

JOINT REGIONAL PLANNING PANEL (Northern Region)

JRPP No	2015NTH020
DA Number	2015/062
Local Government Area	Gunnedah Shire Council
Proposed Development	Subdivision of 9 lots into 24 Lots, Construction of Electrical Generating Works (Solar Energy System) and 272 Lot Community Title Subdivision of Solar System
Street Address	131 Quia Road, Gunnedah Lot 333, 334, 336, 337, 338, 339 DP 755503, Lot 1 DP 111136 & Lot 1 & 2 DP 120946,
Applicant/Owner	Applicant: Ironbark Energy Land Owner: North West Projects (NSW) Pty Ltd
Number of Submissions	(2) Two submissions
Regional Development Criteria (Schedule 4A of the Act)	Clause 6 – Private Infrastructure and Community Facilities over \$5 million
List of All Relevant s79C(1)(a) Matters	• Environmental Planning & Assessment Regulation 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy (Infrastructure) 2007 • Gunnedah Local Environmental Plan 2012 • Gunnedah Development Control Plan 2012 • Gunnedah Shire Council Engineering Guidelines for Subdivisions & Developments V2.0
List all documents submitted with this report for the panel's consideration	Development Application Assessment Report Draft Conditions of Consent Submissions
Recommendation	Approval subject to Conditions
Report by	Wade Hudson (Town Planner)
Report date	9-10 December 2015

1. Executive Summary

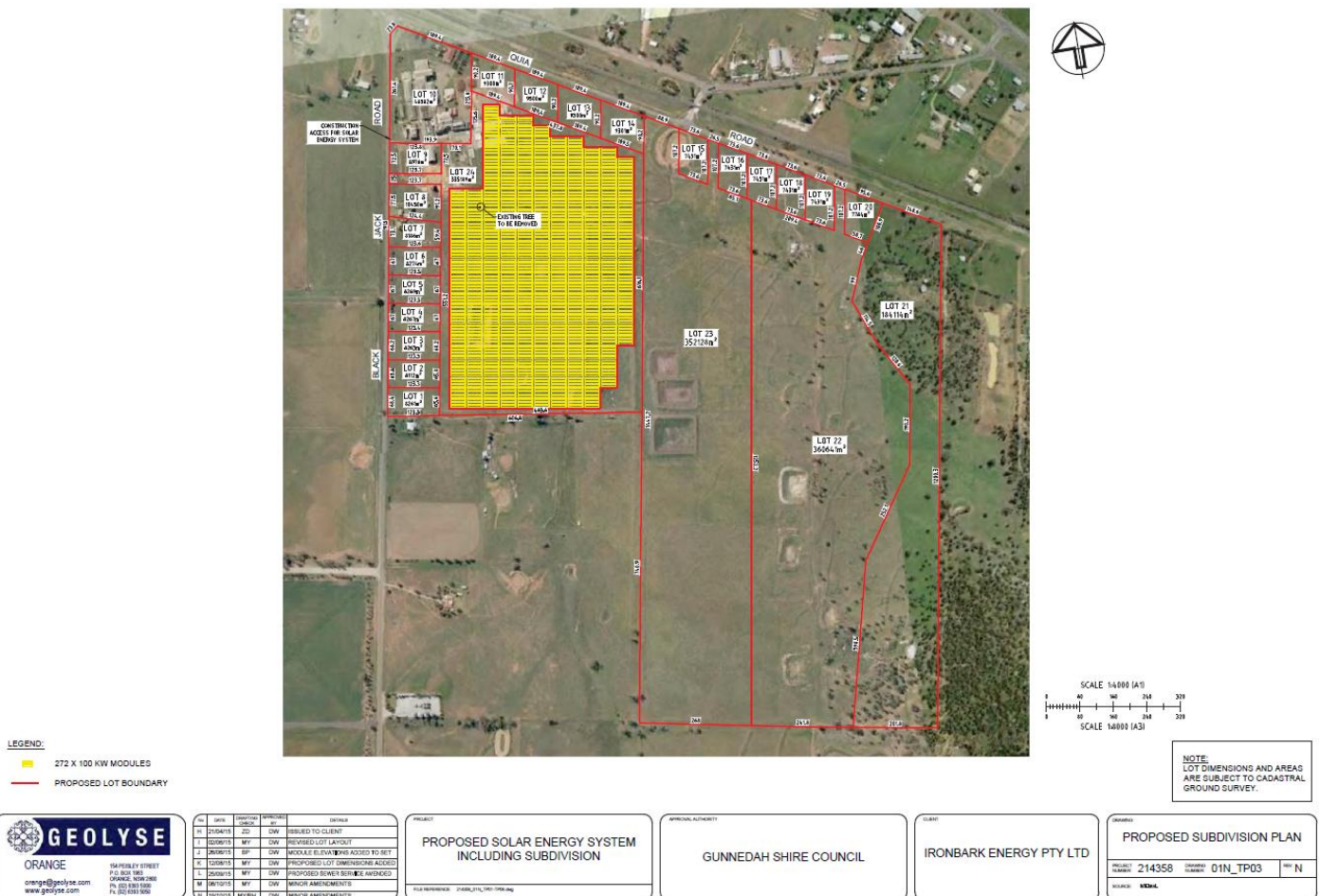
1.1 Reason for Consideration by Joint Regional Panel

The Development Application has been referred to the Joint Regional Planning Panel (JRPP) for determination pursuant to *Clause 6, Schedule 4A*, of the *Environmental Planning and Assessment Act 1979*, as the development is private infrastructure works with a capital investment of more than \$5 million.

1.2 Brief Description of Proposed Development

The development application is seeking consent for:

- the construction of a 27 MW solar energy generation facility;
- the consolidation of the existing 9 lots and subdivision (torrens title) into 24 lots, including installation and construction of relevant services;
- 272 lot subdivision (community title) within lot 24, with each title being created over a 100 kilowatt solar array;
- construction of an electrical substation and adjoining storage shed within proposed Lot 9;
- rehabilitation of solar electrical generation facility, including surrender of community titles;



2. Evaluation of Development Application

2.1 Proposed Development

- Construction of a 27 MW solar energy generation facility, with an operation life of 25 years;
- Consolidation of the existing 9 lots and subdivision (torrens title) into 24 lots, including installation and construction of relevant services;
- 272 lot subdivision (community title) within lot 24, with each title being created over a 100 kilowatt solar array;
- Construction of an electrical substation and adjoining storage shed within proposed lot 9; &
- Rehabilitation of solar electrical generation facility at end of 25 year operational life and removal of all above ground infrastructure, including removal of community title lots;

2.2 Site Description

The development site currently contains nine (9) separate allotments, being lots Lot 333, 334, 336, 337, 338, 339 DP 755503, Lot 1 DP 111136 & Lot 1 & 2 DP 120946. The site has a total area of 141 hectares over the nine lots. The site is has frontage to Blackjack, Quia and Ross Roads.

The site was used for the purposes of an abattoir that has since ceased operations. The buildings have been partly demolished and subjected to fire. Two of the three dwellings on site are in disrepair and are no longer being utilised as residences. The third dwelling is habitable and currently being utilised as a dwelling house.

2.3 Background

The previous use as an abattoir incorporated holding pens, onsite water retention and settling ponds. Development Approval No. 374181 granted consent for the subdivision of the site into 90 industrial lots over 9 stages and installation of all relevant infrastructure and roads. The development has been physically commenced and the development consent is currently active over the site. This development consent should be surrendered prior to the commencement of any works for the development.

2.4 Environmental Planning & Assessment Act 1979 (EPAA)

Evaluation of the development application was undertaken in compliance with Section 79C of the EPAA.

S79C(1)(a)(i) any environmental planning instrument

State Environmental Planning Policies (SEPP)

- *State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)*
SEPP44 is applicable to the proposed development as the development site is located within the Gunnedah local government area (identified within Schedule 1) and the development site has an area of greater than 1 hectare.

An assessment was undertaken of the site, identifying the existing tree species on the site. The site was identified as containing a population of *Eucalyptus Albens* (White Box) which are listed in Schedule 2 of SEPP44 as a Koala Feed Tree. The report identifies a total of 17ha of the development site as containing vegetation or tree cover. The White Box tree species make up a total of 14% of the identified tree species within the site. In accordance with the definition of 'potential Koala habitat', the site cannot be regarded as potential Koala Habitat, as the White Box trees do not constitute at least 15% of the total number of trees in the upper and lower strata of the tree component.

- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*
The development will result in a change of land use with the proposed usage as an electrical generating works and subdivision to create additional lots for future development. The existing buildings on the site have been identified as containing asbestos. Parts of these buildings have also been subject to fire. Land use as an abattoir items listed within the Table 1 (as shown in EPA - Managing Land Contamination, 1998) and require assessment to potential land contamination.

Submitted reports prepared by Environ, July 2007 identified that there are various levels of contamination on the site from the previous land use operations. Testing for this report identified potential levels of contamination within the soil surrounding the boiler room, settling ponds, waste disposal and surface areas surrounding existing buildings.

The report has identified that the levels of asbestos contamination on the site is not an occurrence from asbestos dispersing from the derelict buildings of the abattoir site. Studies have concluded that asbestos from train breaks from the adjoining rail lines is the suspected cause for any asbestos within site soils. This report recommends that a Remediation Action Plan (RAP) be prepared prior to the issue of any construction certificate.

It is recommended that a further detailed assessment of contamination of the site will be submitted to Council and approved prior to the issue of a construction certificate. This report should include the preparation of a RAP that is to include remediation measures which are consistent with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* guidelines for industrial land uses.

- *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*
Clause 34 of the SEPP Infrastructure, permits development for the purposes of solar generation works to be undertaken within land zoned IN1 General Industrial with development consent.

The proposed solar energy generation facility is consistent with this clause.

Regional Environmental Plans (REP)

There are no regional environmental plans that apply to the development site.

Gunnedah Local Environmental Plan 2012 (GLEP)

- *Clause 4.1 Minimum Subdivision Lot Size*
The eastern side of the development site, which is zoned E3 Environmental Management is subject to a minimum lot size of 40ha. The boundary of proposed Lot 21 (which is located in the E3 zone) will align with the lot size boundary and will have a total area of 1.84114ha. Proposed Lot 21 will have an area of less than the minimum lot size requirement for the E3 zone. As the site has two minimum lot sizes, the proposed subdivision along the boundary is considered to comply with this clause as it meets the minimum lot size for the remaining land.

The remainder of the site does not have a minimum lot size, with the proposed lots ranging in size from 7,431m² to 360,641m². The proposed lot sizes are expected to be suitable to ensure adequate area for future industrial development.
- *Clause 4.4 Floor Space Ratio*
The Floor Space Ratio (FSR) map for the site is 0.6:1. Taking into consideration the existing former abattoir building (located within Lots 7-11 and 24) and occupied dwelling and outbuildings (located within Lot 22), the proposed development will comply with FSR of 0.6.
- *Clause 4.5 Calculation of Floor Space Ratio and Site Area*
FSR for the development proposal has been calculated in accordance with this clause. The solar generating works is to be located wholly within proposed lot 24 and will have a floor space ratio of 0.52:1. The adjoining proposed Lot 9 will contain an electrical substation and will result in a FSR on this allotment of 0.28:1. Proposed Lot 10 will contain the majority of the existing abattoir buildings at the completion and registration of the subdivision. On the creation of Lot 10, the abattoir buildings will result in a floor space ratio of 0.45:1, being less than the maximum FSR. Hence, the proposed development complies with the floor spaces ratio set for the development site.
- *Clause 5.9 Preservation Trees or Vegetation*
This Clause does not apply to the proposed development as Council's Development Control Plan does not list any prescribed tree or vegetation species for the purposes of this clause.

- **Clause 5.9AA Trees or Vegetation not prescribed by Development Control Plan**
Under the provisions of Clause 5.9, the proposed removal of one tree from within the boundaries of proposed Lot 24 to allow for the installation of the solar panels does not require development approval.
- **Clause 6.5 Essential Services**
The submitted Servicing Strategy outlines the provision of all relevant services to the development site. There are currently water services located within the road reserves of Blackjack, Quia and Ross Roads. Individual connections are to be provided to each new allotment. Council's water service has adequate capacity to service the proposed development.

The existing 33kVA above ground electrical services located within the road reserve along Blackjack Road will service the electrical connection from the proposed substation. Where existing electrical services are not currently provided, new underground electrical services will be required and individual connections are to be provided for each allotment created from the subdivision.

Council's sewer main is able to be extended from Mathias Road to provide adequate serving of sewer to each lot. The developer will also be responsible for the construction of a sewer pump station. Council's Sewerage Treatment Facility has adequate capacity for the expected increase in effluent disposal.

A Stormwater Management Plan notes that there is suitable capacity within the current network to dispose of any additional stormwater being discharged from the site as a consequence of the development. Kerb and guttering is to be installed as part of the stormwater management for the proposed development.

Each of the proposed lots will have adequate frontage to a dedicated constructed public road. Proposed Lots 22, 23 & 24 are battle-axe shaped allotments and will be serviced by access handles with a minimum width of 25 metres to ensure adequate road access is provided.

S79C(1)(a)(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

A draft Local Environmental Plan has been placed on public exhibition. The draft plan proposes to rezone of land surrounding Curlewis, apply a 10ha minimum lot size to the proposed RU4 Primary Production Small Lot zone, and no minimum lot size to the proposed SP2 Infrastructure, and RE1 Public Recreation zoned land, amend the dwelling opportunity maps contained in the Gunnedah Local Environmental Plan (LEP) 2012. The draft document applies to land surrounding the village of Curlewis and is not applicable to the allotments identified with this development proposal.

S79C(1)(a)(iii) any development control plan

Gunnedah Development Control Plan 2012

- 1. Introduction
 - **Clause 1.8 – Consultation**
The development application was notified to adjoining land holders for a period of 14 days and placed on public exhibition. Council received two (2) submissions. Matters raised within the submissions are to be addressed further through this report.
- 4. Industrial
 - **Clause 4.1 – Building Setbacks**
The proposed electrical substation is to be located to the rear of proposed Lot 9. The substation setbacks are to be compliant with the Building Code of Australia. The substation shall also be situated to ensure that it is not constructed over any current or resulting easement.

Lot boundaries are to be created to ensure that any existing building will be situated adequate distance from any created lot boundary, as to comply with the Building Code of Australia in regards to fire separation.

- *Clause 4.2 – Design*

The development will not include the construction of any industrial tenancies. Landscaping is to be conducted along the frontage of proposed lot 9. Details of landscaping are addressed under Clause 4.6 – Landscaping.

- *Clause 4.3 – Utilities*

The site is able to be serviced by Council's water, sewer and stormwater services as discussed previously in this report.

- *Clause 4.4 – Traffic and Access*

The development will require the construction of kerb and guttering along all frontages of the site adjacent to Blackjack Road, Quia Road and Ross Road. New vehicle accesses are to be constructed along lot boundaries to lots 9, 22 and 24, due to existing and proposed development being located onsite, requiring vehicle access. Accesses are to include laybacks constructed into new kerb and guttering and concrete footpath crossovers.

- *Clause 4.5 – Parking*

The RTA Guide to Traffic Generating Development does not identify electrical generation works as having a specific parking calculation. The development has indicated that there will be one employee opportunity created as part of the solar generating works. Hence, the provision of one parking space within the boundaries of proposed Lot 9 would be required.

- *Clause 4.6 – Landscaping*

A landscaping plan has been submitted indicating landscaping around the perimeter of proposed Lot 24 to reduce any potential visual impact on the surrounding amenity. The landscaping is to be planted within the first 6 metres of the lot setbacks. The development will also require landscaping to be conducted within the first 3 metres as a minimum of proposed Lot 9.

- *Clause 4.7 – Fencing*

The development proposes to construct boundary fences along the exterior boundary of proposed Lot 24.

The proposed fencing is not of a decorative nature within the front setback for visual amenity, as required by the DCP. A condition is proposed that requires a detailed plan of proposed fencing to be provided for Council for approval prior to the issue of a Construction Certificate. The application does not propose any security fencing for the remaining lots.

- *Clause 4.9 – Outdoor Lighting*

No outdoor lighting is proposed as part of the subject development.

- *Clause 4.11 – Noise*

The solar arrays are proposed to be static only and as a result will not generate any mechanical noise. A low level of noise is expected to generate from the electrical substation on proposed Lot 9. The noise levels are anticipated to be less than the levels identified in the EPA's Industrial Noise Policy, having minimal impact on any adjoining resident.

Construction of the development will generate noise levels. However, these noise levels are proposed to be restricted to standard construction hours only.

➤ 5. Subdivision

- *Clause 5.1 – Lot Size*

As identified within the LEP assessment, Clause 4.1, there is no minimum lot size for the industrial allotments.

- *Clause 5.2 – Service Strategy*

The development application included the provision of a servicing strategy that outlined provision of services. The provision of servicing is discussed further in this report.

- *Clause 5.3 – Sewer*

The development will require the construction of a new sewer main from Council's current sewer main located in Mathias Road to ensure that sewer services can be provided to each lot. A sewer pump station on the intersection of Quia and Ross Roads and a rising main to pump is required as part of the extension of the new sewer network to the site.

Council's Development Servicing Plan – Sewerage enables Council to require a monetary contribution for the provision of sewerage infrastructure. A condition is proposed for the payment of the monetary contribution prior to the issue of a construction certificate.

- *Clause 5.4 – Water*

Council's water service is located within the public road reserves along each frontage of the development site. These mains have adequate capacity to adequately service the proposed development. New connections are to be provided to each allotment from current water mains.

Council's Development Servicing Plan – Water Supply enables Council to require a monetary contribution for the provision of water supply infrastructure. A condition is proposed for the payment of the monetary contribution prior to the issue of a construction certificate.

- *Clause 5.5 – Stormwater Drainage*

A Stormwater Management Plan has been submitted with the development servicing plan. It is considered that the proposed stormwater plan is adequate, with run-off levels from the development to be less than the pre-developed flows. New inter-allotment drainage lines are to be installed along the rear of Lots 1-10 to ensure that adequate stormwater drainage is provided for future development.

- *Clause 5.6 – Telecommunications*

Telecommunication services are existing within the locality. A condition of consent is proposed to ensure that these services are provided to lot.

- *Clause 5.7 – Electricity*

A new underground service is to be provided to each lot. Current overhead services are to be retained with proposed connections from the new substation to connect to the 33kva line transecting the site. Demonstration the service capacity of the electrical network is to be provided prior to issue of a construction certificate.

- *Clause 5.8 – Battle-axe Shaped Lots*

Lots 22, 23 and 24 are proposed battle-axe shaped allotments. Each of these lots are to have a minimum access handle width of at least 25 metres, which is of adequate width to cater for any future development and road construction.

- *Clause 5.9 – Industrial Lots*

Lots will have a site area between 7,431m² and 360,641m². With the exception of the battle-axe allotments, the smallest lot frontage will be 65.8m along the primary road frontage. Adequate frontage has been provided.

- *Clause 5.10 – Road Network Design*

A traffic impact assessment was prepared and submitted with the development application. It was determined by Council's Infrastructure Services, that the expected level of traffic generation and the current road networks and surrounding intersections are adequate for the proposed development and potential traffic generation. The development will not include the construction of any new public roads.

- *Clause 5.14 – Site Access*

Each lot will have adequate frontage to a dedicated public road.

- *Clause 5.17 – Vegetation*
The development proposes to remove one tree, with all other vegetation remaining on site.
- *Clause 5.18 – Garbage Collection*
The development site is able to be serviced by Council's kerb side collection service.
- *Clause 5.19 – Community Title Subdivision*
Each proposed lot in the community title subdivision will have an area of 1,000m² and will contain one 100kw solar module. The common areas will include the entry access handle to the land and the remaining area surrounding the solar array modules.

It is highlighted that on the conclusion of the 25 year operational life of the solar development, the lots proposed under community title will become one lot, enabling future industrial land use.
- *Clause 5.20 – Contamination*
Consideration has been made to the potential for contamination on the site previously in this report.
- *Clause 5.21 – Road Widths*
The development does not involve the construction of any new roads.
- *Clause 6.6.2 – Erosion and Sediment Controls*
Sediment and erosion controls are to be implemented prior to any development works being undertaken to ensure that there is limited impact on erosion of the site. Lot 24 is identified as being provided with ground cover in the form of grass in an effort to reduce the potential erosion of the site from rainfall dripping from the sides of solar panels and creating localised scaring of the ground surface.

S79C(1)(a)(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under section 93F of the Act.

S79C(1)(a)(iv) the regulations

Joint Regional Planning Panels Order 2009

Gunnedah Shire Council is identified as being located within the Northern Region Joint Planning Panel.

Environmental Planning & Assessment Regulations 2000

The development is not identified as Designated Development under the provisions of Schedule 3, See Part 1.3 of this report.

S79C(1)(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

There are no matters applicable to this application.

S79C(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality

- *Context & setting*
The development site contains several partly demolished buildings that were previously utilised for the operation of the Gunnedah abattoir, including offices, two derelict dwellings and an existing dwelling that is currently being utilised as a residential dwelling.

The site is located to the west of the Gunnedah business area. The immediate surrounding land are currently being utilised for agricultural purposes. Some of these

properties contain dwelling houses and associated buildings. Existing industrial development is located on the other side of the rail corridor and along the northern side of Quia and Ross Roads. Heavy industrial land uses are located to the west of the site along Quia Road.

Solar arrays are static with set angles and will not follow the sun on tracking modules this will limit the reflection off solar modules. It has been identified that the development will produce levels of glint and glare from the solar arrays, without the consideration for barriers and landscape features. Landscaping, tree planting is to be conducted around the solar arrays within the lot, to reduce the visual amenity and potential for glare hazards for motorists and occupants within the surrounding area. Studies have indicated that there will be little impact on aircraft. Results and mitigation measures have concluded that the development will not create any risks to safety from glint or glare to motorists, residence or air traffic.

- *Access, transport and traffic*

The site has frontages to Ross, Quia and Blackjack Roads, with each lot created by the torrens title subdivision being provided with an access to one of these dedicated public roads. The development has been identified to create an increase in traffic generation within the immediate and surrounding road networks, which has been used previously in this report.

- *Public domain*

The development does not propose to include any public reserves.

A contribution has been imposed under the Gunnedah Shire Council Section 94A Contribution Plan, January 2013.

- *Utilities*

The provision of adequately sized utilities is discussed previously in this report.

- *Heritage*

There are no identified items of heritage significance on the development site or surrounding land.

Copies of Aboriginal Heritage Information Management System (AHIMS) searches for each of the development allotments were included in the submitted application. None of the supplied AHIMS searches identified any known items of aboriginal heritage.

Any items of potential Aboriginal or European heritage that are uncovered during construction works or any demolition works undertaken as part of the development will require the cease of operations and the Office of Environment and Heritage are to be contacted.

- *Other land resources*

The development site is not identified as productive agricultural land. The land is predominantly grazing land, with an area of vegetation and partly demolished buildings. There are no identified mineral and extractive resources on the site or water supply catchments.

- *Water*

Council's water service is currently located in Quia and Blackjack Roads and is able to cater for the expected increase in water demand as a result of the development. A single service connection is to be made to each allotment. The connection is to be provided within the lot boundaries and is to be made to Council's standards as per Council's Engineering Guidelines for Subdivision and Development, 2013.

- *Soils*

Submitted information has identified that the site has no history or evidence of saline soils. Soils are predominantly open plain with large amounts of ground grass cover. There is no current instability on the site with little observable erosion. The site has no history of ground subsidence. Suitable sediment and erosion controls are to be

implemented during development works. All erosion controls are to be retained for the duration of all works.

- *Air and microclimate*

The proposed development is considered to have minimal impact on the existing microclimate in the area. The proposed land use for the solar development will not result in any dust emissions from the site.

The internal driveway for proposed Lot 24 access handle will require a hard-sealed surface from the property boundary to the end of the access handle, to ensure that traffic movements do not create dust nuisance for adjoining tenancies upon development. All internal access driveways are to be of a hard-sealed surface and regularly maintained.

- *Flora and fauna*

The development proposes the removal of one tree from the site. This tree is located within the proposed Lot 24 and would be situated amongst the solar arrays. The removal of this tree will ensure that there is no potential damage to solar arrays or shading from the tree. The tree is solitary. A landscaping plan has been included for the planting of trees around the perimeter of proposed Lot 24 to reduce any potential visual impacts.

All other vegetation within the lot boundaries will be retained. The eastern portion of the site and adjoining allotments to the east contain large amounts of vegetation and are home to a small identified Koala population. The developer has included koala assessment report that includes proposed significant tree planting and monitoring of koala to enhance natural habitats onsite.

The Koala assessment has indicated that there are levels of weeds and pest within the highly vegetated area to the eastern side of the site. It has been indicated that as part of the Koala assessment levels of weed and pest eradication would be undertaken and maintained on proposed Lot 22. Weed control is to be undertaken on proposed Lot 24 and 9 and is to be maintained for the life of the development.

- *Waste*

Waste generated during construction is to be maintained onsite and shall be disposed of to Council's land fill. No general waste is to be disposed of onsite. Surrounding road networks are of suitable size and construction to allow for waste collection vehicles to gain access to each of the allotments.

- *Energy*

The development will require the provision of electrical services to each lot. Where existing services are not present new underground electrical services are to be installed. The development to occur on Lot 24 will construct solar arrays for electrical power generation as a renewable energy source.

- *Noise & vibration*

The development will not result in any noise and vibration with the exception of the construction and decommissioning phases. Council's standard hours of operation will be imposed during all works. Solar arrays are to be static only and will result in no mechanical noise generation from gearing or tracking systems.

- *Natural hazards*

The site is not identified as being bushfire prone or flood prone land.

- *Technological hazards*

There are no identified technological hazards to people, property or the biophysical environment as a result of the proposed development.

- *Safety, security & crime prevention*

The development will not result in any decrease in safety, security and prevention of crime in the area. The development will not include any surveillance of the property. Staff movements will be minimal and will act as natural surveillance of the site. Development plans have indicated that the entirety of the site will have a security fence constructed

around the perimeter of the site. Site access gate will be locked and kept closed unless the site is accessed by designated staff.

- *Social & Economic impact in the locality*
The development will have little social impact on the surrounding area. The development site has previously been utilised for an industrial use. The proposed land use and future industrial development will be within the character of the surrounding land use.
- *Site design and internal design*
Lot layout has been designed to ensure that each lot has frontage to a public road. Residual Lots, 22, 23 and 24 have all been created with an access handle that is able to cater for future development. The topography of the site will ensure that the site has suitable solar access for the development.

Due to the position of the solar arrays over lot boundaries, the subdivision of the land (ie. creation of Lot 9) is to be undertaken prior to the commencement of any works associated with the electrical generating works (solar arrays systems) occurring. This will ensure that there is no development occurring across lot boundaries.

- *Construction*
Any construction works is to be compliant with the Building Code of Australia. A Construction Environmental Management Plan is to be provided to Council and approved prior to any works being undertaken.
- *Cumulative impacts*
The proposed development is considered to have minimal cumulative impacts.

S79C(1)(c) *the suitability of the site for the development*

The adjoining land uses will not inhibit the ability for the proposed development to be undertaken. Surrounding road networks are adequate for the proposed development works. Water services have adequate capacity to service the development. The development will require provision of new sewer services.

The site is not subject to any recorded natural hazards and is not regarded as containing items of heritage significance. Maintenance of Koala populations and habitat onsite will not restrict the ability for the proposed development to occur and the development will no prejudice the future use of the site for mineral and extractive resources. The site is considered to be suitable for the development.

S79C(1)(d) *any submissions made in accordance with this Act or the regulations*

Council received two (2) submissions during the submission period. The submissions noted the following issues:

- *Impact of site filling and the development on stormwater*
A detailed stormwater management plan has been submitted. It is proposed to place fill on the site and create an 80m wide drainage channel and install earth banks over proposed Lots 23 and 24, to direct overland water to Quia Road. The stormwater management plan illustrates that stormwater discharge from the site will be less than the existing natural discharge from the site. A condition will be imposed on the development that requires no discharge of stormwater onto adjoining allotments.
- *Impacts on current provision of Electrical Services*
The development will not impact on the provision of services to the adjoining allotments. New underground services are to be provided throughout the subdivision with individual services being provided to each lot. Current services are to be retained with proposed connections from the new substation to connect to the 33kva line transecting the site. The developer will be required to demonstrate that electrical services of adequate capacity can be supplied to the site, prior to the issue of a construction certificate.
- *Proposed Measures along boundaries*

The proposed substation is approximately 430 metres from the closest adjoining residence. The developer has proposed to undertake landscaping between the solar panel development and all adjoining allotments. Planting is to be undertaken prior to works commence to ensure early establishment. All landscaping is to be maintained for the life of the development.

- **Infrastructure service investment and calculation of Development Service Contributions**
It is acknowledged that Council has undertaken significant investigation and some preliminary works to establish the development site and surrounding land for future industrial development. However, the proposed solar energy generation facility will only utilise 4.48% of the total site area. Taking into consideration the land located within the E3 Environmental Management zone and the solar energy generation facility, 82.5% of the site is available for industrial development. Consequently, Council is able to levy for a monetary contribution towards infrastructure provision for the majority of the site. In addition, the solar energy generation facility has an operating life of 25 years, with the land proposed to be reverted back to industrial land after this period.
- **Potential impacts on the health and wellbeing of future occupants of the proposed industrial lots in regards to the existence of the former Abattoir Site**
The development will require a detailed contamination report to be supplied to Council prior to the issue of a construction certificate. The report is to include a Remediation Assessment Plan to Council for approval. The RAP is to ensure that all required remediation works to ensure site safety are undertaken prior to the release of a Subdivision Certificate.
- **Objection to deferment of demolition works**
Council cannot require that demolition of the derelict building be undertaken as part of development works. Any potential contamination is to be removed prior during the development. The required detailed contamination assessment report is to include remediation plans that will decontaminate and contamination to a safe level identified by EPAs contamination guidelines.
- **Use of large portion of Council's Industrial zoned land.**
As noted previously, the solar energy generation facility will occupy only 4.48% of the development site, with 82.5% of the site available for industrial development.

In addition, the proposed electricity generating works will have a limited life span of 25 years. Upon completion of the decommissioning of the site, Lot 24 will be able to be redevelopment for an industrial usage.

S79C(1)(e) the public interest

The development application was placed on public exhibition for a period of 14 days. Matters raised in the submissions have been assessed throughout this report. The public interest has been considered and conditions of consent have been recommended, where appropriate. As a consequence the approval of the development application is not considered to be contrary to public interest.

3. Conclusion

The development application is seeking approval for the subdivision of the existing nine (9) lots into twenty four (24) lots, construction of 27 megawatt (MW) electrical generation works in the form of 272 solar arrays and community title subdivision of each individual solar array creating 272 community title subdivisions on proposed lot 24. Electrical generation works is to occur for a period of 25 years from the commencement of generation works and is to include decommissioning of solar arrays and all associated infrastructure upon completion of generation works.

The application has been assessed pursuant to the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000*. The evaluation of the application has demonstrated that the proposed development is satisfactory in terms of the matters for consideration as identified by the legislation.

It is recommended that, in relation to Development Application No. 2015/062 for the 24 lot Torrens Title subdivision, 272 Community Title subdivision and construction of a 272 array, 27MW electrical generation development, at lots 333, 334, 336, 337, 338, 339 DP 755503, Lot 1 DP 111136 & Lot 1 & 2 DP 120946, 131 Quia Road, be approved subject to the listed conditions of consent identified within Annexure 2.

Annexure 2 Draft Conditions of Consent

A. That development consent be granted subject to the following conditions:

A1. The proposed development shall be carried out generally in accordance with the details set out in the following:

- Development Application form lodged 06 July 2015
- Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015; and
- Submitted plans:
 - Prepared by Geolyse Pty Ltd, dated 19/10/2015, Ref: 214358, Drawing Nos. 01N_TP01, Rev. N (Title Sheet, Drawing List, and Site Locality), 01N_TP02, Rev N (Existing Lot Layout), 01N_TP03, Rev. N (Proposed Subdivision Plan), 01N_TP04, Rev N (Proposed Solar Module and Lot Layout), 01N_TP05, Rev N (Proposed Servicing Strategy Plan), 01N_TP06, Rev N (Proposed Fencing Plan), 01N_TP07, Rev N (Proposed Landscaping Plan), 01N_TP08, Rev N (Proposed Elevation of Typical Module), & dated 26/06/2015, Drawing No. 01J_TP03, Rev J (Proposed Lot & Module Layout);
- Supporting Documentation:
 - Preliminary Contamination Report, prepared by Environ, dated: July 2007, ref: 32-0073; & Addendum 1, dated 14 October 2015;
 - Stormwater Management Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358_REO_002A.docx
 - Koala Management Plan, prepared by David C. Paull, dated 20 October 2015;
 - Traffic Assessment Report, prepared by TPK & Associates Pty Ltd, dated August 2008;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

A2. To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:

- Construction of a maximum 272 solar array modules. Each module is to consist of:
 - A maximum of 330 Photovoltaic (PV) solar panels, each generating 300W;
 - Micro inverter, to convert DC current from PV modules to AC;
 - Aboveground and underground electrical conduits and cabling;
- Subdivision of 9 lots into 24 lots;
- Subdivision of proposed Lot 24 to create 272 Community internal access driveway, all internal access tracks and areas surrounding each community title lot.
- Generation of a no more than 27 megawatt (MW);
- Construction of boundary fence for proposed Lots 24 and 9;
- Operational life of electrical generating works of no longer than 25 years from the commencement of electrical generating operation;
- Decommissioning of all solar arrays, above and below ground infrastructure and electrical substation and any other structures or infrastructure relating to solar generation works, upon cease of operational life of solar generation works in accordance with within the Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015; and
- Surrender Community Title upon cease of operational life of solar generation works

Note. The developer is required to advise Council of the commencement date of operation of the electrical generation works approved under this consent. Council will then provide written confirmation of the lapsing date for electrical generation works under this development consent.

Reason: To ensure compliance with application and plans.

A3. To confirm and clarify the terms of approval, proposed Lot 21 is not to be dedicated to Council. The developer is responsible for the undertaking of all monitoring of Koala Habitat and Population growth in accordance with the submitted Koala Management Plan.

Reason: To clarify terms of previous development approval.

B. Prescribed conditions of development consent

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

C. Prior to the issue of a Construction Certificate – Subdivision Works

- C1.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed subdivision shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with application and plans.

- C2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- C3.** Prior to the issue of a Construction Certificate for any subdivision works, a detailed Site Contamination Assessment is to be submitted to and approved by Council. The detailed site contamination assessment is to include a Remediation Assessment Plan (RAP) which identifies all potential site contamination.

All results must determine levels of contamination against the *National Environment Protection (Assessment of Site Contamination) Measure 1999* for industrial/commercial land use types.

The submitted RAP shall investigate what site locations require remediation to ensure public safety and the proposed method as to which remediation is to occur. All contaminated sites shall be remediated to a level that is compliant with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* for industrial/commercial land use types.

Reason: To ensure potential contamination is identified and appropriate remediation measures are conducted.

- C4.** The existing abattoir buildings, and all associated services on Lot 1 DP 1111136 & Lot 339 DP 755503 are to be located wholly within the boundaries of proposed Lot 10 and comply with the fire separation provisions of the Building Code of Australia. An identification survey is to be provided to Council prior to the issue of a Construction Certificate for subdivision works. The identification survey shall identify the location of all buildings and structures associated within the abattoir site within on Lot 1 DP 1111136 & Lot 339 DP 755503 and the setbacks from the resulting lot boundaries of proposed Lot 10.

Reason: To ensure the existing buildings are compliant with all development setbacks as listed within Building Code of Australia and Gunnedah Development Control Plan 2012.

Allotment Filling

- C5.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

- C6.** Material used as fill within the site must be free of contaminants. A report is to be submitted to Council prior to the issue of a Construction Certificate, providing details of fill including source of fill and potential contaminants within sourced soil.

Reason: To ensure sourced fill does not contain any potential contaminants.

- C7.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved by Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- C8.** A Compliance Certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$8,700 per each additional lot for Water headworks
- \$3,100 per each lot for Sewer headworks

The contributions for each stage shall be paid prior to the issue of a Construction Certificate.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2015/2016 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Development Services Plans.

D. Prior to the issue of a Construction Certificate – Solar Energy Generation Facility

- D1.** Prior to the issue of a Construction Certificate for the proposed Solar Energy Generation Facility all works associated with the subdivision are to be completed and the plan of subdivision is to be registered at the Land and Property Information (LPI) for registration.

Reason: To ensure proposed Lot 24 is created prior to solar energy generation facility being constructed.

- D2.** Prior to the issue of a Construction Certificate for the Solar Energy Generating Facility a Construction Environmental Management Plan is to be submitted to and approved by Council.

Reason: To ensure appropriate management plan is prepared and approved for implementation.

- D3.** Prior to the issue of a Construction Certificate, details of proposed fencing design and materials for the proposed to be located within the front boundary setback of proposed Lot 24 and 9, along the Blackjack Road frontage to the building setback of 10 metres are to be submitted to and approved by Council. The front boundary fence is to be of a decorative nature and must not incorporate any barbed wire within the construction.

Reason: To ensure compliance with Council's development controls.

- D4.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- D5.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is \$150,000.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

Reason: To make provision for public amenities and services within the community.

- D6.** Prior to the issue of a Construction Certificate for the Solar Energy Generation Facility, a detailed landscaping plan is to be submitted to and approved by Council for proposed Lot 9. Landscaping shall be located within the front 3 metres of the site along Blackjack Road.

Note: All landscaping shall comprise of low maintenance, drought and frost tolerant species.

Reason: To ensure that suitable landscaping and vegetation selection occurs onsite.

- D7.** Prior to the issuing of a Construction Certificate for Solar Energy Generation Facility, the Developer shall apply to Council for approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works
- (c) Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

E. Prior to Commencement of Works

Subdivision Works

- E1.** A Construction Certificate is to be obtained prior to commencement of any subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority must be the Council.

Reason: To ensure compliance with application and plans.

- E2.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

- E3.** Prior to work commencing any recommendations or requirements as set out in the Remediation Management Plan are to be undertaken.

Reason: To ensure remediation works are completed prior to any other works commencing.

- E4.** Prior to any works commencing relating to the subdivision of the development land the developer is to be formally relinquish the Development Consent No. 374181 relating to subdivision of the development site for which physical works have commenced.

Reason: To ensure any other subdivision consent is surrendered.

Solar Energy Generation Facility

- E5.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of any structures. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- E6.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

F. General

Road Works

- F1.** Kerb and guttering shall be constructed along the southern side of the development site on Quia and Ross Road and the eastern side of Blackjack Road for the entirety of the site frontage to

the southernmost point of proposed Lot 1. Kerb and guttering shall also be constructed for the intersection of Blackjack Road and Quia Road. Existing road formations are to be extended from the existing pavement to the kerb and guttering with full depth pavement in accordance with Austroads/RMS supplements. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure adequate road, kerb and guttering construction is undertaken.

Water Supply

- F2.** A single water supply service shall be provided to each lot by connecting to Council's existing water main located in Quia Road, Ross Road and Black Jack Road, as per development frontages. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs are adopted in the Council's 2015/2016 Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's requirements.

Sewer

- F3.** A single sewer service shall be provided to each lot. The new sewer services shall be provided by extending Council's sewer main from the existing sewer pump station located in the road reserve along Mathias Road and through the development site in accordance with submitted plans, prepared by Geolyse Pty Ltd, dated 19/10/2015, Ref: 214358, Drawing No. 01N_TP05, Rev N (Proposed Servicing Plan). A sewer pump station shall be constructed at the northern frontage of the development site within the road reserve of Quia Road, at the intersection of Quia Road and Ross Road.

A 375mm sewer main is to be constructed along the eastern boundary of Lots 1 to 9 and terminated with a sewer maintenance terminal shaft at the southernmost boundary of proposed Lot 1. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's requirements.

Stormwater Drainage

- F4.** Stormwater from the development site must not be concentrated onto adjoining land. Stormwater is to be discharged to Council's stormwater system in Quia Road and Ross Road, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 and submitted stormwater management plan prepared by Geolyse, dated 25 September 2015, Ref: 214358_REO_002A.docx.

Reason: To ensure compliance with Council's requirements.

- F5.** Inter-allotment stormwater drainage systems shall be constructed to provide adequate drainage facilities over Lots 1-10.

If the drainage system is designed so that drainage water is discharged through adjoining privately owned properties, then easements shall be provided on each lot in which the inter-allotment drainage system is located in favour of the lots/lands that benefit. All works are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013

Reason: To ensure compliance with Council's requirements Council's Engineering Guidelines for Subdivision and Development, 2013.

- F6.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained with a piped system. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Easements

- F7.** A three (3) metre wide easement in Council's favour shall be created over all water, stormwater and sewer mains located within lot boundaries.

Reason: To ensure compliance with Council's requirements.

- F8.** An 80 metre wide easement is to be created over the proposed stormwater drainage corridor as shown on plan prepared by Geolyse, dated 25/09/2015, ref: 214358, Sheet 02A (Concept Drainage Corridor Plan) in Council's favour.

Reason: To ensure an easement is placed over the proposed drainage corridor.

Electricity

- F9.** Where existing overhead power services are not present, new underground electricity is to be installed throughout the development site. Each lot shall be provided with a service in accordance with local electricity supply authority supply guidelines.

Reason: To ensure adequate provision of electrical services are provided.

Street Lighting

- F10.** The developer shall extend, supply and install street lighting for each stage along all street frontages, where required. All intersections shall be provided with street lighting. All works are to be undertaken in accordance with AS1158.

Reason: To ensure compliance with Council's requirements.

Allotment Filling

- F11.** All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

- F12.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council's requirements.

- F13.** All landscaping identified on the approved landscaping plan shall be implemented.

Reason: To ensure adequate landscaping along road frontage.

- F14.** Excavated material from the site is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line.

Reason: Implementation of Council policy.

Noise

- F15.** The development shall not generate noise, when measured over a 15 minute period ($L_{Aeq\ 15min}$), which exceeds the following noise levels at the most affected nearby residential receivers:
- 65dba, during daylight hours (7:00am - 6:00pm Monday to Saturday; or 8:00am to 6:00pm on Sundays and Public Holidays) ;
 - 55dba, during evening hours (6:00pm to 10:00pm);
 - 50dba, during night hours (10:00pm – 7:00am Monday to Saturday, and 10:00pm – 8:00am Sundays & Public Holidays),

Reason: To ensure compliance with the NSW EPA's Industrial Noise Policy.

- G16.** Operating noise emission levels from the electrical substation must comply with the EPA's NSW Industrial Noise Policy.

Reason: To ensure compliance.

- F17.** Before erection of any permanent structures such as fences, etc. adjacent to street boundaries, correct street levels must be ascertained from the Council's Infrastructure Services Section.

Reason: To ensure compliance efficient construction.

Access

- F18.** The developer shall construct the internal driveway from the western lot boundary along Blackjack Road for the full extent of the access handle. The internal driveway is to be constructed of either bitumen seal, asphaltic concrete, concrete, interlocking pavers or alternative dust-suppressant material approved by Council.

Reason: To prevent dust nuisance.

- F19.** The developer shall install a full width concrete kerb layback and concrete driveway crossing across the footpath to give access to Lots 9, 22 and 24. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To ensure access is maintained and to implement Council's policy

Traffic and Parking

- F20.** Prior to the issue of a Construction Certificate details of surfacing of all internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers must be provided to Council and approved. Parking areas must comply with AS 2890 – Parking Facilities.

Reason: To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.

- F21.** Onsite car parking accommodation shall be provided for a minimum of one (1) vehicle, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

Reason: To ensure compliance with Council's requirements.

- F22.** The onsite parking space is to be clearly signposted and marked to ensure that they are clearly identified. All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

Reason: To ensure onsite parking is clearly marked.

Outdoor Lighting

- F23.** Outdoor lighting is to comply with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Light.

Reason: To ensure compliance.

G. During Construction Works

- G1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

- G3.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- G10.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

Reason: To ensure compliance with Council's requirements.

- G5.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

- G6.** Prior to the back filling all mains, a visual inspection is to be undertaken by Council.

Reason: To ensure compliance.

- G7.** All back fill over sewer mains shall be a of 3-5 mm granular grit.

Reason: To ensure compliance.

- G8.** Vacuum or air testing is required to all mains as per Sewer Code of Australia WSA 02-2002 clause 22.4.2

Reason: To ensure compliance.

- G9.** A mirror inspection to gauge deflections of the sewer main is to be undertaken by Council after 14 days of the installation date on each section from manhole to manhole with full moon witnessed.

Reason: To ensure compliance.

- G11.** Removal of any known or suspected contaminated waste or soil is to be disposed of to a suitably licensed facility.

Reason: To ensure suitable disposal of contaminated waste.

- G12.** In the event that excavation or construction works uncovers an item of potential aboriginal or European heritage significance, operation works are to cease and the Office of Environment and Heritage are to be contacted.

Reason: To ensure that any item of heritage significance uncovered is suitably managed.

- G13. Toilet facilities**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Par 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

- G14.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday - 7.00am to 5.00pm;

Saturday - 8.00am to 1.00pm if audible on other residential premises,
otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

H. Prior to the issue of an Occupation Certificate

- H1.** Occupation of the building and operation of the solar energy generation facility is not to occur until all work has been completed the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

- H2.** Prior to the issue of an Occupation Certificate, a Rural Addressing number and post shall be applied for through Council and erected on Lots 9, 22 and 24.

Reason: To ensure compliance and to ensure the correct property identification.

I. Prior to the issue of a Subdivision Certificate

- 11.** An application for a Subdivision Certificate and payment of the subdivision fee applicable at the time, shall be lodged with Council.

Note: The application fee is adopted under the Council's 2015/2016 Operational Plan. Revised fees adopted in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure payment of application fee.

- 12.** One set of approved construction drawings shall be amended to show the "work-as-executed". WAE drawings shall identify the depth of all sewer junction/connections and the distance of each junction from the nearest downstream manhole. These drawings in both hard copy and electronic form shall be provided prior to issue of the subdivision certificate for each stage. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council's requirements.

- 13.** Written notification shall be provided to demonstrate that electricity supply connection has been provided to each lot.

Reason: To ensure that electrical services are provided.

- 14.** Written notification shall be provided to demonstrate that telecommunication cables have been provided to each lot.

Reason: To ensure that telecommunication services are provided.

- 15.** Prior to the issue of a Subdivision Certificate, the developer is to provide to Council evidence that all remediation measures identified within the submitted detailed Site Contamination Assessment and Remediation Assessment Plan have been undertaken and contamination levels are compliant with the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

Reason: To ensure required remediation works are conducted.

- H6.** A Restriction as to User, pursuant to Section 88B of the Conveyancing Act 1988, is to be placed on each community title allotment which restricts the use of each community title, to solar energy generation facility only. No other development is permissible within the boundaries of each community title.

Reason: To ensure compliance with submitted Statement of Environmental Effects.

J. Continued Operations

- J1.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- J2.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- J4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

- J5.** The substation located on proposed Lot 9 shall not be used for any commercial use without the prior written consent of Council.

Reason: To ensure compliance

- J6.** All waste is to be disposed of to a licensed waste facility.

Reason: To ensure waste is disposed of off-site in an appropriate manner.