



COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-273 (DA 2023/084)
LGA	Gunnedah Shire Council
PROPOSED DEVELOPMENT	5MW Electricity Generation Works (Solar Farm and Battery Storage System (BESS)) and Boundary Adjustment (2 lots into 2 lots)
ADDRESS	Lot 48 DP755474 and Lot 2 DP 254189 – 781 Wandobah Road, Gunnedah
APPLICANT	ITP Development Pty Ltd
OWNER	Mr C W & Mrs MJ & MR CW Harmse
DA LODGEMENT DATE	4 December 2023
APPLICATION TYPE	Development Application (Integrated 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 the development is private infrastructure and community facility over \$5m
CIV	\$9,534,359.25 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	• <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 (Resources and Energy) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Gunnedah Local Environmental Plan 2012</i> • <i>Gunnedah Development Control Plan 2012.</i>

TOTAL & UNIQUE SUBMISSIONS AND KEY ISSUES RAISED	One (1) total submission was received. • Visual impact on adjacent land • Lack of visual screening buffer • Lack of consideration in previous development submission
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects AHIMS Web Service Search Results Land Use Conflict Risk Assessment (LUCRA) Cost Summary Report Development Plans Fire and Hazard Assessment Glint and Glare Assessment NRAR Assessment Noise Assessment Traffic Assessment Report Visual Impact Assessment Waste and Decommissioning Assessment Water Assessment
SPECIAL INFRASTRUCTURE CONTRIBUTIONS	Not applicable
RECOMMENDATION	Approval, Subject to Conditions
SCHEDULED MEETING DATE	22 August 2025
REPORT PREPARED BY	Wade Hudson – Manager Development Assessment
DATE OF REPORT	8 August 2025

EXECUTIVE SUMMARY

The development application seeks consent for the development of an Electricity Generating Works (5MW Solar Farm and BESS) and Boundary Adjustment of 2 lots into 2 lots at 781 Wandobah Road (Lot 48 DP 755474 and Lot 2 DP 254189). The Electricity Generating Works consists of 13,700 solar modules in 158 rows on tracking arrays as well as two 3.4 MW inverter stations, kiosk, external 2.3m high security fence and internal driveway and parking areas. The development proposes to have an operational life of 35 years, after which decommission of the development will occur from the site.

The development site is a rural allotment located within Council's RU1 Primary Production land to the south of the Gunnedah town, adjoining other R5 Large Lot Residential directly to the north of the site. The site contains an existing 5MW Electricity Generating Works (DA 2021/035) which is located on the northern portion of the site and a Dwelling House which is located between the existing Electricity Generating Works and the proposed development. The resulting development will occupy 25.6ha of the site (50%) when combined with the other existing development onsite.

The development was not regarded as Designated Development as it did not meet any of the thresholds within Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*. The Development Application indicated the development to be **Integrated Development** under Section 91 of the *Water Management Act 2000*. Upon assessment of the final documentation provided to Department of Planning and Environment – Water concluded that the development was not Integrated development as the development should not be regarded as a controlled activity and no approval was required, meaning no General Terms of Approval (GTA) were to be issued. The Northern Regional Planning Panel is not prevented from granting development consent without the GTAs.

The proposal was notified in accordance with the Gunnedah Community Participation Plan from 7 March 2024 for 14 days for community consultation. The development was placed on council's website for the duration of the exhibition period, exhibited within the Gunnedah newspaper at the commencement of the exhibition period. Council received one (1) submission to the development with the key issues raised being visual impacts and lack of proposed mitigation measures by the developer.

The development is zoned RU1 Primary Production (RU1) and has a minimum lot size of 40ha in accordance with the Gunnedah Local Environmental Plan 2012 (Gunnedah LEP), which is the Environmental Planning Instrument specific to the Gunnedah Local Government Area (LGA). Electrical Generating Works are permissible within the RU1 land zone within the Gunnedah LEP as well as being permitted by Section 2.36 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The electricity generating works generally complies with the necessary sections of the applicable NSW Environmental Planning Instruments. However, the proposed subdivision of land (boundary adjustment) proposed by the development does not meet the minimum lots size for the land and does not satisfy any section which would permit subdivision to occur less than the minimum lot size within a rural locality as the development would result in a dwelling being on a lot less than the minimum lot size and would increase the number of dwellings that may be erected on any lot. Hence, Council recommends that the subdivision be excluded from the development determination should consent be granted.

The development proposal included landscaping of the Western boundaries of the site to reduce visual impacts from motorists and other users of the public reserve of Wandobah Road. Landscaping was proposed to return 200m along the North an East elevation from the western boundary. This level of vegetation screening was not expected to achieve an effective

screen for the entire facility. It is expected that the Eastern part of the site will be visible as vehicles travel from the South or North along Wandobah Road and that the development would be visible from private property to the North, East and South of the site. It is recommended that the vegetation barrier be extended for the full extent of the boundary of the solar farm, external to the security fence, to ensure that the development provides an effective screen to not only motorists but also to any adjoining receivers or residential zones. Landscaping should be planted prior to the issue of a Construction Certificate to ensure that vegetation screen is established as early in the process as possible due to the long growth time to achieve an effective screen barrier.

Noise emissions from the development are expected to be the highest during construction works with the greatest noise generation occurring from works for piling, expected to generate a noise level of 112dB(A). The noise assessment submitted with the application determined that noise levels would be compliant at all residential receivers. There was one farm building at which noise levels were predicted to exceed the NSW EPA Noise Policy for Industry. However, this was a non-residential receiver and was considered to be appropriate during the 3 month construction period. It is noted that Council has granted consent for one Dwelling House, which is located within the exceeding noise contour. This application was lodged and approved after the preparation and lodgement of this Development Application. Operational noise did not exceed any noise levels at nearby receivers.

It is recommended that DA 2023/084 for development of an Electricity Generating Works, consisting of 13,700 solar modules in 158 rows on tracking arrays as well as two 3.4 MW inverter stations, kiosk, external 2.3m high security fence and internal driveway and parking areas, at 781 Wandobah Road, Gunnedah be APPROVED subject to conditions, excluding the subdivision of land (boundary adjustment of Lot 48 DP 755474 and Lot 2 DP 254189), pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) subject to the conditions of consent attached to this report at **Attachment A**.

1. THE SITE AND LOCALITY

1.1 The Site

The development site is located to the south of the Gunnedah town within a rural agricultural locality. The site consists of two allotments (Lot 48 DP 755474 and Lot 2 DP 254189) with a combined area of approximately 50.9041Ha. The lot fronts onto Wandobah Road to the West of the site with a frontage of approximately 1144 metres. The lot also fronts onto Thompson Road to the East of the site with a frontage of approximately 1116 metres. However, Thompson Road is not a constructed road reserve and provides no road access to the property.

The development site falls gently from the West towards the East. There is an intermittent water course located to the south of the site which transects the development footprint of the site. The water course carries water during substantive rainfall events but does not contain any standing water.

The site contains an existing Solar Farm (5MW) which is located to the North of the lot and contains an existing Dwelling House, which is situated between the existing solar farm and the proposed solar farm.

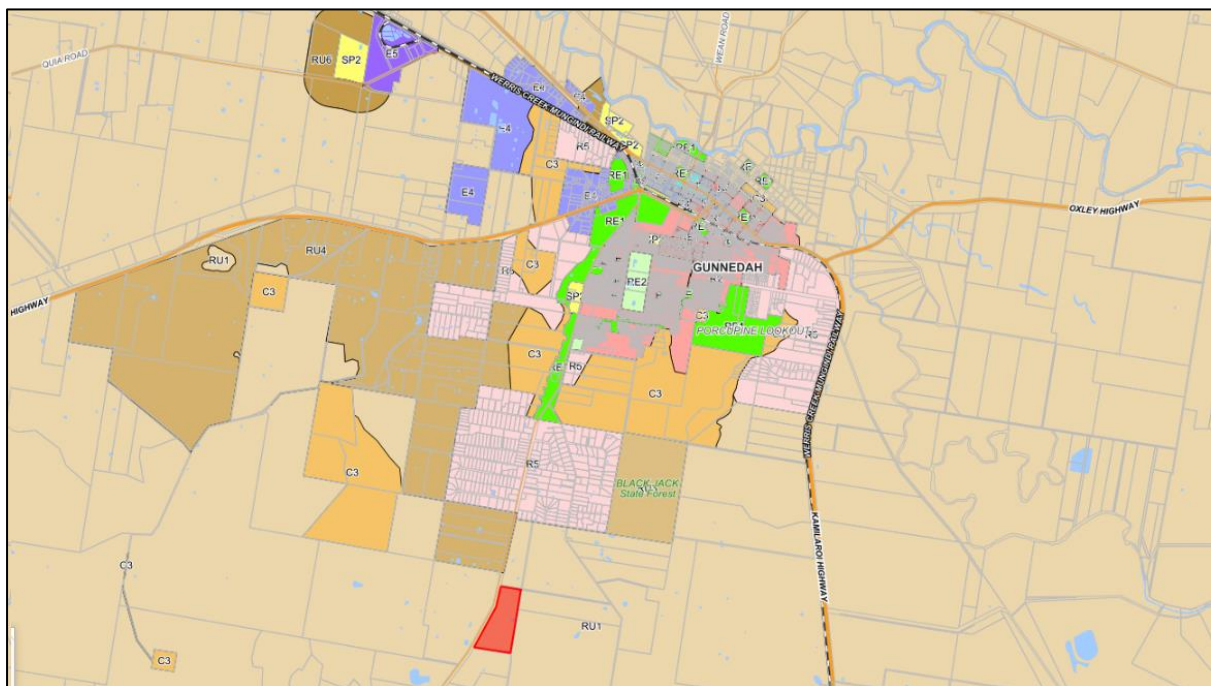


Figure 1: Location Plan (Site selected in Red)



Figure 2: Aerial Imagery including proposed solar farm location (Development Footprint)

1.2 The Locality

The surrounding locality is currently broad acre cropping and livestock grazing land. The holdings range in size from 40Ha to 400Ha, with holdings typically containing Dwelling Houses, that are associated with agricultural activity. The area is zoned RU1 Primary Production with a lot size of 40ha. However, the lot directly to the north is zoned R5 for Large Lot residential purposes being the current southern extent of the Gunnedah Residential area. As previously stated, the North portion of the site has been recently developed for a similar solar development being the same generation capacity limits.

The development site is not serviced by any of Council's utility services. There is an existing electrical transmission line located within the road reserve of Thompson Road, which the solar development is proposing to connect to for access to the electrical network. There are no public transport networks within proximity of the development site, that could service the site or be affected by the development.

2. THE PROPOSAL AND BACKGROUND

2.1 Site History

- Additions and Alterations granted approval to existing Dwelling House on two separate occasions (DA2016/123 and 2017/012).

- Development Application 2021/035 was previously approved by the Northern Regional Planning Panel for the Construction and use of a 5MW Solar Farm and Associated Infrastructure, subject to conditions.

2.2 The Proposal

The proposal seeks consent for Electricity Generating Works (5MW Solar Farm and BESS) and Boundary Adjustment of 2 lots into 2 lots.

Specifically, the proposal involves:

- Installation of 13,700 solar modules in 158 rows. Each row will be 105m in length. Solar modules will be mounted on tracking systems to pivot arrays to face towards the sun, with arrays pivoting from East to West, each day. 5MW Battery Energy Storage System (BESS).
- Installation of two 3.4MW Inverter stations and 'kiosk' (converts high and medium voltage to low voltage electricity to feed to local system). *Note that Kiosk does not refer to the land use definition within the standard instrument.*
- Construction of internal driveway and internal car parking and set down area.
- Installation of 2.3m high security fence around perimeter of solar farm.
- Subdivision of Lot 2 DP 254189 and Lot 48 DP 755474 into two lots. This subdivision was proposed as a boundary adjustment between the two allotments.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	50.9041Ha
GFA	N/A
FSR (retail/residential)	N/A
Clause 4.6 Requests	No
No of apartments	N/A
Max Height	3m
Landscaped area	Landscaping proposed around exterior of perimeter fence as per Landscape Details, prepared by ITP Renewables, dated 11/09/2023
Car Parking spaces	The development does not propose any permanent onsite parking areas.

Setbacks	10 metres from East, South and West boundaries
----------	--

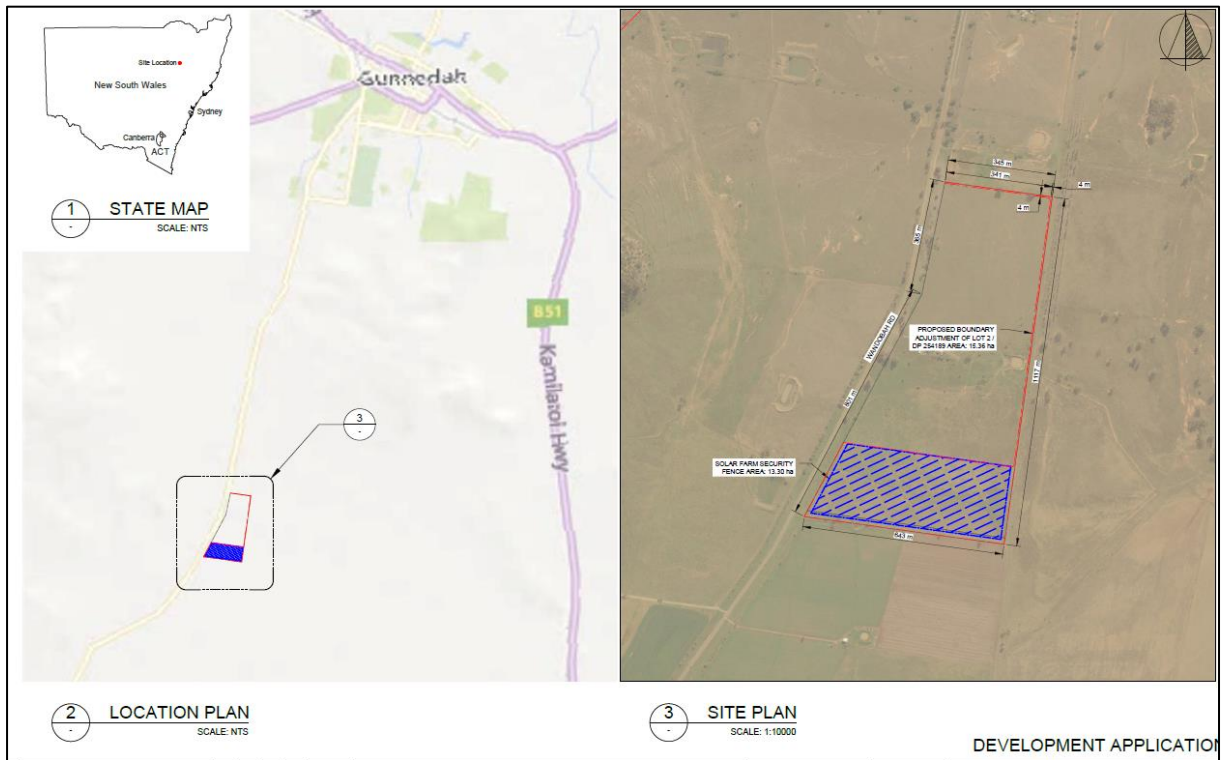


Figure 3: Aerial Imagery including proposed solar farm location (Development Footprint)

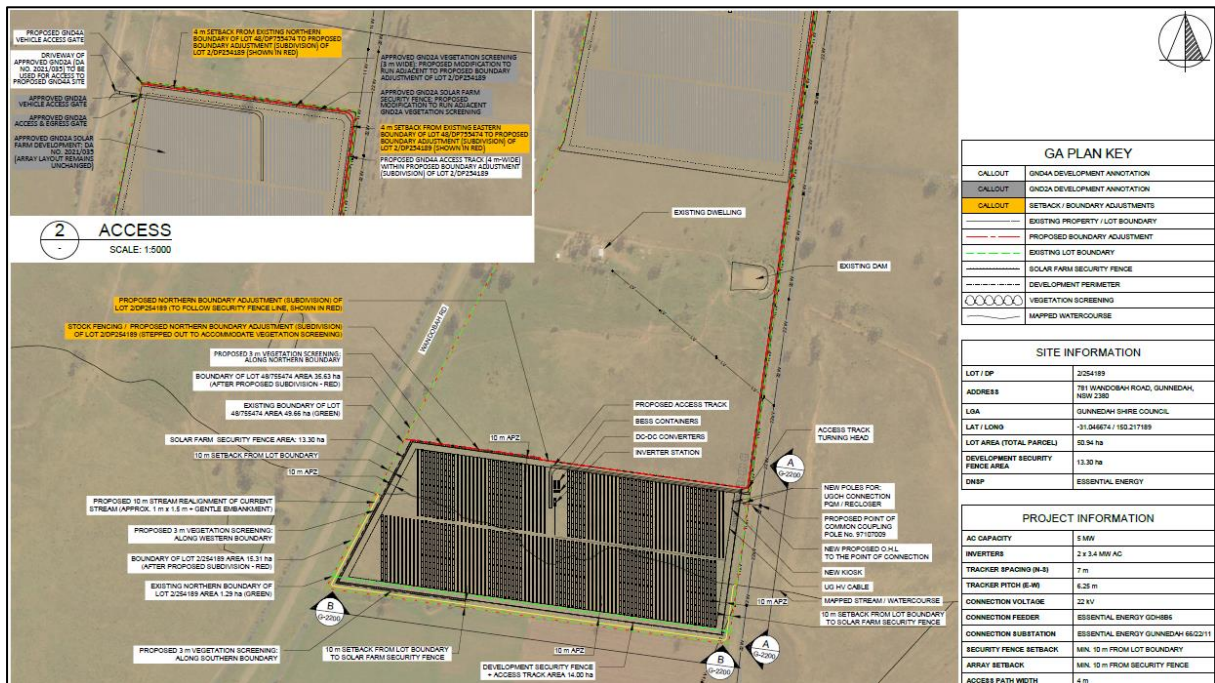


Figure 4: Aerial Imagery including proposed solar farm location (Development Footprint)

2.3 Background

The development application was lodged on **4 December 2023**. No pre-lodgement meeting was held with planning staff. A chronology of the development application since lodgement is outlined in **Table 3**.

Table 3: Chronology of the DA

Date	Event
11 December 2023	DA referred to external agencies
28 February 2024	Panel Briefing
7 March 2024	Exhibition of the application
11 June 2024	Request for Information from Council to applicant
27 June 2024	Applicant Request Extension to RFI deadline
12 July 2024	Additional Information provided by Applicant
02 September 2024	Department of Planning, Industry and Environment (DPIE) Requested Additional Information
11 September 2024	Additional Information provided by Applicant to DPIE
16 September 2024	Additional Information provided by Applicant
29 November 2024	Additional Information provided by Applicant
02 December 2024	Additional Information provided by Applicant
9 January 2025	Further request for information by DPIE
04 February 2025	Site Inspection by NRPP
13 March 2025	Additional Information provided by Applicant to DPIE
19 April 2025	Department of Planning and Environment-Water confirm development not to be controlled activity

3. STATUTORY CONSIDERATIONS

Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is Commonwealth legislation that covers 'matters of national environmental significance' (MNES), including listed threatened species and ecological communities. Under the EPBC Act, if a proposed development has the potential to have a significant impact on a matter of national environmental significance, it is required to be referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) for assessment as to whether it represents a 'controlled action' and therefore requires approval from the relevant Minister.

The ecological assessment identified the site to be a degraded Plant Community Type 101 "Poplar Box – Yellow Box – Western Grey Box grassy woodland" due to the clearing of the site and historical grazing and cropping of the site. Due to the limited extent of clearing

(i.e. 0.971ha) and the low biodiversity value of the vegetation onsite, it concluded that significant impacts to MNES are not anticipated and therefore referral of the proposal to DCCEE is not required.

Biodiversity Conservation Act 2016

Section 1.7 of the *Environmental Planning and Assessment Act 1979* requires that the provisions of Part 7 Biodiversity Assessment and approvals under Planning Act, of the *Biodiversity Conservation Act 2016* (BCA) be considered in relation to the terrestrial and aquatic environment.

Part 7 requires that consideration be given to whether or not development is likely to significantly affect threatened species or threatened ecological communities or their habitats. A significant impact is likely to arise as a result of either exceeding the native vegetation clearing threshold or where land is identified on a Biodiversity Values Map or where a threatened species test of significance (as outlined in section 7.3 of the BCA) is undertaken. Where a significant impact is likely, a Biodiversity Development Assessment Report (BDAR) must accompany the development application.

The development site is not subject to the area as identified on the Biodiversity Values Map, as per Figure 5. The development is unlikely to impact the biodiversity value of any areas around the site which are identified on the map.



Figure 5 Land Use Zone – RU1 Primary Production

The development indicates that vegetation clearing will be limited to 0.971 hectares of native vegetation. This is below the Biodiversity Offset Scheme Threshold within Section 7.2 of the *Biodiversity Conservation Regulation 2017* and no Biodiversity Assessment Report (BDAR) was required for the development. Council recommends that a condition be imposed that vegetation removal is to be limited to the 0.971ha and a vegetation removal plan should be provided to Council prior to works occurring to outline the area consistent with this limitation. It is noted that the development has a greater footprint than the 0.971 hectares indicated within the development. Should additional vegetation clearing be required to complete the development, additional clearing permits can be sort outside of Part 4 of the EPA Act 1979 under the *Biodiversity Conservation Act 2016*.

National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NP&W Act) aims to manage and conserve nature, objects, places and features that have ecological and cultural value. The NP&W Act is administered and enforced by the NSW Department of Climate Change, Energy, the Environment and Water.

Aboriginal places and objects are protected under the NP&W Act. A database of information and records regarding Aboriginal objects whose existence and location have been reported is known as the Aboriginal Heritage Information Management System (AHIMS). An Aboriginal Heritage Impact Permit (AHIP) is required for consent to destroy, deface or damage Aboriginal object or Aboriginal place.

No Aboriginal places or objects of significance have been identified within the development site. However, a condition of consent regarding unexpected finds is recommended to be included which addresses action should any aboriginal artefact be located during construction works.

Environmental Planning and Assessment Act 1979

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

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

These matters are further considered below.

It is noted that the proposal is not a Crown DA (S4.33). The proposal was identified to be **Integrated Development** (s4.46 of the EP&A Act) within the development application and associated documentation under Section 91 of the *Water Management Act 2000*. The development was referred on the 11 December 2023 to Department of Planning and Environment – Water for concurrence. Department of Planning and Environment – Water responded to the referral on 16 May 2025 indicating that the development should not be regarded as a controlled activity and no approval was required and no General Terms of Approval (GTA) were issued in accordance with Section 4.47 of the EPA Act. Hence, the

development was not regarded as Integrated Development the Northern Regional Planning Panel is not prevented from granting development consent without the GTAs.

Section 4.15(1) Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

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

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

A summary of the key matters for consideration and any non-compliances arising from the relevant EPIs are outlined in **Table 5**.

Table 5: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6. Accordingly, the Northern Regional Planning Panel is the consent authority for the application.	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<u>Chapter 3: Koala Habitat Protection 2020</u> Refer to the assessment below.	Yes
State Environmental Planning Policy (Industry and Employment)	<u>Chapter 3 Advertising and Signage</u> The development does not include and proposal for any business identification signage or any advertising structures. Hence, the development does not require assessment under this Chapter.	N/A
State Environmental Planning Policy (Primary Production) 2021	<u>Chapter 2 Primary Production and Rural Development</u> The subject land is not identified as State Significant Agricultural Land under Schedule 1 of the SEPP. The land proposed to be developed for the additional solar farm on the allotment is not identified within the New England North West Regional Plan 2041 as being Biophysical strategic agricultural land and develops a footprint of approximately 13.3ha. The proposed land use is not expected to prevent the adjoining land from being operated for any agricultural or primary production purposes, thus reducing the production capacity or capabilities of the land.	Yes

State Environmental Planning Policy (Resilience & Hazards) 2021	<u>Chapter 3 Hazardous and offensive development</u>	Yes
	Refer to the assessment as below. <u>Chapter 4: Remediation of Land</u> The development site is not located in an investigation area and there is no record within Council's record system which lists any record of identified site contamination. The development site has historically been used for agricultural purposes. The development site is not known to historically contain any cattle or sheep dips. The site is historically known to be used for animal grazing. The development site is not known to have been used for any other previous activity which may have resulted in contamination of the site. The proposed land use does not propose an activity for residential, education or child care purposes. Hence, Council's assessment has considered that the site is not known to contain any areas of contamination and that the site is suitable for the proposed development use.	Yes
State Environmental Planning Policy (Resources and Energy) 2021	<u>Chapter 2: Mining, petroleum production and extractive industries</u> • Part 2.3 Development applications - matters for consideration – Section 2.19 Compatibility of proposed development within mining, petroleum production or extractive industry The development is located approximately 2km from what appears to be an active quarry site that is associated with the rehabilitation of the Black Jack Underground Coal Mine. The development of the site for an Electricity Generating Works (Solar Farm) is not expected to prevent ongoing operation of any extractive industries and the operation of this solar farm is not expected to result in any cumulative impacts occurring from the quarry site that could impact on the immediate environment around the site.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> The development does not constitute Traffic-Generating Development under Schedule 3 as the development does not have direct access to, or site access within 90m of, a classified road, or produce more than 200 vehicle movements per hour specified for development with no direct access to a classified road.	Yes
Gunnedah Local Environmental Plan 2012	<u>Clause 2.3 Permissibility and zone objectives</u> see discussion below.	Yes
	<u>2.6 Subdivision-consent requirements</u>	Yes

	The subdivision layout proposed is a boundary adjustment between Lot 48 DP 755474 and Lot 2 DP 254189. The boundary adjustment does not satisfy the exempt development provisions specified within <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. Hence, development consent is required for the proposed boundary adjustment. The boundary adjustment would not result in a primary and secondary dwelling being positioned on separate allotments.	No
	<u>4.1 Minimum Subdivision Lot Size</u> The minimum lot size for the development site is 40Ha. The proposed subdivision proposes to create two lots from the existing two lots. Based on the pre-existing site area and area indicated on development plans for proposed Lot 2, proposed Lot 1 will have an area of 35.5441Ha and proposed Lot 2 will have an area of 15.36Ha. Neither of the lots meet the minimum lot size for Torrens Title Subdivision. The applicant has indicated that they wish to make their application for boundary adjustment in accordance with Section 4.2C. See the assessments under this clause as follows.	No
	<u>Clause 4.2C Boundary Changes between lots in Zones RU1 and C3</u> Refer to assessment below.	Yes
	<u>Clause 5.10 Heritage Conservation</u> The site does not include any listed European heritage items and no Aboriginal heritage sites or objects were identified via an AHIMS search. The Statement of Environmental Effects did not identify any other known aboriginal archaeological sites that are within the site or could have affected by the development. The applicant has indicated that Council may wish to include a condition that works are to comply with the <i>National Parks and Wildlife Act 1974</i> should any evidence of Aboriginal occupation be found during works onsite, including the need for an Aboriginal Heritage Impact Permit.	N/A
	<u>Clause 5.21 Flood planning</u> The Electricity Generating Works is not located on land within the flood planning area and therefore this clause is not applicable.	Yes
	<u>Clause 6.5 Essential Services</u> Refer to the assessment below.	N/A
	<u>Clause 6.7 Terrestrial biodiversity</u> The site is not identified on the Terrestrial Biodiversity Map and therefore this clause does not apply.	

Gunnedah Development Control Plan 2012	<i>Clause 6.1 Flood Mitigation</i> <i>Clause 6.2 Parking</i> <i>Clause 6.3 Landscaping</i> <i>Clause 6.4 Outdoor Lighting</i> <i>Clause 6.5 Outdoor Advertising/Signage</i> <i>Clause 6.6 Environmental Controls</i> See below for consideration of these matters.	N/A No Yes N/A N/A Yes
--	--	---------------------------------------

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3: Koala Habitat Protection 2020

This chapter applies as the Gunnedah local government area is listed within Schedule 2 of the SEPP, the land is zoned RU1 Primary Production, and the site has an area of more than one hectare.

An Ecological Assessment Report accompanied the development application. The report determined that the Gunnedah region contains 8 eucalyptus species. However, the report did not determine whether the site contained vegetation that would constitute 15% or more of the total trees in the upper or lower strata of the tree component, as per the requirements of the SEPP. On review of past assessment reports, this was also not determined as part of these assessments and as a consequence without the information it was concluded that the site should be considered as 'potential Koala habitat' due to lack of evidence to the contrary.

A search of historical records returned sixty eight (68) Koala sightings within 5km of the site. The closest sighting was 238m to the West of the site. However, there were no noted sightings within the site or on the East side of Wandobah Road. The majority of sightings occurred within more vegetated areas that have connectivity to forested areas.

The site survey considered the site to be a degraded form of Plant Community Type (PCT) 101 – Poplar Box – Yellow Box – Western Grey Box grassy woodland, that had been cleared, grazed and contained little habitat value. The survey did not locate any scats or other records of Koala occupation of the site and there were no koalas observed within the site. Hence, it was assumed from the details of the report that the site was not regarded as core Koala habitat.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 – Hazardous and Offensive Development

The development is not considered to be a potentially offensive or hazardous industry as the development in its typical operation is not expected to generate any polluting discharge which would have a significant adverse impact on the locality or the environment or lead to a risk to human life. Quantities of flammable liquids (fuel) and toxic substances (herbicides) is below trigger levels based on the details within the Fire and Hazard Assessment supplied with the development application.

The BESS will be a Lithium-Ion Battery installation. The BESS system consists of two 20 foot containerised systems of approximately 3MWh capacity per container. It is noted that consent is only sought for the installation of a 5MWh BESS. Each container has a fire detection and suppression system to assist with reducing the spread of fire. The Lithium-Ion Technology

sourced is noted to be from a tier-one international equipment manufacturer and possess certification and compliance with applicable Australian Standards, Licenses and Codes.

Previous research into this space determined that when batteries burn, they produce hazardous gases which may affect adjoining land holders. The release of gasses is not part of the operation of the development, only occurring in the event of a fire and thus is not considered to be potentially hazardous as this is in the case of an emergency only. Hence, this is not part of the operation and does not satisfy the criteria for potentially hazardous development. To ensure that there is limited risk for damage to the system Council has recommended that an Emergency and Operational Management Plan be prepared to reduce the likely opportunities for collision or damage of the BESS during construction or operation, consultation with emergency services for action required in the event of a fire and emergency contact information should adjoining land holders identify any hazards onsite. This is consistent with other such developments that Council has assessed and been determined by the Northern Regional Planning Panel.

To reduce the threat of fire to the facility the development proposes an Asset Protection Zone (APZ) around the entire Electricity Generating Works and further APZ areas around the BESS internally within the site. The assessment concluded that the development is not hazardous or offensive industry.

Gunnedah Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Gunnedah Local Environmental Plan 2012* (Gunnedah LEP). The aims of the Gunnedah LEP are:

(2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Gunnedah,*
- (b) to promote the economic well-being of the community in a socially and environmentally responsible way, focusing on new employment growth and a diversified economy,*
- (c) to encourage the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,*
- (d) to provide opportunities for a range of new housing and housing choice,*
- (e) to facilitate the provision and co-ordination of community services and facilities,*
- (f) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,*
- (g) to provide direction and guidance in the management of growth and development,*
- (h) to conserve the cultural and environmental heritage of Gunnedah,*
- (i) to allow development in a way that minimises risks due to environmental hazards.*

The proposal is generally consistent with the relevant aims of the LEP as it will not impact on any known heritage items/areas or generate significant ecological impacts.

Zoning and Permissibility

The site is located within the RU1 Primary Production zone (RU1) pursuant to Section 2.2 of the *Gunnedah Local Environmental Plan 2012* (Gunnedah LEP), refer to Figure 1 previously in this report. The land use proposed is as an *Electricity Generating Works*, which includes the generation and storage of electricity. The land use is permissible within the zone subject to consent, pursuant to Section 2.3 of the Gunnedah LEP and Section 2.36 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The zone objectives (pursuant to the Land Use Table in clause 2.3) are to:

- *encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *minimise the fragmentation and alienation of resource lands*
- *minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.*
- *protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.*
- *conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*

The proposal is consistent with the zone objectives. The development is considered to be in line with the land use objectives of the RU1 land zone. The development proposes the development of a solar farm within the rural locality, which is a sustainable rural land use and considered to be appropriate on the site due to its compatibility with ongoing agricultural land uses.

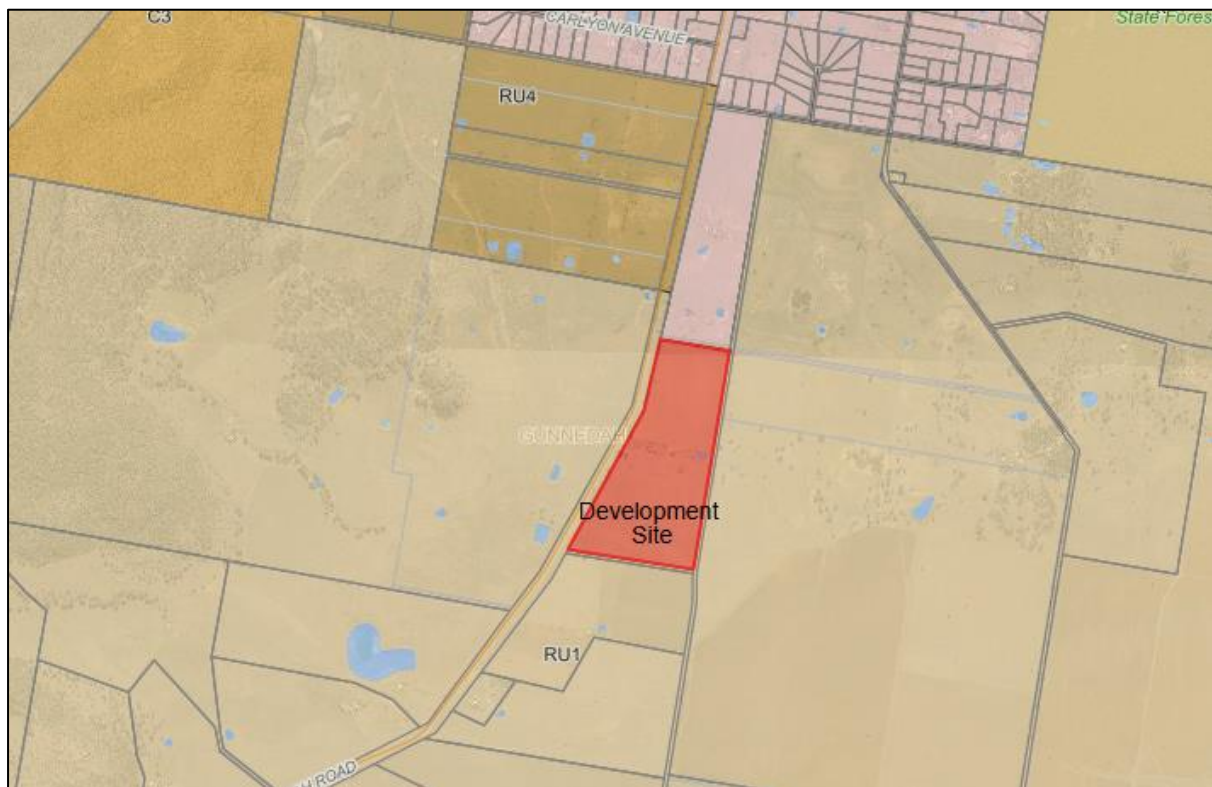


Figure 6 Land Use Zone – RU1 Primary Production

Section 4.2C – Boundary changes between lots in Zones RU1 and C3

The development application has included a request to subdivide the development site from 2 lot into 2 lots, by Torrens Title Subdivision. The proposed lot areas of 15.31ha (proposed Lot 1) and 35.63ha (proposed Lot 2). The development site is zoned RU1 Primary Production for the entire site and has a minimum lot size for the development site of 40ha.

The applicant has made their application for subdivision under this clause as the proposed lot areas do not achieve the minimum lot size for the development site and as a consequence development consent would not be able to be granted in accordance with *Section 4.1 Minimum subdivision lot size* within the Gunnedah LEP. The development would also not be possible in accordance with or *Section 4.2 – Rural Subdivision* as the lot configuration would result in the creation of a lot containing a Dwelling which will has a lot size less than the minimum lot size.

Section 4.2C permits the alteration of boundaries between 2 or more lots in certain circumstances to achieve the objectives of the zone. The subdivision will not result in an increased number of lots, with the development site containing 2 existing lots for which lot boundaries are proposed to be amended to create the proposed 2 lots. However, Council does not believe that the development complies with Section 4.2C(3)(b) as the subdivision of land would result in an increase in number of dwellings that may be erected on any of the lots, with reference to Section 4.2A of the Gunnedah LEP.

The subdivision of land would enable the erection of a Dwelling House on proposed Lot 1 in accordance with Section 4.2A(3)(c). This section permits the granting of consent for the erection of a dwelling house on land which ‘a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement’. This clause was the subject of a Land and Environment Court ruling for *Damilabe vs Gunnedah Shire Council*, where the commissioner ruled that a dwelling house may be constructed on an allotment as the lot in question was a lot that resulted from subdivision and on which a dwelling house had been permissible under a previous planning instrument. As a consequence of this court decision council sought legal advice which agreed with the ruling that was made by the commissioner. Currently Lot 2 DP 254189 would not be consistent with this clause as it was created at the closure of a crown road and not as a result of subdivision. Hence, as a consequence, should the proposed subdivision be approved, the development would permit the construction of a dwelling house.

Council recommends that the Northern Regional Planning Panel should exclude the subdivision of land from the development determination should the development be approved.

Section 6.5 – Essential Services

The site does not have access or connection to any Council services (i.e. water, sewer or stormwater).

- a) The development site does not have access to Council’s water supply or any other water supply service. The existing dwelling has onsite water storage tanks. These tanks will be unaffected by the proposed development. Water demand during construction will be managed by a portable tank or cart that will be brought to site.
- b) The development will produce electrical energy, including the installation of a 5MW BESS. The electricity generating works will be connected to the existing transmission lines what are located within Thompson Road, which is an unformed road reserve which borders the site directly to the East of the lot. Service connection is to be undertaken in consultation with Essential Energy, who are the local service provider.

- c) The development does not have access to Council's sewer services and it is unfeasible to required connection of the site to Council's services. The Dwelling House that will be retained onsite has provision of an Onsite Sewerage Management System (OSSM). The development is seperate from the OSSM and will not affect the ongoing operation of this system. The proposed development does not generate any effluent and does not propose amenities. Portable amenities will be installed during the extent of the construction works, to service construction workforce.
- d) The development will require the submission of a Stormwater Management Plan to address any stormwater runoff from the site that occurs from the increase in impervious surface area that results from the installation of the solar arrays, internal driveways and associated infrastructure.
- e) The development proposes to access the site via the existing vehicle access that is provided from Wandobah Road. This vehicle access was created to provide vehicle access to the existing Electricity Generating Works that was constructed on the northern portion of the site. Similarly to this development, vehicle traffic was isolated to construction works, that appear to have been completed. Hence, there is no large vehicles or excessive volumes of traffic that is expected to be utilising this access point. Hence, the access is considered to be appropriate to provide suitable vehicle access to the development site.

The proposal, including the assessment contained within Table 5, is considered to be consistent with the LEP.

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

There are no proposed instruments which have been the subject of public consultation under the EP&A Act 1979, that are relevant to the proposal.

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

The Gunnedah Shire Development Control Plan 2025 is currently in force having been adopted by Council 18 June 2025. However, Development Control A.3 indicates that applications are to be processed under the development control plan which was in force at the time the application was lodged. Hence, the *Gunnedah Development Control Plan 2012 (DCP)* applies for the purposes of this assessment. Council's assessment has not considered Chapter 5. Subdivision as the assessment of the Gunnedah LEP has concluded that the subdivision is not permitted. Although the DCP does not contain any controls specific to Electricity Generating Works, the following Chapter 6 General Development Specifications apply to all forms of development:

6.1 Flood Mitigation

The site is not located within a flood planning area and therefore these controls do not apply.

6.2 Parking

The DCP does not include a parking standard for electricity generating work and the development has not proposed to develop any permanent onsite parking spaces that will be retained ongoing. However, the application has indicated that they will develop a temporary materials laydown and car parking area in the north eastern corner of the development area. It is proposed that this area is temporary and does not require bitumen seal.

Despite the application's indication that no onsite parking spaces are required, parking must be available staff that attend the site on occasion as required. It is suggested that one (1)

permanent parking space be provided onsite for the occasions when staff attend the site. The temporary parking area should be treated with dust suppressant material to ensure that the traffic movements do not give rise to dust generation from the site. A condition to this effect would be consistent with the other solar development onsite and other such developments approved within the Gunnedah LGA.

6.3 Landscaping

The development application proposes that landscaping be installed, external to the security fence along the West boundary and for a distance of 200m along the North and South of the lot development boundary extending from the landscaping proposed on the West boundary. This is proposed to provide a level of visual screening from Wandobah Road. However, this will only provide a screen of the closer section of the solar farm from Wandobah Road, the screening, as shown in Figure 7, is not expected to be effective to screen the entire facility. It is expected that the Eastern part of the site will be visible as vehicles travel from the south or North along Wandobah Road. It is recommended that the vegetation barrier be extended for the full extent of the boundary of the solar farm, external to the security fence, to ensure that the development provides an effective screen to not only motorists but also to any adjoining receivers or residential zones.

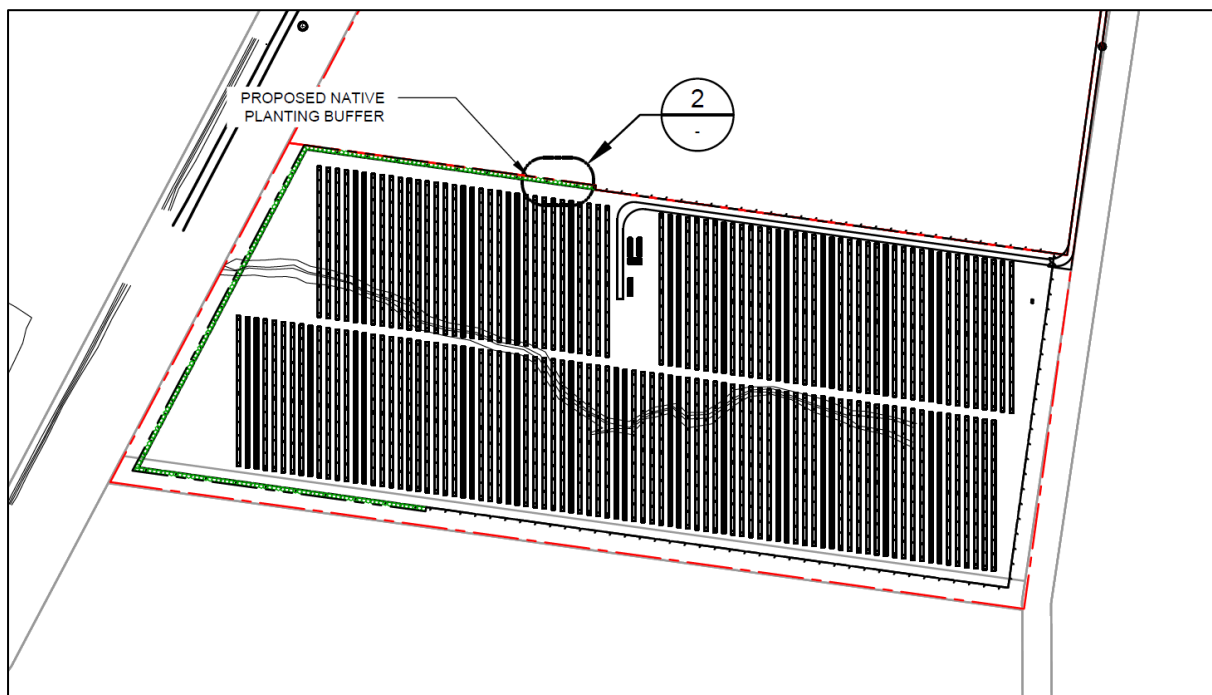


Figure 7 – Landscaping Plan

The character of the surrounding area is noted as being agricultural land with sporadic structures either for residential dwellings or farm related buildings. The development proposal is not consistent with the surrounding landscaping as the density of the development and visual appearance of the 2.3m high security fence and infrastructure is not consistent with an agricultural landscape. The existing solar farm that is to the north of the site includes conditions for landscaping that will reduce the visual impost of the development and the visual impact that this creates on the surrounding landscaping.

There are elevated receivers noted to be around the site, as identified within the Visual Impact Assessment, including R5 residential zone to the Northeast of the site. With the current proposed landscaping plan there will be no landscaping barrier around the development that could reduce the visual impact. The Visual Impact Statement states that rural lifestyle lots, such as these, are of high sensitivity to change to the landscape and that the visual impact

from the development would be medium-high. It is also noted that in Council's recent Local Housing Strategy the areas to the Northeast between the current R5 zone and the development site are marked as an opportunity for additional R5 land. Portions of this identified area have already been rezoned through planning proposal process, including the lot along Wandobah directly to the north of the site. The development proposes an operational life of 35 years. Hence, this assessment should consider the visual impact created on the landscape for the life of the development and visual mitigation measures should be imposed on all elevations where the development may change the visual impact. Council did receive one (1) submission during the public consultation regarding visual impacts on the property. The submitter owns the property which is directly to the East of the site across Thompson Road. Submissions are addressed in more detail further through this report.

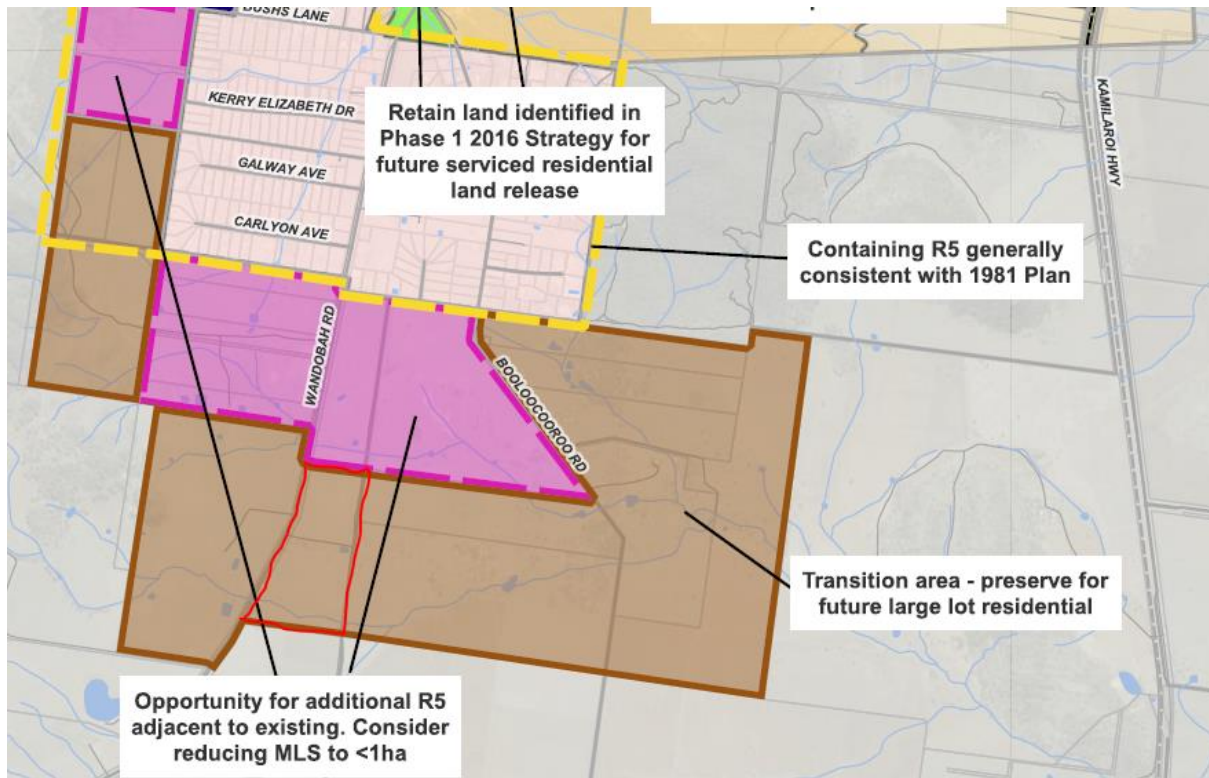


Figure 8 – Extract Figure 12 (Gunnedah Shire Local Housing Strategy 2024), development site noted in Red

Council's assessment of visual impacts has concluded that there is a necessity to require that landscaping occur along each boundary, including the East elevation of the lot. The previous development determination for 2021/035 only excluded landscaping along the East elevation due to the presence of established vegetation in the Thompson Road road reserve. There is no such existing landscaping along this elevation of the site. Hence, Council has recommended that an amended detailed landscaping plan be prepared and submitted to Council for consideration that shows landscaping for the entire perimeter of the site. All vegetation to be used within the landscaping plan is to consist of low maintenance, drought and frost tolerant species. Considerations of visual impact are addressed further through this report.

To ensure that landscaping is suitably established on all elevation as well as the proposed elevations of the development site, Council has recommended that a detailed landscaping plan be provided to Council for approval prior to the issue of a Construction Certificate. This will ensure that appropriate vegetation is selected for the development and also that the species will establish a suitable visual screen to reduce the visual impact of the development. The landscaping plan is to include a maintenance schedule and replacement program for

unsuccessful planting, to ensure that all vegetation established in the landscaping barrier reaches a suitable maturity and that maturity is reached within a suitable timeframe. Any unsuccessful planting would need to be replaced or the landscaping barrier will not be successful in its intended outcome of completing a suitable visual barrier to adjoining residential receivers and from public reserves. To ensure that the development is consistent with the works that were conducted with DA 2021/035 and ensure that vegetation has as much time as possible to establish it is recommended that all landscaping is to be conducted prior to the issue of a Construction Certificate as the vegetation is expected to take approximately 7 years to reach maturity and create a suitable visual screen. The landscaping barrier is the only visual preventative mitigation measure proposed for the development and the successful mitigation of the visual impact relies upon the successful establishment and speedy growth of the vegetation.

The development does not trigger the need for any landscaping to be planted in accordance with this development control for shading to parking area as the development does not require the provision of more than 10 onsite vehicle parking spaces.

6.4 Outdoor Lighting

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

6.5 Outdoor Advertising/Signage

The development does not propose the installation of any signage or erection of any advertising sign.

6.6.1 Environmental Effects

Traffic

Traffic generated by the development will predominately be generated during the construction of the solar farm, which is anticipated to take 3 months. Upon completion of construction works infrequent vehicle movements are expected during the operation of the facility for maintenance.

The development anticipates that construction will generate up to 65 heavy vehicle (B-Double) movements, with an expected daily average of 4 to 6 vehicles. In addition to the delivery of materials, an additional 40 light vehicle movements are expected each day for the transport of the construction workers. The development has indicated that there is potential for a shuttle bus to service the works to the site. However, there has been no commitment to this and there is no obligation for Council to recommend that this be imposed as a condition of consent. Operational traffic is expected to be a single light vehicle by maintenance contractor to occur as a single movement once every 2-3 months.

It is noted that the development application did not consider traffic volumes during decommissioning of the solar farm. It is assumed by Council that decommissioning of the farm would generate similar vehicle movements to that of the construction works. Due to potential impacts to the road network during the decommissioning and to ensure that there is suitable capacity within the road network prior to these works occurring in the future, it is recommended that a decommissioning and rehabilitation plan be prepared and submitted to Council for endorsement, a minimum of 6 months prior to the cessation of operational life (35 years). This will enable Council to consider any traffic impacts that may occur to the road network and the changed state of the Wandobah Road over the period of time since the commissioning of the solar farm.

Access to the site is proposed to occur from the existing vehicle access point that was created for the existing solar farm that is present to the North of the site. The vehicle access was previously accepted by Council for the previous farm which had similar volumes of traffic to this development. There is no requirement to augment this vehicle access. However, a

construction management plan is to be submitted prior to the issue of a Construction Certificate to address conflict of concurrent vehicle entry and exit from the site.

Flood Liability

The development site is not mapped within the Gunnedah Local Environmental Plan 2012 as being subject to flooding during a 1 in 100 year flood event. The development will not impact on any land which is subject to flooding in such a way that it may redirect flood waters to change flood flow paths or intensify flood impacts in an area. The development has been designed in such a way to remove any construction from occurring within the water course that transects the site. This will ensure that no debris builds up around structures to divert or cause spreading of any water that naturally travels through the site and would not be diverted to have a greater impact on other adjoining lots, including downstream.

Slope

The development site has a slight slope falling from the West towards the East. The elevation change is minimal across the site and the construction will see the development constructed on elevated pylons which will enable the panel arrays to be installed without the need for earth works to occur.

Construction Impacts

The development will generate an increase in traffic during the construction works. The noise impacts of the development are expected to be confined to construction works. Construction traffic and noise has been addressed elsewhere throughout this report.

The construction works are expected to generate a significant amount of waste from packaging and transport provisions (eg, timber pallets and polystyrene). A Site Waste Minimisation Management Plan is required to be submitted and approved by Council prior to the issue of a Construction Certificate to ensure that any waste that can avoid disposal to the Gunnedah Waste Management Facility occurs. This is consistent with conditions imposed on the electricity generating works approved on the northern portion of the site (DA 2021/035) that was approved by the Northern Regional Planning Panel February 2022.

Solid and Liquid Waste

Waste is expected to be generated during construction works with the generation of packaging and pallets used in the transport of the construction materials. The development is not expected to generate any solid or liquid waste during operation unless damaged or defective panels are to be replaced. There are no amenities proposed for the ongoing operation of the site. Hence, there was no requirement for the installation of an Onsite Sewerage Management Facility. It is expected that temporary amenities will be provided for construction personnel.

Construction waste is to be stored onsite in an appropriate manner to ensure that there is no windborne litter generated from the site into the environment. A Site Waste Minimisation Management Plan is required to be submitted and approved by Council prior to the issue of a Construction Certificate to ensure that appropriate management and disposal of waste occurs in such a way that it does not negatively impact on the Gunnedah community through unplanned increases in waste volumes experienced at the Gunnedah Waste Management Facility, which reduces the overall life of the facility. Recycling of products should be maximised as much as possible.

A Final Decommissioning and Rehabilitation Report is recommended to be required prior to decommissioning of the facility to address how decommissioned materials will be disposed of. The submitted Decommissioning Assessment indicated that 'all infrastructure, including cabling and panels and mounting frames including footings and inverters would be disassembled and removed from the site'. The development application indicated that the decommissioning was expected to generate waste in the amount of 13,700 panels, supporting

mounts and poles, 2 x 20 foot containers, fencing materials, electrical cables, inverters, transformers and batteries, 270 tonnes of glass, 40 tonnes of silicon wafers and 860 tonnes of PV boxes, skids, scrap metals. Council wishes to ensure that waste is recycled where appropriate to ensure that solar arrays and infrastructure is not sent to landfill.

Air Quality (Odour and Pollution)

The development is not expected to generate any odour or air pollution during the ongoing operation of the solar farm. As there will be no consistent traffic movements to or from the site and none of the ongoing operation will generate any odour or pollutants the development is not expected to have a detrimental impact to air quality. Increase in use of renewable power sources may result in reducing global CO² emissions. Construction works may generate dust from vehicle movements throughout the site, noting that the internal driveway will be approximately 1.3km of unsealed internal driveway. It is recommended that dust mitigation measures be implemented during construction works to ensure that dust does not cause impact to the surrounding receivers.

Noise Emissions

The development construction will involve the piling of panel supports into the ground. Construction noise would be occurring during daylight hours. There will be some earthwork with earthmoving equipment involved for the trenching and preparation of the site. Noise generation from piling is expected to generate a noise level of 112dB(A), which is the greatest noise generation out of an expected activity during construction. The development indicates that noise generation does occur during decommissioning. However, it is indicated that decommissioning noise levels will be lower than that of the construction noise.

The noise assessment has concluded that based on the expected noise levels from the development, that all residential receivers that were noted during the assessment achieved compliant noise levels at the receivers. There was one exceedance which was modelled for the construction works. However, this is a farm building and not a residential receiver. Council does not believe that the construction noise would be a significant impact to this receiver.

It is noted that there has been one additional dwelling that has been constructed on the adjoining lot to the south of the site that was not considered during the noise assessment. The dwelling is positioned on Lot 1 DP 846514 and is within the predicted 45dB(A) contour shown in Figure 3 of the Noise Assessment (Figure 9 below). It is unreasonable that the developer should consider a development that has occurred since the development was originally lodged and the development documentation prepared prior to the new dwelling being approved by Council and constructed. The noise levels are only experienced as an exceedance during construction only.

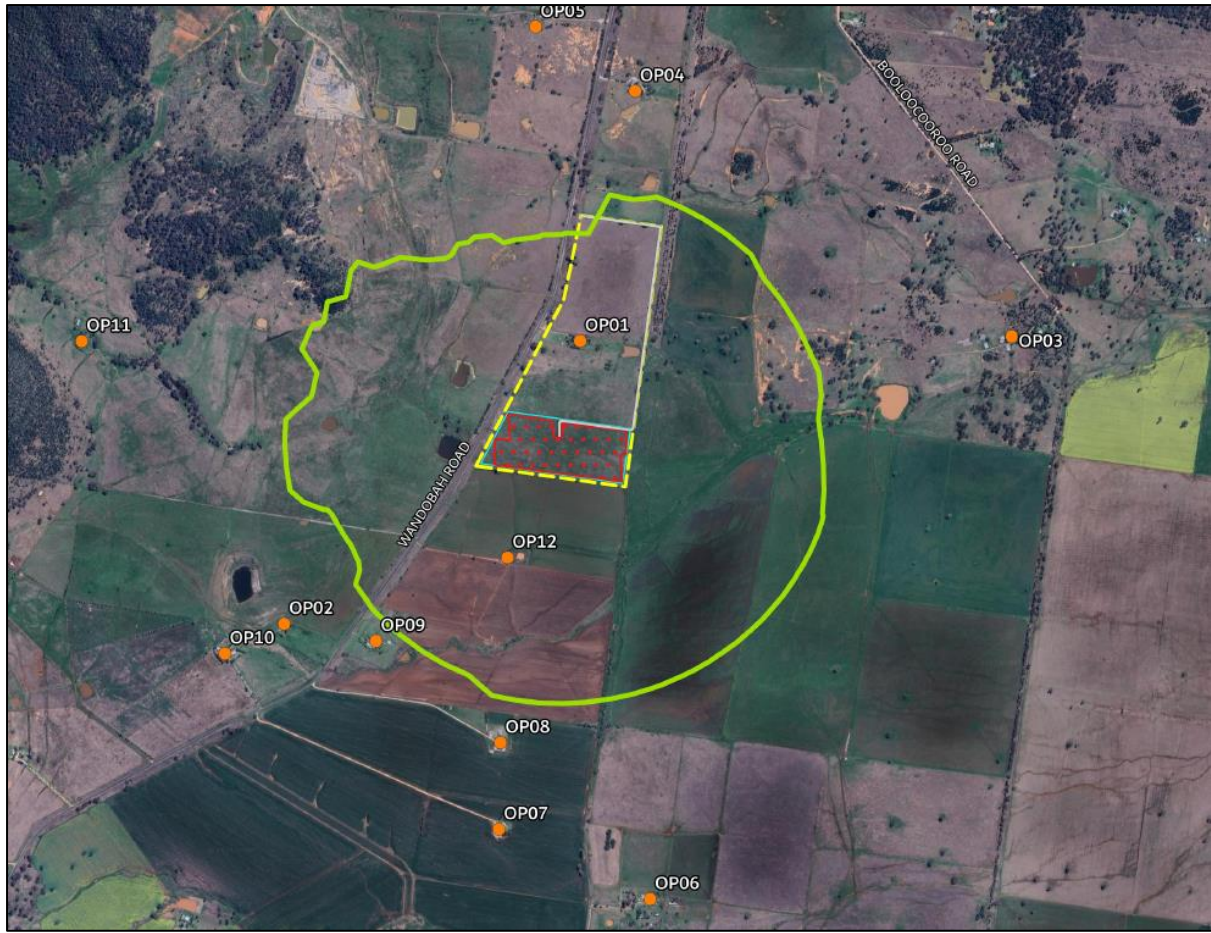


Figure 9 – Predicted Construction Noise Levels (Day Period)

Operational traffic is expected to be restricted to one vehicle quarterly. The vehicle is expected to be a light vehicle only and will be for the purposes of maintenance or inspection of the site and will not generate any significant noise levels due to the infrequent and low movements. There is not expected to be any noise exceedance during operation with the highest noise generation expected to be the 3.4MW Inverter, with a noise level of 94dB(A). Hence, it is assumed that the construction noise and operational noise are acceptable for the development proposed.

Water Quality

The development is not expected to influence water quality downstream. The proposed development proposed use is not expected to potentially create any soil contamination which could be migrate off site and potentially pollute areas downstream of the site. The development will not have excessive volumes of organic matter which could encourage water pollutants such as blue-green algae to occur within standing water downstream of the site. The development is not expected to have any significant excavated portions of the site which may result in ongoing soil erosion and soil degradation. Hence, it is concluded that the development will not affect water quality.

Sustainability

The development of a solar farm is considered to be a sustainable activity, reducing the NSW reliance on coal fired power generation. The development has committed to the removal and recycling of solar panels and all other materials upon decommissioning of the site.

6.6.2 Erosion and Sediment Control

Erosion and Sediment are to be established in accordance with the Managing Urban Stormwater: Soils and Construction Vol 1 (Blue Book) (DECC, 2008). Erosion and Sediment must be established prior to works commencing and for the life of the development.

6.6.3 Conflicting Land Use

The development is located downslope of the R5 land zoning of Gunnedah town, with the adjoining lot to the North being zoned R5. The development does not propose any landscaping to be conducted between the development site and the land to the north, or as addressed previously through the report, land which may be developed for residential purposes during the life of the development. It is a recommendation from Council that landscaping be required around the entire perimeter of the site to ensure that there is no visual impact or degradation of the agricultural production outlook of the rural landscape which is seen for the remainder of the area. There is no existing vegetation around the exterior of the site that could block or restrict viewing of the development once constructed.

6.6.4 Waste Management

The Decommissioning Assessment submitted with the development application indicates that at the end of life, the solar modules will be recycled and that all underground cables and earthwork networks will be excavated and recycled.

There is not expected to be any waste generated during operation of the site.

6.6.5 Noise

Council's standard construction operating period is to be imposed as a condition of consent to ensure that the construction hours are limited to those appropriate to protect the amenity of the immediate locality. Noise Impacts have previously been considered through this report.

6.6.6 Geology

The water runoff from solar panels may result in localised soil erosion and scarring. It is expected that encouraging the retention of grasses below the panels will assist with reducing such erosion occurring and prevent increase in water runoff from the site.

Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act 1979

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

Section 4.15(1)(a)(iv) - Provisions of the EP&A Regulation 2021

Joint Regional Planning Panels Order 2009

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

Environmental Planning and Assessment Regulation 2000

The development is not considered to be Designated Development under the provisions of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. Refer to Part 1.3 previously through this report.

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

Context & Setting

The development site is located to the south of the Gunnedah CBD within a rural landscape bordering on the extent of Council's Rural residential (R5) zoned land. The site is occupied for

agricultural purposes, being used currently for grazing of livestock. The northern section of the site is occupied by a similar sized 5MW electricity generating works (solar farm) and there is an existing dwelling house which will be retained between the two systems. However, different to this development, the other facility does not include a BESS. The area to the north of the site is already zoned R5 with other areas to the northeast of the site being identified within the Gunnedah Shire Housing Strategy as being 'opportunity for additional R5 adjacent to existing R5 with lot size of >1ha', giving a high potential that this area will be rezoned and developed for residential purposes in the near future.

The development proposes the construction of a Solar Farm and associated structures. The solar farm will consist of the installation of approximately 13,700 solar modules in 158 rows on tracked system, installation of two 3.4MW inverter stations, 2m high kiosk to convert high and medium voltage to low voltage to the grid, a Battery Energy Storage System (BESS), temporary car parking and material laydown area and a 2.3 high security fence. The development will be a significantly higher density to the adjoining rural land with the massing of the solar arrays into approximately 13.3ha of the site. This is in addition to the existing 12.3ha developed for the existing solar farm in the northern portion of the site. Combined the two solar farms will develop 50% of the total 50.9ha of the site. The security fence is also a different visual appearance to the typical rural fencing seen in rural landscapes, with the fence proposed as a 1.8m high security fence plus 3 rows of barbed wire, resulting in a total height of 2.3m.

To reduce the visual impact of the development on the locality, the developer has proposed a the landscaping barrier on the West elevation of the facility and for the first 200m of the North and South elevations from the western corner of the site. This landscaping barrier only accounted for visual impacts from road traffic and is not expected to suitably screen the entire development from motorists and provides no visual mitigation to any receivers on north, south or east elevations looking towards the site. There are at least 5 dwellings to the East of the site which are elevated over the site. It is the conclusion of Council's assessment that landscaping is required along this elevation of the site to reduce the visual impact of the development fence as well as any screening that this landscaping would provide to the solar arrays. Hence, it is recommended that an alternative landscaping plan be provided which provides landscaping around the entire perimeter of the site.

To ensure that landscaping is suitably established on this elevation as well as the proposed elevations of the development site, Council has recommended that a detailed landscaping plan be provided to Council for approval prior to the issue of a Construction Certificate. This will ensure that appropriate vegetation is selected for the development and also that species will establish a suitable visual screen to reduce the visual impact of the development. The landscaping plan is to include a maintenance schedule and replacement program for unsuccessful planting, to ensure that all vegetation established in the landscaping barrier reaches a suitable maturity and that maturity is reached within a suitable timeframe. Any unsuccessful planting would need to be replaced or the landscaping barrier will not be successful in its intended outcome of completing suitable visual barrier to adjoining residential receivers and from public reserves. It is recommended that landscaping be conducted prior to any other works occurring to be consistent with the development consent granted for the northern solar farm and ensure that landscaping is given the greatest period of time to establish to create a successful visual screen to the development.

Access, Transport and Traffic

The development site has frontage to Wandobah Road and Thompson Road. Thompson Road is unconstructed and does not enable access to the site. There is no obligation for the development to construct any portion of Thompson Road as the development will be provided with access from Wandobah Road for both construction and operational traffic. The existing vehicle access that was created for the existing solar farm to the north of the site, will be used

to access the new development with the construction of a new internal driveway to gain access through the site. The vehicle access was previously determined to have adequate sight distances and the design being appropriate for the vehicles expected to attend the site.

The development site is located within a rural locality and there are no public transport routes which pass the development site. It is considered to be unreasonable to require the diversion or additional of a public transport route for access to the site, due to the minimal operational staff access requirements, as per above. Due to the rural nature of the site and the distance of the development site from any other pedestrian pathways or cycleway it is also considered unfeasible to require the extension of any pedestrian pathways to the site.

Public Domain

The development does not propose to dedicate any public reserves as part of the development proposal. There is limited need or demand for this to occur due to the location of the development, the nature of surrounding areas and the distance of the development site from key active public spaces within the Gunnedah Township. The visual impact of the development from public spaces has been considered previously throughout this report.

A contribution under the S.7.12 contribution plan is payable to Council to facilitate the additional demand that will be imposed on Council's services as a result of the proposed development.

Utilities

The development site does not have provision of Council's utility services. Council's water services are present within Wandobah Road. However, this service does not provide access to the development site. This service provides a water connection to the village of Curlewis and is not intended to provide connections to the properties adjoining the pipeline. The development does not create any water demand and Council has no current desire for this service to be extended to service the site. There are no sewer services in the immediate area around the site that could be extended to service the development site. The Gunnedah LGA does not have any gas service lines that could service the development. It is unnecessary for the development to provide services to the development.

Heritage

The development site does not contain any identified items of environmental heritage, nor are there any located within the vicinity of the development, that will be impacted by the development. Any items of potential Aboriginal or European heritage that are uncovered during construction works or land clearing undertaken as part of the development will require the immediate cessation of operations and contact be made with the appropriate department within the Department of Planning and Environment.

Other Land Resources

The development will utilise current agricultural land. The development site is currently utilised for livestock grazing and the adjoining land is cropping land. The development has indicated that there is an opportunity for livestock to still graze beneath the solar panels within the fenced compound. The Electricity Generating Works is not expected to prevent agricultural activity on adjoining lots from occurring.

The land use is only seeking consent for the operation of the facility for a finite period of time (35 years). The development will be required to decommission the site at the completion of the operational life to ensure that the land is returned to agricultural production. The decommissioning is not expected to create any risk of contamination of the soils onsite and would not require any detailed testing prior to the development being decommissioned and occupied for any other use. Hence, the development is not anticipated to alienate agricultural productivity of the development site.

Water

The development does not have provisions of Council's water supply and the development does not require the connection of Council's water services for water supply. The development proposes to bring water to site for any requirement during construction. There is no expected need for water supply onsite during operation of the facility. The development is not expected to impact or penetrate the ground water table.

The development is required to provide a Stormwater Management Plan prior to the issue of a Construction Certificate to ensure that any stormwater generated by the development does not impact downstream. The development is outside of the area identified within the Gunnedah Development Services Plan for Stormwater. Hence, the development is not subject to development headwork charges for stormwater.

Soils

There is no known historical use of the site that could have potential lead to a high risk of contamination of the site. The development site has a gentle slope that falls across the site and the development is not likely to result in any chance of landslip. Appropriate sediment and erosion controls are to be established during construction works to ensure soil erosion or degradation does not occur. Hence, it is considered that the sites soils are adequate for the development.

Air and microclimate

The proposed development is considered to have minimal impact on the existing microclimate in the area. The construction of the development may result in the reduction of unsustainable electrical generation within the remainder of the region and state. The development is not expected to produce any odour or emissions from the site, with the development a sustainable land use activity. Due to the rural locality of the development there is not anticipated need for sealed internal driveways. The development may generate dust from vehicles during construction works, being the high volume of traffic for the development. The developer will be required to manage dust during construction to ensure that there is no dust nuisance created to the surrounding environment.

Flora and fauna

The development application indicates that vegetation clearing will be limited to 0.971 hectares of native vegetation which is less than the BOS threshold. The development is unlikely to impact the biodiversity value of any areas around the site which are identified on the Biodiversity Values Map. The site is regarded to be a degraded PCT 101 through modification of the site from historical agricultural practices and vegetation clearing. The development site is not expected to contain any critical habitats or threatened or endangered ecological communities. Refer to the Biodiversity Conservation Act assessment previously through this report for further details.

Landscaping used around the site is to be of low maintenance, drought and frost tolerant species which are suitable for the climatic conditions of the Gunnedah region. Landscaping is expected to be maintained even after the development is decommissioned. Hence, appropriate selection of vegetation will ensure that landscaping could increase the landscape and the value of the habitat potential onsite.

Waste

The existing dwelling is serviced by an onsite sewer management system (OSSM). The proposed development does not affect the ongoing operation of this system. The development site is not serviced by Council's sewer mains and there are no Council services within the vicinity of the site that could feasibly be extended to service the site. The development is not expected to generate any effluent which would require disposal to Council's sewer or be

managed onsite. Portable toilet and amenities are proposed to be installed onsite during construction works.

The development site is not serviced by Council's kerb side collection. Waste is to be maintained onsite and disposed to a licensed waste management facility or recycling centre.

Energy

The development does not create any energy demand with the development activity creating energy to feed back into the electrical network that can service the Gunnedah town or greater NSW region. The development is a renewable energy source with the generation of electrical energy from solar. The development will include a 5MW BESS that can store the energy generated onsite so that it can be released to the electrical transmission network as required or at the highest point of demand to secure the network and reduce the requirement to regulate the network.

Noise & vibration

The development is not anticipated to result in any excessive noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works to ensure that the amenity of the surrounding neighbourhood and environment is preserved.

Natural hazards

The site is not identified as being bushfire prone land. However, the development has been designed to establish Asset Protection Zones (APZ) around the facility and the BESS and other ancillary structures. The site is not mapped as being subject to a 1% ARI flood event within any council study. The site is not known to be subject to saline soils or land slip.

Technological hazards

The development is not expected to generate any technological risks. As previously addressed within the report the development site is not bushfire prone land and the site is not at risk of historical site contamination.

Safety, security & crime prevention

The development facility will be unmanned, with only sporadic attendance by operating staff for maintenance purposes. Attendance is expected to occur quarterly through the year. The development will include the construction of a 2.3m high security fence, with 3 rows of barbed wire on above the 1.8m fence, to prevent unauthorised entry to the site. The development does not identify the installation of any security surveillance equipment.

Due to the need for reduction in visual impacts the development will include landscaping around the perimeter of the site. This will prevent visibility into the site and natural surveillance by adjoining land holders or motorists passing the site. The distance of the site from residential areas and the absence of any pedestrian paths or linkages passing the site will reduce the likelihood of unsocial behaviours being attracted to the site. The site does not contain any retail items, stock or cash onsite, which should limit the likelihood and opportunity of break-ins to the site.

Social & Economic impact in the locality

The development will have little negative social impact on the Gunnedah or Curlewis communities. The development does not impact on public safety or social cohesion of the community. The development will provide a solar farm which may result in a small increase in renewable energy electrical generation.

The development is noted to create 30 jobs during construction. The development application indicates that local trades will be utilised where possible. However, there is no commitment to

this within the development and due to the highly technical nature of the work, it is unlikely there would be workforce within the local community that could be utilised to complete the works. Ongoing employment is noted as being staff that attend the site on a quarterly basis only for maintenance and inspection of the site. Hence, the development is not expected to generate any employment to the Gunnedah region.

Site design and internal design

The development site does not have a floor space ratio which would limit the development on the site. The development does not include any buildings, only the structure of the solar arrays, the two inverter stations, kiosk and two shipping containers to contain the 5MW BESS. The solar farm will be located within a secure area of the site by the construction of a perimeter security fence. The development proposes landscaping on the exterior of part of the fence to reduce the visual impact of the fence on the locality. However, Council's assessment has determined that landscaping should occur around the entire perimeter of the site.

There will be no buildings which can be occupied which need to be considered for health and safety.

Construction

Council recommends that landscaping occurs prior to construction works occurring for the electricity generating works to ensure that the vegetation has sufficient time to establish and lessen the period of time that the facility operates without an effective landscaping barrier once vegetation reaches maturity. It is unlikely that the landscaping will reach maturity until well into the life of the development. Hence, it is recommended that other temporary mitigation measures be established and implemented prior to construction occurring to ensure that the construction works also do not create any visual impact.

Any construction works must be compliant with the Building Code of Australia.

Cumulative impacts

The proposed development is considered to have minimal cumulative impacts on the surrounding area with no emissions. There are no activities within the surrounding area that would, in combination within the development, have a negative impact on the environment, surrounding infrastructure or the environment. There is an existing solar farm located on the north portion of the site. Together these developments take up 50% of the development lot area. The combined visual impact of an increased density of such development should be alleviated once landscaping has been established and reaches a level of maturity that creates a site blocking screen to the facility. The development has a limited life, which should be enforced through a condition of consent, with rehabilitation of the site occurring once the operational life has been complete.

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

The development is not restricted by any development occurring on any of the adjacent development. The development site is not mapped as being bushfire prone land or flood prone land. The development does not create any excessive transport demand with minimal ongoing traffic volumes. The development has been determined not to create any excessive noise or glint and glare issues to the adjoining locality during the operation of the development. Appropriate mitigation measures are to be implemented during the construction works to ensure that noise does not disrupt the surrounding environment and receivers.

The development site has adequate setback from lot boundaries and the site has the necessary utilities for the proposed development. Vehicle access is provided from the existing access point from Wandobah Road, with the extension of an internal driveway to be created.

Electrical connections will be made to the transmission lines located within Thompson Road to the East of the site.

Section 4.15(1)(d) - Public Submissions

Gunnedah Community Participation Plan 2020 – Consultation

The development application for the construction of a solar farm is required by the *Gunnedah Community Participation Plan 2020* to be notified to adjoining land holders and exhibited for a period of 14 days. Council received one (1) submission during the exhibition period. A copy of the submission has been attached to this development assessment report, as Annexure C. Refer to section 4 of this report for details of the submission.

Section 4.15(1)(e) - Public interest

The development assessment is not required to take into consideration any Federal or State Government policies or strategies, which apply to the development. The development is not located within any of the declared Renewable Energy zones. The development is not expected to have any impact on the health and safety of the public or create any changes to public amenity. Hence, the development is not considered to have a negative impact on public interest.

The development was originally identified by the developer as being Integrated Development in accordance with *Section 91 of the Water Management Act 2000*. Department of Planning and Environment-Water completed an assessment of the development after seeking additional information from the applicant. The assessment concluded that the development does not require a controlled activity approval for the proposed works and no further assessment was required by DPE Water as the proposed works are not located on waterfront land as defined within the Water Management Act 2000. The mapped drainage line within the proximity to the proposed works is not considered to be waterfront land as it does not exhibit bed, banks and/or fluvial geomorphic features. Hence, the development did not require the issue of General Terms of Approval.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the *EP&A Act 1979* and outlined below in **Table 6**.

Table 6: Concurrence and referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements under s4.13(1) of EP&A Act			
Essential Energy	s2.48 Determination of development applications – other development, SEPP	Council received a response to the referral which included recommended conditions which are to be included within the	Yes

	(Transport and Infrastructure) 2021	submitted draft conditions that are attached to this report.	
Integrated Development (S 4.46 of the EP&A Act)			
Department of Planning and Environment – Water	S91 Water Management Act 2000 Activity Approvals	The development was identified as being Integrated Development as a controlled activity. However, after assessment it was determined that the site is not waterfront land. It was noted that the development does not require a controlled activity approval for the proposed works and no further assessment was required. Hence, no General Terms of Approval are required to be issued prior to the development being determined.	Yes

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 5**. The Council referral officers raised no issues subject to conditions.

Table 2: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the Traffic Impact Assessment. There is no Council water, sewer or stormwater infrastructure which services the site. Satisfactory existing access and traffic arrangements are in place. Any additional traffic is not expected to adversely impact the road network. A recommendation was made that a stormwater management plan be provided prior to the issue of a Construction Certificate to ensure that stormwater drainage from additional stormwater runoff is appropriately managed.	Yes
Building	The development was considered with respect to the Building Code of Australia. Recommended conditions are included within the draft set of conditions attached to this report.	Yes

4.3 Community Consultation

The proposal was notified in accordance with the council's Community Participation Plan. The development was exhibited from 7 March 2024. The development was placed on council's website for the duration of the exhibition period, exhibited within the Gunnedah newspaper at the commencement of each exhibition period. The exhibition occurred for a minimum of 14

days as per the requirements of the Gunnedah Community Participation Plan.

During the exhibition period council received a single (1) submission. The key issues raised in submissions included the following:

- No Landscaping on the Eastern side of the site.
- Visual impact to the property.

Public submissions are considered in **Attachment B** of this report.

5 CONCLUSION

The development application has been considered in accordance with the requirements of the relevant legislation, including the *EP&A Act 1979* and the Regulations as outlined in this report. The mitigation measures proposed, together with the conditions recommended in this report are considered appropriate to minimise any potential detrimental impacts. Following a thorough assessment of the relevant planning controls, consideration of submissions and the key issues identified in this report, it is considered that the application can be supported, excluding the subdivision of land proposed to adjust boundaries between the two existing lots.

6 RECOMMENDATION

That Development Application No.2023/084 for 5MW Electricity Generation Works (Solar Farm and Battery Storage System (BESS)), excluding the Boundary Adjustment (2 lots into 2 lots), at 781 Wandobah Road, Gunnedah be APPROVED pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the recommended draft conditions of consent attached to this report at **Attachment A**.

7 ATTACHMENTS

The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Summary of Submissions
- Attachment C: Submission

Appendix A – Draft Conditions of Consent Development Application No. 2023/084

A. GENERAL CONDITIONS

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 4 December 2023;
 - Statement of Environmental Effects, prepared by Zenith Town Planning, dated 12 July 2024, Ref: 0522ITP Gunnedah A4 Solar Farm; and
 - Submitted plans:
 - Prepared by Pricemerrett Consulting, dated 12/07/2024, File No. 9999 (Turning Path – North East);
 - Prepared by TIP Renewables, dated 11/03/2025, Drg No. GND4A-G-2102, Rev No. 11 (General Arrangement Plan);
 - Prepared by TIP Renewables, dated 01/08/2023, Drg No. GND4A-G-2200, Rev No. 1 (Site Elevations), Drg No. GND4A-C-4300, Rev No. 1 (Inverter Footings Details), Drg No. GND4A-C-5300, Rev No. 1 (Fencing Details), Drg No. GND4A-C-5310, Rev No. 1 (Gate Details), Drg No. GND4A-E-3401, Rev No. 1 (Nextracker Array Details), Drg No. GND4A-E-4300, Rev No. 1 (Inverter Station Details), Drg No. GND4A-E-5300, Rev No. 1 (BESS Station Details), Drg No. GND4A-E-5310, Rev No. 1 (DC-DC Converter Skid Details);
 - Prepared by TIP Renewables, dated 11/09/2023, Drg No. GND4A-C-7300, Rev No. 1 (Landscape Details);
 - Prepared by TIP Renewables, dated 15/03/2023, Drg No. GND4A-E-1200, Rev No. 1 (Trenching Section);
 - Supporting Documentation:
 - Land Use Conflict Risk Assessment, prepared by Zenith Town Planning, dated 4 July 2024, Ref: 0522ITP Gunnedah A4 Solar Farm;
 - Fire & Hazard Assessment, prepared ITP, 30 October 2023, Revision 2;
 - Glint and Glare Assessment, prepared by ITP, dated 20/06/2024, Revision 3;
 - NRAR Assessment, prepared ITP, 30 October 2023, Revision 3;
 - Noise Assessment, prepared by Muller Acoustic Consulting, dated 25 October 2023, Ref: MAC180781-22RP1V2;
 - Traffic Assessment Report, prepared by Triaxial Consulting, dated 06 April 2021, Ref: TX15008.00-01.RPT.RA.S-REV2, rev 2;
 - Traffic Assessment for Proposed Gunnedah 4A Solar Farm, dated 12 July 2024;
 - Visual Impact Assessment, prepared by Zenith Town Planning, dated 28 November 2023, Ref: 0522;
 - Waste & Decommissioning Assessment, prepared ITP, 23 November 2023, Revision 3;
 - Water Assessment, prepared ITP, 12 October 2023, Revision 2;
- except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:
1. Construction of 13,700 solar modules, installed in 158 rows mounted on single axis tracking systems, by the completion of the following works:
 - 5MW solar energy generation facility;
 - Installation of two (2) 3.4MW Inverter Stations, mounted on 12.2 metre long skids;
 - Establishment of temporary car parking and material laydown area;
 - Construction of permanent onsite parking space;
 - 2.3m high security fence;

- Establishment of landscaping barrier; &
- 2. Generation of a no more than 5 megawatt (MW) at any time.

Reason: To ensure compliance with application and plans.

- A3.** To confirm and clarify the terms of this development determination, consent is not granted for the subdivision of land (boundary adjustment) between Lot 48 DP 755474 and Lot 2 DP 254189. This determination relates to the Electricity Generating Works only.

Reason: To clarify that the Subdivision of Land does not form part of this determination.

- A4.** To confirm and clarify the terms of this development consent, the development is to be undertaken strictly in numerical order as per the following staging plan:
1. Construction of the site security fence and planting of landscaping;
 2. Construction of the electricity generating work (Solar Farm);

Reason: To ensure compliance with application and plans.

- A5.** Development consent is granted for the operation of the proposed Electrical Generation Works (Solar Farm) for a period not greater than 35 years from the commencement of electrical generating operations.

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

Reason: To ensure compliance with lease agreement and to allow Council to plan for the future use of the site.

- A6.** At the completion of the 35 years lifespan of the development, decommissioning of the site is to occur within 6 months of completion and the site is to be returned to a standard that would support the primary production (Agricultural) use of the site in accordance with the Final Decommissioning and Rehabilitation Report required by this condition.

A Final Decommissioning and Rehabilitation Report is to be provided to Council a minimum of 6 months prior to the cessation of the 35 year approval period specified within condition A5. The decommissioning report, which is to including, but not limited to, the following details:

- a) Proposed method of removal of infrastructure from the site;
- b) Proposed method of disposal or recycling of all materials including Solar Arrays, fencing materials, inverters and BESS, the expected waste volumes and potential location of disposal;
- c) Method of stabilisation of final land form post-decommissioning; and required site validation and any remediation works to return the site to a satisfactory condition to support small lot primary production development;

is to be to the satisfaction of Gunnedah Shire Council's General Manager or Delegate.

The applicant must provide documentary evidence, prepared by a suitably qualified person confirming that the decommissioning and rehabilitation works have been successfully completed in accordance with the approved plan to the Council within 14 days of completion.

Reason: To ensure required decommissioning and rehabilitation works are completed.

- A7.** To confirm and clarify the terms of this approval, consent is given for the removal of up to 0.97ha of vegetation from the site.

Reason: To set limitation on development production to ensure compliance with application and plans.

- A8.** The proposed boundary security fence as identified on development General Arrangement Plan, prepared by ITP Renewables, dated 11/03/2025, Drawing No. GND4A-G-2102, Rev No. 11 and Site Elevations, Date Details and Fencing Details, prepared by ITP Renewables, dated 01/08/2023, Drawing No. GND4A-G-2200, GND4A-C-5310 and GND4A-C-5300, Rev No. 1, is not to exceed a height of 2.3 metres, as measured from the natural ground level.

Reason: To ensure compliance with details of development sort within the submitted Statement of Environmental Effects.

- A9.** No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

- A10.** If the soil conditions require it:
- (a) Retaining walls associated with the erection or demolition of a building or other approved methods preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage.

Should a retaining wall be proposed to be constructed above a height of 600mm the applicant shall have the structure designed by a suitably qualified Structural Engineer and a copy of the design plans are to be provided to council before work commences on the site. The retaining wall is to be completed in accordance with the design provided prior to any occupation or use of the building.

Reason: To ensure site stability.

- A11.** Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.

Reason: To ensure visual amenity of the area is maintained.

- A12.** The developer is to ensure that no dust nuisance is generated on the premises. To this end the applicant shall maintain sufficient equipment with the capacity to apply water to all trafficable areas within the site at a rate sufficient to eliminate the dust nuisance.

Reason: To ensure compliance.

- A13.** The Operator shall repair, or pay the full costs associated with the repair of any public infrastructure that is damaged by the developer.

Reason: To ensure that the community is not responsible for the costs of repair of any damage to public infrastructure.

- A14.** A Distance of 10m is required to be maintained from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) to any part of the development.

Reason: To ensure there is no encroachment risk to Essential Energy infrastructure.

- A15.** Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.

Reason: To ensure compliance with Essential Energy conditions.

- A16.** Any activities within close proximity to Essential Energy's electricity infrastructure must be undertaken in accordance with the industry guideline currently known as ISSC 200 guideline for the Management of Activities within Electricity Easements and Close to Infrastructure (or its successors). Further approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Reason: To ensure compliance with Essential Energy conditions.

- A17.** 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 ensure compliance with Essential Energy conditions.

- A18.** It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibility. SafeWork NSW (<https://safework.nsw.gov.au/>) has publications that provide guidance when working close to electricity infrastructure. These include the Working Near Overhead Powerlines Code of Practice or CEOP8041 – Work Near Essential Energy's Underground Assets.

Reason: To ensure compliance with Essential Energy conditions.

B. BEFORE ISSUE OF CONSTRUCTION CERTIFICATE

- B1.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- B2.** Prior to the issuing of a Construction Certificate, the Developer must pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's contributions plan under Section 7.12 of the *Environmental Planning and Assessment Act 1979*. Council's current Section 7.12 contribution plan is the Gunnedah Shire Council - Section 7.12 Contributions Plan 2025.

The current levy payable is calculated at 1% of the development cost. The current calculated levy payable is \$95,343.59, revised construction cost may incur a varied levy fee.

Note: The Gunnedah Shire Council - Section 7.12 Contributions Plan 2025 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>

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

- B3.** Prior to the issuing of a Construction certificate, the Developer shall obtain from Council approval under Section 68 of the *Local Government Act 1993* to:
- (a) Carry out stormwater drainage works.

Reason: To ensure environmental health standards are met.

- B4.** Prior to the issue of a for the Electricity Generation Works (Solar Farm), a Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to Council for assessment and approval.

The Stormwater Management Plan is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater can be intercepted, drained

and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Any proposed works (e.g. diversion banks, drains etc) must be designed in accordance with Australian Rainfall and Runoff. The design average recurrence interval should be in accordance with Clause 3.7.2.1 of the Gunnedah Shire Council Minimum Standards for Subdivisions and Developments.

Reason: To ensure satisfactory drainage whilst ensuring that the surface water is not diverted onto adjoining properties.

B5. A Construction Environmental Management Plan (CEMP) is to be prepared and submitted to Council for review and approval, prior to the Issue of a Construction Certificate. This plan shall include but not be limited to:

- Identifying critical life cycle events of target species and detail timing of vegetation clearing to ensure no impacts to these target fauna species occurs.
- measures to avoid noise encroachment on adjacent habitats, such as avoiding night works as much as possible and directing lights away from vegetation.
- Identify Tree Protection Zones (TPZ) around retained trees for management for the duration of construction in accordance within Australian Standard 4970-2009 – Protection of trees on development site.
- sediment and dust control measures to prevent indirect impacts to retained vegetation including an adaptive dust monitoring programs to control air quality, daily monitoring of dust generated by construction activities with all activities relating to the proposal would be undertaken with the objective of preventing visible dust emissions from the development site.
- vehicle hygiene protocols, to ensure that noxious weeds are not introduce into the development site.

Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by the General Manager of the Gunnedah Shire Council or his delegate, in writing prior to the issue of a Construction Certificate. This plan shall be implemented throughout the construction phase of the solar farm.

Reason: To ensure compliance with approved application and plans.

B6. Prior to the issue of a Construction Certificate an Emergency and Operational Management Plan is to be submitted to and approved by Gunnedah Shire Council. The Emergency and Operational Management Plan is to include, but not be limited to, the following details:

- a) Procedures to be undertaken in the event of an emergency, such as fire within one of the BESS units. This should include emergency actions to be undertaken by emergency services and the operator of the facility and any notification or action required by the operator to adjoining landholders. These procedures should include evidence of consultation with local emergency services departments.
- b) List of emergency contact numbers, including an emergency contact number for the operator for neighbouring residents to contact in the event of an emergency. This list should be provided to adjoining land holders and residents and made available to other receivers within close proximity to the site.
- c) Ongoing operational actions to limit the potential for hazardous events, such as the regular maintenance of the BESS, implementation of fire suppression measures and reducing potential ignition or fuel sources from within the site.
- d) Barrier systems to be installed in positions to reduce the likelihood of vehicle collision with BESS units or high risk infrastructure, such as inverter or DC-DC Converter.
- e) Waste Management procedures and volumes of waste types expected during construction, operation and decommission. It is noted that waste should not be stored onsite, including any systems that are removed during maintenance of the Electricity Generating Works during the operational life.

Reason: To ensure that any potential risks or hazards are appropriately considered to ensure appropriate action in the event of a hazard.

- B7.** Prior to the issue of a Construction Certificate the developer is to provide to Council a copy of a Vegetation Impact and Removal Plan. The Vegetation Impact and Removal Plan is to clearly indicate all vegetation that is to be cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or op or otherwise remove a substantial part of the vegetation. The plan is to demonstrate that the clearing threshold, as per condition A7, is not exceeded.

Reason: To ensure the development is consistent with the details of the development application and that the development complies with the Biodiversity Conservation Act 2016.

- B8.** An amended Landscaping Plan is to be submitted to and be approved by the General Manager of the Gunnedah Shire Council or his delegate, prior to the issue of a Construction Certificate. The amended Landscaping Plan is to include the planting of a landscaping barrier around the entire perimeter of the proposed security fence as indicated in General Arrangement Plan, prepared by ITP Renewables, dated 11/03/2025, Drg No. GND4A-G-2102, Rev No. 11 and Landscape Details, prepared by ITP Renewables, dated 11/09/2023, Drg No. GND4A-C-7300, Rev No. 1, in addition to all landscaping indicated to be required by the development. The landscaping is to be a minimum width of three (3) metres.

The Landscaping Plan is to include a report prepared by a qualified landscape architect which confirms that selected vegetation species, growth rates, densities and canopy areas will create a suitable barrier within a minimum of 3 years, to visually screen the development from adjoining public spaces and private residences.

Landscaping species should incorporate a selection of suitable species which will enable the establishment of a complete visual screen from the ground level to a height of approximately 2.3 metres, being the height of the security fence.

Selected species should be low maintenance, drought and frost tolerant species.

Reason: To ensure that visual screening is established between the development and residential receivers to the East of the site and Thompson Road.

- B9.** All landscaping identified on the approved landscaping plan required by condition B8, shall be planted in full, prior to the issue of a Construction Certificate for the electricity generation works (Solar Farm).

Reason: To ensure that required landscaping has sufficient time to establish to provide a visual screen along boundaries to reduce visual impact.

- B10.** Temporary screening measures are to be provided to Council and approved prior to the issue of a Construction Certificate. The temporary screening is to demonstrate its effectiveness as a temporary measure to reduce the visual impact of the development on the surrounding locality by using material and colours consistent with the surrounding landscape.

Reason: To ensure the effectiveness of temporary screening to reduce the visual impact on the surrounding locality.

- B11.** Prior to the issue of a Construction Certificate a Site Waste Minimisation Management Plan is to be prepared, submitted to and approved by Council in relation to the waste generated during the construction of the Electricity Generation Works.

Reason: To ensure waste generated during construction of the development is minimised.

C. BEFORE WORK COMMENCES

- C1.** Prior to the commencement of any building works for the site security fence, the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of any structures. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- C2.** Prior to the commencement of any building works for the Electricity Generation Works (Solar Farm), the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of any structures. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- C3.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development.

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

D. DURING WORK

- D1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

- D2.** The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

- D3.** Excavated material from the lot is not to be placed on or used to alter the level of Council's footpath, with no earth batters to extend beyond the property boundary line.

Reason: Implementation of Council policy.

- D4.** Toilet facilities are to be provided at, or in the vicinity of, the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

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

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

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (General) Regulation 2021* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Part 2 of the *Local Government (General) Regulation 2021*.

public sewer has the same meaning as it has in the *Local Government (General) Regulation 2021*.

sewage management facility has the same meaning as it has in the *Local Government (General) Regulation 2021*.

Reason: To ensure environmental health standards are met.

- D5.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

- Monday to Friday – 7.00am to 5.00pm;
- Saturday – 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;
- No work to be carried out on Sunday or Public Holidays.

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

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

Reason: To ensure amenity of the neighbourhood is maintained.

- D6.** All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance.

- D7.** If the work involved in the construction or installation of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

- D8.** The Applicant must:
- (a) minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the Interim Construction Noise Guideline (DECC, 2009), or its latest version;

- (b) implement all recommended noise mitigation measures outlined in the Noise Assessment, prepared by Muller Acoustic Consulting, dated 25 October 2023, Ref: MAC180781-22RP1V2; and
- (c) ensure that the duration of mechanical ramming of steel piles into the ground is limited to no more than 22 consecutive days and no more than a total of 30 days.

Reason: To ensure compliance with the NSW EPA's Interim Construction Noise Guideline and Noise Assessment.

- D9.** Temporary parking areas are to be provided within the development site during extent of construction works. The temporary parking area is to provide a minimum of forty (40) vehicles. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

All temporary parking spaces are to comply with *AS 2890 Off Street Parking* for parking space dimensions. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent.

Reason: To ensure compliance with Council's requirements.

- D10.** Construction Traffic is to be limited to a maximum of:
- 1. 65 heavy truck movements (B-Double Trucks) over the course of the construction period;
 - 2. 40 light vehicles access the development site per day, (for the transport of construction workers) during the construction period.

Reason: To ensure construction traffic does not exceed the capacity of the local road network.

- D11.** Heavy construction traffic is to be limited to delivery hours of 10:00am until 2:00pm.

Signage, making motorists aware of the turning of construction vehicle, is to be placed within the road reserve at a suitable sighting distance from the intersection to the site from Wandobah Road. The suitable distance is to be determined in consultation with Council's Infrastructure Services Team.

Reason: To ensure heavy traffic is limited to appropriate times to limit impact on likely peak periods of existing traffic within the road network.

- D12.** All excavations and backfilling associated with the erection or demolition of a building or structure must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To ensure compliance.

- D13.** Excavated material from the site is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line.

Reason: Implementation of Council policy.

- D14.** If the work involved in the construction of the electricity generating works:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the

public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To ensure site safety.

- D15.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

Reason: To ensure compliance with Council's requirements.

- D16.** All excavation and operation works shall cease on site should the identification of an item of potential aboriginal or European heritage significance be discovered during excavation and operation works. The Department of Climate Change, Energy, the Environment and Water shall be contacted and any required approvals are to be obtained before the re-commencement of excavation and operation works.

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

- D17.** The applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) Maintained in a proper and efficient condition; and
 - (b) Operated in a proper and efficient manner.

Reason: To ensure the safe operation of plant and equipment.

E. BEFORE COMPLETION OF WORK

- E1.** Occupation of the building and operation of the solar energy generation facility is not to occur until all work has been completed the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

- E2.** Onsite car parking accommodation must be provided for a minimum of one (1) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with AS 2890 Off Street Parking for parking space dimensions.

Reason: To ensure compliance with Council's requirements.

- E3.** The developer is to provide a 2WD all-weather access from the existing vehicle entry off Wandobah Road to the proposed Electricity Generating Works (Solar Farm), in accordance with General Arrangement Plan, prepared by ITP Renewables, dated 11/03/2025, Drg No. GND4A-G-2102, Rev No. 11.

Reason: To ensure access is appropriate and adequate.

- E4.** Following any construction or upgrading on the site, the Applicant must:
- (a) Restore the ground cover of the site as soon as practicable, but within 12 months of completing any construction or upgrading, using suitable species;
 - (b) Maintain the ground cover with appropriate perennial species; and
 - (c) Manage weeds within this ground cover.

Reason: To ensure that ground cover is restored and weeds are managed.

F. BEFORE THE ISSUE OF A CERTIFICATE

- F1.** Prior to the issue of any Occupation Certificate, the Applicant must ensure that there is a notation registered on the subject land (Lot: 48 DP: 755474 and Lot: 2 DP: 254189) in favour of Council. The notation is to ensure that the Electricity Generating Works (Solar Farm and BESS) is required to be decommissioned and the subject lands remediated at the cessation of operations in accordance with the Notice of Determination for DA 2023/084, including the Final Decommissioning and Rehabilitation Plan approved pursuant to Condition A6. Any such notation must be approved by Gunnedah Shire Council prior to lodgement with the NSW Land Registry Services. Council is to be made a party to the covenant.

Reason: To ensure that the obligation for decommission works is registered to the land title and that Council is party to the covenant for the consideration of future developments.

- F2.** All landscaping identified on the detailed landscaping plan required by Condition D5, is to be conducted prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate landscaping is conducted for reduced visual impact of the development.

- F3.** Prior to the commencement of operations, the Applicant must include a Fire Management and Emergency Response Plan in accordance with the Emergency and Operational Management Plan created in accordance with Condition B6, onsite in a prominent position adjacent to the site entry to the fenced portion of the Electricity Generating Works.

Reason: To minimise the fire risks of the development.

- F4.** Temporary screening measures, as identified by condition B10, are to be established during construction works and are to be retained for the period until which time landscaping achieves a suitable visual screen as to prevent visibility of the external security fence.

Reason: To ensure compliance with Council's requirements.

- F5.** Prior to the issue of an Occupation Certificate, Lot 48 DP 755474 and Lot 2 DP 254189 shall be consolidated into one Lot. A copy of the registered plan of consolidation shall be provided to Council.

Reason: To ensure that the development does not occur over lot boundaries.

G. OCCUPATION AND ONGOING USE

- G1.** The Applicant must establish and maintain a mature vegetation buffer (landscape screening) at the location outlined in the approved Landscaping Plan, to the satisfaction of Gunnedah Shire Council's General Manager. This vegetation buffer must:

- (a) Consist of a variety of species that are endemic to the area;
- (b) Within 3 years of the commencement of construction, be effective at screening views from the solar panels and ancillary infrastructure (excluding the overhead power lines) on site from surrounding residences; and
- (c) Be properly maintained with appropriate weed management.

Reason: To ensure maintenance of landscaping.

G2. The Applicant must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection from solar panels;
- (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Reason: To ensure visual impacts resulting from the development are reduced.

G3. At all times the entire solar array development footprint is to be managed as an Asset Protection Zone as outlined within section 4.1. and Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'. To ensure compliance with this section the Applicant must:

- (a) minimise the fire risks of the development;
- (b) ensure that the development:
 - includes at least a 10 metres defendable space around the perimeter of the solar array area that permits unobstructed vehicle access maintained as an inner protection area (INA) with no combustible structure within 10 metres of the security fence;
 - manages the defendable space and solar array areas as an Asset Protection Zone;
 - complies with the relevant asset protection requirements in the RFS's Planning for Bushfire Protection 2019 (or equivalent) and Standards for Asset Protection Zones;
 - is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65mm Storz fitting located adjacent to the internal access road;
- (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to the commencement of operations.

Reason: To ensure compliance with the RFS Planning for Bushfire Protection Guidelines and to minimise the fire risks of the development.

G4. The development must not generate noise, when measured over a 15 minute period ($L_{Aeq,15min}$), which exceeds the following noise levels at each identified time period at:

- Residential/Rural receivers not associated with industrial activity - 43dba $L_{Aeq,15min}$
- Industrial Developments - 68dba $L_{Aeq,15min}$

Reason: To ensure amenity of the neighbourhood is maintained.

G5. All landscaping must be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

G6. The surface of all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- G7.** All vehicular movement to and from the site must be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council's requirements.

- G8.** All general waste is to be disposed of to a suitably licensed waste management facility.

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

- G9.** At all times the entire solar array development footprint is to be managed as an Asset Protection Zone as outlined within section 4.1. and Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason: To ensure compliance and fire safety of Building.

H. PRESCRIBED CONDITIONS

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

H1. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- (4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date.
- (5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply—
 - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section— **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

Reason: To ensure compliance with the statutory requirements.

H2. Erection of signs

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be—
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to—
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Reason: To ensure compliance with the statutory requirements.

H3. Notification of Home Building Act 1989 requirements

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - (a) for work that requires a principal contractor to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
 - (b) for work to be carried out by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*—the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Reason: To ensure compliance with the statutory requirements.

H4. Shoring and adequacy of adjoining property

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if—
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

Reason: To ensure compliance with the statutory requirements.

ATTACHMENT B – Summary of Submissions

ISSUE	COUNCIL COMMENT
• No Trees to be planted on the Eastern side of the development. • Need for buffer to solar farm. • Submission made to development on north of the site. • Landscaping on adjoining property should not be relied upon.	• It is recommended that landscaping be conducted on all external perimeters of the site. This ensures that visual impacts from the development are addressed, especially noting that there is no vegetation on the adjoining land to the east of the development site.