

COUNCIL ASSESSMENT REPORT NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-301 – 10.2024.79.1
PROPOSAL	Establishment of a 5MW Solar PV Electricity Generation Works with Associated Infrastructure (Battery Energy Storage System)
ADDRESS	Lots 134 and 130, DP 751009, Borah Creek Road Quirindi 2343
APPLICANT	EDP Australia Pty Ltd C/o- Ms Jou Jong
OWNER	Mr Will Jury
DA LODGEMENT DATE	19 June 2024
APPLICATION TYPE	Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as it has a capital investment value (CIV) of more than \$5 million, is private infrastructure and constitutes electricity generating works.
CIV	\$8,682,517.72 (excluding GST)
CLAUSE 4.6 REQUESTS	Not Applicable
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Regulation 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Primary Production) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Liverpool Plains Local Environmental Plan 2011</i> • <i>Liverpool Plains Shire Council Development Control Plan 2012</i>
AGENCY REFERRALS	<ul style="list-style-type: none"> • NSW Rural Fire Service - <i>Rural Fires Act 1997</i> • Essential Energy - <i>Environmental Planning and Assessment Regulation 2021</i> and s2.48 of <i>SEPP (Transport and Infrastructure) 2021</i>

<p>TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</p>	<p>The exhibition period was from Wednesday, 17 July 2024 until Wednesday, 31 July 2024. However, this period was extended a further week to Wednesday, 7 August 2024 at the request of numerous landholders seeking additional time to prepare to submissions.</p> <p>A total of twenty-one (21) unique submissions were received, all of which objected to the development. The key Issues identified in the submissions are outlined as follows: -</p> <ul style="list-style-type: none"> • Visual impacts (glare and scenic landscape); • Impacts on existing road infrastructure; • Insufficient screening measures; • Safety of pedestrians; • Fire hazard; • Potential radiation from operating equipment; • Impacts on Biodiversity; • Potential stormwater impacts; • Sustainable impacts (i.e. recyclable / disposable parts); • Contamination of surface and ground water; • Impact on Primary Agricultural land; • Traffic impacts and access; • Impacts on potential Aboriginal Archaeological Heritage; • Inadequate community consultation and timeframes to respond with submissions; • Decrease in the value of surrounding properties; • Social and economic impacts; • Impacts on development potential of adjoining land; • Potential for Biosecurity impacts; • Suitability of the site; and • Construction impacts.
<p>DOCUMENTS SUBMITTED FOR CONSIDERATION</p>	<ul style="list-style-type: none"> • Statement of Environmental Effects Report, prepared by Zenith Town Planning, 3 May 2024 • Biodiversity Inspection Report, prepared by Red-Gum Environmental Consulting, 13 December 2023 • Development Application Drawing Pack, prepared by itp Development, 1 May 2024 • Development Application Drawing Pack, prepared by edp Renewables, 6 February 2025 • Fire and Hazard Assessment, prepared by itp Development, January 2024 • Glint and Glare Assessment, prepared by itp Development, December 2023 • Solar Farm Fact Sheet and FAQs, prepared by itp Development, (undated) • Noise Assessment, prepared by Muller Acoustic Consulting, January 2024 • Traffic Impact Assessment Report, prepared by Price Merrett Consulting, 22 February 2024

	<ul style="list-style-type: none"> • Visual Impact Assessment, prepared by Zenith Town Planning, 19 April 2024 • Waste and Decommissioning Assessment, prepared by itp Development, 31 January 2024 • Water Assessment, prepared by itp Development, December 2023 • Aboriginal Cultural Heritage Assessment (ACHA), 22 January 2025
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Not Applicable
RECOMMENDATION	Approval, subject to conditions of consent.
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	11 March 2025
PLAN VERSION	6 February 2025 Drawing Pack, Revision No.4
PREPARED BY	Nathan Bartlett, Town Planner
DATE OF REPORT	7 March 2025

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Acronyms, Figures and Tables

Acronyms

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

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1. EXECUTIVE SUMMARY

This report considers a Development Application (DA79/2024) and seeks development consent for the establishment of a 5MW solar electricity generation facility with associated infrastructure on Lots 130 and 134, DP 751009, Borah Creek Road Quirindi 2343 (the site). The proposed development has been assessed against the relevant requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The town of Quirindi exists approximately 5 kilometres southwest of the subject site. The closest residence to the development area is approximately 500 metres (m) northwest. The site is not identified as being subject to flooding nor does it contain an item of heritage significance. The subject land is however identified as bushfire prone by the New South Wales Rural Fire Service (NSW RFS) Bushfire Map. The proposed operation covers an area of approximately 11.09 ha (Solar Farm Security Fence). Isolated patches of native vegetation comprising disturbed woodland and grassland occur over the remainder of the site (refer **Attachment A**). Existing development consists of rural activities and the site has been previously disturbed by farming operations.

The application is required to be determined by the Northern Regional Planning Panel (NRPP) as the proposal constitutes regionally significant development under Section 2.19(1) and Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. The proposed development has a Capital Investment Value (CIV) of more than \$5 million (i.e. \$8.68 million), is private infrastructure and constitutes electricity generating works.

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

The proposal was referred externally to New South Wales Rural Fire Service under the provisions of the *Rural Fires Act 1997*. Essential Energy was also consulted pursuant to section 2.48 of SEPP (Transport and Infrastructure) 2021 for comment and feedback and no objections or concerns were raised.

During the briefing meeting, 21 August 2024, the NRPP also requested the proposed development be forwarded to the Department of Primary Industry - Agriculture (DPI) for comment. This was due to the land being identified as State Significant Agricultural Land (SSAL) on the *NSW Preliminary Draft State Significant Agricultural Land Map*, exhibited November 2021. It is noted this Map has not officially been adopted.

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

- the provisions of SEPP (Transport and Infrastructure) 2021 including Chapter 2 Infrastructure, Section 2.36(1)(b) Development permitted with consent and electricity generating works and;
- the requirements of *State Environmental Planning Policy (Biodiversity & Conservation) 2021*;
- Section 4.6 of the SEPP (Resilience and Hazards) 2021 for consideration of whether the land is contaminated;
- the *Environmental Protection and Biodiversity Conservation Act 1999*;
- the LPDCP 2012, which have been thoroughly addressed in this assessment and determined that no detrimental impacts have been identified. The proposed solar farm fits within the

- locality and it is considered the site attributes are conducive to the development;
- all objects of the EP&A Act 1979 and is not contrary to the public interest; and
- The proposal also adequately addresses all matters for consideration under Section 4.15(1) of the EP&A Act 1979 in relation to potential adverse impacts to surrounding areas.

The proposal was notified in accordance with Council's Community Consultation Plan from Wednesday, 17 July 2024 until Wednesday, 31 July 2024. However, this period was extended a further week to Wednesday, 7 August 2024 at the request of numerous landholders seeking additional time to prepare to submissions. Twenty-one (21) submissions were received during the notification period. Two of the main issues received during consultation related to the potential for impacts on culturally significant land and visual impacts. Accordingly, the Panel requested Council to investigate further into matters relating to landscaping for screening measures and potential aboriginal archaeological heritage significance.

A briefing was held with the Northern Regional Planning Panel (NRPP) 21 August 2024, where key issues were discussed including, potential visual impacts, fire risks and safety, aboriginal cultural land values, the impact on potential agricultural significant land, proposed access and submissions received during notification. Issues identified during the Briefing Meeting are considered to be adequately addressed through the submission of additional information and technical reports from the proponent.

The key issues associated with the proposed development, included:

1. *Visual Impact* - the potential impacts of the proposal on adjoining receptors and public vantage points.
2. *Land use and loss of agricultural land* - suitability of the proposed land use and the potential loss of good agricultural land.
3. *Traffic and safety* - potential road damage and safety concerns relating to increased generation of traffic/trucks.
4. *Property Values* - concerns that the development would negatively impact property values.
5. *Benefits to the Community* - concerns raised regarding overall benefits of the development and benefits to the community.
6. *Reflection and Glare* - safety/risks associated with reflection and glare from the solar panels.
7. *Biodiversity Impacts* - concerns regarding the potential impacts on flora and fauna species during the construction, operation, and post stages of the development.
8. *Fire risk and safety* - potential hazards and risks and protection against and management of any fires to prevent the associated risks.
9. *Water run-off and contamination* - the potential impacts of water run-off and contamination of ground water and the creek.
10. *Radiation and toxicity* - concerns regarding radiation and toxicity and its potential effects on health.
11. *Disposal and decommissioning* - abandonment at the end of the project lifespan and not decommissioning it appropriately.
12. *Aboriginal Heritage* - The potential impacts on aboriginal cultural heritage, specifically the potential impact on a dry water course, an area within the project site that could hold great cultural significance.

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

A copy of the draft Notice of Determination was made available to the applicant before the completion of this report.

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

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

2. THE SITE AND LOCALITY

2.1 The Site

The subject lands, described as Lots 130 and 134, DP 751009, Borah Creek Road, Quirindi are located on the eastern side of Borah Creek Road and have a combined area of approximately 36.8 Hectares (refer Figure 1). The allotments are zoned *RU1 Primary Production* in accordance with the provisions of the *Liverpool Plains Local Environmental Plan 2011* (LPLEP 2011). The site is not connected to reticulated sewer, water, electricity, or telecommunication services.

The lot where the Solar Farm is proposed is vacant land and described as a square shaped allotment with relatively flat topography. Access to the site is provided via a gravel driveway from Porters Lane. The subject land features scattered trees, grassland and agriculture (cultivation and grazing).



Figure 1: Aerial Image of the Subject Lands, Lots 130 and 134, DP 751009

2.2 The Locality

The subject land is located approximately 5 kilometres northeast of the Quirindi town centre and approximately 4 kilometres from the edge of the urban area. All land to the north, east, south and west of the site is zoned *RU1 - Primary Production* and is used for rural activities and primary production. Further south of the subject site, approximately 700 metres, exists *R5 - Large Lot Residential* land. A zoning map of the site is depicted in Figure 2 confirming the zoning for the subject land. The west and southeast area of the development site has existing vegetation which provides suitable screening. The site is not identified as being subject to flooding (refer Figures 3) nor does it contain an item of heritage significance. The subject land is however identified as bushfire prone by the New South Wales Rural Fire Service (NSW RFS) Bushfire Map (refer Figure 4). A Crown Road also adjoins the land south-east of subject site as depicted in Figure 5. Access to the property is not affected as the Crown Road is avoided by 9 m. Photographs of the subject site and surrounding locality are provided in **Attachment A**.

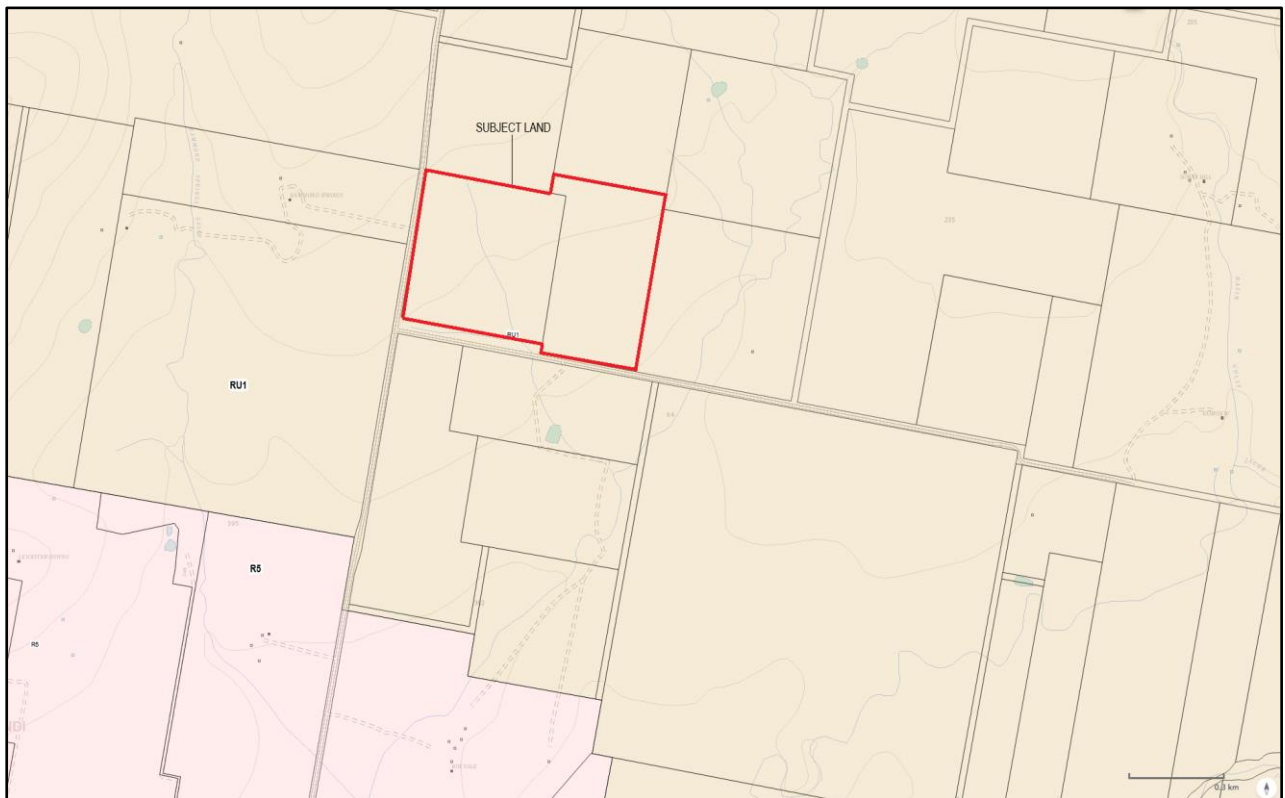


Figure 2: Zoning Map of the Subject Land - RU1, Lots 130 and 134, DP 751009

2.3 Proposed Access

Access and egress to the subject lands is to be gained from the northern side of Porters Lane, which is an unsealed road (refer Figure 5). The proposed solar farm array is to be accessed initially from the frontage of Lot 130, DP 751009 followed by an existing track that runs along the western boundary of Lot 134, DP 751009. A 4-metre-wide internal access track will be constructed to enter Lot 130 at the south-eastern corner, which then follows the southern boundary to the western edge of the array, then north to the centre western edge of the array. This route avoids the need for a culvert to be installed to facilitate crossing of the man-made drainage line.

It is also noted that a Crown road (existing on Porters Lane) adjoins Lot 134, DP751009, but does not have any impact on the proposed access point to Lot 130, DP 751009 (refer Figure 6).

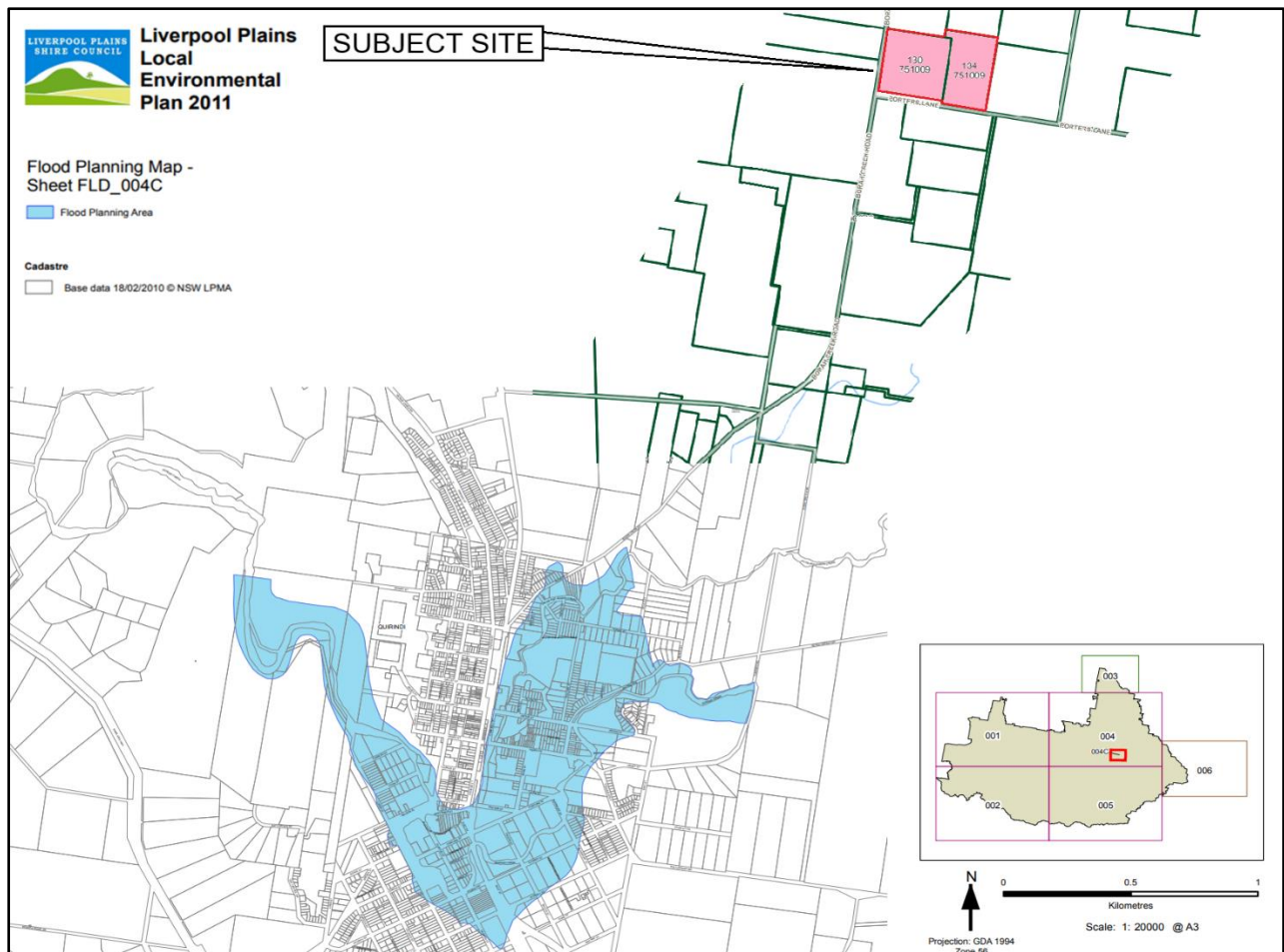


Figure 3: LPLEP 2011 Flood Planning Area Map

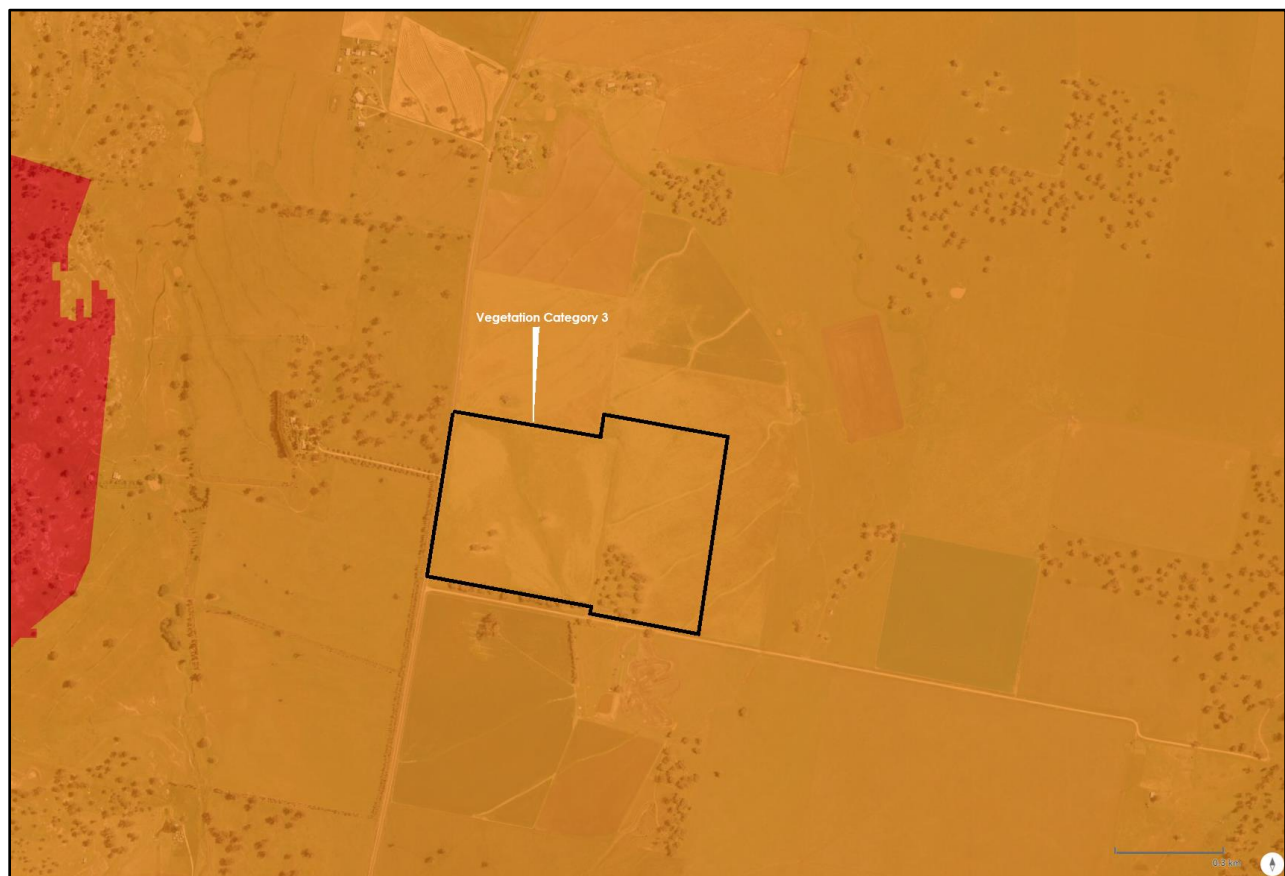


Figure 4: NSW RFS Bushfire Mapping - Vegetation Category 3

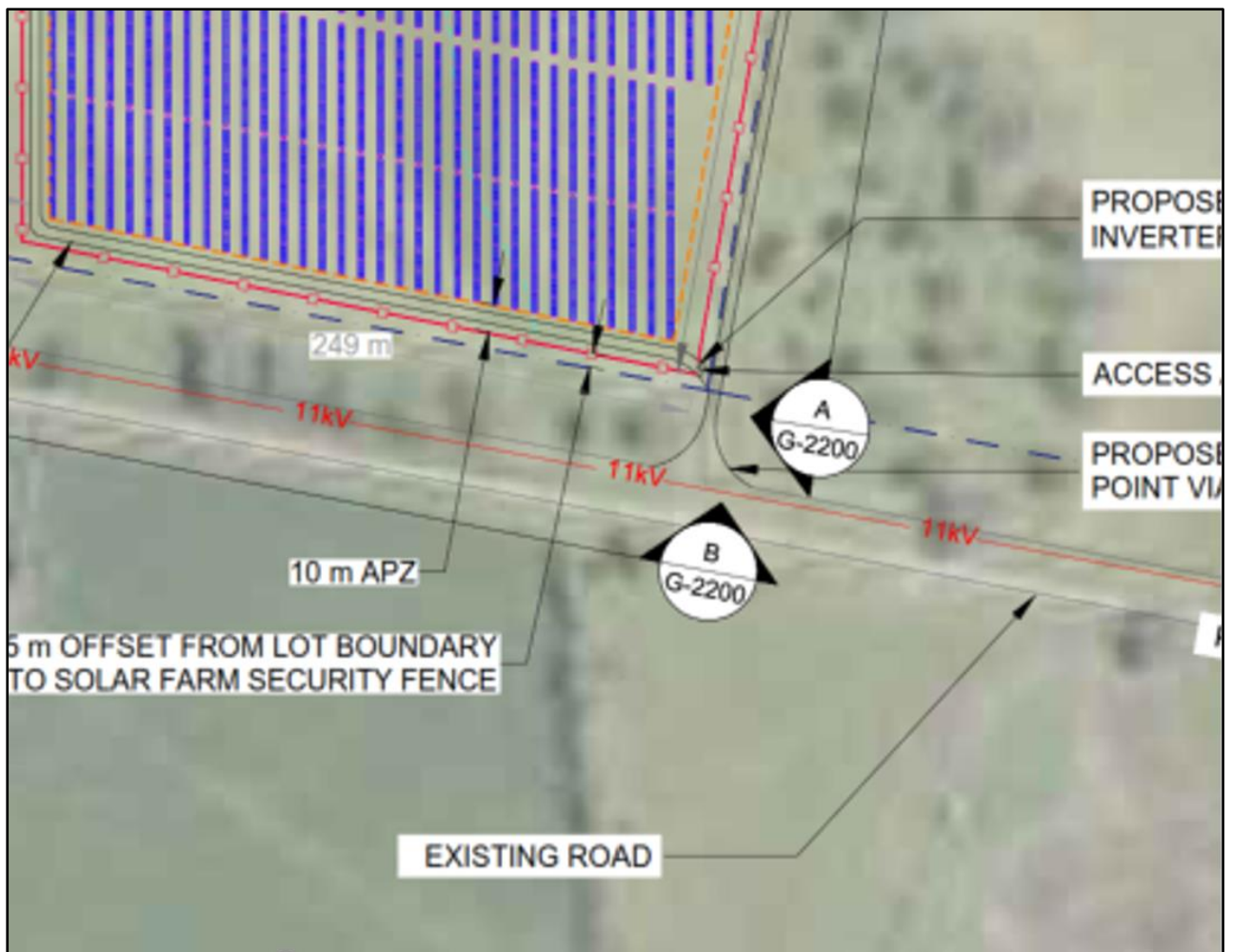


Figure 5: Aerial showing proposed access to the subject site from Porters Lane



Figure 6: Crown Road south-east of Lot 130, DP 751009

3.1 The Proposed Development Envelope

[illegible]

Figure 7: Proposed development envelope

The proposal seeks consent for the installation of 'Electricity Generation Works' (Solar Farm) which is detailed as follows: -

- A total of 10,750 solar modules installed in 128 rows (each row being approximately 92 m long) running east to west having a DC capacity of 7.5 MWp and AC output of 5.0 MW;
- The height of each module approximately 2.0 to 2.75 m, with mounting system constructed on piles that are driven into the ground, typically within the depths of 1.5 m to 3.0 m; and
- One (1) ground mounted inverter station incorporating high/medium voltage switchgear and transformers, and two (2) 3.4 MW inverters (which includes a 2.9 m high battery energy storage system (BESS) on a 12.1 m skid alongside the inverter station).

The array is to be wholly contained within Lot 130 with access off Porters Lane using an existing track into Lot 134. The development envelope, on Lot 130 covers approximately 70% of the land. The layout and placement of the array is shown in Figure 6 and the Design Plans in **Attachment C**.

3.3 Compliance with Planning Controls

The subject lands are zoned *RU1 Primary Production* in accordance with the provisions of the LPLEP 2011. The proposed development is defined as a 'electricity generating works' with a Capital Investment Value (CIV) of more than \$5 million (i.e. \$8.68 million). The development is identified as private infrastructure, considered to be consistent with the objectives of the RU1 zone and is permitted with consent by virtue of Section 2.36 under SEPP (Transport and Infrastructure) 2021. The key development data for the proposal is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	36.8 Hectares (Lots 130 and 134, DP 751009)
GFA	N/A
Clause 4.6 Requests	No
Maximum Height	2.75 metres (solar structures)
Landscaped area	Landscaping for screening measures were not initially proposed as part of the development. Additional information was requested by Council as part of the assessment to mitigate the visual impact of the development and to ensure compliance. Refer to Figures 8 and 9 for an extract of the Landscaping Plan.
Car Parking spaces	No requirement. However, adequate area exists onsite.
Setbacks	Compliance with LPDCP 2012. Achieves setback requirements with a 15 m setback from Porters Lane and 121 m setback from Borah Creek Road.

The above information is deemed compliant with Councils requirements, with the exception of landscaping for screening purposes.

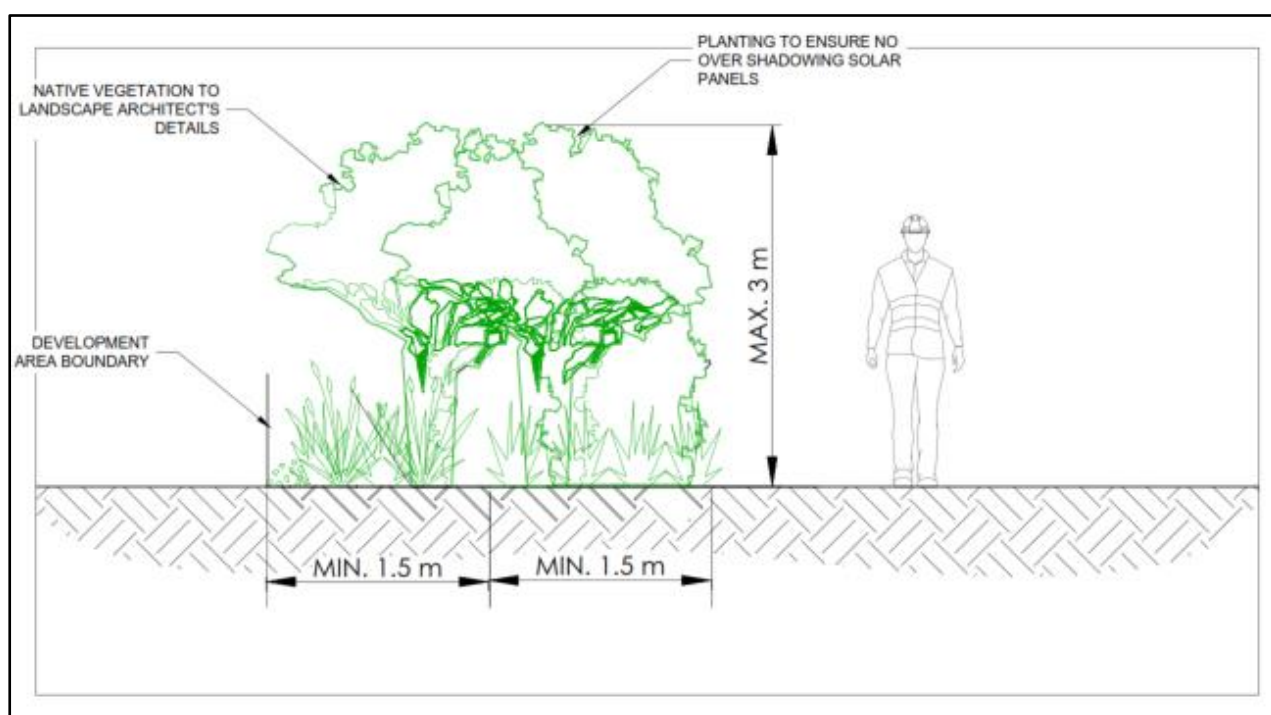


Figure 8: Proposed Landscape section for the development



Figure 9: Proposed Location of tree planting for screening

3.4 Background (Chronology of the DA)

The development application was lodged on 19 June 2024. A chronology of the development application since lodgement is outlined below in **Table 2** and includes the NRPP's involvement (briefings, deferrals etc.) with the application:

Table 2: Chronology of the DA

Date	Event
19 June 2024	Lodgement of the application
25 June 2024	Concurrence to Essential Energy under EP&A Regulation 2021, s38 (Amendment of development application) SEPP (Transport and Infrastructure) 2021, s2.48
25 June 2024	Concurrence to NSW Rural Fire Service under section 4.14 of the <i>Environmental Planning and Assessment Act 1979</i>
25 June 2024	Request forwarded to the NRPP for review of new application (PPSNTH-301)

10 July 2024	Agency advice received from NSW Rural Fire Service
15 July 2024	Agency advice received from Essential Energy
17 July 2024	Commencement of exhibition period. The exhibition period was from Wednesday, 17 July 2024 until Wednesday, 31 July 2024. However, this period was extended a further week to Wednesday, 7 August 2024 at the request of numerous landholders seeking additional time to prepare to submissions.
7 August 2024	Cessation of exhibition period
21 August 2024	Northern Regional Planning Panel briefing
29 August 2024	Request for further information (RFI) by Council: - <ul style="list-style-type: none"> - Aboriginal Heritage Statement; - Address Public Submissions; and - Landscaping Plan with the provision of suitable screening to address visual impact concerns.
2 October 2024	Application forwarded to the DPI (Agriculture) for comment with 'follow-up' emails. Note: A response was not received by this Department.
2 December 2024	Additional information provided by proponent: - <ul style="list-style-type: none"> - Comments on Aboriginal Cultural heritage with the Nungaroo Local Aboriginal Lands Council; - Response to Public Submissions; and - Proposed landscaping measures.
20 December 2024	Landscaping Plan lodged with and accepted by Council under clause 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('the Regulation') on 20 December 2024.
22 January 2025	Aboriginal Cultural Heritage Assessment (ACHA) Report received by proponent and prepared by Nungaroo Local Aboriginal Land Council.
11 March 2025	Panel Determination Meeting

3.5 Site History

Historically, the subject land has been used for agricultural purposes requiring vegetation clearing. The subject site is currently identified as vacant land.

4. STATUTORY CONSIDERATIONS

4.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999) aims to ensure that actions likely to cause a significant impact on Matters of National Environmental Significance undergo an assessment and approval process. The Biodiversity Inspection Report (BIR) accompanying the DA advised that the development is unlikely to have a significant effect on any threatened species and ecological communities and/or their conservation, provided that three White Box tree species identified onsite be retained. In this regard, the proposal does not need to be referred to the Commonwealth Minister for the Environment. A number of recommendations were also made in the BIR and form part of the draft conditions of the determination and is discussed further below.

4.2 Biodiversity Conservation Act 2016 & Biodiversity Conservation Regulation 2017

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

The BIR prepared by *Red-Gum Environmental Consulting* as part of the DA, confirms that a BDAR and entry into the BOS is not required. The Report advised the activities as proposed will not see the loss of greater than 1 hectare of native vegetation. The Report also confirms there is unlikely to be a significant effect on any threatened species and ecological communities and/or their conservation, provided the three (3) White Box trees on-site are avoided. The consultant identified a number of recommendations to minimise the risk to threatened species, which are outlined as follows: -

- Construction limits and exclusion zones are to be clearly identified prior to work;
- A visual inspection is to be conducted by environmental staff before construction commences to identify any areas of the site that might be supporting native fauna;
- Vehicle movements around the site are to be restricted to the construction footprint and away from any existing native trees bordering the site with flagging exclusion fencing to be installed;
- Soil disturbance by vehicle and pedestrian access is to be kept to a minimum outside the construction footprint;
- Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.

These recommendations will be listed as draft conditions, should the development be supported. In this regard, it is considered the proposed development satisfies the requirements of the legislation.

4.3 National Parks and Wildlife Act 1974

An Aboriginal Heritage Information Management Service (AHIMS) Report was generated for the development 3 October 2023 by *Zenith Town Planning* as part of a due diligence assessment. The Report confirmed there are no registered Aboriginal places / sites of significance identified near or on the site. A site inspection was also undertaken by *Zenith Town Planning* in September 2020, which did not reveal evidence of any artefacts or items of cultural significance on the surface of the land.

During the public exhibition period of the development the Nungaroo Local Aboriginal Land Council (LALC) provided a submission requesting further investigations be undertaken in consultation with the Land Council. An Aboriginal Cultural Heritage Assessment (ACHA) was prepared by the Nungaroo LALC in consultation with the proponent. Council received this correspondence 22 January 2025, addressing the provisions of the *National Parks and Wildlife Act 1974*. The Report advised that no Aboriginal objects were identified during a site inspection, expressing visibility limitations due to wheat stubble remains from a previous farming crop. The Report further suggested mitigation measures for the future discovery of any unknown Aboriginal objects, places or archaeological material. The Nungaroo LALC also recommended that any objects discovered during excavation, be recorded and salvaged under their care and control. This will be listed in the draft conditions, should the development be supported.

4.4 New England North West Regional Plan 2041

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

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

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

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

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

4.5 Environmental Planning and Assessment Act 1979

4.5.1 Section 1.3 - Objects of Act

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

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

The proposal: -

- has the potential to provide a range of social benefits which align with the NSW State Priorities, in particular 'Delivering Infrastructure';
- would provide for construction employment opportunities;
- would not negatively impact on the economic welfare of the community or the State's natural resources; and
- has been designed to minimise impacts to the site's natural and built resources, where possible.

- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

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

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

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

- *The Precautionary Principle:* As a renewable source of power, solar energy has an important role in reducing greenhouse gas emissions and mitigating climate change, which is critical to protecting humans, wildlife, and ecosystems. This minimises adverse

impacts in regard to demand on natural resources. Solar energy can also improve air quality, reduce water use from energy production, and provide ecosystem services for host communities through carbon sequestration, pollination, and ground and stormwater management.

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

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

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

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

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

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

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

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

Not applicable.

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

The operation of the development is proposed within a modified and disturbed environment and it has been determined there will not be a significant impact on local or regional biodiversity values.

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

The site is not identified as a heritage item within the LPLEP 2011. The site is heavily disturbed with the likelihood of impacting Aboriginal cultural heritage being low. Recommendations by the Nungaroo LALC require monitoring for cultural objects during ground disturbance to ensure salvation and recording of any potential artefacts.

(g) to promote good design and amenity of the built environment,

The likely impacts of the development have been considered in the assessment and recommended measures are provided to avoid, minimise or mitigate any potential impacts to the amenity of the surrounding environment.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

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

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

The application shall be determined by the NRPP as per SEPP (Planning Systems) 2021.

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

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

4.5.2 Section 4.10 Designated development

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

4.5.3 Section 4.46 What is "integrated development"?

The proposal is not identified as being integrated development as there are no other approvals that are required to be issued under Section 4.46 of the EP&A Act 1979.

4.5.4 Section 4.5 Designation of consent authority

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

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

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

4.6.1 Section 4.15 Evaluation

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

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*

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

These matters are further considered below.

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

The following Environmental Planning Instruments are relevant to this application:

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

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

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p>It is noted that no native vegetation is required to be removed as part of the development. A biodiversity assessment has been carried out by <i>Red-Gum Environmental Consulting Pty Ltd</i> to determine the potential impact on any threatened species and endangered ecological communities that are present on the development site and in the vicinity of the site. The assessment determined: -</p> <ul style="list-style-type: none"> • the site is dominated by exotic planted crop and pasture grasses which have little to no value to threatened fauna. • threatened flora are not present in the previously cultivated areas. 	Y

	<ul style="list-style-type: none"> the proposed activities are unlikely to have an adverse effect on the foraging ability or the life cycle of threatened species. the project is unlikely to displace any rare or threatened species. <p>The Report also identified the three (3) remnant White Box trees adjacent to the works area are all scattered, not in close proximity to connected vegetation and therefore, possess little habitat value to Koalas. In conclusion, it was confirmed there is no highly suitable koala habitat or core koala habitat on the site due to no evidence of a resident population of koalas and the isolated nature of the feed trees.</p> <p>Therefore, the vegetation in the study area is unlikely to constitute core Koala habitat as defined under Chapter 4 of the SEPP.</p>	
BASIX State Environmental Planning Policy	-	N/A
State Environmental Planning Policy (Housing) 2021	-	N/A
State Environmental Planning Policy (Industry and Employment) 2021	-	N/A
State Environmental Planning Policy 65	-	N/A
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <p>Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as it has a capital investment value (CIV) of more than \$5 million, is private infrastructure and constitutes electricity generating works.</p> <p>The capital investment value of the project is \$8.68 million (Excl. GST) and therefore would meet the definition of regionally significant development.</p>	Y
State Environmental Planning Policy (Precincts—Central River City) 2021 or State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 or State Environmental Planning Policy (Precincts—Regional)	-	N/A

2021 or State Environmental Planning Policy (Precincts—Western Parkland City) 2021		
State Environmental Planning Policy (Primary Production) 2021	<p>Chapter 2: Primary production and rural development</p> <p>This Policy aims to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land, to identify State significant agricultural land and to encourage and protect aquaculture. This Policy applies to the State.</p> <p>The SoEE Report has identified livestock grazing may be carried out around and beneath panels once the farm is operational. The proponent has confirmed livestock will benefit from the condensation of moisture on the panels that will assist the growth of pasture grasses.</p> <p>The development site is identified as being State Significant Agricultural Land (SSAL) under the Draft SSAL Map issued the Department of Primary Industry (DPI). However, this map has not officially been adopted by the Department. Further, there is no State Significant Agricultural Land (SSAL) officially listed in Schedule 1 of this policy.</p> <p>In this regard, the proposed development is not inconsistent with the aims of this Policy.</p>	Y
SEPP (Resilience & Hazards) 2021	<p>Chapter 4: Remediation of Land</p> <p>Section 4.6 of the Policy applies and a search on the NSW Environmental Protection Authority's (NSW EPA) record of notified and contaminated sites determined the site is not listed in the register. The site has not been identified as being contaminated and it is therefore considered that the site is suitable for the project, in respect to contamination.</p>	Y
State Environmental Planning Policy (Resources and Energy) 2021	-	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <p>Section 2.48(2) (Determination of development applications—other development) – electricity generating works - the proposal is satisfactory subject to conditions.</p>	Y
Proposed Instruments	No compliance issues identified.	Y
Liverpool Plains LEP 2011	<p>Clause 2.3 – Permissibility and zone objectives</p> <p>The proposed development is identified as being 'electricity generating works' which is defined under the LEP as follows: <i>electricity generating works means a building or place used for the purpose of—</i></p>	Y

	<p>(a) <i>making or generating electricity, or</i> (b) <i>electricity storage.</i></p> <p>The site is zoned <i>RU1 Primary Production</i> under LPLEP 2011. Use of the land for the indicated purpose is prohibited in the RU1 zone. However, Section 2.36(1)(b) of the SEPP (Transport and Infrastructure) 2021 states that development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural use zone, which includes the RU1 zone. The subject lands are zoned RU1 under the LPLEP 2011 and therefore the proposed development is permissible with consent under Section 2.36(1)(b) of the SEPP.</p> <p>The proposal is also permissible with consent by virtue of Section 2.36(9) of the SEPP which states that development for the purpose of a solar energy system may be carried out by any person with consent on any land. The SEPP defines a 'solar energy system' as follows:</p> <p style="padding-left: 40px;"><i>solar energy system means any of the following systems—</i> (a) <i>a photovoltaic electricity generating system,</i> (b) <i>a solar hot water system,</i> (c) <i>a solar air heating system.</i></p>	
Liverpool Plans DCP 2012	<p>The LPDCP 2012 contains further guidance on how to implement the statutory provisions in the LPLEP 2011.</p> <p>The proposal demonstrates compliance with the provisions of the LPDCP 2012.</p>	Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

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

In support of the development a BIR was prepared by *Red-Gum Environmental Consulting*, confirming that a BDAR and entry into the BOS is not required. The Report accepted the proposal will not see the loss of greater than 1 hectare of native vegetation, confirming there is unlikely to be a significant effect on any threatened species and ecological communities and/or their conservation. Should the proposed development be supported a number of recommendations from the Report will form part of the draft conditions.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

Chapter 2, Section 2.19(1) of the SEPP (Planning Systems) 2021 is relevant to the development application and declares the proposal regionally significant development. That is, the proposal is development for private infrastructure and constitutes electricity generating works and the capital investment value (CIV) of the project is \$6.39 million (more than \$5 million). Accordingly, the NRPP is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

Given the subject property and surrounding land are zoned RU1 the provisions of this Policy apply to the development. It must be noted the proposal is permissible in the RU1 zone (prescribed zone) under the provisions of Section 2.36(1)(b) of the SEPP (Transport and Infrastructure) 2021, which states that electricity generating works may be carried out by any person with consent.

One of the aims of *Chapter 2 Primary production and rural development* states that land use conflict and sterilisation of rural land is to be reduced by balancing potential development and the protection of native vegetation, biodiversity and water resources. This Policy also aims to facilitate the orderly economic use and development of suitable agricultural lands for primary production purposes. The development site is identified as being State Significant Agricultural Land (SSAL) under the Draft SSAL Map. Given the mapping is currently in draft form it is not necessary to refer the Proposal to the NSW DPI. Further, there is no SSAL listed in Schedule 1 of this policy. However, the application was referred to the NSW DPI (Agriculture) for comment, 2 October 2024. There has been no response received by the Department.

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Hazardous and offensive development

These provisions and the *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* require that a preliminary hazard assessment (PHA) be prepared for potentially hazardous or offensive development. *itp Development Pty Ltd* prepared a hazard analysis and risk screening, submitted separately, and entitled Fire and Hazard Assessment. The results of risk screening are that a PHA is not required for dangerous goods to be stored on the site. However, management measures were recommended to be implemented, which are to be included in the draft conditions, should the proposal be supported.

Chapter 4: Remediation of Land

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Section 2.36 Development permitted with consent

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

Section 2.48 Determination of development applications—other development

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

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

Essential Energy was consulted in relation to the proposed development who provided a response 15 July 2024 supporting the proposal subject to recommendations.

Liverpool Plains Local Environmental Plan 2011

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

1.2 Aims of Plan

The relevant aims of the LPLEP 2011 include: -

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

The proposal is consistent with the relevant aims of the LPLEP 2011. The proposed layout of the solar farm infrastructure is intended to have minor impact on the existing rural environment. In addition, the mitigation measures proposed to be implemented will minimise potential land use conflict and impacts to the environment.

2.3 Zone objectives and Land Use Table

The site is zoned *RU1 Primary Production* under the LPLEP 2011 and use of the land for the indicated purpose is prohibited in the RU1 zone. However, the provisions of the SEPP (Transport and Infrastructure) 2021 prevail over the LPLEP 2011, making the proposal a permissible use on the site in the RU1 zone. That is, Section 2.36(1)(b) of the SEPP (Transport and Infrastructure) 2021 provides that development for the purposes of electricity generating works may be carried out by any person with consent on land in a prescribed zone. Section 2.35 identifies RU1 as a prescribed zone (refer Figure 2 for zoning map).

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

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

Although ‘electricity generating works’ are prohibited in the RU1 zone, the development is permissible by virtue of Sections 2.35 and 2.36(1)(b) under the SEPP (Transport and Infrastructure) 2021 as discussed in an earlier section of this assessment report. The SEPP (Transport and Infrastructure) 2021 also clarifies as follows:

2.7 Relationship to other environmental planning instruments

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

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

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

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

The proposal is consistent with the relevant aims of the LPLEP 2011. The solar farm shall consist of a total of 10,750 ground-mounted single axis solar modules installed in 128 rows, One (1) ground mounted inverter station, a 4m to 5m wide access road and associated infrastructure. The infrastructure is intended to have minimal impact on existing agricultural activities. In addition, the mitigation measures proposed to be implemented will minimise potential land use conflict.

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

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

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	Not Adopted	Maximum height of 2.76 metres (solar structures)	N/A
FSR (CI 4.4(2))	Not Adopted	-	N/A
Land acquisition (CI 5.1)	Not Applicable	-	N/A
Heritage (CI 5.10)	Applicable	No items of Heritage significance are identified on the subject site. Construction activities resulting in increased dust, noise and traffic, also do not have the potential to disturb items of historic heritage in the town of Quirindi due to their distance from the nearest sites (greater than 3.8 kilometres). There are also no registered Aboriginal places / sites of significance identified near or on the site.	Yes

		<p>However, an ACHA prepared by the Nungaroo LALC confirmed that mitigation measures must be implemented to reduce any potential impacts for the discovery of any unknown Aboriginal objects, places or archaeological material in the future. This will be provided as a draft condition, should the development be supported.</p>	
Flood planning (CI 5.21)	Applicable	<p>The flood planning area from the Liverpool Plains LPLEP 2011 and the 100-year ARI floodway modelled by GHD (2011) indicate that the project site is at low risk of flooding from the direction of Quirindi Creek and Jacob and Joseph Creek. The site for the proposed solar farm is approximately 4.4 kilometres from the nearest edge of the 100-year ARI inundation area for Jacob and Joseph Creek.</p> <p>The Water Assessment Report (WAR) prepared by <i>itp Development Pty Ltd</i>, December 2023 confirmed the site has potential for localised inundation. The drainage from any stormwater will flow across the site in a south-easterly direction towards the Jacob and Joseph Gully which flows into Jacob and Joseph Creek.</p>	Yes
Earthworks (CI 7.1)	Applicable	<p>Earthworks will apply to the development during construction. Consequently, Council must consider the impact of earthworks associated with the proposal.</p> <p>Minimal earthworks are expected to be carried out in conjunction with the proposed development to accommodate the posts for the PV arrays, underground cabling and the access road. Suitable conditions exist in the recommended terms of consent to address any adverse impacts that may arise during construction and operation.</p>	Yes
Essential Services (CI 7.4)	Applicable	<p>The subject site is not connected to reticulated sewer, water, electricity, or telecommunication services.</p> <p>The proposed development is capable of being connected to the essential services listed under Clause 7.4. Suitable conditions in the terms of consent will facilitate the arrangements for essential services.</p>	Yes
Airspace Operations (CI 7.5)	Applicable	<p>As the development site is located approximately 18km away from the Quirindi airport, it will not have any impact on the Obstacle Limitation or Operations Surface. The reflectivity assessment submitted with the subject application addresses the visual impact of glare from the solar arrays on aviation.</p>	Yes

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

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

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

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

The following Development Control Plan is relevant to this application:

Liverpool Plains Development Control Plan 2012

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

Table 5: Consideration of the LPDCP 2012

Chapter	Comment
3.6.1 Building Setbacks	<p>There are no specific controls in the LPDCP 2012 relating to Electricity Generating Works, however the standard setback requirements for structures in a rural zone is 20 metres (front) and 10 metres (side / rear). These provisions can be applied to the proposal as they are the maximum setback distances in the LPDCP 2012. The proposed setbacks for all structures would comply as follows: -</p> <ul style="list-style-type: none">• the front setback is approximately 123 metres from Borah Creek Road and is proposed to be significantly screened by vegetation.• the closest side setback is approximately 15 metres and the setback from the rear boundary is 15 metres. <p>The potential visual impacts of the project have however been assessed and considered in the report. It is determined the development is unlikely to cause any adverse impacts given the distance of all setbacks, topography of the land, mitigation measures and significant vegetation screening.</p>
3.6.2 Traffic & Access	<p>The Traffic Impact Assessment (TIA) provided under adequately addresses the controls for this Part of the DCP. Conditions are included in the recommended terms of consent to ensure compliance with this Part.</p>
3.6.3 Utilities & Services	<p>The subject lands are not serviced by Council's reticulated sewer infrastructure. Given, there will be no staff on the site during operations, it is considered that permanent water and sewer services are not essential for proposed development.</p> <p>A WAR of the potential impacts on groundwater and surface water flows and flooding has been carried out by <i>itp Development Pty Ltd</i>. The assessment identified a number of recommendations for Stormwater Management during the construction, operation and decommissioning stages of the development. Details relating to stormwater management have been addressed by draft conditions.</p> <p>Draft conditions are to be included to ensure stormwater management is implemented for the development. It is considered the proposed development satisfies the controls under this Part of the LPDCP 2012.</p>

3.6.4 Design	The project has been designed taking into consideration the existing site features. The design of the proposed development is considered to be suitable. The proposed landscaping measures as requested by Council are intended ameliorate the visual impact of the solar panels. Compliance with this Part is therefore achieved.
3.6.5 Fencing	Security fencing is proposed on the site around the array area at a height of 2.3 metres. Compliance with this Part is therefore achieved.
3.6.6 Outdoor Lighting	A condition is to be included in the recommended terms of consent requiring any outdoor lighting installed in accordance with AS 4282 <i>Control of Obtrusive Effects of Outdoor Lighting</i> .
3.6.7 Outdoor Signage	Not applicable. No outdoor signage is proposed as a part of the development.
3.6.8 Loading and Unloading Facilities	It is considered there is adequate area on the subject lands for loading and unloading. Compliance with this Part is therefore achieved.
3.6.9 Noise	Noise will be applicable during the construction and decommissioning stages of the development and has the potential for impacts to nearby residential receivers. A Noise Impact Assessment, prepared by <i>Muller Acoustic Consulting</i> , January 2024, has been submitted with the subject application and is considered satisfactory. Should the development be supported draft conditions will be included in the notice of determination to regulate and minimise noise.
3.6.10 Landscaping	<p>It was the intention of the applicant to retain existing vegetation without providing any additional landscaping measures for screening. An additional information request was forwarded to the proponent 29 August 2025 requesting a landscaping plan to be provided.</p> <p>In response to this request a Landscaping Plan was provided to Council which identified intensive vegetation planting with appropriate local species along the northern and western boundaries to strengthen and reinforce screening.</p> <p>It is considered the proposed landscaping complies with the intent of this Part of the DCP.</p>
3.6.11 Parking	Off-street parking requirements was adequately addressed in the TIA for the assessment. Conditions have been included in the recommended terms of consent to ensure compliance in this regard.
4.1.1 – 4.1.1.9 Development on Flood Affected Land	The subject lands are not mapped or identified as being liable to inundation by flooding. Notwithstanding, the submitted WAR confirmed flood modelling by <i>GHD Group Pty Ltd</i> concludes the proposed solar farm is not subject to flooding during the 1 in 100 (1%) Annual Exceedance Probability storm event.
4.2. Environmental Effects & Land Use Buffers	<p>A SoEE Report and supporting technical studies is submitted to address the environmental impacts of the proposed development. The proposed development is not expected to have a negative impact on the surrounding environment, subject to the imposition of conditions of development consent.</p> <p>The LPDCP 2012 does not specify any land use buffers for solar farm developments. Consultation with Essential Energy has also been undertaken</p>

	as a part of the assessment of the subject application in accordance with EP&A Regulation 2021, s38 (Amendment of development application) and s2.48 of the SEPP (T&I) 2021.
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Section 7.18 – Contributions plans

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

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

Council may levy contributions for the proposed development in accordance with its adopted Section 7.12 Contributions Plan. According to the cost summary report by *itp development Pty Ltd* and confirmed Capital Investment Value (CIV), the cost of the development is \$9,550,769.50 (incl. GST) and therefore a 1% levy will apply. A condition has been included in the recommended terms of consent requiring the Section 7.12 Contribution to be paid to Council prior to the issue of a Construction Certificate.

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

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

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

Schedule 3 - Designated Development

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

However, the proposed electricity generating works are classified as regionally significant development in accordance with Clause 5, Schedule 6 of SEPP (Planning Systems) 2021 as it has a capital investment value (CIV) of more than \$5 million and is private infrastructure. Consequently, the NRPP is the consent authority for the proposed development.

Section 61

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

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

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

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

Context and setting

The site is situated within a predominantly rural and agricultural setting. The area surrounding the site, with the exception of the town of Quirindi and land zoned *R5 Large Lot Residential* to the southwest, is used primarily for rural and agricultural purposes.

It is considered the proposal is appropriate for the site and surrounding locality, subject to the implementation of measures to ameliorate visual impacts. The landscaping measures requested by Council has the benefit of improved shielding from adjoining land due to the topography. Conditions have been included in the recommended terms of consent to this effect.

Additionally, in relation to amenity and glare/reflectivity for the proposal it is unlikely there will be significant glare impacts and there would be no high visual impact from the development subject to mitigation measures.

Site Design & Internal Design

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

Air and Microclimate

It is considered the proposal will not result in adverse air and microclimatic conditions. The supporting technical information have identified a range of measures to mitigate any dust that may be generated during construction and operation of the proposed development. Measures identified in the SoEE Report include the retention and maintenance of ground cover beneath the solar panels, bunding of stockpiles of excavated material and application of water for dust suppression. Conditions have been incorporated into the recommended terms of consent to ensure compliance in this regard.

Access, Transport and traffic

Access

Borah Creek Road will be the main transport route to the solar farm site until Porters Lane. Access to the subject site is from Porters Lane and it is noted the proposed new access point adjoins a Crown road that also exists along Porters Lane. The proponent was consulted to seek further clarification regarding the precise location of access to the site. Accordingly, the proposed access point was relocated approximately 13 m from its original position to ensure negligible impact on the Crown road. The amended plans provided by the proponent confirms the access point is clear of the Crown road. This is depicted in an extract of the proposed site plan in Figure 10 over the page.



Figure10: Confirmation of Proposed new Access Point

Traffic

The TIA prepared by *pricemerrett consulting* has been submitted to support the subject application. The assessment indicates 45 heavy vehicles (including up to B-Doubles) will access the site over the 3 months during construction. Upon completion the traffic generation is intended to be very low with infrequent site visits. A summary, from the Report, of the traffic to be generated is discussed as follows:

- The trucks will access the site throughout the day generally between 10am and 2pm and would therefore not contribute to morning or afternoon peak hour.
- Traffic including truck movements generated at the site are likely to impact the local traffic conditions along Borah Creek Road for the short duration construction period.
- A maximum of 30 construction workers on site at any one day are likely to generate movements in the order of 24 vehicles entering the site in the morning between 6:30am to 8:00am and leaving at the afternoon peak around 4:00pm to 5:00pm.

A detailed outline of the potential traffic generation from the report are provided below: -

Weeks 1-2 - Establishment Phase

Expected traffic generation during the establishment phase will be:

- Generation of 6 to 8 light vehicle trips per day (earthworks contractor's staff 4-5. Two-way trips).
- Generation of 10 to 15 Truck and trailer loads of gravel over approximately 2-3 days

Weeks 3-10 - Construction Phase

Expected traffic generation during the construction phase will be:

- 24 light vehicles per day based on 80% of max workers.
- 45 x heavy vehicles (including semi's to B-Doubles) for PV Module delivery-
 - 6 for site establishment (buildings etc)
 - 2 for delivery of inverters
 - 24 for delivery of mounting systems
 - 7 for delivery of balance of system
 - 6 for demobilisation

Weeks 10-12 - Commissioning

Specialist electrical contractors will commission the site through light or heavy rigid vehicles 12m requiring:

- 10 construction workers
- Operating hours 7am to 4pm Monday to Friday

Recommendations

The TIA also provided the following recommendations:

- an easement or similar agreement for the duration of the solar project be provided through Lot 134 to secure access into the future for Lot 130.
- a traffic management plan be developed that incorporates notification of local residents of the works and informs them of the construction period and operating hours.
- Shared transport for workers should be incorporated into the site management during construction period.
- Access improvements required off Porters Lane to accommodate the largest vehicle that would access site (B-Double).
- Driveway improvements for wet weather operation be considered including surfacing with additional gravel.
- Dilapidation survey to be undertaken along Borah Creek Road and Porters Lane prior to construction works to assess any impacts on the road during construction period.

Parking

The TIA has indicated a temporary car and bus parking areas will be provided for the construction phase of the development. Several carparks will also be dedicated for vehicles during the operation stage. The off-street parking proposed is acceptable and the requirements have been adequately addressed in the TIA.

Conditions have been included in the recommended terms of consent to ensure that the identified mitigation measures, on site carpark and access are provided for the proposed development.

Public Domain

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

Utilities

It is considered the development is unlikely to have an adverse impact on the availability and capacity of utilities. Minimal utilities are expected to be required for the Project as construction will occur for approximately 3 months and there will be no permanent staff on the site, nor any permanent buildings.

Heritage

There are no items of heritage significance identified on, or in proximity to, the subject site within Schedule 5 of the LPLEP 2011. Reports submitted with the development application also confirm that no Aboriginal objects were identified during a site inspection and there are no registered Aboriginal places on the site. However, Council requested further investigations be carried out, in consultation with the Nungaroo LALC. The ACHA Report, prepared by the Lands Council concluded no Aboriginal objects were identified during a conducted site inspection. The Lands Council also advised mitigation measures must be implemented to reduce any potential impacts for the discovery of any unknown Aboriginal objects, places or archaeological material in the future. This will be provided as a draft condition, should the development be supported.

Other land resources

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

Water

A Water Assessment Report (WAR) was prepared by *itp Development Pty Ltd* to support the development. The Report concluded the development is not expected to materially contribute to any regional ground water issues, particularly those associated with nearby farming districts.

Conditions have been included in the recommended terms of consent to facilitate the identified strategy measures in the WAR (i.e. erosion and sediment control controls). A Section 68 activity approval from Council under the *Local Government Act 1993* to carry out stormwater drainage work, if required.

The proposed development was not required to be referred to the Department of Planning and Environment - Water for a Controlled Activity Approval under Section 91 of the *Water Management Act 2000* as the development is not located within 40 metres of Waterfront land.

Soils

The proposed development is not expected to have an adverse impact on soil conservation. Erosion and sediment controls will be required to be installed prior to the commencement of works and maintained for the duration of construction works. Mitigation measures are to be implemented, should the development be supported, during construction, and after the project has reached its lifespan to minimise potential impacts on soils. Draft conditions are included in the terms of consent to this effect.

Energy

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

Noise and vibration

The Noise Impact Assessment (NIA) prepared by *Muller Acoustic Consulting Pty Ltd* submitted with the subject application demonstrated that noise emissions from the project would satisfy construction Noise Management Levels (NMLs) at all receiver locations. The Report also confirmed there are no operational noise sources that generate significant maximum noise events, with noise emissions from the project predicted to satisfy the NSW EPA maximum noise level criteria. The report concluded that the Project satisfies the relevant requirements of the Interim Construction Noise Guideline, Noise Policy for Industry and the Road Noise Policy.

Natural hazards

The land is identified as bushfire prone and under the provisions of Clause 100B of the *Rural Fire Act 1997*, the development is not required to be referred to NSW RFS as it is not listed as a special fire protection purpose. However, the proposed development was forwarded to NSW RFS for comment and a number of recommendations were received.

Council's flood mapping in the LPLEP 2011 identifies the land is not subject to localised flooding. Additionally, the proposed development is not identified as being affected by any further natural hazards that may affect the ability of the development to proceed.

Waste

The imposed conditions relating to waste management will ensure the control and minimisation of any waste associated with the development (i.e. request for a Waste Management Plan (WMP) for construction and operation).

Flora and fauna impacts

A BIR prepared by *Red-Gum Environmental Consulting* advised the development site is predominantly comprised of agricultural cropping and exotic grasslands. It also indicated no vegetation will require removal in order to accommodate the proposed development. The report assessed the potential impacts of the Project on threatened biota, flora and fauna, and ecological communities and aquatic habitat. The report concluded that the Project is unlikely to have a significant impact on flora and fauna.

In addition, the report identified a number of mitigation measures to reduce potential impacts on threatened species. These include, but are not limited to, minimising soil disturbance, inspecting the site prior to construction to identify any areas supporting native fauna, appropriately disposing of weeds and restricting vehicular movement. Conditions will be recommended in terms of consent to ensure mitigation measures are implemented, should the development be supported.

Natural environment

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

Safety, security and crime prevention

The proposed development is not expected to have an adverse impact on safety, security and crime prevention. The development site will be improved with 2.3m high security fencing.

Economic and Social impact

The proposed development is expected to have a positive economic impact in the locality and the region during the construction and operation phase of the development. The proposal seeks to utilise an existing vacant block of land that is suitable for the development. The project is unlikely to have any negative economic impacts. The employment of workers during the construction period will provide direct economic benefits to the local economy through wages and salaries and indirect benefits via accommodation and other local spending.

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

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

Construction

Conditions have been included in the draft terms of consent to mitigate construction impacts. At a minimum, the construction phase of the development will be required to address the following:

- Hours of construction work (to be consistent with NSW State Guidelines);
- Construction waste storage and management;
- Noise and dust management and control of other potential pollutants;
- Continuity of public access to services; and
- Signage.

Should the proposal be supported the abovementioned construction matters will be required to be addressed as per the recommended conditions of development consent.

Cumulative impacts

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

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

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

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

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

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

The proposal was notified in accordance with the Council's Community Participation Plan from Wednesday, 17 July 2024 until Wednesday, 31 July 2024. However, the exhibition period was extended a further week to Wednesday, 7 August 2024 at the request of numerous landholders seeking additional time to prepare to submissions.

A total of twenty-one (21) unique submissions, all comprising objections to the development, were received. The majority of the issues raised in these submissions are identified as follows: -

- *Visual Impact* - the potential impacts of the proposal on adjoining receptors and public vantage points.
- *Loss of agricultural land* - the potential loss of good agricultural land and limitation on the expansion of adjoining agricultural production.
- *Traffic Generation* - there will be an increase in traffic along Borah Creek Road.
- *Safety* - potential road damage and safety concerns for pedestrians from the increased generation of traffic/trucks.
- *Property Values* - concerns that the development would negatively impact property values.
- *Benefits to the Community* - concerns raised regarding overall benefits of the development and to the community.
- *Aboriginal Heritage* - The potential impacts on aboriginal cultural heritage, specifically a dry water course, an area within the project site that could hold cultural significance.
- *Reflection and Glare* - safety/risks associated with reflection and glare from the solar panels.
- *Site suitability* - the proposed development is not appropriate for the area due to the impacts on agricultural land and residents.
- *Biodiversity Impacts* - concerns regarding the potential impacts on flora and fauna species during the construction, operation and post stages of the development.
- *Fire risk and safety* - potential hazards and risks and protection against and management of any fires to prevent the associated risks.
- *Water run-off and contamination* - the potential impacts of water run-off and contamination of ground water and the creek.
- *Radiation and toxicity* - concerns regarding radiation and toxicity and its potential effects on health.
- *Disposal and decommissioning* - abandonment at the end of the project lifespan and not decommissioning it appropriately.
- *Limited communication* - There has been no communication with the developer and inadequate notification of the development from Council.

A summary of the submissions is also provided in **Attachment D** of this report.

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

Potential visual, social, economic and environmental impacts have been thoroughly addressed in this assessment, and no detrimental impacts have been identified as a result of the development. Further, the proposal is not considered to have a detrimental effect on the health and safety of the public subject to compliance with relevant planning controls, standards, construction codes and recommendations made in supporting technical reports. It is also considered that the project would result in benefits to the State of NSW and the local community. In this regard, the subject application is considered to be in the public interest.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

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

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	-	N/A
Essential Energy	Concurrence to Essential Energy under the Regulation, SEPP (Transport and Infrastructure) 2021, s2.48	Based on the documents submitted Essential Energy indicated they had no comments to make as to the potential safety risks arising from the proposed development. However, Essential Energy also recommended they be consulted for further comment should there be any changes to the development. Support in principle is provided for the project.	Y
Department of Planning and Environment-Water	<i>Water Management Act 2000</i>	-	N/A
Referral/Consultation Agencies			
NSW RFS	Section 4.14 – EP&A Act Development on bushfire prone land	Referral not required. However, NSW RFS were consulted for advice and provided recommended conditions.	Y
Essential Energy	SEPP (Transport and Infrastructure) 2021, s2.48	Advice and recommendations were provided by Essential Energy. Support in principle was received for the project	Y
Department of Planning and Environment-Water	<i>Water Management Act 2000</i> , s91	Not applicable as the proposed development does not involve works in, on or under waterfront land.	N/A

Northern Region Planning Panel	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>	Referral for Assessment required as development is Council related development over \$5 million.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Department of Planning and Environment - Water	<i>Water Management Act 2000</i>	Not applicable as the proposed development does not involve works in, on or under waterfront land.	N/A
Other - Electricity Generating Works (S 4.16 of the EP&A Act)			
NSW RFS	S4.14 – EP&A Act 1979 Development on bushfire prone land	NSW RFS was informed of the Proposal, who provided recommended conditions based on the <i>Planning for Bushfire Protection Guidelines 2019</i> (PBP). These conditions will be provided for the development should it be supported.	Y

5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineer has assessed the proposal and raised no concerns in relation to traffic generation, access and car parking, stormwater subject to conditions of consent.	Yes
Traffic	The increased traffic generation is short term (3 months) and has been resolved by proposed conditions of consent, involving management and mitigation measures.	Yes
Building	Council's Building Certifier raised no concerns, subject to conditions of consent, and advised only a final inspection and occupation certificate would be required once the works are complete.	Yes
Health	Council's Health Surveyor has assessed the proposal. Draft conditions have been provided to ensure compliance and the proposed development does not impact on the soil or groundwater.	Yes
Waste	Staff not available to provide advice, however management conditions are detailed in the draft conditions.	Yes
Public Domain/ Assets	Council's Public Domain / Assets Officer has assessed the proposal and associated documentation and raised no concerns, subject to conditions of consent.	Yes

Heritage	<p>In accordance with the provisions of the LPLEP 2011 there are no items of heritage significance on or adjoining the subject site. Further, no items of heritage significance are located near the development.</p> <p>An Aboriginal Heritage Information Management System (AHIMS) Report was requested for the project. The result determined that no Aboriginal sites or areas of potential archaeological significance were identified within the site and no previously recorded sites are located within, or in close proximity to the site.</p> <p>The proponent has consulted with the Nungaroo LALC who recommended that any objects discovered during excavation, be recorded and salvaged under their care and control. Mitigation measures were also discussed for the discovery of any unknown Aboriginal objects, places or archaeological material.</p>	Yes
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Any issues raised by Council officers are also considered in the Key Issues section of this report.

5.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from Wednesday, 17 July 2024 until Wednesday, 31 July 2024. However, the exhibition period was extended a further week to Wednesday, 7 August 2024 at the request of numerous landholders seeking additional time to prepare to submissions.

A total of twenty-one (21) unique submissions were received, all of which objected to the proposed development. The issues raised in these submissions are attached in **Attachment D**.

6. KEY ISSUES

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

6.1 Visual Impacts

Issue Raised

The Panel identified the potential for visual impacts of the development on adjoining receptors and public vantage points. A further assessment from nearest receivers was to be provided, including consideration of the topography and screening to be located outside of the proposed security fence.

Response:

A further assessment was undertaken as required. Additional information was requested by Council in which amended plans were provided to Council 20 December 2024 for consideration. The plans included tree planting and landscaping for vegetation screening within Lot 130 / DP751009 and adjacent to the following boundaries:

- Western boundary - for entire length of boundary;
- Northern boundary - for a distance of 150 metres; and
- Southern boundary - for a distance of 50 metres.

Draft conditions will also be included in the notice of determination relating to the management and maintenance of the landscaping, should the development be supported. On this basis, it is considered that the issue identified is resolved.

6.2 Loss of Agricultural Land

Issue Raised

The potential loss of good agricultural land and limitation on the expansion of adjoining agricultural production. The Record of Briefing confirmed the development is to be referred to the NSW DPI for comment regarding the agricultural significance of the land.

Response:

The proposal was referred to the NSW DPI and no response was received. During the construction and operation stages, the proposal does have the potential to impact on adjoining land. However, this has been minimised by way of appropriate conditions and management plans that will regulate any potential impact. In this regard, it is considered the proposal will have negligible impact on the established agricultural landscape and character of the locality, and not result in adverse environmental harm. This has also been addressed in Section 4.6.1 of this report. On this basis, it is considered that the issue identified is resolved.

6.3 Weed Management

Issue Raised

The Panel required weed management to be outlined for the construction phase of the development.

Response: A draft condition has been included which will address the management and control of weeds during the construction of the development.

Resolution: With the imposition of a recommended condition relating to the management of weeds during construction it is considered that the issue identified is resolved.

6.4 Aboriginal Heritage

Issue Raised

There is the potential for the development to impact on Aboriginal cultural heritage, specifically the on a dry water course, an area within the project site that could hold cultural significance.

Response:

Council requested the proponent carry out further investigations, in consultation with the Nungaroo LALC. An ACHA Report was prepared by the Lands Council, which also involved a site inspection. There were no Aboriginal objects identified, however the Lands Council also advised mitigation measures must be implemented to reduce any potential impacts for the discovery of any unknown Aboriginal objects, places or archaeological material in the future. This will be provided as a draft condition, should the development be supported.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment B**.

6.5 Traffic and Safety of Residents

Issue Raised

Increased traffic from the development along Borah Creek Road and the impacts on the safety of residents. Impacts related to the degradation of Borah Creek Road from the trucks / heavy vehicles and the safety concerns for existing road users and pedestrians.

Response:

The increased traffic generated on Borah Creek Road is short term and limited to 3 months, being the construction stage of the development. Upon completion of the construction stage the traffic generation is intended to be very low with infrequent site visits. The TIA provided a number of recommendations that will be provided as draft conditions, to manage and mitigate any potential impacts from traffic increase.

Resolution: The issues relating to increased traffic and the potential impacts on safety have been resolved and accordingly, warrants approval of the application.

6.6 Property Values

Issue Raised

Concerns were raised that the development would negatively impact property values for the surrounding residents.

Response:

While not strictly a planning consideration, the management of impacts on the surrounding environment and properties will ameliorate much of the potential impact on the community and potential property values. Conditions have been included in the terms of consent to ensure that all potential impacts are appropriately mitigated by the developer.

6.7 Reflection and Glare

Issues Raised

Concerns were raised relating to safety / risks associated with reflection and glare from the solar panels.

Response:

A Glint and Glare Assessment was provided in support of the proposed development. It is considered the assessment provided by *itp Renewables* adequately addresses the issues raised in the submissions.

6.8 Biodiversity Impacts

Issues Raised

The potential impacts on flora and fauna species during the construction, operation and post stages of the development.

Response:

This will be resolved by the draft conditions of consent to be enforced at the construction, operation and post operation stages of the development, should the development be supported.

Resolution: The issues have been resolved via recommended conditions of consent outlined in **Attachment B**.

6.9 Site suitability

Issue Raised

The proposed development is not appropriate for the area due to the impacts on agricultural land and residents. The solar farm development should be located elsewhere or in a more remote area.

Response:

The site is considered to be suitable for the proposed development, as detailed within the assessment report. The proposal is also permissible under the provisions of Section 2.36(1)(b) of the SEPP (Transport and Infrastructure) 2021.

The proponent identified the site as having an area of great potential for solar energy generation which holds a relatively flat and large coverage. It was also advised the site is located in proximity to good quality network infrastructure, capable of supporting the proposed electrical generation activities.

6.10 Fire risk and safety

Issues Raised

Potential hazards and risks and protection against and management of any fires to prevent the associated risks.

Response:

The proposed development was referred to the NSW RFS and a number of recommendations was received which will form part of the draft conditions.

Resolution: The issues have been resolved through recommended conditions of consent as outlined in **Attachment B**.

6.11 Water run-off and contamination

Issues Raised

The potential impacts of water run-off and contamination of ground water and the creek.

Response:

The site is currently operated for primary production, specifically the growing of crops which represents a higher sensitive land use compared to the electrical generation operation proposed.

The proponent has advised the development involves solar arrays which are driven into the ground with excavation limited to the posts (similar to fencing or light posts) and ancillary elements such as access road and management area. The existing terrain is largely preserved under the panels, minimising changes to drainage of the site. Further, any rainfall that runs off from the solar panels will fall to the ground where it is then absorbed by the natural friction of the soil.

Resolution: Should the proposal be supported draft conditions will be included which provide mitigation measures in relation to the impacts of stormwater run-off and contamination. It is therefore considered that these issues have been resolved.

6.12 Impacts to Health

Issue Raised

Concerns were raised relating to radiation and toxicity from the development and its potential effects on health.

Response:

Information by the World Health Organization (WHO), provided by the proponent, confirmed the electricity from solar panels and transmission to the power grid emits extremely low-level, weak electromagnetic fields (EMF). The information also advised exposure to low-level electromagnetic fields has been studied extensively, and there is no evidence it is harmful to human health.

6.13 Disposal and decommissioning

Issue Raised

The possibility for abandonment at the end of the project lifespan and not appropriately decommissioning the solar farm.

Response:

Conditions have been included in the recommended terms of consent to address waste and technological hazards at post operation phase of the development.

6.14 Renewable Energy Zone

Issue Raised

The Panel required clarification on whether the site is located in a Renewable Energy Zone (REZ).

Response:

The site is not located within a REZ.

6.15 Limited communication

Issue Raised

There has been no communication with the developer and inadequate notification of the development from Council.

Response:

The proposal was notified in accordance with the Council's Community Participation Plan from Wednesday, 17 July 2024 until Wednesday, 31 July 2024. The exhibition period was also extended

a further week to Wednesday, 7 August 2024 at the request of numerous landholders to allow additional time to prepare to submissions.

The applicant advised adjoining and nearby residents had been contacted as part of the early stages of the project, but also acknowledged improvements could be made. Should the proposal be supported conditions will be included requiring consultation with adjoining landowners, advising of the construction and any mitigation measures, prior to works commencing.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act 1979 and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

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

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

- Visual Impact;
- Traffic and safety during construction;
- Limited communication from the developer about the project;
- Fire risks, radiation and safety concerns
- Agricultural land use conflict and site suitability;
- Water runoff and contamination
- Disposal and decommissioning of the project
- Reflection and Glare; and
- Potential fire hazards from the infrastructure.

The proposed development constitutes an 'electricity generating works', is appropriately located within the RU1 zone under the relevant provisions of LPLEP 2011 and is permissible in the RU1 zone under the provisions of clause 2.36(1)(b) of the SEPP (Transport and Infrastructure) 2021. The proposal is consistent with all statutory and non-statutory controls applying to the development.

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

8. RECOMMENDATION

That the Development Application No. 2024/079 for the proposed 'electricity generating works' at Lots 134 and 130, DP 751009, Borah Creek Road, Quirindi be APPROVED pursuant to Sections 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment B**.

The following attachments are provided:

- Attachment A: Site Photographs
- Attachment B: Draft Conditions of Consent
- Attachment C: Proposed Plans of the Development
- Attachment D: Submissions Summary



Photograph 1: View east depicting mature vegetation along the southern boundary Subject Land



Photograph 2: View northwest at southern boundary of proposed Solar Farm



Photograph 3: North view of Subject Site from Porters Lane



Photograph 4: West view along Porters Lane facing Borah Creek Road with subject site right of photograph



Photograph 5: West view along Porters Lane with access to subject site right of photograph



Photograph 6: North view along Porters Lane depicting existing access to subject site

CONSENT CONDITIONS

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-301 – 10.2024.79.1
PROPOSAL	Establishment of a 5MW Solar PV Electricity Generation Works with Associated Infrastructure (Battery Energy Storage System)
ADDRESS	Lots 134 and 130, DP 751009, Borah Creek Road Quirindi 2343
APPLICANT	EDP Australia Pty Ltd C/o- Ms Jou Jong
APPLICATION TYPE	Regionally Significant Development

PART A: GENERAL

A1 Approved Plans and Supporting Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Reference No	Revision	Prepared by	Date
Statement of Environmental Effects Report	Project 0523	A	Zenith Town Planning	3 May 2024
Biodiversity Inspection Report	-	1	Red-Gum Environmental Consulting	13 December 2023
Development Application Drawing Pack	-	4	edp Renewables	6 February 2025
Fire and Hazard Assessment	-	3	itp Development Pty Ltd	1 May 2024
Glint and Glare Assessment	23073	2	itp Renewables	11 January 2024
Solar Farm Fact Sheet and FAQs	-	1	itp Development Pty Ltd	Undated

Noise Assessment	MAC180781-24RP1V1	1	Muller Acoustic Consulting	12 January 2024
Traffic Impact Assessment Report	K1058	2	Price Merrett Consulting	22 February 2024
Visual Impact Assessment	Project 0523	A	Zenith Town Planning	19 April 2024
Waste and Decommissioning Assessment	-	3	itp Development Pty Ltd	31 January 2024
Water Assessment	-	2	itp Renewables	9 January 2024
Aboriginal Cultural Heritage Assessment	-	1	Nungaroo Local Aboriginal Land Council	22 January 2025

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

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

A2 Report Recommendations

The development must be constructed, operated and decommissioned in accordance with the following approved specialist reports including their recommendations:

Plan/Report Title (incl Reference, date, author)	Stage
Biodiversity Inspection Report 13 December 2023 Red-Gum Environmental Consulting Pty Ltd	<ul style="list-style-type: none"> • Pre-construction • Construction • Operation • Post-operation
Noise Assessment MAC180781-24RP1V1 12 January 2024 Muller Acoustic Consulting Pty Ltd	<ul style="list-style-type: none"> • Construction • Operation
Water Assessment 9 January 2024 itp Renewables	<ul style="list-style-type: none"> • Pre-construction • Construction • Operation • Post-operation
Glare and Glint Assessment 23073 11 January 2024 itp Renewables	<ul style="list-style-type: none"> • Operation
Fire and Hazard Assessment 1 May 2024 itp Development Pty Ltd	<ul style="list-style-type: none"> • Construction • Operation
Visual Impact Assessment 0523 19 April 2024 Zenith Town Planning Pty Ltd	<ul style="list-style-type: none"> • Construction • Operation

Traffic Impact Assessment Report K1058 22 February 2024 Price Merrett Consulting Pty Ltd	<ul style="list-style-type: none"> • Pre-construction • Construction
Waste and Decommissioning Assessment 11 January 2024 itp Development Pty Ltd	<ul style="list-style-type: none"> • Construction • Post-operation
Statement of Environmental Effects Report 0523 3 May 2024 Zenith Town Planning Pty Ltd	<ul style="list-style-type: none"> • Pre-construction • Construction • Operation • Post-operation
Aboriginal Heritage Impact Assessment 22 January 2025 Nangaroo local Aboriginal Land Council	<ul style="list-style-type: none"> • Pre-construction • Construction • Operation • Post-operation
Landscape Plan 6 February 2025 edp Renewables	<ul style="list-style-type: none"> • Pre-construction • Construction • Operation

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

A3 Visual Mitigation Measures

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

Pre-construction

- (a) Carry out additional consultation with affected residents to inform the need for offsite mitigation, prior to the commencement of construction;

Construction

- (b) Planting be undertaken as soon as practicable in the construction process;
- (c) Dust be managed in response to visual cues and areas of soil disturbance rehabilitated progressively or immediately post-construction;
- (d) Use of non-reflective and earthy coloured materials (e.g. green, beige or muted wheat) where possible;
- (e) Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.
- (f) Medium density vegetation screening planted 1-2 rows deep, comprising of varying native species and advanced (sapling) plants.
- (g) Planting and maintenance of a vegetation screen within Lot 130, DP 751009 and adjacent to the following boundaries as depicted on the proposed landscaping plan: -
 - (i) Western boundary - for entire length of boundary;
 - (ii) Northern boundary - for a distance of 150 metres; and
 - (iii) Southern boundary - for a distance of 50 metres.

Operation

- (h) Ongoing maintenance of ground cover and vegetation screening, minimise traffic movements and outdoor lighting.

Reason: To minimise visual impacts from the solar farm on the adjoining properties / road.

A4 Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Reason: To ensure any signage is assessed in accordance with the planning controls.

A5 Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

A6 Lapsing of Consent

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

A7 Tree Retention

Existing trees on the site are to be retained and protected from damage during work, as outlined in the approved Landscape Plan prepared by *edp Renewables* and dated 6 February 2025.

Reason: To protect trees on the site to be retained.

A8 Decommissioning

The land must be returned to its pre-existing condition (prior to use as a solar farm) and all solar farm infrastructure removed once the project is decommissioned. The land must be rehabilitated and restored, including the pre-existing land and soil capability class if previously used for agricultural purposes. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

A9 NSW Rural Fire Service

Where the site is identified as bush fire prone land, the solar farm shall comply with the relevant specifications and requirements of *Planning for Bushfire Protection (2019)* and conditions by the NSW Rural Fire Service as follows: -

General Conditions

- (a) A Fire Management Plan (FMP) shall be prepared for the Battery Energy Storage System BESS development. The FMP shall be prepared in consultation with NSW RFS Liverpool Plains Fire Control Centre. The FMP shall include:
- 24-hour emergency contact details including alternative telephone contact;
 - Site infrastructure plan; and
 - Firefighting operations plan including methods and resources to manage and extinguish Battery Fires.

Asset Protection Zones (APZ)

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (b) The Solar Array and BESS development footprint are to be managed as an Asset Protection Zone in accordance with Appendix 4 of 'Planning for Bush Fire Protection 2019'.
- (c) To allow for emergency service personnel to undertake property protection activities, a 10 metre defendable space (APZ) that permits unobstructed vehicle access is to be provided around the perimeter of the Solar Array and BESS development including associated infrastructure.

Access - Property Access

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (d) Property access roads to the development shall comply with the following requirements of Table 7.4a of 'Planning for Bush Fire Protection 2019':
- (i) property access roads are two-wheel drive, all-weather roads;
 - (ii) the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
 - (iii) there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - (iv) minimum 4m carriageway width;
 - (v) property access must provide a suitable turning area in accordance with Appendix 3;
 - (vi) curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - (vii) the minimum distance between inner and outer curves is 6m; and
 - (viii) the cross fall is not more than 10 degrees.

Water supply and utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- (e) A 20,000 Litre water supply (tank) fitted with a 65mm storz fitting shall be located adjoining the internal property access road within the required APZ. Access to the storz connection point shall not be impeded.

Reason: To ensure the development complies with the relevant requirements for bushfire management and ensure compliance with *Section 4.47(3) of the Environmental Planning and Assessment Act 1979* and the conditions of Government agencies.

A10 Essential Energy

The solar farm shall comply with the conditions by Essential Energy as follows:

- (a) Essential Energy must be consulted for further comment, should the proposed development be modified, due to the potential safety risks.
- (b) The proponent must comply with any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the subject property.
- (c) Any activities in proximity to electrical infrastructure must be undertaken in accordance with the industry guideline known as *ISSC 20 Guideline for the Management of Activities with Electricity Easements and Close to Infrastructure*.

Reason: To ensure compliance with *Section 4.47(3) of the Environmental Planning and Assessment Act 1979* and the conditions of Government agencies.

A11 Access

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

Reason: To ensure safe, practical, and legal vehicle access is provided to the site.

PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

B1 Construction Certificate

A Construction Certificate is required for the development in accordance with *Section 6.7(1) of the Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

B2 Payment of Security Deposits, Levies and Contributions

The fees listed below must be paid in accordance with the conditions of this consent and Liverpool Plains Shire Council's adopted Fees and Charges Schedule applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under *Section 34* of the

Building and Construction Industry *Long Service Payments Act 1986* and provide proof of this payment to the certifier.

- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
- (c) **Payment of development contributions** - A total monetary contribution of 1% of the cost of the development (incl. gst) is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate.
 - (i) This condition is imposed in accordance with the provisions of Liverpool Plains Section 7.12 Contribution Plan 2023. A copy of the document is available on Council's website at www.liverpoolplains.nsw.gov.au or may be inspected at Council's Administration Building.
 - (ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly. Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

Reason: To ensure payments are made in accordance with legislative requirements.

B3 Construction Site Management Plan

Prior to the issue of a Construction Certificate, the applicant must provide a Construction Site Management Plan (CSMP) for approval by the 'Principal Certifier' / Council incorporating the following:

- 1) Sediment and Erosion Control Plan;
- 2) Construction Traffic Management Plan (CTMP);
- 3) Waste Management Plan;
- 4) Operations Environmental Management Plan
- 5) Fire Emergency Management Plan

The CSMP should be developed in consultation with Council and, at a minimum, include the following information:

- (a) Description of the proposed construction works and work program;
- (b) Identification of relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
- (c) Set standards and performance measures for each of the relevant environmental matters associated with construction work;
- (d) Description of what actions and measures will be implemented to mitigate the potential impacts of the construction works and ensure such works will comply with the relevant standards and performance measures;
- (e) Description of what measures and procedures will be implemented to:
 - i. Manage construction traffic;

- ii. Register and respond to complaints during construction works;
 - iii. Mitigate any potential environmental impacts, including but not limited to noise, flora and fauna, dust, stormwater and visual impacts;
 - iv. Respond to the discovery of any items of indigenous or non-indigenous heritage significance. This shall incorporate the recommendations from the Aboriginal Cultural Heritage Assessment prepared by the Nungaroo Aboriginal Land Council (dated 22 January 2024);
 - v. Respond to emergencies, including bushfire and flooding events; and,
 - vi. Ensure the health and safety of construction workers.
- (f) Explanation of how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected; and,
- (g) Description of the role, responsibility, authority accountability, and reporting of key personnel involved in the construction of the development.

Note: The CTMP will need to provide details on manoeuvrability for a B-double vehicle 26 metres right-hand-turn into Porters Lane and left-hand-turn onto Borah Creek Road and demonstrate mitigation strategies.

Reason: To require details of measures that will protect the public and the surrounding environment during site works and construction.

B4 Operations Environmental Management Plan

Prior to the issue of a Construction Certificate, the applicant must provide an Operations Environmental Management Plan (OEMP) to the principal certifier / Council for approval and, at a minimum, include the mitigation measures detailed in the Statement of Environmental Effects Report prepared by Zenith Town Planning 3 May 2024.

Reason: To ensure environmental protection throughout the operation of the development.

B5 Internal Access and Parking

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

Reason: To ensure compliance with the approved application.

B6 Other Approvals

The following approvals are required where relevant:

- (a) **Roads Act 1993 approval** - The applicant is to obtain an approval from Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.
- (b) **Section 68 of the Local Government Act 1993** - Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

B7 Servicing

In relation to services, the following must be undertaken by the applicant where relevant:

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,
- (b) **Dial before your dig** - the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and underground infrastructure for safety and efficiency.

B8 Substation Containment

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

B9 Stormwater Management

Stormwater management shall be undertaken in accordance with the mitigation measures detailed in the Statement of Environmental Effects prepared by *Zenith Town Planning*, dated 3 May 2024.

The development must not result in the diversion of overland surface waters onto adjoining properties or roads.

Note: A Section 68 activity approval must be issued by Council under the *Local Government Act 1993* to carry out stormwater drainage work, if required.

Reason: To ensure stormwater is appropriately managed on the site.

B10 Nest Boxes

If any hollow bearing trees are removed, nest boxes must be installed at a ratio of at least 2 boxes per hollow. Nest boxes must be installed in mature trees on the lot outside the Asset Protection Zone. Evidence that this has occurred must be provided to Council's Ecologist for approval prior to the issue of a Construction Certificate.

Reason: To ensure the development does not adversely impact on biodiversity.

B11 Temporary Marking of Asset protection Zone

Evidence that boundaries of the Asset Protection Zone have been marked using temporary protective fencing or brightly coloured tape must be provided to Council's Ecologist prior to the issue of a Construction Certificate.

Reason: To ensure the asset protection zone does not encroach into any significant vegetation.

B12 Vehicle Access Requirements

The following vehicle access arrangements must be provided to the site:

- (a) **Right of carriageway** - an easement or similar agreement for the duration of the solar project be provided through Lot 134 to secure access into the future for Lot 130.

Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council/Transport for NSW standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

B13 External Lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes. Details are to be shown on the Construction Certificate plans.

Reason: To protect the amenity of the surrounding area.

B14 Car Parking

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1-2004: *Parking Facilities – Off-street Car Parking* and AS 2890.2:2018 - *Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

B15 Dilapidation report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier.

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the demolition works. The insurance cover shall be a minimum of \$10 million.

Reason: To ensure any damage caused by the development is documented prior to works commencing on the site.

PART C: PRIOR TO WORKS COMMENCING

C1 Appointment of Principal Certifying Authority

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

C2 Community Consultation

Prior to the commencement of works, and in accordance with the recommendations contained in the Noise, Biodiversity, Visual, Water, Waste and Decommissioning and Traffic Assessments, the Applicant shall carry out proactive community consultation and notification in advance of any service, utility interruptions and traffic changes. The Applicant shall also consult with affected landholders to advise the mitigation strategy regarding visual impacts.

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

C2 Signs on site

A sign must be erected in a prominent position on any site on which building 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 any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Reason: Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

C3 Tree Protection Measures

Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the Landscape Plan and the Construction Site Management Plan are in place.

Reason: To protect trees which are to be retained prior to work commencing on the site.

C7 Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- (a) be a standard flushing toilet, connected to a public sewer, or
- (b) if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- (c) a portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

C8 Implementation of the Construction Site Management Plan and Waste Management Plan

The approved Construction Site Management Plan (incorporating the Sediment and Erosion Control Plan and Construction Traffic Management Plan) and the Waste Management Plan must be implemented and maintained prior to, and during, the construction works on the site until works are completed and all exposed surfaces are landscaped/sealed.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

PART D: DURING WORKS

D1 Construction Hours

The hours of demolition and/or building work shall be limited to the following hours:

- (a) Monday to Friday: 7.00 am to 4.00 pm;
- (b) No Construction on Sundays or Public Holidays.

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

D2 Construction Site Management Plan

In accordance with the Noise, Biodiversity, Visual, Water, Waste and Decommissioning and Traffic assessments approved as a part of this development consent, the following mitigation measures must be implemented during construction and included in the CSMP:

- a) Erosion and sediment control:
 - i. Avoid stockpiling material adjacent to native vegetation, but instead use areas that are already cleared or disturbed;
 - ii. Regular inspection and maintenance of erosion and sediment control measures, particularly following rainfall events to ensure their ongoing functionality; and,
 - iii. The immediate removal offsite of any excavated materials.
- b) Dust control:
 - i. Setting maximum speed limits for all traffic within the site;
 - ii. Use of a water tanker or similar to spray unsealed areas;
 - iii. Progressively rehabilitate disturbed soils to reduce views of bare soils; and,
 - iv. Application of dust suppressants in response to visuals cues and use of covers on soil stockpiles.
- c) Chemical spills:
 - i. All chemicals must be kept in clearly marked bunded areas;
 - ii. Regularly inspect vehicles and plant for leakage of fuel or oil; and,
 - iii. No re-fuelling, washing or maintenance of vehicles and plant is to be undertaken within 20m of natural drainage lines;
- d) Vegetation protection:
 - i. Areas of vegetation outside the development footprint are to be clearly defined to prevent accidental clearing or damage to vegetation.
- e) Weed management:
 - i. All vehicles should be cleaned prior to entering the site to prevent the introduction of new weed species.
- f) Community:
 - i. Implement a Code of Conduct for contractors encouraging positive behaviour and expectations when interacting with the local community; and,
 - ii. Implement disciplinary processes for breaches in the Code of Conduct or other anti-social behaviour.
- g) Noise:
 - i. Where possible, use localised mobile screens or construction hoarding around plant;
 - ii. A construction noise management protocol to minimise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community;
 - iii. Operating plant in a conservative manner (no over-revving);
 - iv. Utilise the quietest possible machinery where practicable;
 - v. Utilise a broadband reverse alarm in lieu of traditional high frequency type reverse alarm;
 - vi. Provide toolbox meetings, training and education for personnel on site during construction;
 - vii. Place signage at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site; and,
 - viii. Utilise project-related community consultation forums to notify residences within proximity of the site about the progress of the Project, upcoming potentially noise generating works, its duration and nature, and complaint procedures.

Reason: To mitigate potential impacts during construction.

D3 Compliance with Construction Site Management Plan

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- (a) All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
- (b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- (c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- (e) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

D4 Waste Container

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

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

D5 Waste Management

While building work, demolition or vegetation removal is being carried out, the Principal Certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration
- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is

transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

D6 Responsibility for Changes to Public Infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure or services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure payment of approved changes to public infrastructure.

D7 Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW and the Nungarook Local Aboriginal Lands Council in respect of a relic and notify the Secretary of the Department of Planning and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

D8 Discovery of Contamination

Should any unexpected contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

D9 Construction Noise

While building work is being carried out, and where a noise and vibration management plan as part of the is approved under this consent as part of the Construction Site Management Plan, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

Reason: To protect the amenity of the neighbourhood.

D10 Imported Fill

While construction work is being carried out, the Principal Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

D11 Critical Stage Inspections

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2021*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

D12 Tree Protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the Construction Site Management Plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of Trees on Development Sites* and any Arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

D13 Native Vegetation

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

D14 Clearing of Development Footprint

Vegetation must be cleared from the periphery of vegetated areas first, progressing from South to North, to enable resident fauna to relocate to adjacent areas to be retained for conservation purposes. A suitably qualified and experienced ecologist must be present during the clearance of any significant areas of vegetation to ensure that any native fauna present are able to be appropriately cared for. Habitat features removed from the area cleared (hollow-logs, hollow limbs) must be salvaged and relocated to the retained vegetation areas.

Reason: To ensure the development does not adversely impact on biodiversity.

D15 Clearing for Asset Protection Zones (APZ)

The applicant must ensure the clearing of vegetation to establish the APZ is confined to within the marked APZ boundary and is consistent with the Landscape Plan and Bushfire Report, to the satisfaction of the principal certifier.

Reason: To ensure vegetation clearance during construction is confined within the APZ.

D16 Internal Road and Carpark

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

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

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

PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

E1 Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied, an inspection carried out by Council and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

E2 Completion of Public Utility Services

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before

the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements before occupation.

E3 Completion of all Works

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following

- (a) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed;
- (d) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

Reason: To ensure adequate arrangements have been made for the development.

E4 Landscaping

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

E5 Landscaping Bond

Prior to the issue of an Occupation Certificate, a landscaping bond of \$20,000 shall be paid to Council, in a form acceptable to the Council. The bond shall be held by Council for at least twelve (12) months following the issue of the Occupation Certificate and will be released upon submission of a report by a professionally qualified landscape architect or arborist, confirming the success of the landscaping and its probability of long-term survival with the maintenance required under this consent.

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

E6 Post-Construction Dilapidation Report and Repair of Infrastructure

Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of the principal certifier, detailing whether:

- (a) any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

E7 Easements and Covenants

Prior to the issue of an Occupation Certificate, the following easements and/or restrictions created under the *Conveyancing Act 1919* must be registered on the title of the land with the NSW Land Registry Services:

- (a) An easement or similar agreement for the duration of the solar project be provided through Lot 134 to secure access into the future for Lot 130.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments.

Reason: To ensure the development provides the necessary easements and restrictions on the land title.

E8 Removal of Waste upon Completion

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved Waste Management Plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

E9 Section 138 Approval

Any conditions contained within the Section 138 approval of the *Roads Act 1993* must be completed, inspected and approved by Council.

Reason: To ensure compliance with relevant legislative requirements under the *Roads Act 1993*.

PART F: OPERATIONAL CONDITIONS

F1 Continued Operations

The following requirements shall be adhered to throughout the operation of the development approved by this consent:

- (a) Internal unsealed pavement areas to all vehicular parking, manoeuvring, loading

and unloading areas as well as environmental control measures, are to be maintained such that whilst in use, the development does not generate excessive dust or vehicles exiting the site do not track sediment onto the public road;

- (b) The ground cover beneath the solar panel arrays shall be maintained to reduce dust and rehabilitated to reduce views of bare soil as far as practicable;
- (c) Dust impacts, including those arising from winds and traffic movements, shall be minimised and mitigated as far as practicable. Any product used for dust mitigation or cleaning must be declared to Council prior to use to ensure that no soil or groundwater contamination risks are associated with the product.

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

F2 Decommission Management Plan

A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval no later than 12 months prior to the proposed cessation of operations. It must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
- (c) Program of site restoration to return the land is returned to its previous state prior to use as a solar farm, with the retention of landscaping; and
- (d) Details on waste management and recycling of all materials arising from the development.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

F3 Fire Emergency Management Plan

The approved Emergency Management Plan ('FEMP') for the development shall be activated when required throughout the operation of the development and shall be updated if required.

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

F4 Operations Environmental Management Plan

The approved Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the development.

Reason: To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.

F5 Vehicle Management

The premises shall be operated in accordance with the following vehicle management requirements:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (d) The maximum size truck permitted to access the site is a B-double of 26 metres in length.
- (e) All vehicular traffic associated with the development must travel to and from the site via Porters Lane and via the approved site entry points.
- (f) Driveway improvements are required for wet weather operation, including surfacing with additional gravel.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

F6 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

F7 Operation of Plant and Equipment

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is maintained in a proper and efficient condition and operated in a proper and efficient manner.

Reason: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

F8 External lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

F9 Storage of Hazardous Materials

The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

F10 Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations, if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

F11 Bushfire Risk

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

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

F12 Noise

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

Reason: To preserve neighbourhood amenity and meet statutory requirements.

F13 Waste Materials

The Applicant must:

- (a) minimise the waste generated by the development;

- (b) classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

Reason: To protect the environment.

F14 Weed and Pest Management

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

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

F15 Potential Contamination

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

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

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