

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	Addendum to Planning Assessment Report & Amended Recommendation Draft Conditions of Consent Submissions (as submitted to JRPP on 9 December 2015) Development Documents: • Statement of Environmental Effects • JRPP Deferral and Request for Additional Information letter • Additional Information • Development Plans • Preliminary Contamination Report • Stormwater Management Plan • Koala Management Plan • Traffic Assessment Report • Sampling Plan • Draft Community Management Statement • Detailed Site Investigation • Asbestos Removal Control Plan • Safe Work Method Statement • Site Contamination and Characterisation Management Plan

Recommendation	Approval subject to Conditions
Report by	Wade Hudson (Town Planner)
Report date	14 April 2016

Addendum to Planning Assessment Report & Amended Recommendation

1. Executive Summary

1.1 Background

The subject Development Application was previously referred to the Joint Regional Planning Panel (JRPP) for determination on the 9 December 2015. The determination of the application was deferred by the JRPP panel subject to the provision of the following information being provided to facilitate assessment of the development:

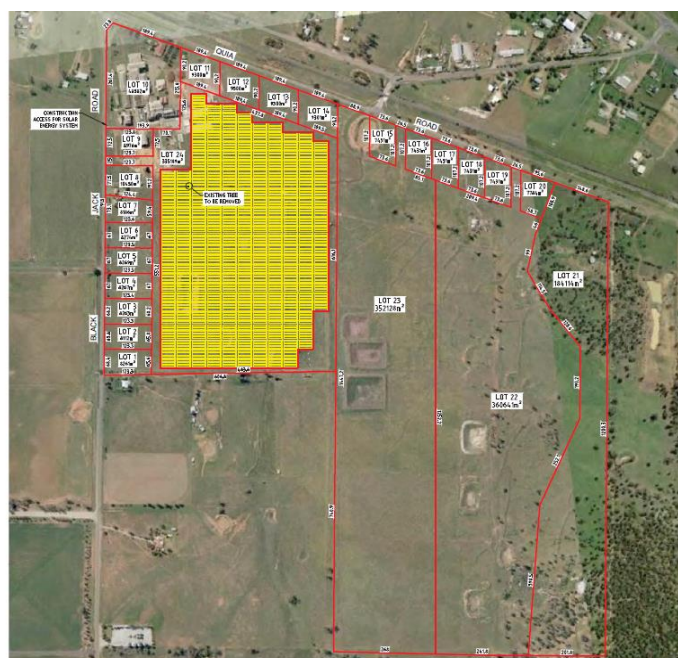
- 1) The contamination and proposed remediation of contamination to the whole site, having regards to SEPP55;
- 2) The details of the proposed community title scheme on Lot 34, including proposed lot layout, details of access to each lot, management during operations, and ultimate ownership of the community title scheme detailing legal mechanisms proposed to carry out surrender of the community title lots at the end of the life of the development, and drafts of any community title documents.

The applicant provided additional information, being a Sampling Plan, Detailed Site Investigation, Draft Community Management Statement and associated information, in response to the information requested by the JRPP.

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;



SCALE 1:1000 (A1)
SCALE 1:1000 (A2)

1.3 *Compliance with Planning Controls*

The development is not regarded as being state significant development as per *Schedule 1, Clause 20 of the State Environmental Planning Policy (State and Regional Development) 2011*, with the application not having a capital investment value of more than \$30 million.

The development is not regarded as being Designated Development specified within *Schedule 3 of the Environmental Planning and Assessment Regulation 2000*. The development will have a capacity of 27 megawatt (MW). The development application has been lodged as a local development with no referral to external bodies.

1.4 *Consultation*

Submitters will be advised that the application is being referred to the JRPP for determination. Submitters will be invited to attend the meeting to be held 14 April 2016.

The matters raised in the submissions were not the subject of the additional information requested by the JRPP. As a result Council concluded that the Development Application did not require re-notification as the additional information would not impact on the nature of the Development Application or matters raised in submissions.

1.5 *Recommendation*

It is recommended that development application DA2015/062 be approved, subject to conditions of consent contained in Annexure 2.

1.6 *Annexures*

Annexure 1	Submissions (Confidential) (as submitted to JRPP on 9 December 2015)
Annexure 2	Draft Conditions of Consent (Amended)
Annexure 3	JRPP Deferral and Request for Additional Information
Annexure 4	Additional Information
Annexure 5	Sampling Plan
Annexure 6	Draft Community Management Statement
Annexure 7	Detailed Site Investigation
Annexure 8	Asbestos Removal Control Plan
Annexure 9	Safe Works Method Statement Asbestos Removal & Metal Roofing Works, prepared by P & D Bamford Enterprises Pty Ltd
Annexure 10	Site Contamination and Characterisation Management Plan

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; and
- 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. This development consent should be surrendered prior to the commencement of any works for the development.

2.4 Environmental Planning and Assessment Act 1979 (EPAA)

The previous report submitted to the JRPP in December 2015 included a comprehensive assessment of the proposed development in accordance with the provision of the Environmental Planning and Assessment Act, 1979. This development report will only assess the two matters raised by the JRPP as being insufficient to make the determination of the Development Application.

The details of the proposed community title scheme on Lot 24, including proposed lot layout, details of access to each lot, management during operations, and ultimate ownership of the community title scheme detailing legal mechanisms proposed to carry out surrender of the community title lots at the end of the life of the development, and drafts of any community title documents.

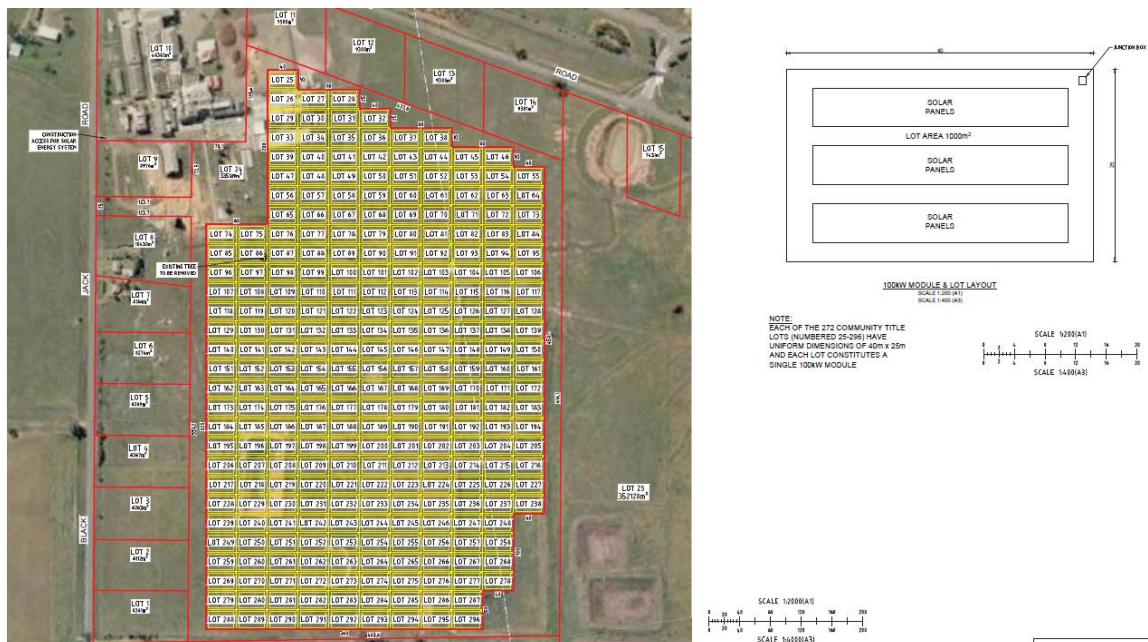
- A draft Community Management Statement has been submitted for the community title scheme to create 272 lots as part of the development application on proposed Lot 24. The draft Community Management Statement outlines the by-laws that relate to the control and preservation of the essence of the Community Scheme. It is indicated that the amendment or revoking of the by-laws listed within the Draft Community Management Statement can only be granted by a resolution of the Community Association in accordance with Section 17(2) of the Community Land Management Act 1989.

The surrender of the community title scheme at the cease of the operational life of the solar energy system is to be regulated by the provision of By-law 2 of the draft Community Management Statement. By-law 2 requires that at the completion of the operational life of 25 years of the solar energy system, that the Community Association will be obliged to undertake action to terminate the Community Scheme.

Access to each lot is to be restricted, with By-law 3 indicating that there is to be no open access ways within the Community Property. By-law 23 also relates to the access of each individual allotment with the Community Association and its authorised persons having unfettered access to all lots. Access will be provided via a network of unsealed internal pathways that are to be maintained by the Community Association. In the event a proprietor wishes to access their lot, they are to be accompanied by an authorised person.

Ongoing maintenance and operation of the community title scheme and the solar energy development located within each of the community title allotments is to be the responsibility of the Community Association for the life of the Community Scheme. The Community Association is responsible for the provision and maintenance of all utilities and services provided to the site, this will include any maintenance or works required on the solar energy systems within each individual allotment. Any fences and internal road that require construction or maintenance in association with the community title are also to be undertaken by the Community Association.

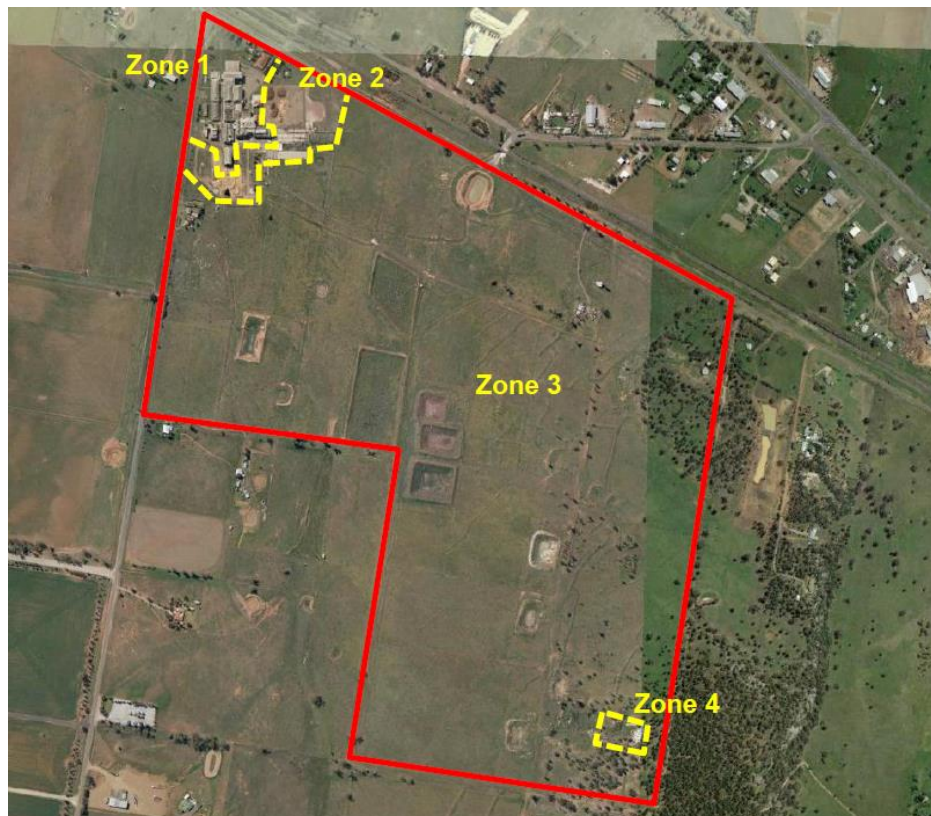
Development Plan prepared by Geolyse Orange, dated 19/10/2015, ref: 214358, Drawing No. 01N_TP04, Rev. N was submitted to Council with the proposed layout of the community title subdivision over proposed Lot 24. The plan included a detailed outline of dimensions and the components included within each of the 272 individual lots. Community title lots are identified on this plan as being Lot 25 through to Lot 296.



The contamination and proposed remediation of contamination to the whole site, having regards to SEPP55:

- The previous development assessment concluded that the previous land use of the site would trigger further investigation under State Environmental Planning Policy No. 55 (SEPP 55) as the development was resulting in a change of land use. SEPP 55 requires that the consent authority is to be satisfied that the land will be either suitable in its contaminated state or that appropriate works are to be undertaken to remediate the site to a suitable level.

The Sampling Plan was submitted to Council in January 2016, which identified areas for further investigation and sampling. It also included the method for which sampling would be undertaken. The report identified four zones for further testing with testing of soil, surface water and ground water in various locations across the site.



A Detailed Site investigation (dated March 2016) included a compilation of results from previous investigations undertaken by New Environment, dated May 2006, Environ, dated July 2007 & SLR, dated June 2011. These findings were used in conjunction with the findings from the Site Investigation conducted by East-West EnviroAg Pty Ltd, to ascertain previous contamination levels in comparison to current site characteristics and levels.

The recent site investigation included an additional 82 test locations, comprising 77 surface sampling locations and 5 boreholes to a depth of 15 metre below ground level (mbgl). In addition, field observations were made and noted the presence of fibrous cement pieces ranging in size from 2cm up to 10cm in size and were considered to contain asbestos.

Testing was undertaken in compliance with the National Environment Protection Council's (NEPC) National Environment Protection (Assessment of Site Contamination) Measures, 1999 (amended 2013) (NEPM 2013). The testing adopted the NEPM Health Investigation Levels (HILs) as a base level.

The testing included investigation of seventeen (17) site samples in zone 2, thirty six (36) site samples in zone 3 and five (5) site samples in zone 4. Testing of samples concluded that the soil conditions in each of the test locations were compliant with the HILs. Relying on the information provided with the detailed site investigation, it is concluded that the areas within Zones 2, 3 and 4 are suitable for the intended land use without the need for any remediation works.

Testing of the 16 soil samples from within Zone 1 did not identify any asbestos fragments, fibres or fines and concluded that all test samples taken met the requirements of the HILs for commercial/industrial land use, with the exception of the test sample identified as sample CH09. It was concluded that the asbestos impacts were limited to surface debris. Air monitoring undertaken in June 2011 by SLR and investigation of asbestos materials in May 2006 by New Environment, concluded that asbestos materials and fibres were not migrating to areas outside of Zone 1. It is proposed that affected soil located within Zone 1 be removed from the site by licensed contractor.

Removal of fragments would be undertaken by hand-picking, tilling or screening. Where practicable the top 10 cm of wetted soil will be gently raked to expose any residual asbestos fragments and removed from the site.

The abattoir buildings, which are located within Zone 1, are proposed to be retained onsite within proposed Lot 10. These buildings have been identified as containing asbestos material, which is a potential source of future contamination. The developer has indicated that removal of all asbestos material from these buildings is proposed prior to any development within Zone 1 commencing. All remediation and demolition works to be conducted as a requirement of this development are to be conducted as part of subdivision works. The subdivision must occur first as the solar development would be constructed over current lot boundaries.

Sample CH09 was recorded as exceeding the HILs for Naphthalene, benzo(a)pyrene, PAHs and Total Recoverable Hydrocarbons (TRH), all of which can be attributed to the burning of fossil fuels or the presence of tars or oils. Sample CH09 also included the highest concentrations of levels of Lead, Zinc and OCP dieldrin than any of the other samples collected. However despite being a concentrated area of these elements, these levels were below the levels set by the HILs. This could indicate a location specific contaminant or historical activity that results in raised levels in this position.

It is recommended that the affected area is to be excavated and disposed off-site as the preferred method for remediation as outlined in the site investigation report. Excavation is to be conducted until residual soil does not contain COPC concentrations above the adopted HILs or infrastructure that prohibits further removal.

The five bore holes made in Zone 4 were taken at a depth of 15mbgl, being above the ground water level. It was concluded that the waste to be retained within Zone 4 will not

leach into ground water. The existing animal carcasses and building waste material is to be retained onsite. Deposited soil from Zone 2 and material brought onto the site is to be used in filling the landfill in Zone 4 to natural ground level to a minimum depth of 0.5 metres. A condition proposed to ensure that any building waste that could potentially contain asbestos material, is to be removed from site prior to the covering of the waste. Council requires that any fill material used onsite shall be tested and a report provided confirming that the fill material is free of contaminants.

Following the completion of all remediation works and prior to the issue of a Subdivision Certificate, a Site validation report is to be submitted to Council.

3. Conclusion

The additional information is considered to have suitably addressed the two matters raised by the JRPP for the determination of the proposed development.

Hence, 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, Gunnedah 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, ref: 214358_SEE_001E.docx; and
- JRPP Deferral and Request for Additional Information, prepared by Geolyse, dated 17 December 2015, ref: 214358_LET_004A.docx;
- Additional Information, prepared by Geolyse, dated 10 March 2016, ref: 214358_LET_005B.docx;
- 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);
- Supporting Documentation:
 - Preliminary Contamination Report, prepared by Environ, dated: July 2007, ref: 32-0073;
 - Stormwater Management Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358_REO_002A.docx; & dated 14 October 2015, Addendum 1: Stormwater Modelling;
 - Koala Management Plan, prepared by David C. Paull, dated 20 October 2015;
 - Traffic Assessment Report, prepared by TPK & Associates Pty Ltd, dated August 2008;
 - Sampling Plan, prepared by Geolyse, dated 27 January 2016, ref: 214358_REP_004B.docx;
 - Draft Community Management Statement, Version 2;
 - Detailed Site Investigation, prepared by Geolyse, dated 10 March 2016, ref: 214358_REP_006C.docx, Version 2-Final;
 - Asbestos Removal Control Plan;
 - Safe Works Method Statement Asbestos Removal & Metal Roofing Works, prepared by P & D Bamford Enterprises Pty Ltd, dated 14/12/2015, Issue 1;
 - Site Contamination and Characterisation Management Plan, dated 17 December 2015, ref: 214358_REP_003B.docx;

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;
- Remediation of the site in accordance with the Detailed Site Investigation, Version 2, Dated 10 March 2016;
- Operational life of electrical generating works of no longer than 25 years from the commencement of electrical generating operations;
- 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 the Statement of Environmental Effects, prepared by Geolyse dated 2 July 2015; and

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.

- A4.** To confirm and clarify the terms of approval, all works required for the remediation of the site, including proposed removal of all asbestos from buildings and soil within proposed Lot 24, as indicated in the Detailed Site Investigation, Version 2, Dated 10 March 2016, are to be completed as part of works conducted for the proposed subdivision.

Reason: To clarify the sequence in which works are to occur.

B. Prescribed conditions

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.

- C4.** The existing abattoir buildings, and all associated services on Lot 1 DP 1111136 and 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 and 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.** Prior to the issue of a Construction Certificate for the solar generation works details of surfacing of all internal driveways, parking areas, loading bays and vehicular turning areas.

Reason: To ensure compliance with Council's requirements.

- C9.** 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.** 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.

- D8.** 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.

- 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

Demolition Works

- F1.** The buildings shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures" and the requirements of the Workcover Authority of New South Wales including but not limited to:

- (a) Protection of site works and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos and lead based paints handling and disposal where applicable.

The disposal of demolition materials is to be to an approved licensed waste disposal depot so determined by the NSW Environment Protection Authority.

Reason: To ensure compliance and safety of workers.

- F2.** Prior to the commencement of demolition works, all water and sewerage connections to Council's infrastructure are to be capped off by a licensed plumber so as to prevent any contamination of Council's reticulation systems.

Reason: To ensure the integrity of Council's sewerage and water systems.

- F3.** The developer shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere from the onsite and from vehicles transporting material off-site.

Reason: To ensure compliance and safety of workers and general public.

- F4.** The deliberate burning of the building and/or demolition material shall not be permitted.

Reason: To ensure compliance and safety of workers and general public.

- F5.** All excavations and backfilling associated with the demolition of a building must be executed safely and in accordance with appropriate professional standards and they must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance and safety of workers and general public.

Road Works

- F6.** 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

- F7.** 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

- F8.** 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

- F9.** 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 Strategy, prepared by Geolyse, dated 25 September 2015, Ref: 214358_REO_002A.docx; & dated 14 October 2015, Addendum 1: Stormwater Modelling.

Reason: To ensure compliance with Council's requirements.

- F10.** 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.

- F11** 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

- F12.** 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.

- F13.** An 80 metre wide easement is to be created over the proposed stormwater drainage corridor as shown on plan prepared by Geolyse, dated 19/10/2015, 01N_TP05, Rev N (Proposed Servicing Strategy Plan).

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

Electricity

- F14.** 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

- F15.** The developer shall extend, supply and install street lighting for each stage along all street frontages, in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. 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

- F16.** 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.

- F17.** 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.

- F18.** 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.

- F19.** 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.

Noise

- F20.** 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.

- F21.** Operating noise emission levels from the electrical substation must comply with the EPA's NSW Industrial Noise Policy.

Reason: To ensure compliance.

Access

- F22.** 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.

- F23.** 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

- F24.** 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 alternative product 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.

- F25.** Onsite car parking accommodation shall be provided for a minimum of one (1) vehicle within proposed lot 9, 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.

- F26.** 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.

Landscaping

- F27.** All landscaping identified on the approved landscaping plan shall be implemented.

Reason: To ensure adequate landscaping along road frontage.

Outdoor Lighting

- F28.** 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.

Remediation Works

- F29.** Any building material or waste located in identified Zone 4 that could potentially contain any asbestos or contaminated items shall be removed from the site and disposed of to a suitably licensed facility.

Reason: To ensure that contaminated material is removed from site.

- F30.** All recommendations identified in the submitted document, Detailed Site Investigation, prepared by Geolyse, dated 10 March 2016, ref: 214358_REP_006C.docx, Version 2-Final, are to be implemented and undertake as part of subdivision works.

Reason: To ensure that contaminated material is removed from site.

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.

- G2.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- G3.** 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.

- G4.** 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.

- G5.** Prior to the back filling all mains, a visual inspection is to be undertaken by Council.
- Reason: To ensure compliance.**
- G6.** All back fill over sewer mains shall be a of 3-5 mm granular grit.
- Reason: To ensure compliance.**
- G7.** 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.**
- G8.** 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.**
- G9.** 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.**
- G10.** All excavation and operation works shall cease on site should the identification of an item of potential aboriginal or European heritage significance be discovered during excavation and operation works. The Office of Environment and Heritage shall be contacted and any required approvals are to be obtained before the re-commencement of excavation and operation works.

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

G11. 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.

- G12.** 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.

I. Prior to the issue of a Subdivision Certificate

- I1.** 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.

- I2.** 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.

- I3.** 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.

- I4.** Written notification shall be provided to demonstrate that telecommunication cables have been provided to each lot.

Reason: To ensure that telecommunication services are provided.

- I5.** Prior to the issue of a Subdivision Certificate, the developer shall provide Council with a Site Validation Report to confirm that the site has been remediated.

Reason: To ensure required remediation works are conducted.

- I6.** Prior to the issue of a Subdivision Certificate, the developer is to provide Council with a copy of the Community Management Statement.

Reason: To ensure that the Community Management Statement is prepared.

J. Prior to the issue of an Occupation Certificate

- J1.** 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.

K. Continued Operations

- K1.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- K2.** The sealing to all internal driveways, vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- K4.** 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.

- K5.** 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

- K6.** All general household waste is to be disposed of to a licensed waste management facility.

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