

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-231 – 10.2020.48.2
PROPOSAL	Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure
ADDRESS	Lot 1 DP 255599 and Lot 3 DP 343532 962 and 822 Black Gully Road Werris Creek
APPLICANT	Wakefield Planning C/o- of YES Group SA
OWNER	Mr IR Menz
DA LODGEMENT DATE	17 July 2023
APPLICATION TYPE	Integrated Development Application and Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as it has a capital investment value (CIV) of more than \$5 million, is private infrastructure and constitutes electricity generating works.
CIV	\$6,390,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Not Applicable
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> <i>Environmental Planning and Assessment Regulation 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Primary Production) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>Liverpool Plains Local Environmental Plan 2011</i> <i>Liverpool Plains Shire Council Development Control Plan 2012</i>
AGENCY REFERRALS	NSW Water - <i>Water Management Act 2000</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	<p>The first exhibition period was from 19 July 2023 until 2 August 2023.</p> <p>The second exhibition period was from 28 September 2023 to 27 October 2023.</p>

	3 Submissions (2 objections) Key Issues identified in submissions: - <ul style="list-style-type: none"> • Visual impacts; • Safety of pedestrians; • Traffic impacts and access; • Social and economic impacts; • Suitability of the site; and • Construction impacts.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Correspondence from Wakefield Planning confirming NRPP conditions required to be amended. • Statement of Environmental Effects Report by Wakefield Planning • Amended Plans of the Proposal - 18 December 2022
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not Applicable
RECOMMENDATION	Approval, subject to conditions of consent.
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	13 December 2023
PLAN VERSION	18 December 2022 Project No.220818, Revision C
PREPARED BY	Nathan Bartlett, Town Planner
DATE OF REPORT	7 December 2023

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Acronyms, Figures and Tables

Acronyms

EP&A Act 1979	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
SoEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
BCA	Building Code Australia
BOS	Biodiversity Offset Scheme
FFA	Flora and Fauna Assessment
EPA	NSW Environmental Protection Authority
ESD	Ecologically Sustainable Development
LPDCP 2012	Liverpool Plains Development Control Plan 2012
VIA	Visual Impact Assessment
LPLEP 2011	Liverpool Plains Local Environmental Plan 2011
NRPP	Northern Regional Planning Panel
NSW RFS	New South Wales Rural Fire Service
The Regulation	Environmental Planning and Assessment Regulation 2021
TIA	Traffic Impact Assessment
OSD	Onsite Stormwater Detention
BDAR	Biodiversity Development Assessment Report
LPSC	Liverpool Plains Shire Council
DPE - Water	Department of Planning and Environment - Water
EPBC Act 1999	Environment Protection and Biodiversity Conservation Act 1999

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1. EXECUTIVE SUMMARY

This report considers a Section 4.55(2) Modification to an approved Development Application (DA) 48/2020 and seeks development consent for the establishment of a 5MW solar electricity generation facility with associated infrastructure on Lot 1 in DP 509915 and Lot 3 in DP 343532, known as 962 and 822 Black Gully Road, Werris Creek NSW 2341 (the site). The proposed modification has been assessed against the relevant requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The town of Werris Creek adjoins the subject site to the west. The closest residence to the development area is approximately 385 metres (m) southwest. The site is not identified as being subject to flooding nor does it contain an item of heritage significance. The subject land is however identified as bushfire prone by the New South Wales Rural Fire Service (NSW RFS) Bushfire Map.

The proposed operation covers an area of approximately 8.9 ha. Isolated patches of native vegetation comprising disturbed woodland and grassland occur over the remainder of the site. Existing development consists of residential and rural activities and the site has been previously disturbed by farming operations.

The application is required to be determined by the Northern Regional Planning Panel (NRPP) as a number of the conditions of consent from the original approval recommended by the Panel are required to be amended as a result of the proposed modification. Additionally, the proposal constitutes regionally significant development under Section 2.19(1) and Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. The proposed development has a Capital Investment Value (CIV) of more than \$5 million (i.e. \$6.39 million), is private infrastructure and constitutes electricity generating works.

The proposal will be assessed against relevant local, State and Commonwealth legislation. The site is zoned part *RU1 Primary Production* and 'electricity generating works' are not permissible in the zone pursuant to Clause 2.2 of the *Liverpool Plains Local Environmental Plan 2011* ('LPLEP 2011'). However, the proposal obtains its permissibility pursuant to Section 2.36(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, where development for the purpose of electricity generating works may be carried out by any person with consent on land in a prescribed zone; RU1 is a prescribed zone.

The proposal was referred externally to the *Department of Planning and Environment - Water* under the provisions of the *Water Management Act 2000*. Essential Energy was also consulted pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP' 2021) for comment and feedback and no objections or concerns were raised.

The principle planning controls relevant to the proposal include *State Environmental Planning Policy (Resilience and Hazards) 2021* ('SEPP (Resilience and Hazards) 2021'), *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('SEPP (Transport and Infrastructure) 2021'), the *Liverpool Plains Local Environmental Plan 2011* and the *Liverpool Plains Development Control Plan 2012* ('LPDCP 2012'). The proposal is consistent with various provisions of the planning controls including:

- the provisions of SEPP (Transport and Infrastructure) 2021 including Chapter 2 Infrastructure, Section 2.36(1)(b) Development permitted with consent and electricity generating works and;
- the requirements of *State Environmental Planning Policy (Biodiversity & Conservation) 2021*;
- Section 4.6 of the *State Environmental Planning Policy (Resilience & Hazards) 2021* for consideration of whether the land is contaminated;
- the *Environmental Protection and Biodiversity Conservation Act 1999*;

- the LPDCP 2012, which have been thoroughly addressed in this assessment and determined that no detrimental impacts have been identified. The proposed solar farm fits within the locality and it is considered the site attributes are conducive to the development;
- all objects of the EP&A Act 1979 and is not contrary to the public interest; and
- The proposal also adequately addresses all matters for consideration under Section 4.15(1) of the EP&A Act 1979 in relation to potential adverse impacts to surrounding areas.

The proposal was notified in accordance with Council's Community Consultation Plan from 19 July 2023 until 2 August 2023 and 28 September to 27 October 2023. Only three (3) submissions were received during these notification periods.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (5)(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for an *electricity generating works* with a CIV over \$5 million. A briefing was held with the Northern Regional Planning Panel (NRPP) 14 November 2023, where key issues were discussed including, potential visual impacts, proposed access and submissions received during notification. Issues identified during the Briefing Meeting are considered to be adequately addressed through the submission of additional information from the proponent.

A copy of the draft Notice of Determination was not made available to the applicant before the completion of this report.

The key issues associated with the proposed modification, included:

1. *Traffic* - The potential traffic generation during construction of the development.
2. *Access* - The potential impact on Crown Land from the proposed access of the development.
3. *Visual Impact* - The potential impacts of the proposal on adjoining receptors and public vantage points.
4. *Impact of noise and air quality* - The potential impacts of noise and dust to impact on nearby receptors during construction.
5. *Safety of pedestrians*— The potential impacts on the safety of pedestrians during construction.

The applicant has provided suitable information which adequately address the above-mentioned concerns.

This report summarises and evaluates the key issues associated with the proposed modification to the development application. Additionally, the report provides an assessment of the relevant matters of consideration in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021*, the *Liverpool Plains Local Environmental Plan 2011* and the *Liverpool Plains Development Control Plan 2012*.

Accordingly, the proposed development resulting from the modification is considered to be suitable for the site and in the public interest and is therefore unlikely to result in adverse impacts in the locality. After consideration of the proposal having regard to the matters for consideration under Sections 4.15(1) and 4.55(2) of the EP&A Act 1979, the provisions of the relevant State environmental planning policies and other legislative requirements it is considered the proposal can be approved subject to recommended conditions contained at **Attachment B** of this report.



2.2 The Locality

The subject land immediately adjoins the town of Werris Creek, which is located west of the site. This is a small rural township consisting of approximately 1,500 people. All land to the north, east and south of the site is zoned RU1 Primary Production and is used for rural activities and primary agricultural production. Most of these lands are utilised for grazing and agricultural purposes. The former sanitary depot is situated approximately 440 metres to the south of the development site on Lot 249, DP 751071.

The site is not identified as being subject to flooding nor does it contain an item of heritage significance. The subject land is however identified as bushfire prone by the New South Wales Rural Fire Service (NSW RFS) Bushfire Map. Crown land and Crown Reserves also immediately adjoin the land south-west of subject site. A cadastral map of the site is depicted in Figure 2. Photographs of the subject site are also provided in **Attachment A**.

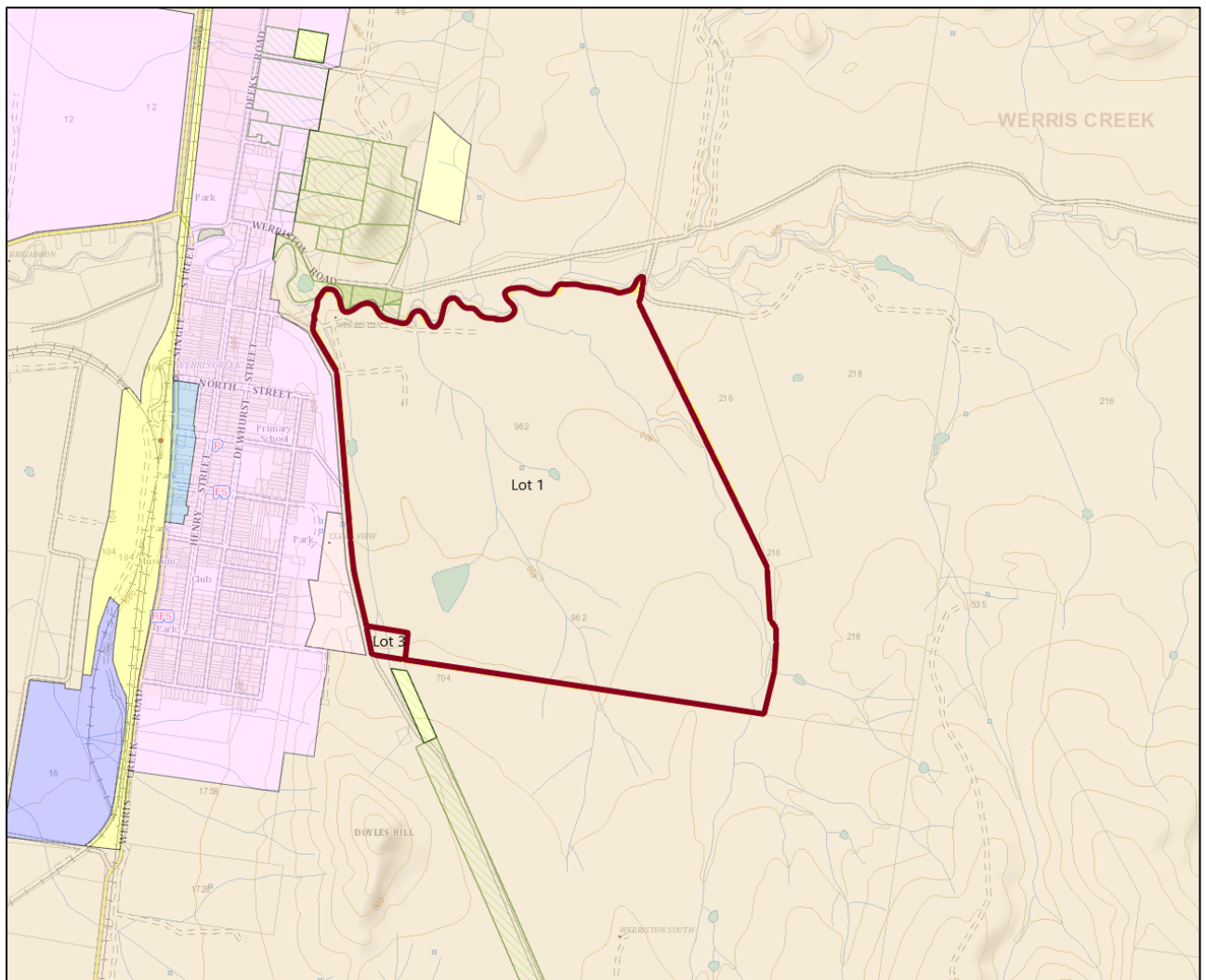


Figure 2: Cadastral Map of the Subject Lands, Lot 1 in DP 509915 and Lot 3 in DP 343532

2.3 Proposed Access

Access and egress to the subject lands is proposed from the eastern side of Black Gully Road, is unsealed and connects the site directly to the township of Werris Creek. An internal access road measuring between 3 metre and 5 metre will provide access from Black Gully Road to the development site and will transverse Lot 3 and Lot 1. The access road will also pass underneath the 30-metre-wide easement for Essential Energy, which transverse the subject lands in a north-south direction (see Figure 3).

There are no public transport routes (i.e. bus services) located on Black Gully Road and no train stations exist nearby the subject land. Furthermore, there is no provision for pedestrian facilities such as paved footpaths along either side of road.

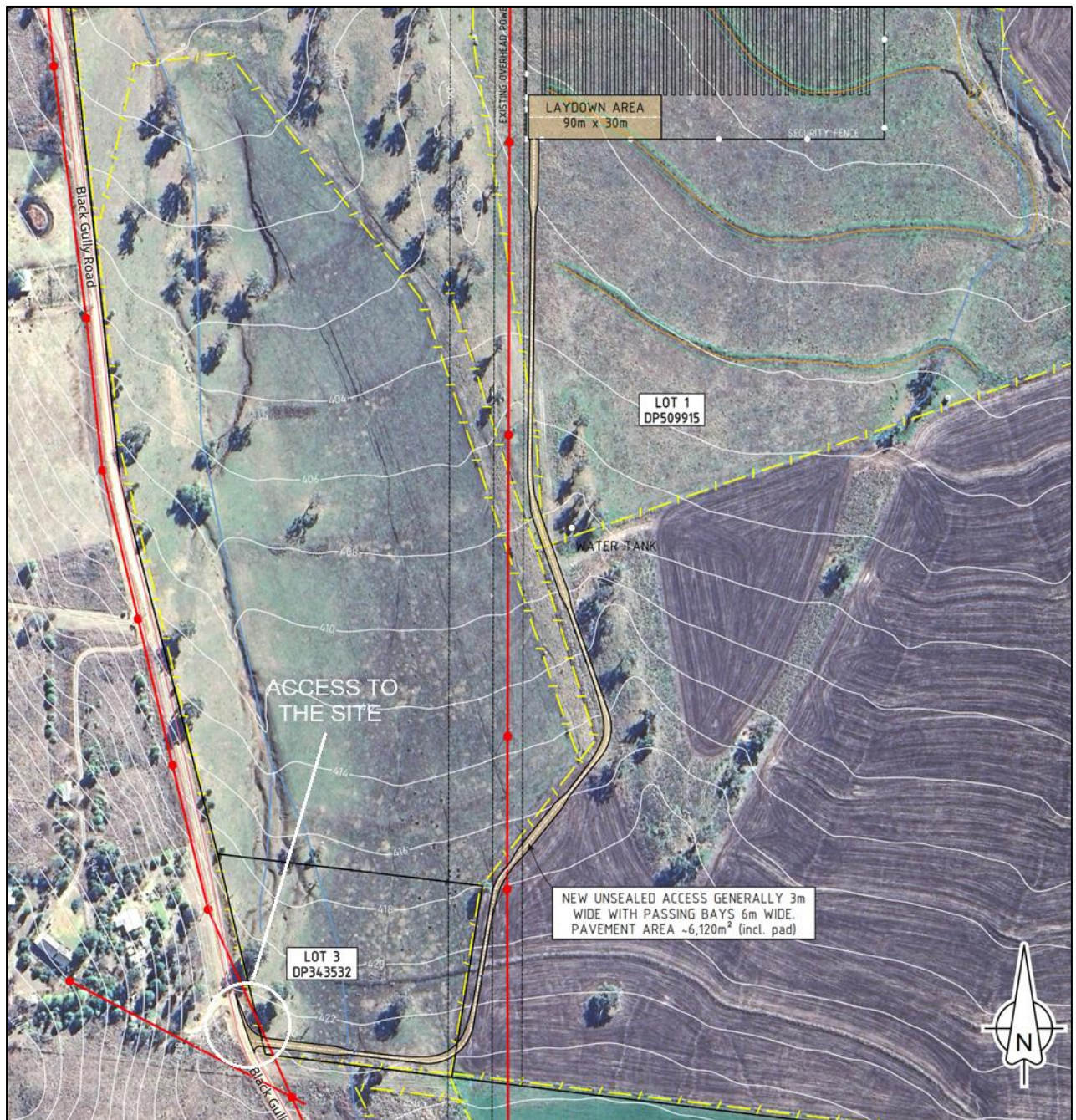


Figure 3: Site Plan showing proposed access to the subject site from Black Gully Road

3. THE PROPOSAL AND BACKGROUND

3.1 Background

The original proposal (DA048/2020) was determined by the former Joint Regional Planning Panel (JRPP) 17 May 2021 and is detailed as follows: -

- Establishment of a grid-connected solar photovoltaic (PV) plant including associated electrical generation, supplying no greater than 5 megawatts (MW AC);
- Installation of an estimated 12,960 PV panels using a single axis tracking system, tilted +/- 60° along the north-south axis. Each panel will produce 405W;
- Access road varying between 3 metres and 5 metres in width;
- Earthworks required for site preparation including a concrete slab to support the ancillary infrastructure and underground cabling; and
- Other associated works.

The proposal had a Capital Investment Value (CIV) of more than \$5 million (i.e. \$6.9 million), and was identified as private infrastructure, constituting electricity generating works. The following (Figure 4) shows the approved development envelope.



Figure 4: Existing approved development envelope

3.1.1 Approved Development Envelope

The key characteristics associated with the approved development envelope of the solar farm are:

1. The envelope is located well into the site, being confined to land between the existing electricity easement and a local creek.
2. The mid to north sections of the site have the benefit of some topographic shielding from a ridge which runs immediately to the west of the development site.
3. Initially, the proposal was to commence in the southern end which is the more sensitive location with respect to nearby residences.
4. Relatively intense landscaping was required to protect residential amenity particularly at the southernmost end of the development.

3.2 The Proposal

The proposal seeks consent for a Section 4.55(2) Modification to the original consent of DA048/2020 for the installation of an Electricity Generation Facility which is detailed as follows: -

- Development of single stage electricity generating works (solar farm) towards the northern end of the approved development envelope; and
- Operational changes to the current conditions of consent.

3.2.1 Revised Development Envelope

The applicant advises the revised layout has the following characteristics:

1. The revisions are fully within the total approved footprint.
2. There will be minor incursions into areas where there are Class 1 streams, although these are within the existing footprint and the former Department of Natural Resources Access Regulator (NRAR) approval was already required.
3. A revised landscaping zone is proposed in green hatching. A full landscaping plan would be provided with the CC.
4. The overall development footprint is significantly reduced with no development proposed in the southern portion.
5. There is a greater separation to sensitive dwellings near the southern portion of the site.

The key features of the revised development footprint (refer Figure 5) are as follows:

1. A significant reduction in the overall proposed development area, with the development being implemented towards the northern end of the current approved envelope. The southern section would not be proceeded with; nor would the most northern section which would produce a much greater stand-off to the creek that adjoins the northern limits of the development area.
2. The final development site has the benefit of improved topographic shielding as compared to the initial stage 1.
3. A revised approach to landscaping has been taken to better integrate with existing vegetation and also to recognise the natural shielding afforded by topography in the north of the site. Supplementary plantings to existing mature trees along the ridgeline congruent with the electricity easement would provide visual shielding from vantage points from Werris Creek.
4. The access road would be lengthened along a similar alignment as the easement to serve the new active footprint. The access point to the site will now occur from Black Gully Road.
5. Approval is still required for a Controlled Activity, as it was for the original project, albeit for the second stage. This would now only impact Class 1 streams and, potentially a very minor area of curtilage to the mainstream to the west and north of the approved area.

6. A number of conditions are either redundant or are suggested for modification both for operational reasons and to consider the reduced impact of the development footprint. Refer to **Appendix B** for the proposed modified conditions.

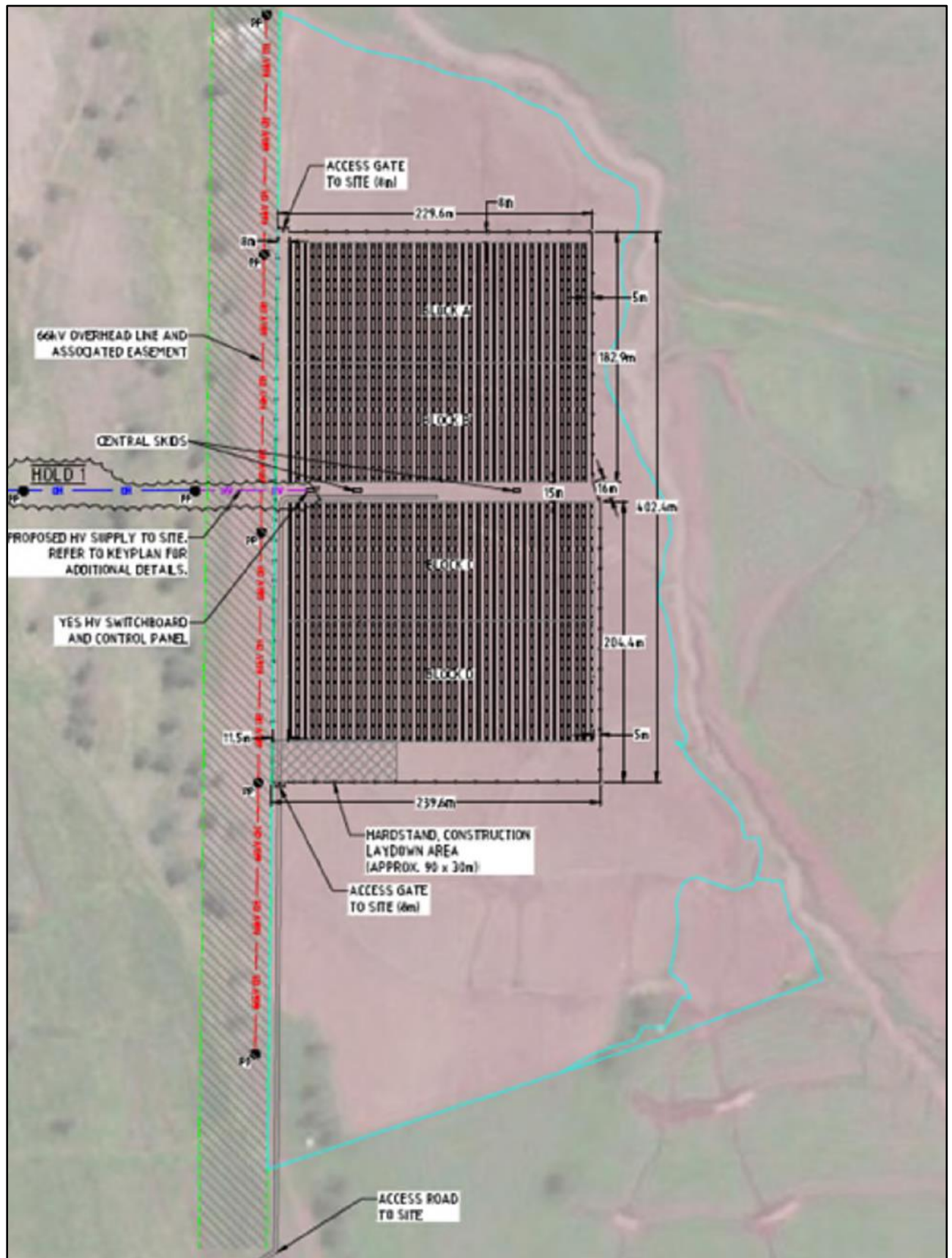


Figure 5: Revised Development Envelope

3.2.2 Modified Conditions of Consent

The proposed conditions for the Section 4.55(2) Modification are detailed in **Table 1** below.

Table 1: Proposed Modified Conditions

Cond.	Existing Condition	Proposed Condition	Comment
1	Condition relates to the compliance with submitted plans and consultant documents.	Revised plans and SoEE are included in the original condition.	Agreed. Refer Attachment C for revised plans.
10A	<p>Prior to the commencement of works, a medium density vegetation screen, 2 rows deep and comprising varying native species to attain 6m in height within 3 years shall be established on the site in the alignments indicated in the Visual Impact Assessment prepared by Moss Environmental (dated 28 September 2020), together with an inground system for the permanent irrigation of the plantings.</p> <p>Final details are to be submitted to Council for approval before planting commences, with special attention given to advanced (sapling) plants of native trees in locations to screen the solar farm from residential properties to the west and from the 'Sunrise Lookout' at the Werris Creek Swimming Pool.</p>	<p>Prior to the commencement of works, a medium density vegetation screen, 2 rows deep and comprising varying native species to attain 6m in height within 3 years shall be established on the site in the alignments indicated in the Visual Impact Assessment prepared by Moss Environmental (dated 28 September 2020), together with an inground system for the permanent irrigation of the plantings. vegetative plantings in accordance with the detailed landscape plan endorsed as part of the Construction Certificate shall be undertaken. Final details are to be submitted to Council for approval before planting commences, with special attention given to advanced (sapling) plants of native trees in locations to screen the solar farm from residential properties to the west and from the 'Sunrise Lookout' at the Werris Creek Swimming Pool.</p> <p>Species selected for screening should be local endemic species, which are suited to and found on ridge tops in the vicinity. The landscaping principles undertaken are to strengthen and enhance existing mature tree plantings to provide screening to the proposed development.</p> <p>Advice from people or groups with specific knowledge of planting establishment in the Werris Creek area are to be sought to obtain information on optimising planting times and methods. Consultation with Council on the proposed landscaping detail should take place prior to submission of detailed landscaping plans as part of the Construction Certificate.</p>	<p>Agreed, however proposed condition has been slightly changed by Council (refer proposed draft condition 10A).</p> <p>Proponent's reason for modified condition:</p> <p><i>The emphasis on extensive and dense screen planting supported by irrigation was based in a need to look to rapid establishment of vegetation to handle critical views into the site, in particular from sensitive viewpoints towards the south of the site. While the lookout is recognised as a sensitive viewpoint, in practice, adopting a more natural process of vegetation establishment would lead to lower overall maintenance costs into the future as compared to a permanent irrigation system and more resilient overall outcomes. Without a highly sophisticated irrigation system based on constant soil moisture monitoring, any irrigation system is likely to be sub-optimal with respect to plant needs. By developing vegetation which can survive comfortably given the range of rainfall patterns associated with the local climate a better long-term landscaping outcome would be established. Experience elsewhere in north-west New South Wales suggests that optimum landscape screening can often be achieved through the use of tube stock or speedlings raised from local seed and which are protected at planting as well as given fertiliser and supplementary water. Even in generally difficult weather conditions no more than one or at the most two supplementary watering activities would generally be required. The main aim is to look to rapid establishment of vegetation, but in a way that leads to vegetative screening which appears "natural" within the landscape and which is resilient and robust in terms of long-term survival.</i></p>

14	Prior to the commencement of works, the requested further information and Accredited Service Provider Design Plan shall be submitted to Essential Energy. This information must be reviewed and approved by Essential Energy prior to any works commencing.	Prior to the commencement of works, the requested further information and Accredited Service Provider Design Plan shall be submitted to Essential Energy. This information must be reviewed and approved by Essential Energy prior to any works commencing an Occupation Certificate issuing.	<p>Agreed, however proposed condition has been slightly changed by Council (refer proposed draft condition 14).</p> <p>Proponent's reason for modified condition:</p> <p><i>This is a purely technical condition. It is covered by other legislation and strictly speaking is redundant. In practical terms Essential Energy approval is required to prior to the commencement of operation, not the commencement of construction. Much of it relates to fine technical detail. There is no practical reason why construction of elements not related to Essential Energy approvals cannot commence prior to those approvals being secured. Accordingly, the proposed change to have this approval required prior to an occupation certificate issuing is seen as straightforward and unproblematic.</i></p>
17	Prior to the issue of a Construction Certificate, a copy of the Controlled Activity Approval issued by Natural Resources Access Regulator (NRAR) shall be submitted to Council or Registered Certifier.	Prior to the issue of a Construction Certificate, a copy of the Controlled Activity Approval issued by Natural Resources Access Regulator (NRAR) NSW Department of Planning - Water shall be submitted to Council or Registered Certifier.	<p>Condition proposed by Council</p> <p>Council's reason for proposed condition:</p> <p>NSW Department of Planning and Environment - Water are now the governing body that issue Controlled Activity Approvals.</p>
20	Prior to the issue of a Construction Certificate, a Section 68 application to carry out stormwater drainage work and install an on-site sewage management system (if proposed) under the Local Government Act 1993 shall be submitted to and approved by Council.	Prior to the issue of a Construction Certificate, a Section 68 application to carry out stormwater drainage work and install an on-site sewage management system (if proposed) under the Local Government Act 1993 shall be submitted to and approved by Council.	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>We note the requirements under item 5 under Part B of the Table to Section 68. In the circumstances of the case, however, no on-site sewage management system is proposed on the basis that visitations to the site are infrequent and generally for short periods. Adequate public facilities exist within the town of Werris Creek to address any needs.</i></p>
21	Condition relates to the preparation of an Environmental Management Plan (CEMP).	Proposed changes relate to the addition of an accredited private certifier and the CEMP being prepared in consultation with Council.	<p>Agreed, however proposed condition has been slightly changed by Council (refer proposed draft condition 21).</p> <p>Proponent's reason for modified condition:</p> <p><i>The main requested change is to acknowledge the role of private certification in the NSW planning and building system. In this regard, approval of the CEMP by a private</i></p>

			<p>certifier (if selected) would be normal and routine. In addition, it should be noted that the development consists of very low impact construction techniques. Apart from the small pads associated with core elements of electrical infrastructure, the panels themselves are supported on poles which are driven directly into the ground. We note that consultation with Council is not a mandatory requirement and would have no objection to Council viewing a draft of the CEMP however we are of the view that non-discretionary elements should be advice rather than part of the condition.</p>
23	Condition relates to connection to Council's Low Flow (potable) water supply	Deleted.	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>With the proposed changes to landscaping arrangements and given there is no on-site waste management system proposed the development would not require access to potable water. Accordingly, the condition is now redundant.</i></p>
25	<p>Construction activities associated with the Development, including heavy vehicles entering and exiting the Site, may only be carried out between 7:00 am and 6:00 pm, Monday to Friday inclusive, and between 8:00 am and 1:00 pm on Saturdays. No work is to be carried out on Sundays and Public Holidays. The following activities may be carried out in association with Construction outside of these hours:</p> <ul style="list-style-type: none"> any works that do not cause noise emissions to be audible at any nearby residences not located on the Premises; the delivery of materials as requested by Police or other authorities for safety reasons; and, emergency work to avoid the loss of lives, property and/or to prevent environmental harm. <p>Any work undertaken outside the specified construction hours, other than those specified in this Condition, must not be undertaken without prior consent of Council.</p>	<p>(a) Construction activities associated with the Development, including heavy vehicles entering and exiting the Site, may only be carried out between 7:00 am and 6:00 pm, Monday to Friday inclusive, and between 8:00 am and 1:00 pm on Saturdays. No work is to be carried out on Sundays and Public Holidays.</p> <p>(b) Notwithstanding the restrictions in paragraph (a) above, the following activities may be carried out in association with Construction outside of these hours:</p> <ul style="list-style-type: none"> any works that do not cause noise emissions to be audible at any nearby residences not located on the Premises; the delivery of materials as requested by Police or other authorities for safety reasons; and, emergency work to avoid the loss of lives, property and/or to prevent environmental harm. <p>Any work undertaken outside the specified construction hours, other than those specified in this Condition, must not be undertaken without prior consent written approval of Council.</p>	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>The first change into two paragraphs is to improve the clarity of the condition so that it is clear that works can be undertaken outside the approved hours within a certain framework.</i></p> <p><i>With respect to the second change, it is suggested that the words "written approval" again provide clarity. As currently worded (and it is unclear whether this was the intent of the condition or not) there is a strong implication that such consent would involve a formal modification of the application. We would suggest that in the circumstances of the case Council's written approval should be sufficient noting Council is under no obligation to agree to any particular changes and these would need to be well-justified.</i></p>

42	Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction Road Dilapidation report at the completion of construction. The report shall be submitted to Council for review and approval prior to commencement of operation.	<p>(a) Prior to works commencing, the applicant shall engage a suitably qualified person to prepare a pre—construction Road Dilapidation report. This shall cover unsealed roads utilised for accessing the site. This shall utilise a methodology approved by the Council and be supplied to Council for its approval prior to construction works commencing.</p> <p>(b) Following granting of an Occupation Certificate, Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction Road Dilapidation report is to be prepared by the same person (if practicable) utilised in paragraph (a) at the completion of construction. The report shall be submitted to Council for review and approval prior to commencement of operation.</p> <p>Should the construction of the proposal result in significant degradation of the road network greater than that which would be expected by normal usage (e.g. without the construction traffic impact) during the construction period, the Developer shall make arrangements with Council for the road to be improved to a standard consistent with normal wear and tear in the absence of construction impacts.</p>	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>To adequately assess the impacts of the development on the local road network a before and after road dilapidation report is required using an agreed methodology. In general terms, this would be a visual inspection noting the road network of most concern is unsealed. The condition amendments clarify the road network involved, which otherwise is open-ended. Further, the post construction report should be prepared by the same person or at least organisation who conducted the preconstruction report. This ensures consistency. In terms of degradation, only that degradation which is over and above normal wear and tear can be attributed to the project. It is this additional damage, if any, that should be the subject of any rectification works. In this regard, it is suggested that by using the term "make arrangements with Council" this leaves open a variety of methods whereby any remedial works could be undertaken.</i></p>
43A	N/A	The Crown Road adjoining Lot 3 DP 343532, Lot 249 DP 751017 and Lot 11 DP 1093246 is to be dedicated to Council. All costs associated with the dedication of the Crown Road to Council are to be borne by the developer.	<p>Condition proposed by Council</p> <p>Council's reason for proposed condition:</p> <p>To ensure there is no impact on Crown roads from the development as per the request from Crown Lands.</p>
44	Prior to the issue of an Occupation Certificate, a Bushfire Emergency Management and Operations Plan shall be submitted to Council for endorsement. The Plan shall be prepared in accordance with the requirements of Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Guide to Developing a Bushfire Emergency Management Plan.	Prior to the issue of an Occupation Certificate, a Bushfire Emergency Management and Operations Plan shall be submitted to Council or an accredited private certifier for endorsement. The Plan shall be prepared in accordance with the requirements of <i>Planning for Bushfire Protection 2019</i> and the NSW Rural Fire Service's <i>Guide to Developing a Bushfire Emergency Management Plan</i> .	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>It is noted that Planning for Bushfire Protection 2019 does not cover these types of development. That being said, there is no objection to reference to that document remaining. The other changes suggested is to acknowledge that an accredited private certifier may be utilised.</i></p>
45A	Prior to the issue of an Occupation Certificate, a landscaping bond of \$20,000 shall be paid to Council. The bond shall be held by Council until twelve (12) months	Prior to the issue of an Occupation Certificate, a landscaping bond of \$20,000 shall be paid to Council, in a form acceptable to the Council. The bond shall be held by Council for at least twelve (12) months following the	Agreed, however proposed condition has been slightly changed by Council. The words 'suitably qualified' has been inserted in the draft conditions (refer proposed draft condition

	<p>following the issue of the Occupation Certificate and will be released upon submission of a report by a landscape architect or arborist confirming the success of the landscaping.</p>	<p>issue of the Occupation Certificate and will be released upon submission of a report by a professionally qualified landscape architect or arborist, confirming the success of the landscaping and its probability of long-term survival with the maintenance required under this consent. person with suitable local experience reviewing the status of the landscape establishment and providing recommendations for its future management. Should the report indicate satisfactory establishment (85% survival rate or better) together with a view that the balance of the vegetation appears well-established, the bond shall be released. Otherwise, the bond may be held for a period not exceeding a further 12 months to be released on an acceptable second report.</p>	<p>45A).</p> <p>Proponent's reason for modified condition:</p> <p><i>We request that consideration be given to deletion of this condition, on the basis that there is an existing legal obligation to comply with conditions of consent. If, however, the Panel feels retention of the condition is critical, we would request the changes as set out in the track changes. In particular, we note that neither a landscape architect or arborist may necessarily have the relevant local experience to form a view as to whether the vegetation is succeeding or not. A person with local experience in planting and replanting (e.g. from Landcare or similar) would be far more likely to produce a meaningful view. This could include a photographic survey together with an assessment of the overall survival rate. In this</i></p>
46	<p>Prior to the issue of an Occupation Certificate, and where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance with the requirements of AS 1289 Method of Testing for Compaction shall be provided to Council.</p>	<p>Deleted</p>	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>No filling is required and accordingly the condition is redundant.</i></p>
48	<p>Prior to the issue of an Occupation Certificate, and where required by the development, documentation shall be submitted to Council for review confirming that adequate arrangements have been made to secure legal access over the subject lands and stormwater disposal. Such documentation may constitute easements registered on the title of the subject lands, a lease or the like.</p>	<p>Prior to the issue of an Occupation Certificate, and where required by the development, documentation shall be submitted to Council for review confirming that adequate arrangements have been made to secure legal access over the subject lands and stormwater disposal. Such documentation may constitute easements registered on the title of the subject lands, a lease or the like.</p>	<p>Agreed.</p> <p>Proponent's reason for modified condition:</p> <p><i>There is no objection to providing confirmation of legal access to the development site. With respect to stormwater, it is noted that the approach is to manage this by way of dispersal to overland flow. Stormwater would ultimately flow to the creeks on the boundary of the development site. Given that disposal is by way of overland flow, it is considered that it is difficult to construct a specific legal framework for the management of these waters, which would not vary in any measurable or significant level from pre—developed flows.</i></p>

3.2.3 Compliance with Planning Controls

The subject lands are zoned *RU1 Primary Production* in accordance with the provisions of the Liverpool Plains Local Environmental Plan 2011 (LPLEP 2011). The proposed development is defined as a 'electricity generating works', considered to be consistent with the objectives of the RU1 zone and is permitted with consent by virtue of Section 2.36 under *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The key development data for the proposal is provided in **Table 2**.

Table 2: Key Development Data

Control	Proposal
Site area	268.5 Hectares (Ha)
GFA	N/A
Clause 4.6 Requests	No
Maximum Height	4.1 metres (solar structures)
Landscaped area	The site will be landscaped to mitigate the visual impact of the development and compliance is achieved.
Car Parking spaces	No requirement. However, adequate area exists onsite.
Setbacks	Compliance with LPDCP 2012. Achieves setback requirements with more than a 5 m setback from Black Gully Road.

The above information was also assessed under the original proposal and deemed compliant with Councils requirements. Refer to landscape section of the proposed layout in Figure 6 below.

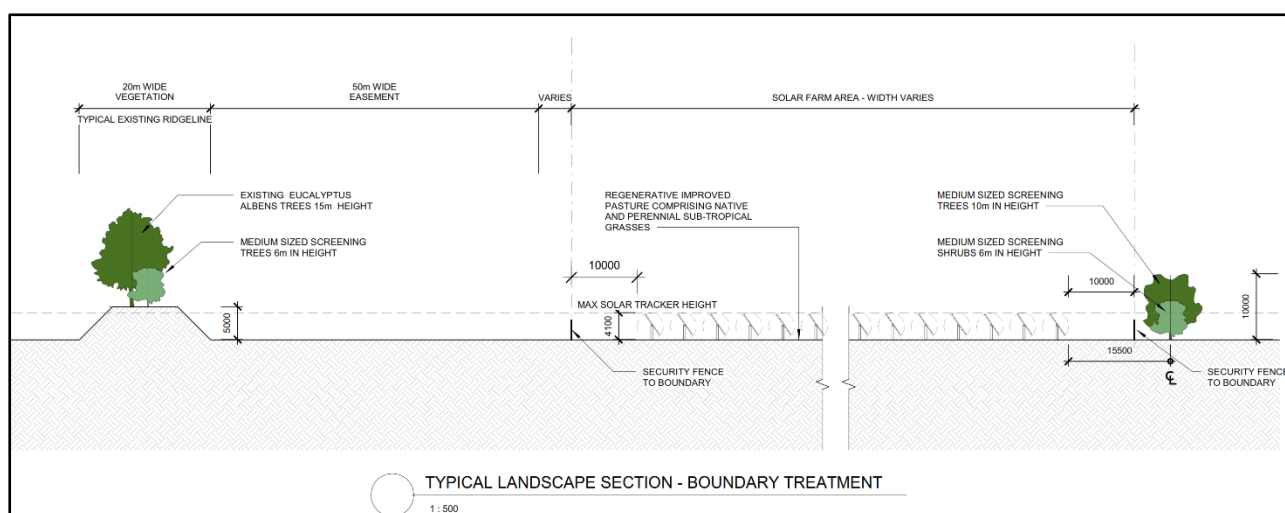


Figure 6: Landscape section of the proposal

3.3 Chronology of the DA

The development application was lodged on **3 July 2023**. A chronology of the development application since lodgement is outlined below in **Table 3** and includes the NRPP's involvement (briefings, deferrals etc.) with the application:

Table 3: Chronology of the DA

Date	Event
17 July 2023	Lodgement of the application
17 July 2023	Concurrence to Essential Energy under EP&A Regulation 2021, s38 (Amendment of development application) SEPP (Transport and Infrastructure) 2021, s2.48
17 July 2023	Referral to Department of Planning and Environment - Water under Water Management Act 2000 s91 – controlled activity
17 July 2023	Request forwarded to the NRPP for review of new application (PPSNTH-231)
19 July 2023	Commencement of first exhibition period. 1st exhibition - 19 July 2023 until 2 August 2023.
2 August 2023	Cessation of first exhibition period
4 August 2023	Agency advice received from Essential Energy
28 August 2023	Agency decision - Department of Planning and Environment (Water) Controlled Activity Approval
28 September 2023	Commencement of second exhibition period 2nd exhibition - 28 September 2023 to 27 October 2023.
27 October 2023	Cessation of second exhibition period
14 November 2023	Northern Regional Planning Panel Briefing
14 November 2023	Request for additional information (RFI) to applicant seeking modified site plan demonstrating alternate access point to the site.
22 November 2023	Amended site plan lodged with and accepted by Council under clause 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('the Regulation') on 22 November 2023.
14 December 2023	Panel Determination Meeting

3.4 Site History

Historically, the subject land has been used for agricultural purposes requiring vegetation clearing. A search of Council's records has produced the following approvals:

- BA 122/1997 - Machinery shed;
- BA 37/1953 - Cottage; and
- DA048/2020 - Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure.

The Electricity Generating Works (Solar Farm) was originally lodged with Council 22 October 2020 and approved by the former JRPP / Council on 29 April 2021, subject to conditions.

4. STATUTORY CONSIDERATIONS

4.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999) aims to ensure that actions likely to cause a significant impact on Matters of National Environmental Significance undergo an assessment and approval process. The Flora and Fauna Assessment (FFA) accompanying the original DA advised that the development is unlikely to have an impact on any Matters of National Environmental Significance. Under this modification this is still considered the case and the proposal does not need to be referred to the Commonwealth Minister for the Environment in this regard.

4.2 National Parks and Wildlife Act 1974

An Aboriginal Archaeological Assessment Report was prepared by Virtus Heritage and submitted with the original subject application to address the provisions of the *National Parks and Wildlife Act 1974*. The Report advised that no Aboriginal objects were identified during a site inspection and there are no registered Aboriginal places on the site. The Report also noted the project area is unlikely to contain archaeological deposits based on the impacts of prior land uses, namely agriculture. The Report also suggested mitigation measures for the discovery of any unknown Aboriginal objects, places or archaeological material be discovered during excavation, and were incorporated into the original conditions of consent.

4.3 Water Management Act 2000

Four (4) first order watercourses are identified within proximity to the development site (see **Figure 5**). One (1) to the north of the site, one (1) along the south-eastern boundary, and one (1) crossing the proposed site access to the south-west of the site. As the proposal will involve works on waterfront land, a Controlled Activity approval is required to be obtained from NSW Department of Planning and Environment - Water (DPE - Water) under Section 91 of the *Water Management Act 2000*. The subject application also constitutes integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* and General Terms of Approval were obtained from DP&E - Water as part of the assessment.

4.4 Biodiversity Conservation Act 2016 & Biodiversity Conservation Regulation 2017

The *Biodiversity Conservation Act 2016* (BC Act) aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development. A Biodiversity Development Assessment Report (BDAR) is required to accompany a DA if the proposal will 'significantly affect threatened species' and the Biodiversity Offset Scheme (BOS) will apply.

The FFA prepared by Kleinfelder as part of the original DA advised that a BDAR and entry into the BOS is not required for the proposed development due to the following:

- The proposal is not State Significant Development;
- The proposal will not impact an Area of Outstanding Biodiversity Value, as listed under Part 3 of the BC Act;
- The proposal is unlikely to cause a significant impact on threatened species, population or ecological communities, as determined by an assessment against the five-part-test of significance under Section 7.3 of the BC Act;
- The proposal will not impact areas identified as having 'high biodiversity value' on the biodiversity values map; and
- The proposal will mainly involve clearing of non-native vegetation and will not involve clearing of native vegetation that exceeds the BOS threshold for the site, being 1 Hectare for a minimum lot size of 200 Hectares.

The abovementioned aspects of the proposal will not change as a result of the proposed S.4.55(2) modification.

4.5 New England North West Regional Plan 2041

The *New England North West Regional Plan 2041* takes a cross-border approach to economic investment, sustainability, infrastructure delivery, servicing provision and housing development. The plan nominates twenty-two (22) objectives for the New England North West region.

One of the objectives of the Plan, *Objective 1: Coordinate land use planning for future growth, community need and regional economic development* recognises the importance of sustainable development. It is considered this development and its infrastructure will facilitate growth for the area of Werris Creek and the wider Liverpool Plains Shire, in a manner that is consistent with this Objective.

The Local Government narratives within the NENWRLP 2041 also identify priorities for each Council within the New England North West area of NSW. A key function of this Plan is to guide the preparation of local council land use strategies. The strategies reflect the Objectives and Strategies of the Regional Plan and are based on the following planning principles:

1. Identify growth needs and opportunities,
2. Identify and direct suitable land for planned growth,
3. Determine the required structure for development, and
4. Encourage locally responsive, sustainable design.

It is considered that this development is highly consistent with the above-mentioned principles as it provides opportunities for Liverpool Plains Shire Council to facilitate future growth of the Werris Creek community, and immediate area. The proposal also strongly supports locally responsive, sustainable design.

4.6 Environmental Planning and Assessment Act 1979

4.6.1 Section 1.3 - Objects of Act

In making an assessment the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act 1979 is provided below:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- The proposal has the potential to provide a range of social benefits which align with the NSW State Priorities, in particular 'Delivering Infrastructure';
 - The proposal would provide for construction employment opportunities;
 - The development would not negatively impact on the economic welfare of the community or the State's natural resources; and
 - The proposal has been designed to minimise impacts to the site's natural and built resources, where possible.
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

The EP&A Act 1979 adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision making processes and that ESD can be achieved through the implementation of:

- the precautionary principle,
- inter-generational equity,
- conservation of biological diversity and ecological integrity, and
- improved valuation, pricing and incentive mechanisms.

Council considers the proposal satisfactorily addresses the ESD principles as follows:

- *The Precautionary Principle:* As a renewable source of power, solar energy has an important role in reducing greenhouse gas emissions and mitigating climate change, which is critical to protecting humans, wildlife, and ecosystems. This minimises adverse impacts in regard to demand on natural resources. Solar energy can also improve air quality, reduce water use from energy production, and provide ecosystem services for host communities through carbon sequestration, pollination, and ground and stormwater management.

Additionally, proposal is not considered to cause serious or irreversible damage to the environment as the solar farm will be subject to a decommissioning process that will restore the land back to full agricultural capability.

- *Inter-Generational Equity:* The proposal would not cause significant impact on the health, diversity and productivity of the environment. Solar energy can help to reduce reliance on fossil fuels and by doing so reduce greenhouse gases, improve air quality and conserve water for the future.

In addition to the previously mentioned environmental, social and economic benefits, the project will generate a clean source of energy and assist in reducing the carbon footprint. The project will meet the needs of future generations and support the interests of the community in regard to increased accessibility and connectivity between the local areas.

As Australia transitions towards net zero emissions targets by 2050, projects that minimise their environmental footprint are a key part of the solution. This project contributes to these targets.

- *Conservation of Biological Diversity and Ecological Integrity:* The proposal would operate within the existing approved footprint of grazing land with minimal trees. The findings of the FFA were that there was no significant impact to flora and fauna given the remaining vegetation and habitats that are not impacted by the proposal.
- *Improved Valuation, Pricing and Incentive Mechanisms:* The proposal involves the generation of renewable energy, which is an important sustainable resource. Producing carbon free electricity embodies the principle of improved valuation of a natural resource, solar energy.

(c) *to promote the orderly and economic use and development of land,*

The proposal is an orderly use and development is capable of managing expected impacts on the existing grazing land.

(d) *to promote the delivery and maintenance of affordable housing,*

Not applicable.

(e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*

The operation of the development is proposed within a modified and disturbed environment and would not impact on local or regional biodiversity values.

(f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

The site is not identified as a heritage item within the LPLEP 2011. The site is heavily disturbed with the likelihood of impacting Aboriginal cultural heritage being low.

- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

The proposed structures have been designed to comply with the BCA provisions and therefore meet health and safety requirements for the intended occupants.

- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

The application shall be determined by the Northern Region Planning Panel as per *State Environmental Planning Policy (Planning Systems) 2021*.

- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal was publicly exhibited, including notifying adjoining landowners, placing a notice in newspaper, as well as displaying the proposal on Council's website.

It is noted that the proposal is considered to be:

- Integrated Development (s4.46)
- Requiring concurrence/referral (s4.13)

4.6.2 Section 4.46 What is “integrated development”?

The proposal is identified as being integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*. Based on the information accompanying the DA, the proposed development will involve works on waterfront land and therefore requires a Controlled Activity approval from the DP&E - Water under Section 91 of the *Water Management Act 2000*. General Terms of Approval from DP&E - Water were obtained as a part of the assessment of the subject application.

In their response dated 28 August 2023, the DP&E - Water did not raise objection to the proposal issuing a Controlled Activity approval.

4.6.3 Section 4.5 Designation of consent authority

Private infrastructure which constitutes electricity generating works that has a capital investment value (CIV) of more than \$5 million are classified as regionally significant development in accordance with Clause 5, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. Consequently, the NRPP is the consent authority for the proposed development.

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

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

4.7.1 Section 4.15 Evaluation

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

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
that apply to the land to which the development application relates,
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Liverpool Plains Local Environmental Plan 2011*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 4** and considered in more detail below.

Table 4: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	The site does not have an approved Koala Plan of Management (KPoM). An assessment undertaken by <i>Kleinfelder</i> has determined that there is no highly suitable koala habitat or core koala habitat on the site due to no evidence of a resident population of koalas and the isolated nature of the feed trees, which are in turn are unlikely to be	Y

	<p>fed upon by koalas. Additionally, no native vegetation are required to be removed as part of the development.</p> <p>Therefore, the vegetation in the study area is unlikely to constitute core Koala habitat as defined under Chapter 4 of the SEPP.</p>	
BASIX State Environmental Planning Policy	-	N/A
State Environmental Planning Policy (Housing) 2021	-	N/A
State Environmental Planning Policy (Industry and Employment) 2021	-	N/A
State Environmental Planning Policy 65	-	N/A
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <p>Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as it has a capital investment value (CIV) of more than \$5 million, is private infrastructure and constitutes electricity generating works.</p> <p>The capital investment value of the project is \$6.4 million and therefore would meet the definition of regionally significant development.</p>	Y
State Environmental Planning Policy (Precincts—Central River City) 2021 or State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 or State Environmental Planning Policy (Precincts—Regional) 2021 or State Environmental Planning Policy (Precincts—Western Parkland City) 2021	-	N/A

State Environmental Planning Policy (Primary Production) 2021	<p>Chapter 2: Primary production and rural development</p> <p>This Policy aims to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land, to identify State significant agricultural land and to encourage and protect aquaculture. This Policy applies to the State.</p> <p>The proposed development is consistent with the aims of this Policy. Furthermore, the development site is not identified as being State significant agricultural land.</p>	Y
SEPP (Resilience & Hazards) 2021	<p>Chapter 4: Remediation of Land</p> <p>Section 4.6 of the Policy applies and a search on the NSW EPA's record of notified and contaminated sites determined the site is not listed in the register. The site has not been identified as being contaminated and it is therefore considered that the site is suitable for the project, in respect to contamination.</p>	Y
State Environmental Planning Policy (Resources and Energy) 2021	-	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <p>Section 2.48(2) (Determination of development applications—other development) – electricity generating works - the proposal is satisfactory subject to conditions.</p>	Y
Proposed Instruments	No compliance issues identified.	Y
Liverpool Plains LEP 2011	<p>Clause 2.3 – Permissibility and zone objectives</p> <p>The proposed development is identified as being 'electricity generating works' which is defined under the LEP as follows: <i>electricity generating works means a building or place used for the purpose of—</i></p> <p>(a) <i>making or generating electricity, or</i> (b) <i>electricity storage.</i></p> <p>The site is zoned <i>RU1 Primary Production</i> under Liverpool Plains LEP 2011. Use of the land for the indicated purpose is prohibited in the RU1 zone. However, Section 2.36(1)(b) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 states that development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural use zone, which includes the <i>RU1 Primary Production</i> zone. The subject lands are zoned RU1 under the <i>Liverpool Plains Local Environmental Plan 2011</i> and therefore the proposed development is permissible with consent under Section 2.36(1)(b) of the SEPP.</p>	Y

	<p>The proposal is also permissible with consent by virtue of Section 2.36(9) of the SEPP which states that development for the purpose of a solar energy system may be carried out by any person with consent on any land. The SEPP defines a 'solar energy system' as follows:</p> <p style="text-align: center;"><i>solar energy system means any of the following systems—</i></p> <p style="text-align: center;"><i>(a) a photovoltaic electricity generating system,</i></p> <p style="text-align: center;"><i>(b) a solar hot water system,</i></p> <p style="text-align: center;"><i>(c) a solar air heating system.</i></p>	
Liverpool Plans DCP 2012	<p>The Liverpool Plains Development Control Plan 2012 (DCP) contains further guidance on how to implement the statutory provisions in the LEP.</p> <p>The proposed modifications demonstrate compliance with the provision of the LPDCP 2012.</p>	Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This consolidated Policy applies in the Liverpool Plains local government area to land that has an area of more than 1 hectare. Therefore, the provisions of this Policy require consideration as part of the proposed development. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas and was formerly identified as a separate Policy (SEPP (Koala Habitat Protection) 2021).

Significant disturbance and modification of the natural environment has occurred on the subject land as a result of historic land uses such as agricultural and residential. In this regard, some areas of the subject land have been previously cleared to accommodate the land uses, with remaining vegetation comprising native trees and various species of shrubs sporadically located throughout the subject site. Native vegetation is also not required to be removed as part of the proposed modification to the development.

Additionally, the site does not have an approved Koala Plan of Management (KPoM). A Flora and Fauna Assessment originally undertaken by *Kleinfelder* determined there is no highly suitable koala habitat or core koala habitat on the site due to no evidence of a resident population of koalas and the isolated nature of the feed trees, which are in turn are unlikely to be fed upon by koalas. Therefore, the vegetation in the study area is unlikely to constitute core Koala habitat as defined under Chapter 4 of the SEPP. The original DA assessment also conditioned that no koala feed trees were to be removed. This will continue to apply to the proposed modification.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The site is located at Lot 1 DP 255599 and Lot 3 DP 343532, 962 and 822 Black Gully Road, Werris Creek and the *State Environmental Planning Policy (Planning Systems) 2021* is relevant to the development application. Chapter 2: State and Regional Development - Section 2.19(1) declares the proposal regionally significant development.

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP. That is, the proposal is development for private infrastructure and constitutes electricity generating works and the capital investment value of the project is \$6.39 million. Accordingly, the NRPP is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

Given the subject property and surrounding land are zoned *RU1 Primary Production* the provisions of this Policy apply to the development. It must be noted the proposal is permissible in the RU1 zone (prescribed zone) under the provisions of Section 2.36(1)(b) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, which states that electricity generating works may be carried out by any person with consent. One of the aims of *Chapter 2 Primary production and rural development* states that land use conflict and sterilisation of rural land is to be reduced by balancing potential development and the protection of native vegetation, biodiversity and water resources.

The abovementioned matters have been taken into consideration during this assessment of the proposed development. All documents submitted by the proponent for the development have adequately addressed the abovementioned. The proposal will have negligible impact on the established rural landscape character of the locality, and not result in adverse environmental harm. In its construction and operation, the proposal does have the potential for noise, dust and visual impacts for adjoining land. This has been minimised by way of appropriate conditions and management plans that regulate these potential impacts.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for of the project. The initial assessment of the proposed development confirmed the site had no known investigations about contamination on the subject land or land use restrictions issued by the NSW Environmental Protection Authority (EPA). The assessment also considered the development site was suitable for the proposed development and is still the case. Therefore, the provisions under this section have been satisfied.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Section 2.36 Development permitted with consent

Section 2.36(1)(b) of the SEPP (T&I) 2021 states that development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural use zone, which includes the *RU1 Primary Production* zone.

Section 2.48 Determination of development applications—other development

In accordance with the provisions of Section 2.48(2) before determining a development application (or an application for modification of a consent) for development the consent authority must: -

- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

Essential Energy was consulted in relation to the proposed development who provided a response 4 August 2023 supporting the proposed modifications with recommendations.

Liverpool Plains Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Liverpool Plains Local Environmental Plan 2011* ('the LEP') and is considered below.

1.2 Aims of Plan

The relevant aims of the LPLEP 2011 include: -

- “(2)(c) to promote ecologically sustainable urban and rural development...*
- (e) to minimise land use conflict...*
- (f) to ensure that development has regard to the capability of the land...*
- (i) to enable development that has proper regard to the environmental constraints of the land and minimises impacts on biodiversity, water resources and natural landforms.”*

The proposed modification is consistent with the relevant aims of the LPLEP 2011. The proposed layout of the solar farm will remain substantially the same as the original approval. The infrastructure is intended to have minimal impact on the existing rural environment. In addition, the mitigation measures proposed to be implemented will minimise potential land use conflict and impacts to the environment.

2.3 Zone objectives and Land Use Table

The site is zoned *RU1 Primary Production* under the LPLEP 2011 and use of the land for the indicated purpose is prohibited in the RU1 zone. However, the provisions of the SEPP (T&I) 2021 prevail over the LPLEP 2011, making the proposal a permissible use on the site in the RU1 zone. That is, Section 2.36(1)(b) of the SEPP (T&I) 2021 provides that development for the purposes of electricity generating works may be carried out by any person with consent on land in a prescribed zone. Section 2.35 identifies RU1 as a prescribed zone.

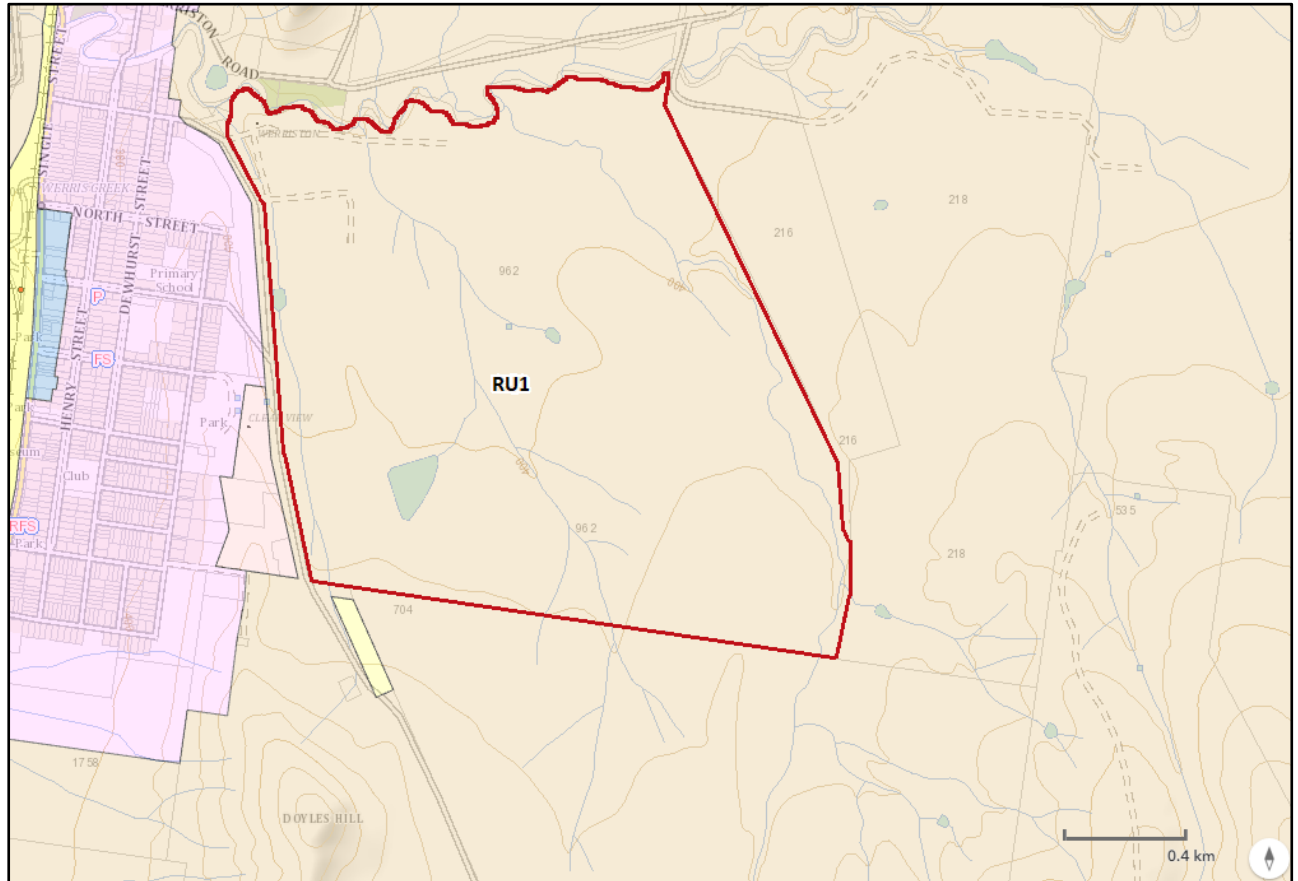


Figure 5: Existing zoning pursuant to Clause 2.2 of the LPLEP 2011.

According to the definitions contained in the 'Dictionary', the proposal satisfies the definition of a 'electricity generating works' and as previously identified, is not a permissible use with consent in the *RU1 Primary Production* zone. The land use is identified as follows: -

electricity generating works means a building or place used for the purpose of—
 (a) making or generating electricity, or
 (b) electricity storage.

Although 'electricity generating works' are prohibited in the RU1 zone, the development is permissible by virtue of Sections 2.35 and 2.36(1)(b) under the SEPP (T&I) 2021, as discussed in an earlier section of this assessment report. The SEPP (T&I) 2021 also clarifies as follows:

2.7 Relationship to other environmental planning instruments

Note— This clause is subject to section 3.28(4) of the Act.

(1) Except as provided by subclause (2), if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

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

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

The proposed modification is consistent with the relevant aims of the LPLEP 2011. The solar farm shall continue to consist of 216 ground-mounted single axis trackers, underground cabling, a 3 m to 5m wide access road and associated infrastructure. The infrastructure is intended to have minimal impact on existing agricultural activities. In addition, the mitigation measures proposed to be implemented will minimise potential land use conflict.

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

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	Not Adopted	4.1 metres (solar structures)	N/A
FSR (CI 4.4(2))	Not Adopted	-	N/A
Land acquisition (CI 5.1)	Not Applicable	-	N/A

Heritage (CI 5.10)	Applicable	No items of Heritage significance are identified on the subject site. Construction activities resulting in increased dust, noise and traffic, have the potential to disturb items of historic heritage in the town of Werris Creek. However, due to their distance from the nearest sites (greater than 600 metres) and the implementation of mitigation measures, the project is not expected to result in any impacts to items of historic heritage identified.	Yes
Flood planning (CI 5.21)	Applicable	The site is not mapped as being liable to inundation by flooding under the LEP but is in proximity to the Werris Creek. A Flood Impact Assessment report prepared by GHD for the original assessment was submitted with the subject application. The modelling undertaken in the report concluded the proposed solar farm is not subject to flooding during the 1 in 100 (1%) Annual Exceedance Probability storm event. This will remain the same with the relocation of the development area to the north of the site.	Yes
Earthworks (CI 7.1)	Applicable	<p>Earthworks will apply to the development during construction. Consequently, Council must consider the impact of earthworks associated with the proposal.</p> <p>Minimal earthworks are expected to be carried out in conjunction with the proposed development to accommodate the posts for the PV arrays, underground cabling, the access road and an on-site detention basin (OSB). Suitable conditions exist in the recommended terms of consent to address any adverse impacts that may arise during construction.</p>	Yes
Essential Services (CI 7.4)	Applicable	<p>The subject site is not connected to reticulated sewer, water, electricity, or telecommunication services.</p> <p>The proposed development is capable of being connected to the essential services listed under CI 7.4. Suitable conditions were included in the original terms of consent for the development and will not change with the proposed modification. The conditions will facilitate the arrangements for essential services.</p>	Yes
Airspace Operations (CI 7.5)		As the development site is located approximately 22km away from the Quirindi airport, it will not have any impact on the Obstacle Limitation or Operations Surface. The reflectivity assessment submitted with the subject application addresses the visual impact of glare from the solar arrays on aviation.	Yes

The proposal is considered to be generally consistent with the provisions of the LPLEP 2011.

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

There are no draft instruments relevant to the proposal that require consideration.

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

The following Development Control Plan is relevant to this application:

Liverpool Plains Development Control Plan 2012

The Liverpool Plains Development Control Plan 2012 (LPDCP 2012) contains further guidance on how to implement the statutory provisions in the LPLEP 2011. The LPDCP 2012 does not contain any controls for electricity generating works. However, the following controls in **Table 6** generally apply to the development and a response has been generated for each provision in connection with the assessment of the proposed modification: -

Table 6: Consideration of the LPDCP 2012

Chapter	Comment
3.6.1 Building Setbacks	There are no specific controls in the LPDCP 2012 relating to Electricity Generating Works. However, the standard setback requirements for structures in a rural zone is 20 metres (front) and 10 metres (side / rear). These provisions can be applied to the proposal as they are the maximum setback distances in the LPDCP 2012. The proposed setbacks for all structures would comply as the front setback is approximately 290 metres and is significantly screened by vegetation. The potential visual impacts of the project have however been assessed and considered in the report. It is determined the development is unlikely to cause any adverse impacts given the distance of all setbacks, topography of the land, mitigation measures and significant vegetation screening.
3.6.2 Traffic & Access	The TIA provided under DA48/2020 adequately addressed the controls for this Part of the DCP. This will continue to be the case for this assessment. Conditions are included in the recommended terms of consent to ensure compliance with this Part.
3.6.3 Utilities & Services	<p>The subject lands are not serviced by Council's reticulated sewer infrastructure. Given, there will be no staff on the site during operations, it is considered that permanent water and sewer services are not essential for proposed development.</p> <p>The proponent has requested that 'Condition 20' from the original determination be amended so the requirement for an on-site sewage management system is removed. This is due to the infrequent short visits of workers during the operation of the development. Council considers this to be a justified and an acceptable request.</p> <p>A Stormwater Management Report prepared by DRB Consulting Engineers was submitted with the original subject application. The report assessed the impact the development would have on existing site conditions with respect to stormwater quantity. The report also considered Council's LPDCP 2012 and Engineering Guidelines, which asks for an Onsite Stormwater Detention (OSD) basin to ensure that post-development flow rates are reduced to pre-development flow rates for all storm events up to and including the 1 in 100-year storm event.</p>

	<p>The Stormwater Management Report concluded the post-development flows could be limited to pre-development flow rates for the 1 in 100-year storm event using the following strategy:</p> <ul style="list-style-type: none"> i. All impervious runoff from the proposed Photovoltaic Arrays will discharge to the existing ground surface where the natural flow regime will be maintained; ii. Runoff from the proposed gravel/hardstand area catchment will be conveyed via sheet flow and the existing earth berm to the proposed above ground OSD basin; and, iii. Discharge from the above ground onsite stormwater detention basing (sic.) will be limited to the pre-development flow rates. <p>The abovementioned approach to stormwater is unchanged. Conditions were included in the recommended terms of consent for DA48/2020 to ensure that the above strategy is implemented for the development. These conditions will continue to apply for the S.4.55(2) modification, and it is considered the proposed development satisfies the controls under this Part of the LPDCP 2012.</p>
3.6.4 Design	<p>The project has been designed taking into consideration the existing site features. The design of the proposed development is considered to be suitable. The proposed additional landscaping measures under the modification shall also be provided to ameliorate the visual impact of the solar panels. Compliance with this Part is therefore achieved.</p>
3.6.5 Fencing	<p>Security fencing will continue to be proposed on the site and will not be affected by the modification. Compliance with this Part is therefore achieved.</p>
3.6.6 Outdoor Lighting	<p>A condition was included in the recommended terms of consent (DA48/2020) stating that any outdoor lighting installed is to comply with AS 4282 <i>Control of Obtrusive Effects of Outdoor Lighting</i>. This will not change in the recommended conditions of consent be achieved.</p>
3.6.7 Outdoor Signage	<p>Not applicable. No outdoor signage is proposed as a part of the development.</p>
3.6.8 Loading and Unloading Facilities	<p>It is considered there is adequate area on the subject lands for loading and unloading. Compliance with this Part is therefore achieved.</p>
3.6.9 Noise	<p>Not applicable. However, a Noise Impact Assessment was submitted with the original subject application and is considered satisfactory.</p>
3.6.10 Landscaping	<p>In the SoEE Report the proponent has requested that Condition 45A either be deleted or modified so that a consultant with local knowledge will carry out a review of the established landscaping. Council agrees to modify the condition.</p> <p>The layout of the development is proposed to be relocated north as part of the modification. The intensity of landscaping is reduced compared to the development at the southern end of the site under the original approval. This is due to the presence of a topographic feature of a shallow ridge. The landscaping will utilise the existing mature vegetation in this location and strengthen and reinforce this with appropriate local species required to be planted.</p> <p>It is considered the proposed landscaping complies with the intent of this Part of the DCP.</p>

3.6.11 Parking	Off-street parking requirements was adequately addressed in the TIA for the original assessment. The conditions included in the recommended terms of consent will remain the same to ensure compliance in this regard.
4.1.1 – 4.1.1.9 Development on Flood Affected Land	The subject lands are not mapped or identified as being liable to inundation by flooding. Notwithstanding, a Flood Impact Assessment report prepared by GHD was originally submitted with DA48/2020. The modelling undertaken in the report concluded that the proposed solar farm is not subject to flooding during the 1 in 100 (1%) Annual Exceedance Probability storm event. This is still relevant to the proposed modification.
4.2. Environmental Effects & Land Use Buffers	<p>A SoEE Report and supporting technical studies was submitted with application DA48/2020 to address the environmental impacts of the proposed development. The proposed modification to the approved development is not expected to have a negative impact on the surrounding environment, subject to the imposition of conditions of development consent.</p> <p>The LPDCP 2012 does not specify any land use buffers for solar farm developments. Consultation with Essential Energy has also been undertaken as a part of the assessment of the subject application in accordance with EP&A Regulation 2021, s38 (Amendment of development application) and s2.48 of the SEPP (T&I) 2021.</p>

Section 7.18 – Contributions plans

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act 1979 and have been considered in the recommended conditions (notwithstanding Contributions Plans are not DCPs and are required to be considered):

- *Liverpool Plains Shire Council Section S7.11 Development Contributions Plan 2022*

Council may levy contributions for the proposed development in accordance with its adopted Section 7.12 Contributions Plan. According to the cost summary report by APLAS Group Quantity Surveyors and confirmed Capital Investment Value (CIV), the cost of the development is \$7,029,000.00 (incl. GST) and therefore a 1% levy will apply. A condition has been included in the recommended terms of consent requiring the Section 7.12 Contribution to be paid to Council prior to the issue of a Construction Certificate.

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

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

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

Schedule 3 - Designated Development

Schedule 3 of the Environmental Planning and Assessment Regulation 2021 prescribes that 'electricity generating stations' that supply or can supply more than 30 megawatts of electrical power from energy sources, including solar, is designated development. As the proposed solar farm will generate a maximum of 5 megawatts, it does not constitute designated development.

However, electricity generating works are classified as regionally significant development in accordance with Clause 5, Schedule 6 of *State Environmental Planning Policy (Planning Systems)*

2021 as it has a capital investment value (CIV) of more than \$5 million and is private infrastructure. Consequently, the NRPP is the consent authority for the proposed development.

Part 3 Development applications

In accordance with the provisions of Part 3 Development applications concurrence is required with Essential Energy and DPE – Water under EP&A Regulation 2021, s38 (Determination of application for amendment of development application).

Section 61

Section 61 of the Regulations contains additional matters that must be taken into consideration by a consent authority in determining an application. No matters raised in this clause are relevant for consideration with this proposal.

These provisions of the Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

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

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

Context and setting

The site is situated within a predominantly rural and agricultural setting. The area surrounding the site, with the exception of the town of Werris Creek to the west, is used primarily for rural and agricultural purposes.

It is considered that the proposed modifications to the development are appropriate for the site and surrounding locality, subject to the implementation of measures to ameliorate visual impacts. The proposed relocation of the solar panel layout has the benefit of improved shielding from adjoining land due to the topography. Amended conditions have been included in the recommended terms of consent to this effect.

Additionally, all matters relating to amenity and glare/reflectivity have been addressed in the original assessment of the proposal. The initial reports determined the proposal is unlikely to have significant glare impacts and would not result in high visual impact subject to mitigation measures. This does not change as a result of the proposed modification.

Site Design & Internal Design

The proposed design, associated structures of the development and measures to be undertaken (either enforced by Council or executed by the applicant) are not expected to result in any significant land use conflicts or adversely affect the amenity of surrounding land. The proposed modification has been designed and located with consideration to the constraints of the site and potential environmental impacts, as discussed throughout this assessment report.

Air and Microclimate

As per the original assessment, it is considered the proposed modification to the development will not result in adverse air and microclimatic conditions. The previous supporting technical studies identified a range of measures to mitigate any dust that may be generated during construction and operation of the proposed development. Such measures identified in the Visual Impact Assessment (VIA) included: the retention and maintenance of ground cover beneath the solar panels and application of water for dust suppression. These conditions remain in the recommended terms of consent to ensure compliance in this regard.

Access, Transport and traffic

Crown Lands provided a submission during the notification period, objecting to the proposed access for the development as it was considered Crown Land (Crown Reserve 48304 - Lot 249, DP 751017) and a Crown Road would be impacted. This has been discussed with the proponent and resolved by repositioning the access point for the site, resulting in negligible impact on Crown Land (refer **Figure 7**). Additionally, the Crown Road (adjoining Lot 3 DP 343532, Lot 249 DP 751017 and Lot 11 DP 1093246) is to be dedicated to Council with all costs associated with the dedication borne by the developer. This will be recommended as a draft condition.

The TIA prepared by *Intersect Traffic* was submitted to support the original subject application. This document still applies to the proposed modifications as the proposal is substantially the same as the approved development. That is, there are no changes to traffic volumes during both construction and operation. The conditions included in the terms of consent under DA48/2020 will also remain unchanged in the recommended conditions for the proposed modification.

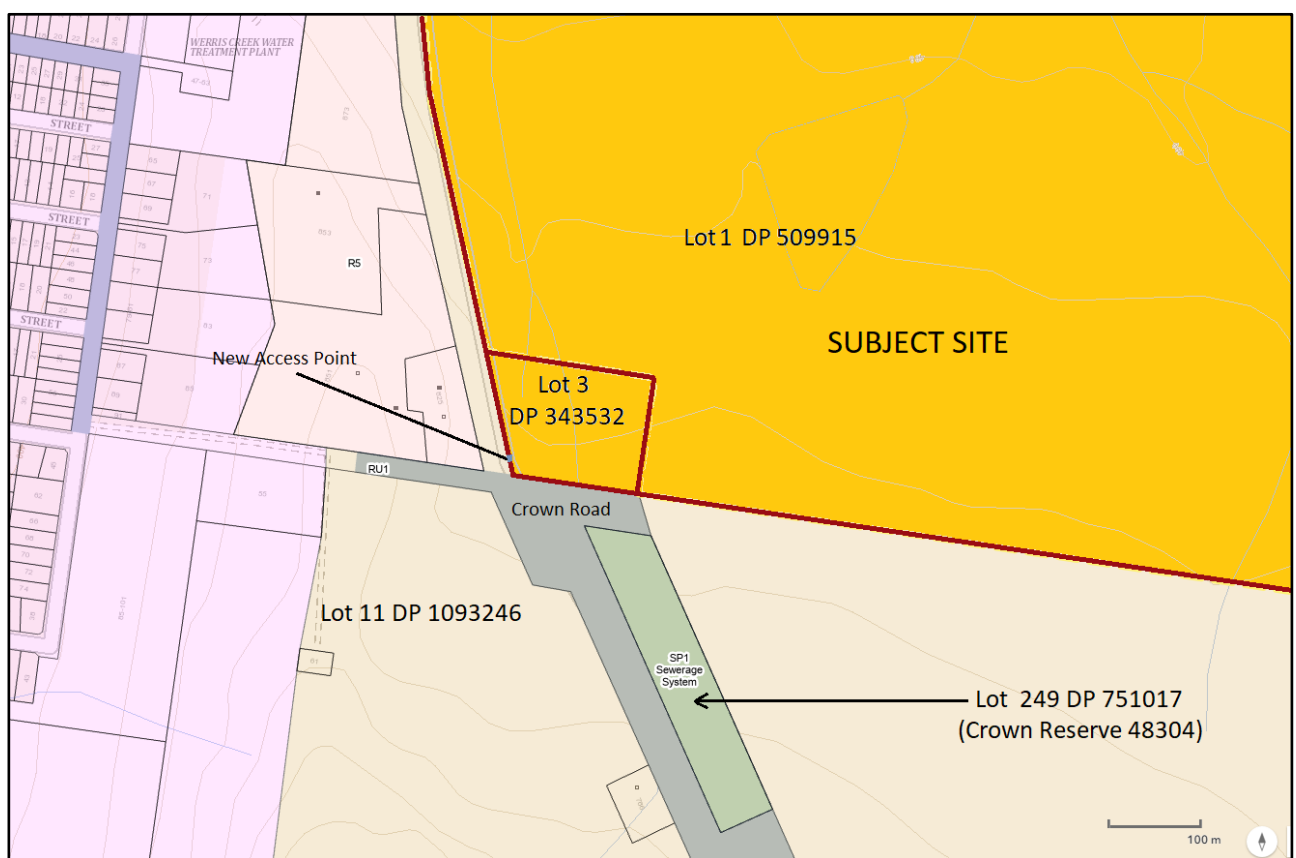


Figure 7: Confirmation of Crown Land and new Access Point

Public Domain

The proposed modification to the development is expected to have negligible impact on the public domain in terms of public recreation opportunities, public spaces and pedestrian linkages.

Utilities

It is considered the development is unlikely to have an adverse impact on the availability and capacity of utilities. Minimal utilities are expected to be required for the Project as construction will continue to remain for approximately 6 months and there will be no permanent staff on the site, nor any permanent buildings.

Heritage

There are no items of heritage significance identified on, or in proximity to, the subject site within Schedule 5 of the LPLEP 2011.

Reports submitted with the original development application also confirm that no Aboriginal objects were identified during a site inspection and there are no registered Aboriginal places on the site. The studies also noted that the project area is unlikely to contain archaeological deposits based on the impacts of prior land uses, namely agriculture.

Other land resources

The nature of the proposal and the mitigative measures proposed would not result in an adverse impact on the adjoining agricultural land, mineral and extractive resources and water supply catchments.

Water

A Stormwater Management Report was prepared by *DRB Consulting* to support the original development. The recommendations of the report are still relevant to the modified solar farm envelope and will not change as a result of the modification.

The proposed modification to the development was also referred to the Department of Planning and Environment - Water for a Controlled Activity Approval under Section 91 of the *Water Management Act 2000*. General Terms of Approval have been obtained from NSW DPE - Water as a part of the assessment of the subject modification application and are contained in the recommended terms of consent for the Project.

Soils

The proposed development is not expected to have an adverse impact on soil conservation. Erosion and sediment controls will be required to be installed prior to the commencement of works and maintained for the duration of construction works. Conditions are included in the terms of consent to this effect.

Energy

The proposed development involves the establishment of renewable energy, being a 5MW photovoltaic electricity generating system and associated infrastructure.

Noise and vibration

The Noise Impact Assessment (NIA) prepared by *Muller Consulting Pty Ltd* (MAC) submitted with the original subject application is still pertinent to the proposed modification. The recommended mitigation measures incorporated in the previous terms of consent will be the same as the recommended conditions for the modification.

Natural hazards

The subject lands are identified as being prone to bushfire hazards. Although the lands are not mapped as being liable to inundation by flooding under the LEP, a flood impact assessment was included with DA48/2020 as the lands are situated near the Werris Creek. These hazards have been addressed throughout this assessment report and the conditions included in the original terms of consent will remain unchanged to reduce potential risks.

Waste

The imposed conditions of consent from the original proposal will remain the same to manage any waste associated with the development (i.e. request for a Waste Management Plan (WMP) for construction and operation).

Flora and fauna impacts

A Flora and Fauna was prepared by *Kleinfelder* as part of DA48/2020. The report advised the development site is predominantly comprised of agricultural cropping and exotic grasslands. It also indicated no vegetation will require removal in order to accommodate the proposed development. The report assessed the potential impacts of the Project on threatened biota, flora and fauna, and ecological communities and aquatic habitat. The report concluded that the Project is unlikely to have a significant impact on flora and fauna. This information still applies to the proposed modification.

In addition, the report identified a number of avoidance and mitigation measures to reduce potential biodiversity impacts, including but not limited to erosion and dust control, vegetation protection, and weed and chemical spill management. Conditions to ensure mitigation measures are implemented have not changed from the original recommended terms of consent.

Natural environment

The construction of the development will result in minor excavation works to accommodate the posts for the PV arrays, underground cabling, the access road and an on-site detention basin. Tree removal from the site is not required given the pre-existing nature of the land.

Safety, security and crime prevention

The proposed development is not expected to have an adverse impact on safety, security and crime prevention. The development site will be improved with security fencing.

Economic and Social impact

The proposed development is expected to have a positive economic impact in the locality and the region during the construction and operation phase of the development. The proposal seeks to utilise an existing property that is suitable for the development. The project is unlikely to have any negative economic impacts.

The intermittent use, extensive screening, management plans (construction and operation) and topography of the development site will ensure there will be little social impact on the surrounding area.

At the same time as having these positive economic and social impacts the proposal has the potential to have adverse impacts related to safety, health, security and criminal activity during construction and operation. The study / report recommendations have put forward various measures to manage the risk of any potential adverse social impacts occurring in relation to the proposal. Where these proposed measures are incorporated into the development it is considered that the proposal may be supported from a social impact perspective.

Construction

Conditions from the original consent, with some being modified, have been included in the draft terms of consent to mitigate construction impacts.

Cumulative impacts

The proposal is considered to be compatible with surrounding land uses and approval of the application is not expected to result in any unacceptable land use conflicts. The proposed recommendations and conditions are considered to minimise any impacts. Furthermore, pertinent matters have been addressed in detail in this assessment report, which demonstrates that the development is consistent with applicable planning legislation.

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

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

The subject site is considered suited for the proposed development. Known environmental hazards and / or constraints associated with the allotment have been assessed through the report. The following key points are discussed below:

- The development is compatible with and sympathetic to the existing built environment;
- No hazardous land uses or activities are within the vicinity of the site;
- The attributes of the subject lands are conducive for the purposes of the proposal;
- It has been demonstrated that impacts of the development can be mitigated and managed, where required, through compliance with conditions of consent;
- The development is compatible with the identified bushfire risk; and
- The proposed development is not expected to result in deleterious impacts, subject to the imposition of suitable conditions of consent;
- The known environmental hazards that affect the subject lands, including bushfire, are not expected to render the proposal prohibitive; and
- The proposed development is permitted with development consent under Section 2.36 of the SEPP (T&I) 2021 and aligns with the strategic direction in Council's Local Strategic Planning Statement.

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

The proposal was notified in accordance with the Council's Community Participation Plan from 19 July 2023 until 2 August 2023 and 28 September to 27 October 2023. Given this is a modification, those who previously made submissions were notified, along with the landowners of the first consultation from the original DA.

A total of three (3) unique submissions, comprising two (2) objections and one (1) submission questioning the address details of the development, were received.

The issues raised in these submissions included the following: -

- *Traffic* - traffic generation from the construction of the development. This is short term and has been resolved by the original conditions of consent.
- *Safety for pedestrians* - This has been resolved by the original conditions of consent enforced at the construction stage (i.e. Construction Traffic Management Plan).
- *Visual Impacts* - Resolved by conditions relating to screening and landscaping.
- *Air quality during construction* - from the vehicles entering exiting the site. This is resolved by the original conditions of consent that are enforced at the construction stage.
- *Access* - DP&E - Crown Lands object to the proposed access for the development as Crown Land (Crown Reserve 48304 - Lot 249, DP 751017) and Crown Road will be impacted. This has been discussed with the proponent and resolved by repositioning the access point for the site, resulting in negligible impact on Crown Land. Additionally, the Crown Road (adjoining Lot 3 DP 343532, Lot 249 DP 751017 and Lot 11 DP 1093246) will

be dedicated to Council with all costs associated with the dedication to be borne by the developer. This will be recommended as a draft condition.

- *Correct address for the development site* - the submission questions whether the address of the development site is correct. The details of the address is correct.

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

Potential visual, social, economic and environmental impacts have been thoroughly addressed in this assessment, and no detrimental impacts have been identified as a result of the proposed modifications to the development. In this regard, the subject application is considered to be in the public interest.

4.12 Section 4.55 Modification of consents—generally

As previously mentioned, the subject application has been considered as a modification under Section 4.55(2) of the EP&A Act 1979 which states:

*“4.55(2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified...”

It is considered that the modification application satisfies the abovementioned matters under Section 4.55(2) of the EP&A Act 1979. This is based on the following rationale:

Substantially the same development

The *Department of Planning, and Environment* (DPE) provide the following guidance about demonstrating whether a proposal is ‘substantially the same development’ in ‘Modifying an Approved Project, Draft Environmental Impact Assessment Guidance Series, June 2017’:

- *“Substantially” means “essentially or materially” or “having the same essence.”*
- *A development can still be substantially the same even if the development as modified involves land that was not the subject of the original consent (provided that the consent authority is satisfied that the proposal is substantially the same).*
- *If the development as modified, involves an “additional and distinct land use”, it is not substantially the same development.*
- *Notwithstanding the above, development as modified would not necessarily be substantially the same solely because it was for precisely the same use as that for which consent was originally granted.*
- *To determine whether something is “substantially the same” requires a comparative task between the whole development as originally approved and the development as proposed to be modified. In order for the proposal to be “substantially the same”, the comparative task must:*
 - *result in a finding that the modified development is “essentially or materially” the same*
 - *appreciate the qualitative and quantitative differences in their proper context*

- in addition to the physical difference, consider the environmental impacts of proposed Modification Applications to approved developments.
- The results of the comparative task “does not eclipse or cause to be eclipsed a particular feature of the development, particularly if that feature is found to be important, material or essential.”

The Department of Planning and Environment (DPE) provide guidance on undertaking the ‘comparative task’:-

‘A proponent should consider the following elements of the proposed project change when undertaking a comparison:

- development size, scale and footprint
- intensity including rates of production
- primary, secondary and ancillary use
- project life and hours of operation
- extent, duration and severity of impacts.

The updated project description will assist in carrying out a comparative analysis because it highlights any changes in key elements of the development.’

The development to which the consent as modified relates is substantially the same development for which consent was originally granted. The proposed solar farm development layout remains the same with only minor changes (i.e. moved towards the northern end of the approved development envelope) and will have minimal or no impact on the environment as a result. The development is therefore the same ‘essence’ as the use to which the land was originally approved.

Consultation and notification requirements have also been met in accordance with the Regulations. Therefore, the proposed development complies with the above and this is demonstrated throughout this assessment of the proposal.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment / concurrence / referral as required by the EP&A Act 1979 and outlined over the page in **Table 7**. There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	-	N/A

Essential Energy	Concurrence to Essential Energy under EP&A Regulation 2021, s38 (Amendment of development application) SEPP (Transport and Infrastructure) 2021, s2.48	Advice and recommendations provided by Essential Energy. Support in principle provided for the project	Y
Department of Planning and Environment- Water	<i>Water Management Act 2000</i>	General Terms of Approval Issued	Y
Referral/Consultation Agencies			
NSW RFS	S4.14 – EP&A Act Development on bushfire prone land	Referral not required. Must Comply with Chapter 8 of <i>Planning for Bushfire Protection Guidelines 2019</i> (PBP)	Y
Essential Energy	SEPP (Transport and Infrastructure) 2021, s2.48	Advice and recommendations provided by Essential Energy. Support in principle provided for the project	Y
Department of Planning and Environment- Water	<i>Water Management Act 2000</i> , s91	NSW DPE - Water - Controlled Activity Under the <i>Water Management Act 2000</i> s91 – controlled activity General Terms of Approval Issued	Y
Northern Region Planning Panel	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>	Referral for Assessment required as development is Council related development over \$5 million.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Department of Planning and Environment - Water	<i>Water Management Act 2000</i>	The proposed development will involve works on waterfront land; a Controlled Activity Approval is required	Y

5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineer has assessed the proposal and raised no concerns in relation to traffic generation, access and car parking, subject to conditions of consent.	Yes
Traffic	No changes to comments made in the original proposal.	Yes
Building	Comments made in the original proposal confirmed only a final inspection and occupation certificate would be required once the works are complete. This advice applies to the modified proposal.	Yes
Health	Advice provided by the Environmental Health Consultant from the original assessment will continue to apply and are detailed in the draft conditions.	Yes
Waste	Staff not available for advice however management conditions from the original approval will continue to apply and are detailed in the draft conditions.	Yes
Public Domain/ Assets	Council's Public Domain / Assets Officer has assessed the proposal and raised no concerns in relation to the proposed modifications and associated documentation for the development, subject to conditions of consent.	Yes
Heritage	<p>In accordance with the provisions of the LPLEP 2011 there are no items of heritage significance on or adjoining the subject site. Further, no items of heritage significance are located near the development.</p> <p>An Aboriginal Heritage Information Management System (AHIMS) Report was requested for the project. The result determined that no Aboriginal sites or areas of potential archaeological significance were identified within the site and no previously recorded sites are located within, or in close proximity to the site.</p> <p>Construction activities resulting in increased dust, noise and traffic, have the potential to disturb items of cultural heritage. However, due to their distance from site (greater than 600 metres), and the implementation of mitigation measures the project is not expected to result in any impacts to items of historic heritage identified.</p>	Yes

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

5.3 Community Consultation

The proposal was notified / advertised in accordance with the LPDCP 2012 / Council's Community Participation Plan from 19 July 2023 until 2 August 2023. The notification included the following:

- An advertisement in the local newspaper, Quirindi Advocate;
- Notification letters sent to adjoining and adjacent properties (approx. 115 letters sent); and
- Notification on Liverpool Plains Shire Council's website.

The proposal was further notified / advertised from 28 September to 27 October 2023 as the previous public consultation did not adequately address the requirements of the legislation for integrated development. The second notification period complied with the legislative requirements of the EP&A Act 1979 and received three (3) submissions.

6. KEY ISSUES

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

6.1 Access

Issues Raised

The Record of Briefing (NRPP) confirmed the assessment report is to address and resolve the proposed access arrangement and Crown Lands submission of objection for the proposed development.

Response:

This has been addressed in Section 4.8 of this report.

6.2 Traffic

Issues Raised

Traffic generation from the construction of the development.

Response:

This is short term (6 months) and has been resolved by the original conditions of consent, involving management and mitigation measures, and will be included in the modified conditions.

6.3 Safety for pedestrians

Issues Raised

The safety of pedestrians will be compromised during construction.

Response:

This has been resolved by the original conditions of consent, enforced at the construction stage (i.e. Construction Traffic Management Plan). These management and mitigations measures will not change in the draft modified conditions.

6.4 Visual Impacts

Issues Raised

Visual impacts of the development from Werris Creek township

Response:

Resolved by conditions relating to screening and landscaping.

6.5 Noise Impacts

Issues Raised

Noise impacts to adjoining neighbours during the construction of the development.

Response:

This is short term (6 months) and has been resolved by the original conditions of consent, involving management and mitigation measures, and will be included in the modified conditions.

6.6 Air quality during construction

Issues Raised

Dust from the vehicles entering / exiting the site during construction.

Response:

This is resolved by the original conditions of consent that are enforced at the construction stage. These have not changed in the proposed draft conditions of this modification application.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. No concerns were raised to the proposed modification. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

A review of the SoEE Report, plans and all associated documentation submitted with the Application has been undertaken, and the merits of the proposal have been assessed. The assessment has included consideration of internal referrals, external government agencies and the public submissions, in conjunction with analysis of the potential environmental impacts of the proposal.

Council considers the key issues associated with the proposal relates to:

- access;
- traffic and safety during construction; and
- air quality, noise and visual impacts.

The proposed development is appropriately located within the *RU1 Primary Production* zone under the relevant provisions of *Liverpool Plains Local Environmental Plan 2011* and is permissible in the *RU1 - Primary Production* zone under the provisions of clause 2.36(1)(b) of the SEPP (Transport and Infrastructure) 2021. The proposal is consistent with all statutory and non-statutory controls applying to the development.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and in the recommended draft conditions included at **Attachment B**.

8. RECOMMENDATION

That the Modification Application No. 2020/048/2 for the proposed 'electricity generating works' at Lot 1 DP 255599 and Lot 3 DP 343532, 962 and 822 Black Gully Road Werris Creek be APPROVED pursuant to Sections 4.16(1)(a) and 4.55(2) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment B**.

The following attachments are provided:

- Attachment A: Site Photographs
- Attachment B: Draft Conditions of consent
- Attachment C: Amended Site Plan and Site Access Plan



Photograph 1: View east depicting mature vegetation on the Subject Land



Photograph 2: View northeast with approximate location of Solar Farm in background



Photograph 3: East view of Subject Site from Black Gully Road



Photograph 4: South view of Subject Site from Glen Alpine Road

GENERAL

1. Approved Plans and Supporting Documentation

Development shall be completed in strict accordance with the application made, the stamped plans and the terms of this consent. The development shall not be modified except with the written consent of the Council, or to satisfy the Council Consent conditions.

Plans:

- ~~Architectural Plans & Landscape Plan: Prepared by Daniel Lawless Drafting Service, Project No. J250, Sheets A01 – A04, L01 & L03 (Revision 6), Dated 17 April 2021;~~ **Architectural plans including revised site plan: Prepared by Red Mud Green Energy dated June 2023;**
- **Site Access Plan prepared by New England Surveying & Engineering 22 November 2023;**
- **Survey Plans:** Prepared by FYFE, Drawing No. 95090-1-1-SV-TO01-r1, Sheets 1 to 3, Dated 1 September 2020;
- **Statement of Environmental Effects:** Prepared by KDC, Dated October 2020 **together with the supplementary Statement of Environmental Effects: Prepared by Wakefield Planning, Dated 26 July 2023;**
- **Due Diligence Aboriginal Archaeological Assessment:** Prepared by Virtus Heritage, Version 3a, Dated 26 October 2020;
- **Flood Impact Study:** Prepared by GHD, Dated September 2020;
- **Flora and Fauna Assessment Report:** Prepared by Kleinfelder, Version 2.0, Dated 16 October 2020;
- **Landscape Plan:** Prepared by Wynergy, Undated;
- **Noise Impact Assessment:** Prepared by Muller Acoustic Consulting, Dated 10 September 2020;
- **Social Impact Assessment:** Prepared by Element Environment, Revision 1, Dated 30 September 2020;
- **Stormwater Management Report:** Prepared by DRB Consulting Engineers, Project No. 200419, Revision B, Dated 25 September 2020;
- **Concept Stormwater / Civil Plans:** Prepared by DRB Consulting Engineers, Project No. 200419, Drawings No. CIV01 & CIV02 (Revision A), Dated 25 September 2020;
- **Waste Management Plan:** Prepared by KDC, Dated October 2020;
- **Reflectivity Report:** Prepared by Wynergy & Review by Moss Environmental Pty Ltd, Revision B, Dated 17 February 2021;
- **Traffic Impact Assessment:** Prepared by Intersect Traffic, Issue E, Dated 27 February 2021;
- **Visual Impact Assessment:** Prepared by Moss Environmental Pty Ltd, Revision 2, Dated 28 September 2020;
- **Letter** from Bronwyn Brennan of Moss Environmental Pty Ltd in Response to Concerns Regarding the Visual Impact Assessment, Undated;
- **Letter** from KDC / SLR Consulting 'RE: Response to Request for Information (DA 48/2020) – 962 Black Gully Road, Werris Creek', Dated 23 February 2021;

If there is any inconsistency between the Conditions of Consent and the documents listed above, the Conditions of Consent shall prevail to the extent of the inconsistency. **Further, if there is any inconsistency between a document and a later document, the later document shall prevail.**

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

2. The applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up to date as required throughout the life of the development. None of the Conditions of Consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Reason: To meet statutory requirements.

3. All building work must be carried out in accordance with the requirements of the Building Code of Australia / National Construction Code.

Reason: This is a prescribed condition under the Environmental Planning and Assessment Act 1979.

4. Any development in proximity to Essential Energy's electrical infrastructure shall comply with the latest industry guideline, currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Reason: To ensure safety and the management of risk.

5. To confirm and clarify the terms of this approval, development consent is given to Stage 1 only of the electricity generating works (solar farm) and associated infrastructure. Any future stages or expansion of the solar farm will be subject to separate approval(s).

Reason: To ensure compliance with the approved application and plans.

6. Access

All access crossings and driveways shall be maintained in good order, and to Council's satisfaction, for the life of the development.

Reason: To ensure that a safe and adequate all-weather access is available to the development.

7. All works shall be undertaken in accordance with Council's *Engineering Guidelines for Development and Subdivision Works*, adopted September 2006, and Council's Vehicle Crossings Policy.

Reason: To confirm the terms of Council's approval.

8. Lighting

Should any outdoor lighting be installed on the development site, it must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of the locality and to ensure compliance with the provisions of the Liverpool Plains Shire Council Development Control Plan 2012.

9. Flora & Fauna

In accordance with the Flora and Fauna Assessment prepared by Kleinfelder (dated 16 October 2020) and to clarify the terms of this development consent, mature Koala habitat feed trees or retained/hollow bearing trees are not permitted to be cleared from the site.

Reason: To ensure compliance with the approved application and applicable legislation.

10. Visual

The mitigation measures outlined in the Visual Impact Assessment prepared by Moss Environmental (dated 28 September 2020) shall be adhered to as far as practicable. In addition to the establishment of the vegetation screen (see Condition 10a) and in particular, the following measures are to be implemented:

- b. Where feasible, utilise underground rather than overhead powerlines and co-locate powerlines. If additional poles are required, the poles should match the existing pole design as much as possible;
- c. The materials and colour of onsite infrastructure will, where practical, be non-reflective and in keeping with the materials and colouring of existing infrastructure or of a colour that will blend with the landscape. Where practical:
 - i. Proposed new buildings will be non-reflective and in eucalypt green, beige or muted wheat;
 - ii. Pole mounts will be non-reflective; and,
 - iii. Security fencing posts and wire will be non-reflective and will maintain the rural infrastructure look.

In addition, all existing paddock trees on the property to the west of the solar panel array site are to be retained.

Reason: To ensure compliance with the approved application and mitigate visual impacts.

PRIOR TO THE COMMENCEMENT OF WORKS

- 10a.** ~~Prior to the commencement of works, a medium density vegetation screen, 2 rows deep and comprising varying native species to attain 6m in height within 3 years shall be established on the site in the alignments indicated in the Visual Impact Assessment prepared by Moss Environmental (dated 28 September 2020), together with an inground system for the permanent irrigation of the plantings.~~ [vegetative plantings in accordance with the detailed landscape plan endorsed as part of the Construction Certificate shall be undertaken.](#) ~~Final details are to be submitted to Council for approval before planting commences, with special attention given to advanced (sapling) plants of native trees in locations to screen the solar farm from~~ [The revised landscaping plan shall pay particular attention to views from the residential properties to the west and from the 'Sunrise Lookout' at the Werris Creek Swimming Pool.](#)

[Species selected for screening should be local endemic species, which are suited to and found on ridge tops in the vicinity. The landscaping principles undertaken are to strengthen and enhance existing mature tree plantings to provide screening to the proposed development.](#)

[Advice from people or groups with specific knowledge of planting establishment in the Werris Creek area are to be sought to obtain information on optimising planting times and methods. Consultation with Council on the proposed landscaping detail should take place prior to submission of detailed landscaping plans as part of the Construction Certificate.](#)

Reason: To ensure compliance with the approved application and mitigate visual impacts.

11. Prior to any works commencing on site, a Construction Certificate for the development must be obtained from Council or a Registered Certifier. No building works are permitted to commence without first obtaining a Construction Certificate.

Reason: To ensure that the required approvals have been granted prior to the commencement of building work.

12. Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) and pre-commencement Road Dilapidation report shall be prepared by the Applicant, or their appointed contractor / consultant, and submitted to Council for review and approval. The CTMP shall include the recommended mitigation measures in the Traffic Impact Assessment prepared by Intersect Traffic Issue E (dated 27 February 2021). The pre-commencement Road Dilapidation report shall be prepared by a suitably qualified person and assess the current condition of the road(s).

Reason: To ensure road condition and safety during construction.

13. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).

Reason: To meet statutory requirements.

14. Prior to the commencement of works, the requested further information and Accredited Service Provider Design Plan shall be submitted to Essential Energy. This information must be reviewed and approved by Essential Energy prior to ~~any works commencing.~~ [an Occupation Certificate being issued.](#)

Reason: To meet statutory requirements.

15. Prior to the commencement of works, erosion and sediment control measures shall be installed on the development site and within 40m of each drainage channel in accordance with the recommendations contained in the Flora and Fauna Report prepared by Kleinfelder (dated 16 October 2020). Erosion and sediments control measures must be consistent with the “Blue Book” Managing Urban Stormwater – Soils and Construction (Landcom 2004).

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

16. Prior to the commencement of works, and in accordance with the recommendations contained in the Noise, Visual and Social Impact Assessments, the Applicant shall carry out proactive community consultation and notification in advance of any service, utility interruptions and traffic changes. The Applicant shall also consult with affected landholders to determine and finalise a mitigation strategy regarding noise and visual impacts. The Mitigation Strategy shall be provided to Council for review prior to commencing works.

Reason: To confirm the terms of Council’s consent and ensure that potential impacts are mitigated.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Prior to the issue of a Construction Certificate, a copy of the Controlled Activity Approval issued by ~~Natural Resources Access Regulator (NRAR)~~ [NSW Department of Planning - Water](#) shall be submitted to Council or Registered Certifier.

Reason: To ensure that the required approvals have been granted prior to the commencement of building work.

18. Prior to the issue of a Construction Certificate by a Registered Certifier or Council, the Long Service Levy shall be paid.

Reason: To meet statutory requirements.

19. Prior to the issue of a Construction Certificate, the developer shall pay a levy as applicable at the time of payment, relative to the total project value, in accordance with the *Liverpool Plains Contributions Plan 2012* and Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The *Liverpool Plains Contributions Plan 2012* can be viewed on Council's website, www.lpsc.nsw.gov.au. The current levy payable is as follows:

Proposed cost of development	Percentage (%) Contribution
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5%
More than \$200,000	1%

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

20. Prior to the issue of a Construction Certificate, a Section 68 application to carry out stormwater drainage work ~~and install an on-site sewage management system (if proposed)~~ under the *Local Government Act 1993* shall be submitted to and approved by Council.

Reason: To ensure that appropriate approvals are in place prior to the issue of a Construction Certificate.

21. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) for the development must be prepared by the Applicant and submitted for approval by Council ~~or an accredited private certifier~~. The CEMP ~~should~~ [shall](#) be ~~developed~~ [prepared](#) in consultation with Council and [address all relevant matters as set out in this consent unless the item is addressed as a standalone document](#). ~~And, at~~ [At](#) a minimum, [it shall](#) include the following information:
- Description of the proposed construction works and work program;
 - Identification of relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
 - Set standards and performance measures for each of the relevant environmental matters associated with construction work;
 - Description of what actions and measures will be implemented to mitigate the potential impacts of the construction works and ensure such works will comply with the relevant standards and performance measures;
 - Description of what measures and procedures will be implemented to:

- iv. Manage construction traffic;
 - v. Register and respond to complaints during construction works;
 - vi. Mitigate any potential environmental impacts, including but not limited to noise, flora and fauna, dust, stormwater and visual impacts;
 - vii. Respond to the discovery of any items of indigenous or non-indigenous heritage significance. This shall incorporate the recommendations from the Due Diligence Aboriginal Archaeological Assessment prepared by Virtus Heritage (dated 26 October 2020);
 - viii. Respond to emergencies, including bushfire and flooding events; and,
 - ix. Ensure the health and safety of construction workers.
- f. Explanation of how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected; and,
- g. Description of the role, responsibility, authority accountability, and reporting of key personnel involved in the construction of the development.

Reason: To ensure that appropriate environmental management practices are implemented during the construction of the proposed development.

22. Prior to the issue of a Construction Certificate, the Applicant shall submit suitable plans and details regarding the internal access road, stormwater drainage across the road and off-street carpark to Council for review and approval.

Reason: To ensure compliance with the approved application.

23. **Deleted**

PRIOR TO THE COMMENCEMENT OF WORK IN COUNCIL'S ROAD RESERVE

24. An Application for a Special Crossing of Footway shall be submitted and approved by Council prior to any construction works commencing on the driveway crossover. Construction shall be carried out in accordance with Council's Standard Drawing and relevant Policies.

Reason: To ensure that the correct approvals are in place prior to work commencing.

DURING CONSTRUCTION

25. **General**

- (a) Construction activities associated with the Development, including heavy vehicles entering and exiting the Site, may only be carried out between 7:00 am and 6:00 pm, Monday to Friday inclusive, and between 8:00 am and 1:00 pm on Saturdays. No work is to be carried out on Sundays and Public Holidays.
- (b) **Notwithstanding the restrictions in paragraph (a) above, the following activities may be carried out in association with Construction outside of these hours:**
- any works that do not cause noise emissions to be audible at any nearby residences not located on the Premises;
 - the delivery of materials as requested by Police or other authorities for safety reasons; and,
 - emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

Any work undertaken outside the specified construction hours, other than those specified in this Condition, must not be undertaken without prior ~~consent~~ **written approval** of Council.

Reason: To ensure the amenity of the neighbourhood is maintained.

- 26.** To clearly identify the site to comply with Local Government Regulations you must provide a clearly visible sign stating:
- unauthorised entry is prohibited;
 - builder's name and licence number – or owner builder permit number;
 - street Number or lot number;
 - contact telephone number / after-hours number; and,
 - name, address and telephone number of the Principal Certifier.

The sign must be maintained on the on the site during building works and shall not be removed until the work has been completed.

Reason: This is a prescribed condition under the Environmental Planning and Assessment Act 1979.

- 27.** 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:

- Must be a standard flushing toilet, and
- Must be connected:
 - To a public sewer, or
 - If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - 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.

Reason: To ensure that environmental health standards are met.

- 28.** A site rubbish container shall be established and maintained for the duration of construction works.

Reason: To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

- 29.** Any demolition or building waste is to be removed to a suitably licenced waste management facility. All associated fees are to be paid. Consideration should be given to the separation of recyclable and reusable materials.

Reason: To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

- 30.** All loading and unloading of goods related to the development proposal shall be carried out within the confines of the lot boundaries. Under NO circumstances will the loading and unloading of goods on the public roadway be permitted.

Reason: To ensure the protection of Council's infrastructure.

31. The Applicant must:

- a. repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development, including damage to the road(s) used during the construction of the Project (within 3 months of completion of construction). In the event public infrastructure is damaged, one of the following repair options shall be undertaken;
 - i. the proponent shall undertake re-sheeting to a minimum depth of 80mm on all public gravel roads damaged due to construction activities. Works shall be completed in accordance with RMS Specification M220; and,
 - ii. A Report shall be prepared to assess any damage to sealed roads that may have resulted from the construction of the project (including mechanism to restore any damage) and submitted to the relevant road authority for review; and,
- b. relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Reason: To ensure that any damage to Council's infrastructure is rectified at the developer's cost, and to ensure that any required alterations to public infrastructure are undertaken to acceptable standards at the developer's cost.

32. Inspections

Critical Stage Inspections must be undertaken in accordance with the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance before, during and after construction.

33. Heritage

If the Applicant becomes aware of any previously unidentified heritage object(s) during construction, all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with Section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation has been issued.

Reason: To ensure compliance with applicable legislation.

- 34.** If the Applicant becomes aware of any previously unidentified significant Aboriginal object(s) during construction, all work likely to affect the object(s) shall cease immediately and the Office of Environment and Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the Office of Environment and Heritage advising otherwise is received by the Applicant.

Reason: To ensure compliance with applicable legislation.

35. Site Works

The Applicant must implement all practicable measures to limit and minimise any harm to the environment that may result from the construction, commissioning or operation of the development. The applicant is responsible for all related earthworks and stockpiles within the entire site not just the building area.

Reason: To ensure protection of the environment.

36. All earthworks and allotment filling that is required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Development. All cut and fill batters must be finished to less than 45° to the horizontal. Where this is not possible, retaining structures are to be considered.

Reason: To confirm the terms of Council's approval and ensure that earthworks are undertaken in accordance with best practice standards.

37. Any proposed construction works/earthworks within Essential Energy's easement:
- a. must ensure ground clearances are maintained;
 - b. must ensure that access is maintained at all times, 24 hours a day / 7 days a week for Essential Energy; and,
 - c. any road within the easement must maintain minimum ground clearances and maintain a minimum clearance of 10.0 metres from any power poles or other structures.

Reason: To confirm Essential Energy's requirements for the proposed development.

38. In accordance with the flora and fauna, noise, social and visual impact assessments approved as a part of this development consent, the following mitigation measures must be implemented during construction and included in the CEMP:
- a. Erosion and sediment control:
 - i. Avoid stockpiling material adjacent to native vegetation, but instead use areas that are already cleared or disturbed;
 - ii. Regular inspection and maintenance of erosion and sediment control measures, particularly following rainfall events to ensure their ongoing functionality; and,
 - iii. The immediate removal offsite of any excavated materials.
 - b. Dust control:
 - i. Setting maximum speed limits for all traffic within the site;
 - ii. Use of a water tanker or similar to spray unsealed areas;
 - iii. Progressively rehabilitate disturbed soils to reduce views of bare soils; and,
 - iv. Application of dust suppressants in response to visuals cues and use of covers on soil stockpiles.
 - c. Chemical spills:
 - i. All chemicals must be kept in clearly marked bunded areas;
 - ii. Regularly inspect vehicles and plant for leakage of fuel or oil; and,
 - iii. No re-fuelling, washing or maintenance of vehicles and plant is to be undertaken within 20m of natural drainage lines;
 - d. Vegetation protection:
 - i. Areas of vegetation outside the development footprint are to be clearly defined to prevent accidental clearing or damage to vegetation.
 - e. Weed management:
 - i. All vehicles should be cleaned prior to entering the site to prevent the introduction of new weed species.
 - f. Community:
 - i. Implement a Code of Conduct for contractors encouraging positive behaviour and expectations when interacting with the local community; and,
 - ii. Implement disciplinary processes for breaches in the Code of Conduct or other anti-social behaviour.
 - g. Noise:
 - i. Where possible, use localised mobile screens or construction hoarding around plant;
 - ii. A construction noise management protocol to minimise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community;
 - iii. Operating plant in a conservative manner (no over-revving);

- iv. Utilise the quietest possible machinery where practicable;
- v. Utilise a broadband reverse alarm in lieu of traditional high frequency type reverse alarm;
- vi. Provide toolbox meetings, training and education for personnel on site during construction;
- vii. Place signage at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site; and,
- viii. Utilise project-related community consultation forums to notify residences within proximity of the site about the progress of the Project, upcoming potentially noise generating works, its duration and nature, and complaint procedures.

Reason: To mitigate potential impacts during construction.

- 39.** If during works the development site is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
- a. all works must stop immediately, and,
 - b. the Environment Protection Authority and Council must be notified of the contamination.

Reason: To ensure compliance with applicable legislation.

40. Internal Road & Carpark

During works, a carpark that complies with AS 2890.1 within the construction laydown area for a minimum of ten (10) spaces and an internal access road shall be provided on the site. The carpark and internal access road can be constructed from near dustless road pavement material of sufficient depth to carry the expected loading of vehicles travelling to and from the site. Additionally, at the completion of construction, the access road shall be constructed in accordance with the requirements of *Planning for Bushfire Protection 2019* and Council's Engineering Guidelines.

Note: It is recommended for the access road to be emulsion sealed for long-term maintenance.

Reason: To ensure compliance with the provisions under the Liverpool Plains Shire Council Development Control Plan (2012) and the approved documentation.

PRIOR TO THE COMMENCEMENT OF OPERATIONS

- 41.** An inspection of the completed development must be undertaken, and an Occupation Certificate must be issued, prior to the occupation and operation of the solar energy generation facility.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979, and Council's Terms of Consent.

- 42.** (a) Prior to works commencing, the applicant shall engage a suitably qualified person to prepare a pre—construction Road Dilapidation report. This shall cover unsealed roads utilised for accessing the site. This shall utilise a methodology approved by the Council and be supplied to Council for its approval prior to construction works commencing.

(b) Following granting of an Occupation Certificate, ~~Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction Road Dilapidation report is to be prepared by the same person (if practicable) utilised in paragraph (a) at the completion of construction.~~ The report shall be submitted to Council for review and approval ~~prior to commencement of operation.~~

Should the construction of the proposal result in significant degradation of the road network greater than that which would be expected by normal usage (e.g. without the construction traffic impact) during the construction period, the Developer shall make arrangements with Council for the road to be improved to a standard consistent with normal wear and tear in the absence of construction impacts.

Reason: To confirm the terms of Council's consent and ensure that the standard of the road network is not made any worse solely from the development.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

43. Access

A vehicle crossing from the edge of Black Gully Road to the property boundary shall be constructed at the full cost of the Developer. The vehicle crossing is to be constructed in accordance with Council's requirements and shall be completed prior to the issue of an Occupation Certificate.

Reason: To ensure that an adequate all-weather access is provided to the development site.

- 43A.** The Crown Road adjoining Lot 3 DP 343532, Lot 249 DP 751017 and Lot 11 DP 1093246 is to be dedicated to Council. All costs associated with the dedication of the Crown Road to Council are to be borne by the developer.

Reason: To ensure there is no impact on Crown roads from the development as per the request from Crown Lands.

44. Bushfire

Prior to the issue of an Occupation Certificate, a Bushfire Emergency Management and Operations Plan shall be submitted to Council ~~or an accredited private certifier~~ for endorsement. The Plan shall be prepared in accordance with the requirements of *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's *Guide to Developing a Bushfire Emergency Management Plan*.

Reason: To protect people and property from bushfire.

45. Landscaping

Prior to the issue of an Occupation Certificate, all landscaping identified on the approved Landscaping Plan and as outlined in Condition 10a shall be provided on the development site unless otherwise varied and agreed to by Council due to extenuating circumstances, such as drought conditions.

Reason: To confirm the terms of Council's consent and ensure that visual impacts are mitigated.

- 45A.** Prior to the issue of an Occupation Certificate, a landscaping bond of \$20,000 shall be paid to Council, in a form acceptable to the Council. The bond shall be held by Council for at least twelve (12) months following the issue of the Occupation Certificate and will be released upon submission of a report by a ~~professionally qualified landscape architect or arborist, confirming the success of the landscaping and its probability of long-term survival with the maintenance required under this consent.~~ ~~suitably qualified person with suitable local experience reviewing the status of the landscape establishment and providing recommendations for its future management.~~ Should the report indicate satisfactory establishment (85% survival rate or better) together with a view that the balance of the vegetation appears well-established, the bond shall be released. Otherwise, the bond may be held for a period not exceeding a further 12 months to be released on an acceptable second report.

Reason: To confirm the terms of Council's consent and ensure that visual impacts are mitigated.

46. Earthworks & Documentation

~~Deleted~~

- 47.** A 'pdf' version of the "work-as-executed" plans certified by a Registered Surveyor or a Chartered Professional Civil Engineer confirming the development works is completed according to the approved construction drawings.

Reason: To ensure the development met council's engineering guidelines and standards.

- 48.** Prior to the issue of an Occupation Certificate, and where required by the development, documentation shall be submitted to Council for review confirming that adequate arrangements have been made to secure legal access over the subject lands ~~and stormwater disposal~~. Such documentation may constitute easements registered on the title of the subject lands, a lease or the like.

Reason: To confirm the terms of Council's consent and ensure legal access ~~and stormwater disposal~~ throughout the life of the development.

DURING OPERATIONS

- 49.** The following requirements shall be adhered to throughout the operation of the development approved by this consent:
- Internal unsealed pavement areas to all vehicular parking, manoeuvring, loading and unloading areas as well as environmental control measures, are to be maintained such that whilst in use, the development does not generate excessive dust or vehicles exiting the site do not track sediment onto the public road;
 - The ground cover beneath the solar panel arrays shall be maintained to reduce dust and rehabilitated to reduce views of bare soil as far as practicable;
 - Dust impacts, including those arising from winds and traffic movements, shall be minimised and mitigated as far as practicable. Any product used for dust mitigation or cleaning must be declared to Council prior to use to ensure that no soil or groundwater contamination risks are associated with the product.

Reason: To confirm the terms of Council's consent.

50. Landscaped Areas (Planting and Maintenance)

Any tree or shrub that fails to establish after the initial planting date must be replaced as soon as practicable with the same or equivalent species of tree or shrub. All landscaped areas on the site must be maintained in good order for the life of the development. Additionally, pruning and weeding shall be undertaken to maintain the vegetation screen's amenity and effectiveness in breaking up views.

Reason: To ensure that the amenity of the site is maintained and to mitigate the visual impact of the development.

51. Bushfire

The area around the solar arrays and any associated buildings or infrastructure, as indicated below, shall be maintained in perpetuity as an Inner Protection Area as outlined within 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones':

- a. North, East, South and West for a distance of at least 10m.

Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building or structure.

52. Utilities, landscaping and access arrangements are to comply with 'Planning for Bush Fire Protection 2019'.

Reason: To ensure compliance and to locate gas and electricity so as not to contribute to the risk of fire to a building.

53. Stormwater

In accordance with the Stormwater Management Report prepared by DRB Consulting Engineers and Concept Stormwater Plan 200419/CIV01-02 (dated 25 September 2020), the Applicant shall implement the following strategy as far as practicable to limit post-development flows to pre-development flow rates for the 1 in 100-year storm event:

- a. All impervious runoff from the proposed Photovoltaic Arrays shall be discharged to the existing ground surface where the natural flow regime will be maintained;
- b. Runoff from the proposed gravel/hardstand area catchment shall be conveyed via sheet flow and the existing earth berm to the proposed above ground onsite detention basin; and,
- c. Discharge from the above ground onsite stormwater detention basin shall be limited to the pre-development flow rates.

Reason: To ensure that the proposed development does not impact adjoining private properties with respect to increased stormwater flows.

54. Noise

Any noise generated from the operation of the development must not be intrusive or offensive as defined by the Protection of the Environment Operations Act 1997.

Reason: To preserve neighbourhood amenity and meet statutory requirements.

55. Weed & Pest Management

The property must be maintained to prevent the harbourage of pest and the risk of fire. The property must meet the obligations of the *Biosecurity Act 2015* in managing declared pest animal and plant species and comply with the minimum standards of fire prevention maintenance as legislated by the *Local Government Act 1993*.

Reason: To preserve the amenity of the site and ensure that environmental standards are met.

56. Potential Contamination

Any dielectric fluid used must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environment Protection Authority (EPA) must also be notified to report a potential pollution event.

Reason: To ensure that the proposed development does not cause adverse environmental impacts.

57. Waste

The Applicant shall ensure that the following waste management measures are complied with during operations of the development:

- a. No green waste is burnt on the site of the Project;
- b. No waste generated outside of the site is to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site;
- c. The reuse and/or recycling of waste material generated on the site shall be maximised as far as practicable; and,
- d. All liquid and/or non-liquid waste generated on the site is assessed and classified in accordance with the Waste Classification Guidelines (EPA, November 2014), or any future guideline that may supersede that document and where removed from the site is only directed to a waste management facility lawfully permitted to accept the materials.

Reason: To ensure that the proposed development does not cause adverse environmental impacts.

DECOMMISSIONING / POST OPERATIONS

- 58.** Within twelve (12) months of the site being decommissioned, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with the relevant landowners, unless the site is being retained for future development purposes. All solar panels and associated infrastructure shall be removed from the site unless otherwise agreed to by Council. Recycling options are to be prioritised over disposal at a landfill.

Reason: To confirm the terms of Council's consent.

DEPARTMENT OF PLANNING AND ENVIRONMENT - WATER

GENERAL TERMS OF APPROVAL

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

TC-G001 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the *Water Management Act 2000*.

TC-G004 A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 10.2020.48.2 provided by Council to Department of Planning and Environment - Water.

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

TC-G005 A. The application for a controlled activity approval must include the following plan(s):

- Site plans
- Detailed civil construction plans
- Soil and water management plan
- Erosion and sediment control plans
- Vegetation management plan
- Landscape plan

B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water 's guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

TC-G006 A. A security deposit must be provided, if required by Department of Planning and Environment-Water.

B. The deposit must be:

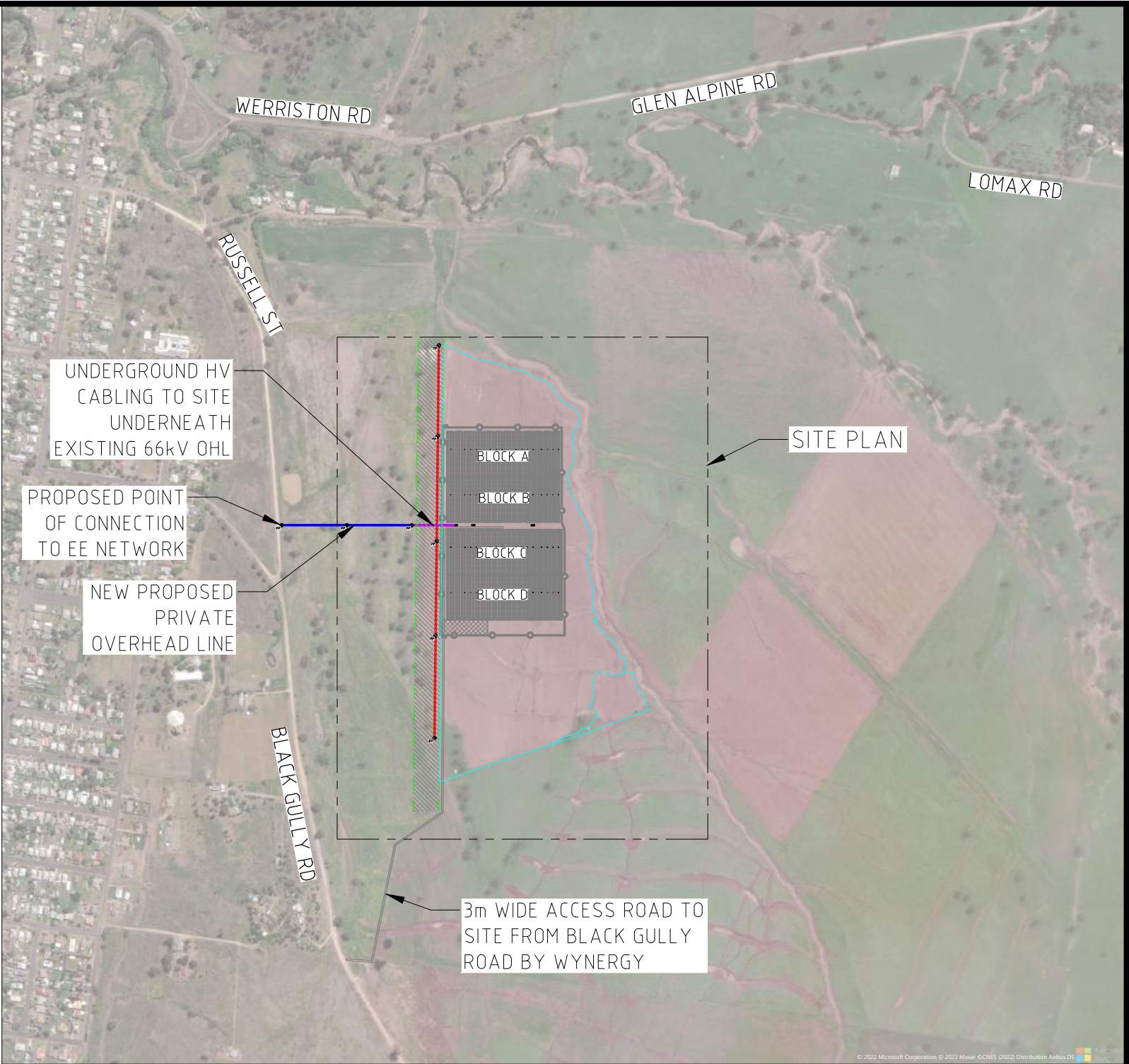
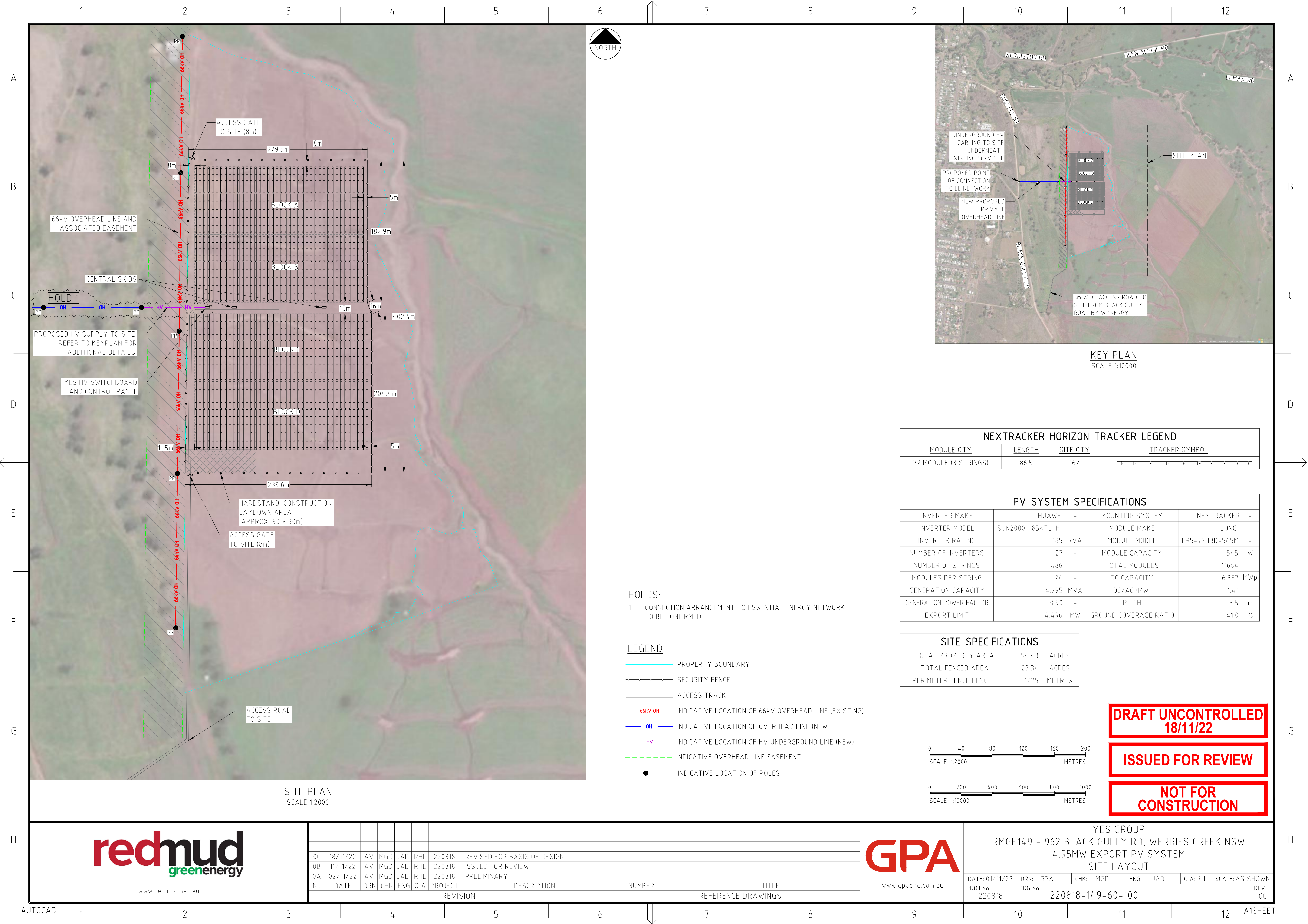
- a bank guarantee, cash deposit or equivalent, and
- equal to the amount required by Department of Planning and Environment-Water for that controlled activity approval.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2023-10460 as provided by Council:

- Statement of Environmental Effects and DA Modification Report Rev1_3, prepared by Wakefield planning, dated 26/07/2023

Attachment C: Amended Site Plan and Site Access Plan



KEY PLAN
SCALE 1:10000

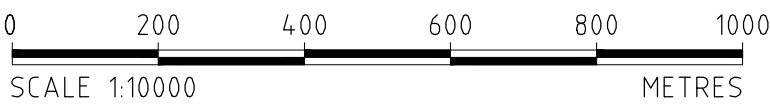
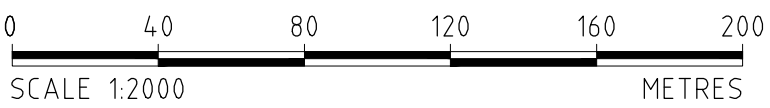
NEXTRACKER HORIZON TRACKER LEGEND			
MODULE QTY	LENGTH	SITE QTY	TRACKER SYMBOL
72 MODULE (3 STRINGS)	86.5	162	

PV SYSTEM SPECIFICATIONS					
INVERTER MAKE	HUAWEI	-	MOUNTING SYSTEM	NEXTRACKER	-
INVERTER MODEL	SUN2000-185KTL-H1	-	MODULE MAKE	LONGI	-
INVERTER RATING	185	kVA	MODULE MODEL	LR5-72HBD-545M	-
NUMBER OF INVERTERS	27	-	MODULE CAPACITY	545	W
NUMBER OF STRINGS	486	-	TOTAL MODULES	11664	-
MODULES PER STRING	24	-	DC CAPACITY	6.357	MWp
GENERATION CAPACITY	4.995	MVA	DC/AC (MW)	1.41	-
GENERATION POWER FACTOR	0.90	-	PITCH	5.5	m
EXPORT LIMIT	4.496	MW	GROUND COVERAGE RATIO	41.0	%

SITE SPECIFICATIONS		
TOTAL PROPERTY AREA	54.43	ACRES
TOTAL FENCED AREA	23.34	ACRES
PERIMETER FENCE LENGTH	1275	METRES

- HOLDS:**
1. CONNECTION ARRANGEMENT TO ESSENTIAL ENERGY NETWORK TO BE CONFIRMED.

- LEGEND**
- PROPERTY BOUNDARY
 - SECURITY FENCE
 - ACCESS TRACK
 - 66kV OH INDICATIVE LOCATION OF 66kV OVERHEAD LINE (EXISTING)
 - OH INDICATIVE LOCATION OF OVERHEAD LINE (NEW)
 - HV INDICATIVE LOCATION OF HV UNDERGROUND LINE (NEW)
 - INDICATIVE OVERHEAD LINE EASEMENT
 - PP INDICATIVE LOCATION OF POLES



DRAFT UNCONTROLLED
18/11/22

ISSUED FOR REVIEW

NOT FOR
CONSTRUCTION

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greenenergy

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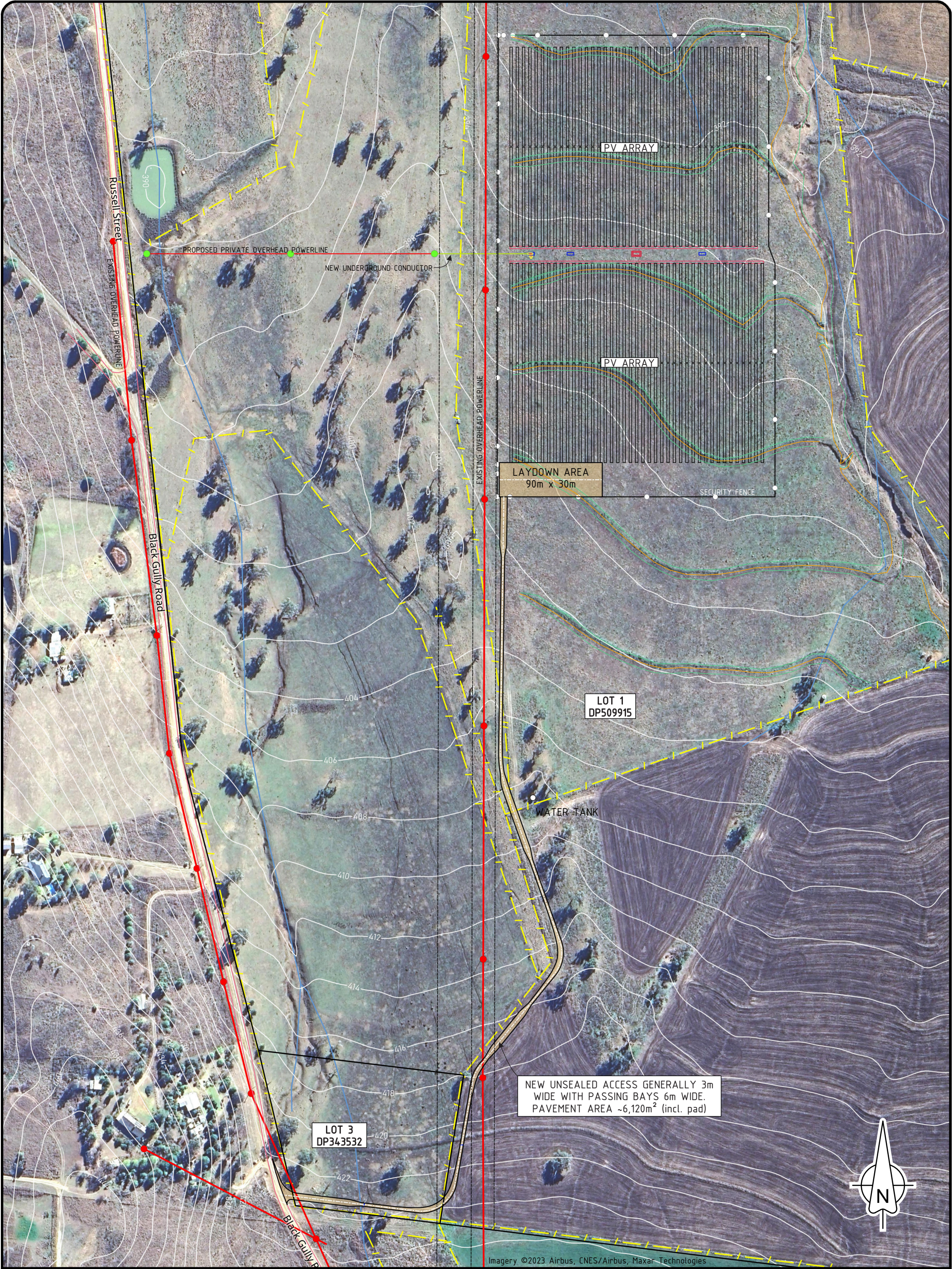
No	DATE	DRN	CHK	ENG	Q.A.	PROJECT	DESCRIPTION	NUMBER	TITLE
0C	18/11/22	AV	MGD	JAD	RHL	220818	REVISED FOR BASIS OF DESIGN		
0B	11/11/22	AV	MGD	JAD	RHL	220818	ISSUED FOR REVIEW		
0A	02/11/22	AV	MGD	JAD	RHL	220818	PRELIMINARY		

GPA

www.gpaeng.com.au

YES GROUP
RMGE149 - 962 BLACK GULLY RD, WERRIES CREEK NSW
4.95MW EXPORT PV SYSTEM
SITE LAYOUT

DATE: 01/11/22	DRN: GPA	CHK: MGD	ENG: JAD	Q.A.: RHL	SCALE: AS SHOWN
PROJ No: 220818	DRG No: 220818-149-60-100				REV: 0C



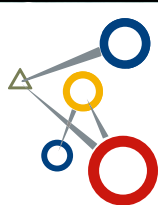
Project:
MENZ SOLAR FARM
962 Black Gully Road, Werris Creek NSW 2341

Drawing Title:
SITE ACCESS PLAN

Client:
YES Group (SA) Pty Ltd
15A Rundle Street, Kent Town SA 5067

Scale Bar:
0 50 100 150 200
SCALE OF METRES 1:3,000

Job No.	20230323
Drawing No.	001
Revision	E+
Date	22/11/23
Drawn	MD
CRS	GDA94-MGA56
Scale	1:3,000 (A3)



New England
**SURVEYING &
ENGINEERING**
Land Development Consultants