retention of productive rural land for agriculture,*
- (d) to identify, protect, conserve and enhance Warrumbungle’s natural assets,*

The proposal is consistent with these aims as the proposal:

- Facilitates renewable energy being supplied to the local grid,
- Will generate local employment opportunities in construction,
- Occupies a relatively small part of a rural property and will not restrict ongoing agricultural activities on the remainder of the property, and
- Will only require the removal of one dead tree and two small shrubs in the Purlewaugh Road and will affect a relatively small area of low value native grasses in the area of the solar farm.

Zoning and Permissibility (Part 2)

The site is located within the RU1 Primary Production Zone pursuant to Clause 2.2 of the LEP, as shown in the following map.



Zoning Map

The proposal satisfies the definition of electricity generating works which is a prohibited use in the Land Use Table in Clause 2.3. However, the proposal is permissible in the zone with consent pursuant to clause 2.36(1) (b) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposal is considered to be consistent with the zone objectives for the following reasons:

- It is proposed on a relatively small rural lot and therefore does not result in rural land fragmentation.
- It provides a diverse income stream for the landholder who owns adjoining land used for agricultural purposes.
- At the end of the life span of the development, it will be decommissioned and the land returned to a rural use.
- The proposal does not impact on the agricultural use of adjoining land.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 3** below.

Table 3: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Siding Spring Observatory—maintaining dark sky (CI 5.14)	Consult with Observatory Director if light pollution is anticipated.	The application was referred to the Observatory Director who raised no objections.	Yes
Earthworks (CI 6.1)	Consider the impacts of earthworks	Proposed earthworks are minimal, ancillary to the development and do not adversely affect the land or surrounding land.	Yes
Groundwater Vulnerability (CI 6.4)	Consider the impacts on groundwater.	Located within the Groundwater vulnerability area however development will have minimal to no impact on the groundwater.	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act that are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Warrumbungle Development Control Plan 2015 ('the DCP')

Access & Traffic Generation

The proposal involves heavy vehicle access via Purlough Road. During the 3 month construction period, it is estimated that a maximum of 30 workers will be on site at any one time. Up to 5 heavy vehicle and 24 light vehicles movements are anticipated per day during the establishment and construction phases. The operational phase will involve minimal attendance on site for maintenance purposes only.

Council's Technical Services Department has reviewed the revised access and has recommended conditions of consent. Transport for NSW has raised no concerns subject to conditions.

Parking Controls

The proposed development does not indicate any permanent parking onsite. The proposal identifies that quarterly access to the site will be required for maintenance purposes. It is therefore considered appropriate that a minimum of two parking spaces be provided for maintenance workers.

Bush Fire Prone Land

The subject land is mapped as bushfire prone. The proposed development can comply with the requirements of *Planning for Bushfire Protection 2019* subject to appropriate conditions of consent.

New buildings

The proposal involves a number of small “buildings” for the inverter and battery storage. These buildings will not be visible from the public domain. The proposal is considered satisfactory.

Environmental Considerations

No trees are proposed to be removed for the development. Two small shrubs and a small area of low quality native grasses will be impacted by the development. The extent of clearing will not exceed the biodiversity offset scheme threshold and will have no significant impact on threatened species or communities. The land is not identified as an area of biodiversity in accordance with the Biodiversity Values Map. No riparian land is located within 60m of the proposed development site. The proposed land that the development is to take place on is free of any terrestrial biodiversity (in accordance with Warrumbungle Shire Council’s current LEP 2013) and is not an area that includes land of declared outstanding biodiversity value.

Land Use Separation

No buffers required to land use in the vicinity of the development.

Fencing

Security fencing of the solar farm is proposed. The proposed fencing will be no more than 2.3 metres high, constructed of chain link fencing with barbed wire above and is considered appropriate for the use and the location.

Warrumbungle Shire Council Section 7.12 Contributions Plan 2021

The above contributions plan has been considered and a contributions condition included in the recommended consent conditions. The contributions plan is applicable as the development cost is more than \$100,000. With a development cost of \$9,534,359.25 (including GST), the contribution will be \$95,343.59.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- ***Dark Sky Planning Guideline***

The lot is located within Warrumbungle Shire Council. The development consent is to be conditioned to ensure compliance with the NSW Government’s *Dark Sky Planning Guideline 2023*.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

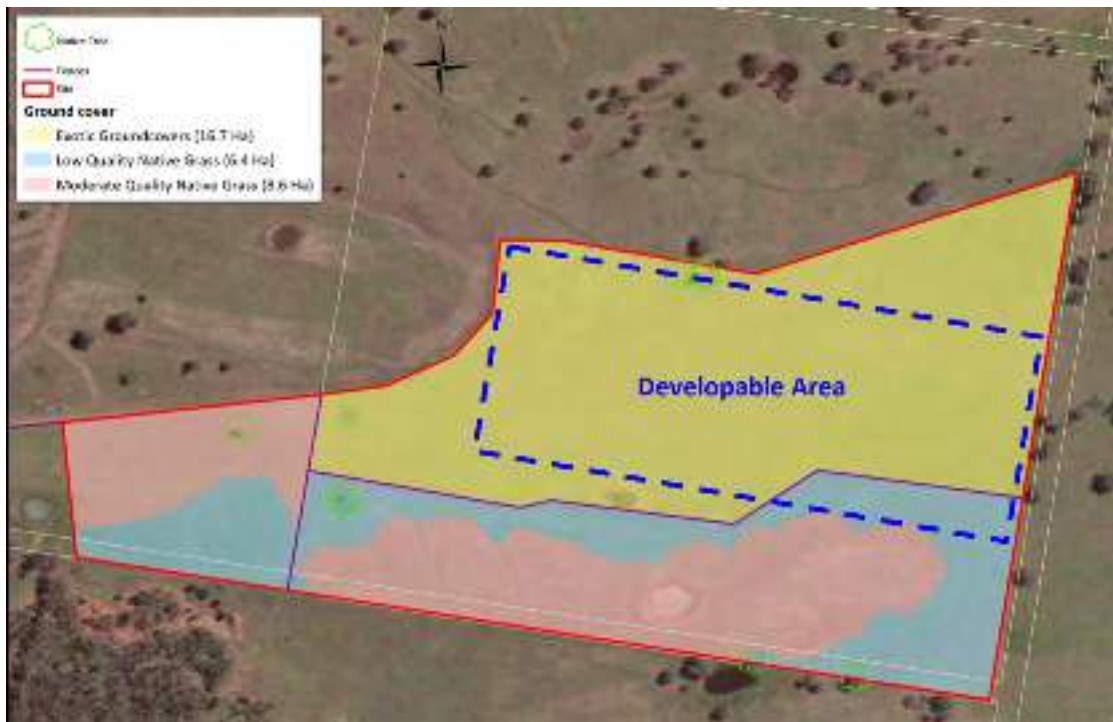
3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The development is considered appropriate for the subject land and the context. Additional visual impact assessment provided by the applicant demonstrates that the proposal will have a low visual impact on surrounding lands. Notwithstanding, it is considered appropriate that some additional planting of native trees be undertaken to the north of the proposed solar farm to further minimise visual impacts. The proposal will not detrimentally affect the continued use of the remainder of the subject land or adjoining land for agricultural activities.
- **Access and traffic** – The proposal will generate, during the construction period, up to five heavy and 24 light vehicle movements per day. The construction period is estimated to be 3 months. There will be minimal traffic generated during the operational period, with no staff on site other than for occasional maintenance requirements. The proposal involves heavy vehicle access via Purlewaugh Road. Council's Technical Services Department has reviewed the revised access and has recommended conditions of consent. Transport for NSW has raised no concerns subject to conditions.
- **Public Domain** – There will be no impact on the public domain.
- **Utilities** – The solar farm will be connected to the grid via the proposed access route to Purlewaugh Road. The application was referred to Essential Energy who raised no objections to the proposed development.
- **Heritage** – The site does not contain or adjoin a heritage item and is not in a heritage conservation area.
- **Other land resources** – The proposed development will restrict agricultural use of a relatively small part of a large farm and will not affect the ongoing use of the remainder of the property or adjoining properties for agricultural activities. A non-operational extractive industry is located to the south of the site. The proposal will not affect the potential recommencement of extractive industry at that site.
- **Water/air/soils impacts** – In relation to water impacts, additional information is required to ensure that the proposal will have no downstream impacts. However, it is considered that this can be satisfactorily addressed through a condition of consent requiring additional information prior to the issue of a Construction Certificate. The proposal involves minimal earthworks and is unlikely to cause dust or other air quality concerns. A condition relating to dust minimisation is recommended. The proposal is unlikely to have any significant impact on soils.

- **Flora and fauna impacts** – No trees are proposed to be removed for the development. Two small shrubs and a small area of moderate value native grasses will be impacted by the development. The extent of clearing will not exceed the biodiversity offset scheme threshold and will have no significant impact on threatened species or communities. The Biodiversity Report submitted with the development application states that the site is a highly modified grazing paddock with some native grasses present. Specifically, the southern half of the site is low or moderate native grass dominated, while the north half is entirely exotic pasture with three small remnant native trees on the boundary mid site (see map below).



The map shows that the development area will affect 6.4ha of low quality native grass and no area of moderate quality native grass. The Biodiversity Report states that the activities as proposed will not see the loss of >1 ha of native vegetation.

One dead tree and two small shrubs will be removed as part of improvements to the existing access to Purlewaugh Road. This clearing is not considered to have significant impacts on flora and fauna.

This assessment is supported as the impact of the solar farm within the low quality native grass area is limited to the impacts associated with drilling for solar panel footings. As the proposal is on a cleared part of the site, with no trees to be removed, the site of the proposed development is not considered to be core koala habitat. It is therefore considered that the proposed development will have low or no impact on koalas or koala habitat. It is considered that the development is unlikely to have a significant effect on any threatened species and ecological communities.

- **Natural environment** – The proposed solar farm will not change the existing landform.
- **Noise and vibration** – The Statement of Environmental Effects submitted with the development application states that the solar panels are constructed on piles driven into the ground using a vibrating pile driver. A Noise Assessment Report submitted

with the development application models the noise impacts at nearby residential receives and finds that the proposal can comply with relevant noise criteria. The Noise Assessment suggests a number of mitigation measures to ensure noise impacts are minimised, including the use of localised mobile screens or construction hoarding to act as barriers between construction works and receivers. Subject to conditions, the proposed development can be undertaken with minimal noise and vibration impacts on adjoining properties.

- **Natural hazards** – The site is mapped as bushfire prone. The proposed development can be undertaken in accordance with the requirements of Planning for Bushfire Protection 2019. Appropriate conditions are recommended. The site is not known to be flood prone.
- **Safety, security and crime prevention** – No known safety, security or crime prevention measures required. The proposed fencing will secure the area surrounding the proposed solar farm.
- **Social impact** – There is minimal social impact on the locality of the development. There are a total of 25 residential receivers on rural or rural residential properties located within 2km of the site, including two on the same rural holding as the proposed development. Only two adjoining residences will have a direct line of sight to the development. Additional visual impact assessment provided by the applicant (see below) demonstrates that the visual impact is low. However it is considered that some additional planting of trees to the north of the solar farm is appropriate to minimise visual impacts.
- **Economic impact** – The proposal generates some employment opportunities during construction and ongoing maintenance.
- **Site design and internal design** – Design of development satisfactory, with the proposed area of the development utilising approximately 11.98ha of the subject lot. The remainder of the site and the broader property will continue to be used for farming. The solar farm is located to minimise visual impacts on surrounding properties.
- **Construction** – The Statement of Environmental Effects submitted with the development application states that the solar panels are constructed on piles driven into the ground using a vibrating pile driver. Construction will be limited to between 7.00am and 4.00pm Monday to Friday. Any work outside of these hours would be limited to low noise generating activities. A Noise Assessment Report submitted with the development application models the noise impacts at nearby residential receives and finds that the proposal can comply with relevant noise criteria. Up to 50 workers will be involved in construction with no more than 30 on site at any one time. A Waste and Decommissioning Assessment has also been provided with the application. Appropriate conditions regarding hours of operation, noise during construction, waste management and decommissioning are recommended.
- **Cumulative impacts** – The proposal is one of a number of solar farms proposed in the Warrumbungle Shire and the broader Renewable Energy Zone, however the proposed solar farm is not located within the mapped Renewable Energy Zone area. The applicant advises that the proposal is located with good proximity to power lines, substations and the township of Coonabarabran to enable supply of power directly to the township. The applicant has addressed the potential workforce and accommodation options within Coonabarabran and the surrounding region. It is considered that the proposal is satisfactory having regard to cumulative impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The subject land is within the Renewable Energy Zone and it is considered that the proposal will have minimal impacts on the locality. The development has been designed to minimise environmental impacts. Access to the site is satisfactory. The development will comply with *Planning for Bushfire Protection 2019*.

3.4 Section 4.15(1)(d) - Public Submissions

Two submissions were received to the notification of the development application. These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposal is considered to be in the public interest as it will input renewable energy into the grid with minimal impacts on the environmental or surrounding properties.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Essential Energy	S2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021	No objections raised.	Yes
Transport for NSW	Roads Act 1993	No objections raised subject to conditions	Yes
Siding Springs Observatory	S5.14 of the Warrumbungle LEP 2014	No objection.	

Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Technical Services	In relation to access, Council's Technical Services Department has recommended conditions of consent. In relation to stormwater management, additional information was originally requested, however it has been determined that these matters can be appropriately addressed through conditions of consent.	Yes (conditions)
Building	No objections subject to recommended conditions	Yes (conditions)
Environment	No objections subject to recommended conditions	Yes (conditions)

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the *Warrumbungle Development Control Plan 2015* from 13 September 2023 until 5 October 2023.

A total of two public submissions, objecting to the proposal were received. The issues raised in these submissions are considered in **Table 6**.

Table 6: Community Submissions

Issue	No of submissions	Council Comments
The development will be on high and exposed country.	1	The site is elevated, however it is considered that the solar farm will not be overly visible from public vantage points around the site. A number of adjoining properties to the north-west will have a view to the solar farm. The applicant provided additional visual impact assessment demonstrating that the solar farm will not be overly visible from surrounding lands.
The development is industrial in nature and will be	1	The development is a solar farm. It is not considered to be industrial in nature. Surrounding land is predominantly rural and rural-residential in nature. As

surrounded by many rural, small acre properties and fringe town blocks.		mentioned above, additional information has been sought from the applicant to address visual impacts from surrounding properties.
The development may impact on any future expansion of the township.	1	The land is some 4km from the Coonabarabran township. The development is unlikely to affect future expansion of the township during the life of the project.
The site has some of the best quality farming country close to Coonabarabran and has many stands of mature box trees that would have to be removed for this development to proceed.	1	The site is not included on the Draft State Significant Agricultural Land Map. Nevertheless, the land is currently used for agricultural purposes and the majority of the property (external to the proposed solar farm) will continue to be used for agricultural activities. The site will be returned to agricultural use at the end of the project. No trees are required to be removed to facilitate the development.
No consideration given in either the Visual Impact Assessment or the Glint & Glare Assessment of our property which is immediately south of and adjacent to the proposed development.	1	<p>The applicant has advised as follows:</p> <p><i>EDPR acknowledges that the dwelling on Lot 110 / DP 791053 (9182 Newell Highway, Coonabarabran) was overlooked and, therefore, omitted from the visual assessment and the glint and glare assessment. This omission was largely due to the pandemic and lockdowns in place that prevented EDPR's typical level of due diligence to be conducted at the time of preparation of these reports.</i></p> <p><i>The dwelling is located approximately 1.3 km west of the edge of the array. The undulating topography towards the proposed site would screen the array from the rear of the dwelling [based on desktop analysis, the site inspection that was conducted and the photos taken in vicinity of the project lot]. The impact rating is assessed as low similar to the users of the Newell Highway (as detailed in the Visual Impact Assessment) due to the location of the array on the eastern-most lot of the property, intervening vegetation and the rise and fall of the land heading east.</i></p> <p>It is agreed that the proposed solar farm will not be visible from the dwelling at 9182 Newell Highway due to existing topography.</p>
There is a building	1	The applicant has advised as follows:

entitlement on lot 62 DP 871914 and the most favourable location for a dwelling would be within line of sight to the solar array.		<p><i>Lot 62 / DP 871914 to the south of the proposed solar farm is approximately 185 hectares in area. Whilst this property may have a dwelling entitlement, it is currently vacant. It is uncertain where a dwelling may be constructed in the future on this property, and it is not possible to select a particular location for the visual assessment on a property of this size. Furthermore, there would be many suitable sites to locate a dwelling and the existing vegetation on Lot 62 and topography may provide screening benefits for any future dwelling.</i></p> <p>It is agreed that there are suitable sites for a future dwelling on the subject lot where existing vegetation and topography can provide adequate screening of the solar farm.</p>
No mention of dust control measures either during the construction phase or once fully operational in regard to the access road or the array area.	1	The issue of dust control has been addressed in the Statement of Environmental Effects,
No discussion of the proximity of the proposed alignment bypass route which would be less than 1 km from the array.	1	The impacts from a development on a proposed road that has not been designed are difficult to measure. The applicant has assumed that, if the bypass is built within a kilometre of the array, the array may be briefly visible to motorists travelling at 100km/hr. This would have an impact rating of low.
Risk of fire in relation to battery storage and inverters in the proposed development.	1	The issue of fire risk has been addressed in the Fire and Hazard Assessment.
Noxious weed proliferation within the fenced area surrounding the array.	1	The Statement of Environmental Effects provides mitigation measures for weed removal and ongoing maintenance of the site.
Reference to a nearby quarry is not relevant as the quarry is not operating.	1	It is considered relevant to note that a quarry is located in close proximity to the site. The quarry could at any time recommence operations.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Visual Impact

The proposed solar farm is a relatively small-scale project with a small footprint compared to larger solar farm projects. The location of the site is elevated and on a gentle slope with only two residential dwellings with a direct view of the solar farm.

Additional visual impact assessment in relation to these dwellings has been provided by the applicant, including photomontages of the view from those dwellings to the proposed solar farm. The photomontages are provided below.



View from OP11 – 336 Purlawaugh Road, Coonabarabran

The above photomontage shows that the solar panels will be visible in the distance in two areas, with some existing vegetation screening. It is considered appropriate that some additional planting be provided to further screen the development from the residence.



View from OP12 - 418 Purlewaugh Road, Coonabarabran

The above photomontage shows that the solar panels will be barely visible in the distance in one area, with existing vegetation providing good screening of most of the development. It is not considered necessary for additional planting to be provided to further screen the development from the residence.

In relation to the additional power lines to connect the solar farm to the grid, a relatively small length of additional power line is required from the solar farm to an existing pole in the adjoining property. It is considered that this will have minimal visual impact.

5.2 Traffic Impacts

The development plans were revised to remove access from the Newell Highway and it is now proposed to provide access through an adjoining property and a Crown Road to Purlewaugh Road. Council's Technical Services Department has reviewed the revised access and has recommended conditions of consent.

The revised plans were also referred to Transport for NSW for comment. TfNSW raised no concerns subject to conditions.

5.3 Connection to the Grid

Connection to the grid is proposed via a short section of new line to existing power pole located in the adjoining property at 528 Purlewaugh Road, Coonabarabran. Consent from the owners of that land has been obtained.

5.4 Stormwater Impacts

Additional information in relation to stormwater runoff and management were originally requested, however it has been determined that these matters can be appropriately addressed through conditions of consent.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The key issues relating to the proposed development included visual impact, access arrangements, connection to the grid and stormwater impacts.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA17/2024 for a 5MW Solar Farm with Battery Energy Storage System at 9204 Newell Highway, Coonabarabran (Lot 222 DP753378) with access and electricity grid connection via Lot 1 DP 1291149 to Purlewaugh Road, be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

ATTACHMENT A – CONDITIONS OF THE CERTIFICATE

This consent is subject to the following conditions:

PART A – GENERAL CONDITIONS

CONDITION					REASON
Approved plans and supporting documentation					To ensure all parties are aware of the approved plans and supporting documentation that applies to the development
1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.					
Plan No.	Revision No.	Plan Title	Drawn By	Dated	
G-0100		Title	ITP Renewables	Undated	
22020-G-0400	5	Location Plan	ITP Renewables	18.03.25	
22020-G-2100	8	General Arrangement Plan	ITP Renewables	18.03.25	
22020-G-2110	2	Site Plan	ITP Renewables	14.03.25	
22020-G-2200	1	Site Elevations	ITP Renewables	20.06.23	
22020-C-4300	1	Inverter Footing Details	ITP Renewables	20.06.23	
22020-C-4310	1	BESS Footing Details	ITP Renewables	20.06.23	
22020-C-5300	1	Fencing Details	ITP Renewables	20.06.23	
22020-C-5301	1	Gate Details	ITP Renewables	20.06.23	
22020-C-6300	2	Access Path Details	ITP Renewables	14.03.25	
22020-E-3400	1	Nextracker Array Details	ITP Renewables	20.06.23	
22020-E-4300	1	Inverter Station Details	ITP Renewables	20.06.23	
22020-E-5300	1	BESS Station Details	ITP Renewables	20.06.23	
22020-E-5310	1	DC-DC Converter Skid Details	ITP Renewables	20.06.23	

Document Title	Version No.	Prepared By	Dated	
Statement of Environmental Effects	Final Rev E.01	Zenith Town Planning	22.04.25	
Biodiversity Inspection Report		Red-Gum Environmental Consulting	02.06.22	
Visual Impact Assessment	Final Rev B.01	Zenith Town Planning	22.04.25	
Fire and Hazard Assessment	3	ITP Development Pty Ltd	05.06.23	
Water Assessment	2	ITP Development Pty Ltd	15.05.23	
Glint and Glare Assessment	4	ITP Development Pty Ltd	16.09.24	
Noise Assessment		Muller Acoustic Consulting	15.04.25	
Traffic Impact Assessment		McLaren Traffic Engineering	10.04.25	
Waste and Decommissioning Assessment	3	ITP Development Pty Ltd	10.11.23	
<p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plan prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is no possible to comply with both at the relevant time.</p>				
<p>Plans on site</p> <p>2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.</p>				To ensure development is undertaken in accordance with the determination of Council
<p>National Construction Code</p> <p>3. All building work must be carried out in accordance with the provisions of the National Construction Code (BCA 2019 Volume Two Class 1 and Class 10 Buildings) and any Australian Standards adopted there under.</p>				To ensure that all building work is carried out in accordance with the relevant construction standards.
<p>Utility Services</p> <p>4. All existing utility services must be appropriately located prior to the start of construction. Any necessary</p>				To ensure costs associated with the development are not

alterations to, or relocations of, utility services must be carried out at no cost to the relevant public authority.	transferred to the public.
External Cladding 5. All external wall and roof sheeting to comprise a pre-painted finish that is non-reflective and not visually intrusive.	To ensure the external cladding of the building is non intrusive to the surrounding locality.
Period of Consent 6. This development consent is granted for a period of 35 years. Further development consent is required to extend the life of the development.	To clarify the terms of the approval.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

CONDITION	REASON
Construction Certificate Requirements 7. No new works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works.	To ensure work is undertaken in accordance with this consent & relevant construction standards
Structural Details 8. Structurally engineered plans will be required for the installation of the solar units	To ensure structural integrity of the building
Payment of building and construction industry long service levy 9. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the long service levy of \$23,835.90 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the <i>Building Construction Industry Long Service Payments Act 1986</i> and provides proof of this payment to the certifier.	To ensure the long service levy is paid.
Payment of section 7.12 contributions 10. Before the issue of a construction certificate, the applicant must pay a total contribution of \$95,343.59 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with <i>Warrumbungle Section 7.12 Contributions Plan</i> . The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the <i>Warrumbungle Section 7.12 Contributions Plan</i> . A copy of the development contributions plan is available for inspection at www.warrumbungle.nsw.gov.au	To address the increased demand for regional infrastructure resulting from the approved development

<p>Erosion and sediment control plan</p> <p>11. Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared by a suitably qualified professional in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none"> • the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and • the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The applicant must ensure the erosion and sediment control plan is kept on- site at all times during site works and construction.</p>	<p>To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
<p>Revised Water Assessment Report</p> <p>12. The Developer must provide a revised Water Assessment Report that includes an analysis of catchment hydrology to confirm stormwater discharge flowrates and stormwater runoff direction during minor and major flood events. To ensure that stormwater runoff from the site during both construction and operation phases does not exceed pre-development flowrates, the Developer must submit designs for stormwater retention structures for both minor and major flood events.</p>	<p>To ensure the development is undertaken in a manner that protects the environment.</p>
<p>Construction Environmental Management Plan</p> <p>13. Prior to issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) must be provided to Council for approval. The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following:</p> <ol style="list-style-type: none"> a. Project Contact Information b. Site Security Details c. Timing and Sequencing Information d. Workforce Accommodation Management Plan e. Site Soil and Water Management Plan f. Groundwater Management Plan g. Landscape Management Plan h. Traffic Management Plan i. Noise and Vibration Control Plan j. Dust Control Plan k. Air Monitoring l. Odour Control Plan m. Health and Safety Plan n. Waste Management Plan o. Bushfire Risk Management Plan p. Incident and Complaints Management Plan 	<p>To ensure the development is undertaken in a manner that protects the environment and human health.</p>

q. Unexpected Finds Protocol	
r. Decommissioning and Rehabilitation Plan	
Revised Waste Management Plan 14. A revised Waste Management Plan is to be provided to Council prior to the issue of a Construction Certificate addressing all potential waste products generated during construction, operation and decommissioning phases. Including the location at which all waste will be transported to. Note: No waste will be accepted at any Warrumbungle Shire Council Waste Facilities.	To ensure waste is appropriately managed and disposed.
Construction Traffic Management Plan 15. The applicant must prepare and submit to Council for approval a Construction Traffic Management Plan (CTMP). The CTMP must minimise delays and temporary traffic impacts along WSC-managed roads so far as is reasonably practicable, through the use of a combination of measures such as (but not limited to): <ul style="list-style-type: none"> a. Public notification along affected roads, with advance notice given in the local media and by signage posted along the route, in particular with regard to the Edward Street / Newell Highway intersection; b. Use of night or off-peak transport periods; c. A commitment to carpooling to align with the assumptions of light vehicles having a two person occupancy rate; d. A commitment to mitigation measures to stagger traffic volumes at the Edwards Street/Newell Highway intersection in consideration of the provided AM/PM peak hour traffic volumes; e. Other measures identified in consultation with Council. The draft CTMP must be submitted to Council for review at least three months prior to the planned movement of heavy and oversized vehicles. The CTMP must be approved by Council before any movement of heavy vehicles. f. As part of the CTMP measures, the consent holder shall maximise the use of buses and minibuses between accommodation centres, the project site and towns, and shall encourage car-pooling quotas be developed and enforced, to ensure that project private vehicle-kilometres are minimised. g. Project bus planning shall also provide for regular workforce access to town services and amenities while minimising negative social impacts on surrounding communities. The Plans must also mitigate and minimise the impacts of development traffic on school bus routes during their operating times, and on stock and crop haul routes during high-traffic seasons. 	To ensure the development has minimal impacts on the road network.

Vegetation Management Plan 16. A Vegetation Management Plan shall be provided to Council for approval prior to the issue of a Construction Certificate detailing how existing and planted vegetation will be maintained for the life of the development.	To ensure vegetation on site is appropriately managed.
Tree Planting 17. Additional matured trees are to be planted on the subject land to the north of the solar arrays to reduce the visual impact on the neighbouring properties in accordance with the approved Vegetation Management Plan.	To reduce the visual impact to neighbouring properties.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

CONDITION	REASON
Erosion and sediment controls in place 18. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).	To ensure runoff and site debris do not impact local stormwater systems and waterways
Right of Carriageway 19. Before the commencement of work, a right of carriageway shall be provided on title over the proposed access track on Lot 1 in DP 1291149 at 528 Purlewaugh Road, Coonabarabran.	To ensure legal access is provided to the site.
Easement for Transmission Lines 20. Before the commencement of work, as easement for transmission lines shall be provided on title over Lot 1 in DP 1291149 at 528 Purlewaugh Road, Coonabarabran.	To ensure ongoing access to the proposed power line for maintenance purposes.
Signs on site 21. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.	To provide for safe management of the site.

<p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p>	
<p>Management of Waste</p> <p>22. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.</p> <p>Demolition materials and waste materials must be disposed of at suitably licensed waste management facility as per the approved Waste Management Plan</p> <p>All putrescible waste and recycling produced from the site is to be disposed of at an approved waste facility, via direct delivery to the site during opening hours.</p> <p>Warrumbungle Shire Council Waste facilities will not be accepting any waste associated with the development.</p>	<p>To ensure responsible disposal of waste material</p>
<p>Site Facilities</p> <p>23. Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.</p> <p>Each toilet provided must:</p> <ul style="list-style-type: none"> • be a standard flushing toilet, connected to a public sewer, or • if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or • a portable toilet. <p>The provision of toilet facilities must be completed before any other work is commenced.</p>	<p>For the health and safety of the community and workers on the site.</p>
<p>Access Upgrade</p> <p>24. The geometrical layout of the access off Purlewaugh Road at 528 Purlewaugh Road must be upgraded in accordance with Figure 7.4 in Part 4 of the <i>Austrroads Guide to Road Design Part 4</i>.</p> <p>The existing 600mm diameter culvert is replaced with 600mm diameter reinforced concrete pipe, Class 3 or Class 4. The length of pipe must extend beyond the turning radius shown in Figure 7.4. The pipe culvert must be fitted with concrete headwalls and wingwalls.</p> <p>The access pavement between edge of bitumen and the property boundary, including approach and departure tapers, must be constructed with at least 200mm compacted road base.</p> <p>The surface of the access to be bitumen sealed with a double coat of bitumen and stone for a distance of 10m towards the property from the edge of existing bitumen,</p>	<p>To comply with the requirements of the Roads Act 1993.</p>

<p>and extending to the end of both the approach and departure tapers.</p> <p>An environmental assessment must be undertaken on any trees or shrubs within the road reserve proposed for removal. The environmental assessment report must be presented to Council prior to removal of any tree or shrub. Trees or shrubs within the road reserve that are removed must not be disposed of within the road reserve.</p> <p>The Developer is required to prepare and submit a Traffic Management Plan including a Traffic Guidance Scheme for works undertaken within the road reserve. The TGS must be prepared in accordance with <i>TfNSW Technical Manual, Traffic Control at Work Sites (TCAWS) issue 6.1</i>.</p> <p>A Section 138 application must be submitted to Council via the NSW Planning Portal prior to commencement of any works on the road reserve. Concurrence of Transport for NSW will be required.</p>	
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PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

CONDITION	REASON
<p>Construction Hours</p> <p>25. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> Monday to Friday (inclusive) - 7.00am to 6.00pm Saturday – 7.00am to 1.00pm No works are to be carried out on a Sunday or Public Holiday <p>The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or material must not be delivered to the site outside the approved hours of site works.</p> <p>Any variation to the hours of work required Council's approval.</p>	<p>To protect the amenity of the surrounding area</p>
<p>Construction noise</p> <p>26. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or</p>	<p>To protect the amenity of the neighbourhood</p>

<p>construction does not exceed an Laeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Prior to the commencement of work, the applicant shall provide Council with certification from a qualified acoustic consultant that the measures proposed to ensure noise levels at the nearest sensitive receptors do not exceed 50dB(A).</p>	
<p>Construction Access and Traffic</p> <p>27. During construction, the number of vehicle trips shall not exceed 15 inbound and 15 outbound vehicle trips in the AM and PM peak hour periods.</p> <p>Construction access shall only be via the approved access from Purlewaugh Road. No construction access is permitted from the Newell Highway.</p> <p>No high-risk oversize overmass (OSOM) vehicles are to be used for the project.</p>	<p>To ensure the development does not negatively impact on traffic volumes in the local area.</p>
<p>Uncovering relics or Aboriginal objects</p> <p>28. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Climate Change, Energy, the Environment and Water and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Climate Change, Energy, the Environment and Water. In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: <ul style="list-style-type: none"> a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and b. is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. 	<p>To ensure the protection of objects of potential significance during works</p>
<p>Applicant's Cost of Work on Council Property</p> <p>29. The applicant shall bear the cost of all works associated with the development that occurs on Council's property.</p>	<p>To ensure proper management of public funds.</p>

<p>Bushfire Safety</p> <p>30. The following bushfire prevention measures shall be provided to the development:-</p> <p>Asset Protection Zones and Landscaping From the start of building works and for the life of the development, the property around the proposed development must be managed as an inner protection area (IPA) for 10m in all directions.</p> <p>Essential Equipment Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure during bush fire emergencies. It should also be designed and maintained so that it will not serve as a bush fire risk to surrounding bush.</p> <p>Bush Fire Emergency Management and Operations Plan A Bush Fire Emergency Management and Operations Plan shall be prepared in consultation with the NSW RFS to identify all relevant risks and mitigation measures associated with the construction and operation of the solar farm. This should include:</p> <ul style="list-style-type: none"> • detailed measures to prevent or mitigate fires igniting; • work that should not be carried out during total fire bans; • availability of fire-suppression equipment, access and water; • storage and maintenance of fuels and other flammable materials; • notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and • appropriate bush fire emergency management planning. 	<p>To provide for development in accordance with <i>Planning for Bushfire Protection 2019</i>.</p>
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PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

CONDITION	REASON
<p>Occupation Certificate</p> <p>31. No occupation of the site is to occur until such time as an Occupation Certificate has been issued by the Principal Certifying Authority.</p>	<p>Statutory Requirement</p>
<p>Outdoor Lighting</p> <p>32. All lighting must be in accordance with the requirements of 'Development on land 18 kilometres or more from the observatory' under Clause 5.14 Siding</p>	<p>To comply with Clause 5.14 of the <i>Warrumbungle Local Environmental Plan 2013</i>.</p>

<p>Spring Observatory – Maintaining Dark Sky of the Warrumbungle Local Environmental Plan 2013.</p> <p>In particular, the development must not emit more than a total of 50,000 lumens.</p>	
<p>Electricity</p> <p>33. The development shall be connected to electricity supply by a licenced electrician, and in accordance with the relevant Australian Standards.</p> <p>The electricity is to be connected prior to the issue of an Occupation Certificate.</p> <p>Prior to the connection of the electrical services a certificate of compliance must be provided from a licensed electrician certifying that the electrical system complies with the relevant Australian Standard.</p>	<p>To ensure adequate servicing of the development</p>
<p>Stormwater</p> <p>34. Roof water and water from solar panels shall be directed away from the foundations using appropriate drainage systems, while ensuring it doesn't hinder the natural water flow of the surrounding area.</p> <p>Adequate site drainage should be maintained to reduce moisture changes of underground soil during wet season.</p>	<p>To ensure that disposal of water does not adversely affect buildings or property.</p>
<p>Removal of waste upon completion</p> <p>35. Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.</p>	<p>To ensure waste material is appropriately disposed or satisfactorily stored</p>

PART F – ONGOING

CONDITION	REASON
<p>Maintenance of the Site</p> <p>36. For the life of the development, the solar panels, security fencing, surrounding grassed areas and all existing and planted vegetation on the site shall be appropriately managed and maintained to minimise bush fire risk, maintain site security and ensure the site and the development is well maintained.</p> <p>Construction erosion and sediment controls are to be maintained until site stabilisation is achieved as per the requirements of <i>Soils and Construction, Vol 1, 4th Ed, March 2004, Landcom</i>.</p>	<p>To ensure the site and development is maintained in an appropriate manner.</p>

<p><i>For the life of the development, erosion control and sediment generations is to be monitored and managed to comply with the requirements of Chapter 5 of the NSW POEO Act.</i></p>	
<p>Car Parking 37. A minimum of 2 car parking spaces are to be provided near the control room, with at least one of these spaces being designed as a disabled parking space with appropriate signage.</p>	<p>To ensure adequate parking is provided for persons visiting the site</p>
<p>Decommissioning 38. The project shall be decommissioned at the end of the approved timeframe. A separate development application shall be submitted to Council for approval for the demolition and decommissioning of the development.</p> <p>As part of decommissioning the project, all the following shall be completed by the consent holder:</p> <ol style="list-style-type: none"> Remove all structures to ground surface level, and transport all components offsite to approved waste disposal, processing or reuse sites. Remove all private structures and services that cross or traverse along or encroach into WSC-managed public dedicated road reserves, including all subsurface cables and plant (but pits and conduits may be retained with Council approval). Extinguish any easements (if applicable) which burden public land or dedicated roads in favour of the project. Reinstate and make good public land after removal of structures to no worse than its pre-development condition. Repair all defects in public land or infrastructure that arose from the decommissioning activities, within 24 months of completion and prior to refund of bond securities held by Council. 	<p>To ensure the decommissioning of the development is undertaken in accordance with a valid development consent.</p>

ADVICE

Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

Bushfire Information

Information on Bushfire hazard reduction and requirements of Asset Protection Zones can be obtained from the NSW Rural fire service website www.rfs.nsw.gov.au

Inspections

If any of the following inspections are required a minimum of 48 hours notice must be given if Council is chosen as the Principal Certifying Authority:

- Pier holes, pads or bulk piers before concrete is poured.
- Steelwork in place for reinforced slab or footings.

- c. Wet area water-proofing
- d. Framework at “lockup” stage. (Roof may be loaded, gutters and downpipes in place, veneer tied off to frame, plumbing installed and electrical wiring installed.)
- e. Stormwater connections
- f. Final at occupation stage – all conditions of consent and building aspects complete

Outdoor Lighting – Dark Sky Planning Guideline

This document contains information to assist the assessment of development and promote best practice outdoor lighting to protect the observing conditions in the Dark Sky Region for the Siding Spring Observatory. To view an electronic version in PDF format, visit

www.planning.nsw.gov.au

Disposal of Waste

No construction waste will be accepted at Warrumbungle Shire Council Waste facilities. The Waste Management Plan is to include the location which all waste will be transported to.