

# Memo

|                 |                                                                                                             |
|-----------------|-------------------------------------------------------------------------------------------------------------|
| <b>To:</b>      | Northern Regional Planning Panel                                                                            |
| <b>From:</b>    | Gunnedah Shire Council                                                                                      |
| <b>Date:</b>    | 15 December 2020                                                                                            |
| <b>Subject:</b> | Outcome of Northern Regional Planning Panel, pre-determination discussion DA 2020/032 (NRPP Ref: PPSNTH-39) |

*In response to the requested amendments to draft conditions of consent for DA 2020/032 (NRPP Ref: PPSNTH-39) amendments have been made to draft conditions A2 and A4. The amended wording is identified by way of underline of wording inserted. Confirming that no wording was removed from either of these conditions or any other draft condition included within the original report dated 9 December 2020.*

*Kind Regards  
Wade Hudson*

*Contact: 6740 2148  
Reference: DA 2020/032*

# COUNCIL ASSESSMENT REPORT

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Panel Reference                                                                             | PPSNTH-39                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DA Number                                                                                   | 2020/032                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| LGA                                                                                         | Gunnedah                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Proposed Development                                                                        | 29.5MW Electrical Generation Works (272 Solar Array Units) and 272 Lot Community Title Subdivision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Street Address                                                                              | 131 Quia Road, Gunnedah                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Applicant/Owner                                                                             | Ironbark Energy Pty Ltd/Ironbark Holdings Australia Limited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Date of DA lodgement                                                                        | 8 May 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Total number of Submissions<br>Number of Unique Objections                                  | <ul style="list-style-type: none"> <li>No Submissions</li> <li>0</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Recommendation                                                                              | Approval – Subject to Conditions (Annexure A)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011 | Clause 5 – Private Infrastructure and Community Facilities over \$5million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| List of all relevant s4.15(1)(a) matters                                                    | i.e. any: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Regulation</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Gunnedah Local Environmental Plan 2012</li> <li>Gunnedah Development Control Plan 2012</li> </ul> |
| List all documents submitted with this report for the Panel's consideration                 | <ul style="list-style-type: none"> <li>Statement of Environmental Effects</li> <li>Solar Panel Technical Details</li> <li>Biodiversity Assessment Report</li> <li>AHIMS Search Result</li> <li>Draft Community Management Statement</li> <li>Hygienist Clearance Certificate</li> <li>Detailed Site Investigation Report</li> <li>Fill Material Validation Report</li> <li>Noise &amp; Vibration Impact Assessment</li> <li>Koala Management Plan</li> </ul>                                                                                                                                               |
| Clause 4.6 requests                                                                         | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Summary of key submissions                                                                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Report prepared by                                                                          | Wade Hudson (Senior Development Officer)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Report date                                                                                 | 9 December 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

## Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

No

## Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

Yes

## 1. Executive Summary

### 1.1 Reason for consideration by Regional Planning Panel

The Development Application has been referred to the Northern Regional Planning Panel (NRPP) for determination pursuant to Clause 6, Schedule 4A, of the Environmental Planning and Assessment Act 1979, as the development is private infrastructure works with a Capital Investment Value (CIV) of more than \$5 million (CIV \$22 million).

### 1.2 Description of Proposed Development

The development application is seeking consent for:

- the construction of a 29.5 MW (275 Solar Array Units) *Solar Energy Generation Works\** (Solar Farm);
- 275 lot subdivision (community title), with each title being created over each individual solar array module. Module arrays variable in size based on terrain and spatial limitations;
- Construction of an electrical substation;
- Construction of security boundary fence;
- Rehabilitation of solar electrical generation facility, including surrender of community titles;

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

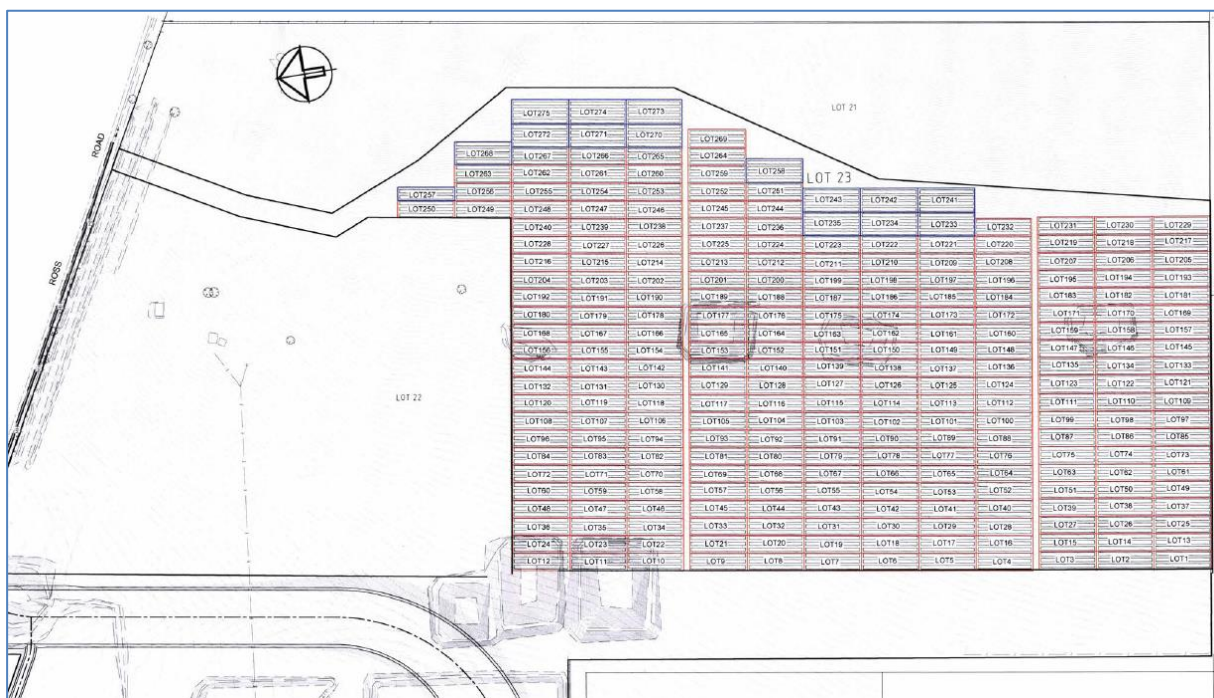


Figure 1. Proposed Site Plan



Figure 2. Proposed Subdivision Plan

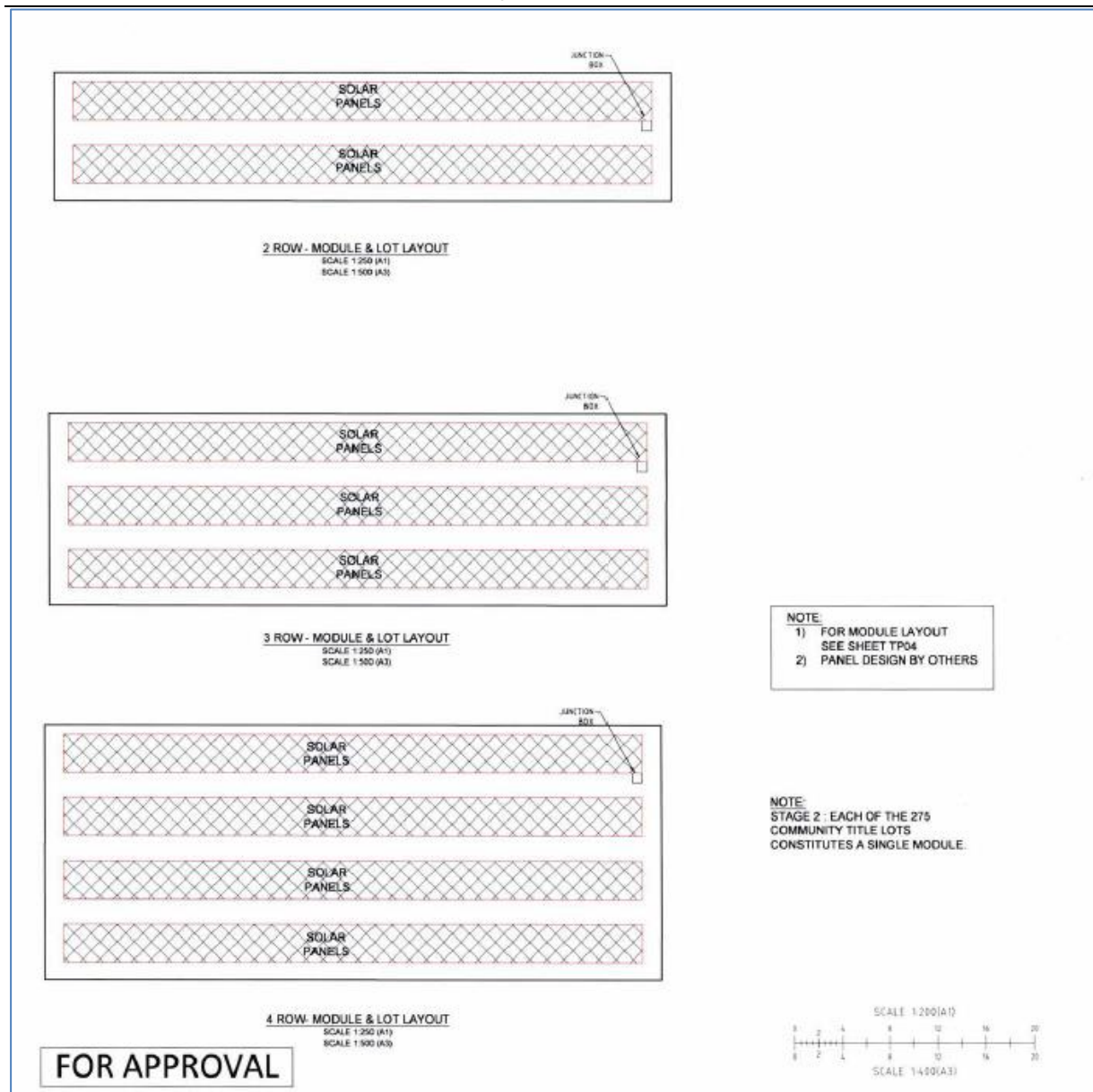


Figure 3. Proposed Site Plan

### 1.3 Compliance with Planning Controls

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

The development will have a capacity of 29.5 megawatt (MW). The development is not regarded as being Designated Development specified within *Schedule 3 of the Environmental Planning and Assessment Regulation 2000*. The development application has been lodged as a local development with no referral to external bodies.

### 1.4 Consultation

The development application was exhibited and notified in accordance with the *Section 2.2 and Schedule 1 of the Environmental Planning and Assessment Act 1979*. The Gunnedah Community Participation Plan required that the application be notified to adjoining and

surrounding neighbours and advertised in the local paper for a minimum period of 14 days. Council did not receive any submissions during the exhibition period and no late submissions were received.

### 1.5 *Recommendation*

It is recommended that Development Application DA2020/032 be approved, subject to conditions of consent contained in Annexure A.

### 1.6 *Annexures*

Annexure A      Draft Conditions of Consent

## 2. **Evaluation of Development Application**

### 2.1 *Proposed Development*

- Construction of a 29.5 MW solar energy generation facility, with an operation life of 25 years;
- Construction of an electrical substation and all associated infrastructure including, transformers, inverters, wiring, perimeter fencing and internal access roads;
- 275 lot subdivision (community title) over individual solar array modules; &
- Rehabilitation of solar electrical generation facility at end of 25 year operational life and removal of all above ground infrastructure, including removal of community title lots;

### 2.2 *Site Description*

The development is to be located on a portion of the development allotment, Lot 24 DP 1235089, 131 Quia Road. The development site has a total area of 142.2 hectares, with the development having a footprint of approximately 19.8 hectares. The development site has frontage to Black Jack, Quia and Ross Road.

### 2.3 *Background*

The development site has historically been utilised as an abattoir development, including the incorporation of holding ponds, onsite water retention and settlement ponds. An application (DA 2015/062) was previously tabled to the Northern Joint Regional Planning Panel (NJRPP) on the 9 December 2015 (JRPP Ref: 2015NTH020), for the:

- Development of 27MW solar energy facility and construction of an electrical substation and adjoining storage shed,
- Torrens Title Subdivision of 9 lots into 24 lots including extension of infrastructure services to each allotment,
- 272 Community Title lots over each of the 272, 100 kilowatt solar arrays,
- rehabilitation of solar electrical generation facility, including surrender of community titles;

The NJRPP resolved to approve this development. Since the issue of this development consent works have physically commenced for this development and the consent is considered to have been activated in accordance with Clause 4.53 of the *Environmental Planning and Assessment Act 1979 (EPA Act)*.

### 2.4 *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*

Evaluation of the development application was undertaken in compliance with Section 4.15 of the EPA Act.

***S4.15(1)(a)(i) any environmental planning instrument (EPI)***

➤ State Environmental Planning Policy (Infrastructure) 2007

The development is not considered to be a traffic generating development in accordance with Schedule 3 of this SEPP. The traffic generation of the development and its proximity to a classified road does not trigger the development as being a Traffic Generating Development which requires referral to the Roads and Maritime Services. Hence, Council is the roads authority for this development.

The development is to be undertaken within the area of the site zoned IN1, which is a *prescribed rural, industrial or special use zone*, under the provision of this SEPP and is permitted with consent despite any provision of the GLEP. Refer to Clause 2.3 of the GLEP assessment for permissibility.

The development is not located within 10 metres of an overhead power distribution line or 2 metres of a below ground distribution line. The development does not adjoin an easement for electricity purposes or a electricity substation. Hence, provision of Clause 45 of this SEPP, did not require referral of the development to the electricity supply authority for the Gunnedah Area (Essential Energy). The developer has made an initial enquiry with Essential Energy with no in-principle objection being made to the project proposal.

➤ State Environmental Planning Policy (Koala Habitat Protection) 2019

*State Environmental Planning Policy (Koala Habitat Protection) 2019* (Koala SEPP 2019) was the legislative policy in force at the time of the lodgement of the development application. This legislation has since been repealed with the *State Environmental Planning Policy (Koala Habitat Protection) 2020* coming into force on the 30 November 2020. Hence, as the Koala SEPP 2019 was in force at the time of lodgement the assessment for this development has been conducted under this policy.

The development site does not have a registered Koala Plan of Management, however, the site has an area of greater than 1 hectare, requiring assessment under the provision of the SEPP. An assessment report was prepared by suitably qualified persons from AREA into the availability of habitat and potential impacts on Koala populations. The development was considered to be Tier 2 development due to the potential impacts on Koala populations through vegetation removal.

The development site is heavily grazed with a long history of agricultural activities. The development site contains established vegetation across the development area with the area containing approximately 2.28ha of PCT 435, *White Box – White Cypress Pine Woodland*, approximately 1.96ha of PCT 592 *Narrow-leaved Ironbark – Cypress Pine – White Box Open Forest* and approximately 32.71ha of PCT 619 *Derived Wire Grass Grassland*. This vegetation was not considered as a Koala movement corridor, providing linkage between key Koala Habitat within the surrounding landscape. The derived grassland was not mapped as being native vegetation. Vegetation adjoining the property was considered to be more valuable vegetation suitable for sustaining Koala populations. However, the vegetation onsite within the impacted area is not desirable Koala habitat, was not considered to be 'Core Koala Habitat' and is unlikely to provide a drought or fire refuge.

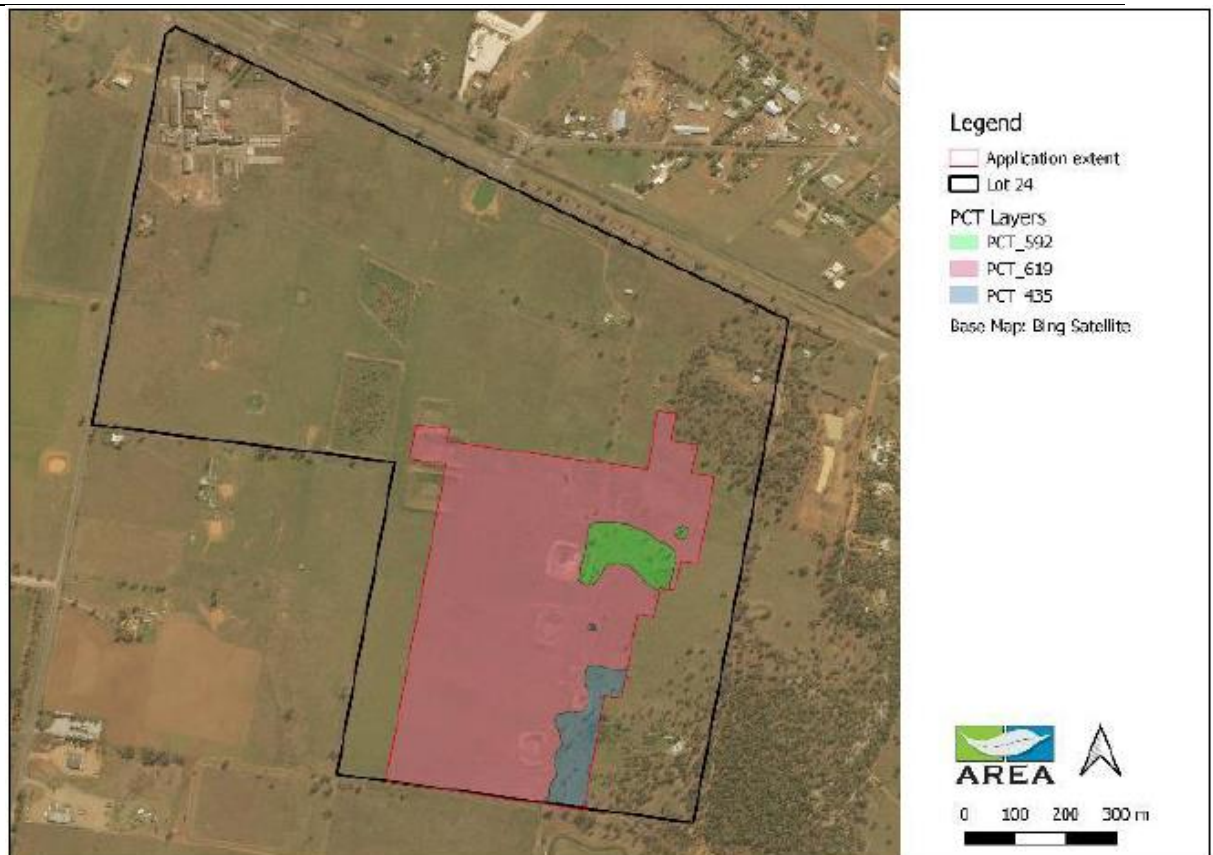


Figure 4. – Vegetation Community Type

Areas of vegetation to be cleared where considered as part of the BDAR assessment as the vegetation clearing exceeded BOS thresholds of the Biodiversity Conservation Act, refer to *SEPP* (Vegetation in Non-Rural Areas) 2017. The BDAR triggers offsets due to impacts on Koala populations. Offset credits are required to be retired prior to the issue of a Construction Certificate being issued to ensure that appropriate 'Core Koala Habitat' is retained.

A field investigation of the site did not identify the presence of any Koala individuals or any evidence of the presence of Koalas within the site, either by scats or tree scratches. A search of historical records identified one Koala sighting within the site. However, this sighting did not occur within the past 18 years.

The development proposes a security fence around the perimeter of the development area indicated on Figure 4. However, this fencing is not expected to prevent Koala movement throughout the remainder of the site or fragment Koala Habitat. Due to the low quality of the habitat to be removed and the operational impacts of the development will not result in direct Koala deaths or reduce the ability for Koala breeding. Hence, consent for the development is not prevented from being granted based on the assessment of this development.

➤ State Environmental Planning Policy No. 55 – Remediation or Land

The subject land has been historically used as an abattoir including grazing and stock holding in relation to the abattoir use. A portion of the site was also utilised as a tannery. The former abattoir buildings on the subject site was confirmed as containing asbestos materials. Additionally, in preparing the assessment for the approved 24 lot subdivision of the site, a detailed site investigation was completed which identified the presence of contamination on site.

Under works for Development Consent No. 2015/062 the developer has indicated that works were completed for removal of this material and an assessment undertaken by a qualified consultant has been undertaken. As this contamination sources are not located within the vicinity of the proposed development no remediation works are expected to be required as part of this development.

- State Environmental Planning Policy No. 64 – Advertisign and Signage  
The development does not propose any signage or advertising strucutres.
- State Environmental Planning Policy (State and Regional Development) 2011  
The proposed solar farm is a development for the purpose of electricity generation and does not have a capital investment value in excess of \$30 million with the development identified as having a Capital Investment Value of \$22 million. The development site is not located within an environmentally sensitive area of State Significance. Hence, the proposed solar farm is not considered to be SSD for the purposes of the *EPA Act 1979*.

The development is considered to be Regional Development as the development is identified as private infrastructure facility with a capital investment value of greater than \$5 million. As the development CIV exceeds \$5 million the development represents regional development and the Northern Joint Regional Planning Panel (NRPP) is the determining body for this assessment.

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
The development site is located within the IN1 General Industrial zone which is identified within this SEPP as being a land zoning to which this SEPP applies. The development includes the removal of a number of trees and native grasses from the site. The vegetation to be removed is identified as being a number of native species.

The area is highly modified with the site being historical used for grazing and agricultural activities in addition to those of the abattoir. As a result it is not expected that these planted vegetation constitutes critical habitat nor would it provide habitat for endangered ecological communities.

Council's development control plan does not identify any vegetation to which approval is required and hence Part 3 of the SEPP does not apply to the clearing of this vegetation. The removal of the vegetation onsite does exceed Biodiversity Offset thresholds and hence the developer has provided a Biodiversity Assessment Report (BDAR) which has determined that the vegetation will impact on Koala Habitat which generates a species credit of 14 points. Due to the limited area of the site, the need for the solar arrays to cover the designated area and not produce shading of panels means that there is minimal capacity to avoid the vegetation clearing. A condition is to be imposed that prior to works commencing a minimum of 14 credits are to be retired. The vegetation is not identified as being a heritage item and the site is not within a heritage conservation area. The vegetation was not an item of Aboriginal heritage or an Aboriginal object. Hence, the removal of the vegetation is considered appropriate for the development, due to retirement of offset credits.

- Regional Environmental Plans (REP)  
There are no regional environmental plans that apply to the development site.
- Gunnedah Local Environmental Plan 2012 (GLEP 2012)  
Cluases of the GLEP 2012 applicable to the development are addressed as follows.

### *2.3 – Zone Objectives and Land Use Table*

The proposed land use is defined as being Electricity Generating Works. This land use is not listed within items 2 or 4 within the land use table of IN1 General Industrial of the GLEP 2012. Hence, the land use is determined to be permissible with consent.

The development is consistent with the land use objectives of the IN1 land zone with the proposed development being an industrial land use activity which creates employment opportunities within the Gunnedah community.

### *4.1AA – Minimum subdivision lot size for community title schemes*

The entire area for the solar array modules is located within the IN1 zoned area of the site. This clause does not apply to the land with the zoning IN1, General Industrial. No community title subdivision lots are proposed within the E3, Environmental Management area of the site.

### *4.4 – Floor Space Ratio*

The development site has an identified maximum allowable Floor Space Ratio (FSR) of 0.6:1. The development allotment, Lot 24 DP 1235089, has an area of 142.2 hectares. The proposed development will have a Floor Space of approximately 19.8 hectares. The adjoining solar farm to be located on future Lot 24 of Development Consent No. 2015/062 has a floor space of approximately 16.6 hectares. The existing Abattoir buildings have an approximate floor space of 2.3 hectares. Hence, the development on the current allotment, in the event no subdivision occurs, would result in a FSR of 0.27:1.

Upon the formal registration of Lot 23 of Development Consent No. 2015/062, the development allotment will have an approximate area of 38.5 ha. The resulting FSR will be approximately 0.51:1. Hence, with or without the conducting of the subdivision works to the development, the development will not exceed the site FSR.

### *6.5 – Essential Services*

The development site has access to Council's water and sewer services. These services are available with adequate arrangements available for extension of these services internally if required.

Overhead electrical lines are present within the public road reserve adjoining the development site. The developer is to make application to the local service provider to connect to these services. Any upgrade works are to be identified and carried out in consultation with the local service provider.

The site has existing stormwater drainage systems located within the site. The development is to provide a Stormwater Management Plan prior to the issue of a Construction Certificate to ensure that stormwater generated from the development can be adequately accommodated within the existing stormwater network or onsite.

The development site has frontage to Black Jack, Quia and Ross Road with the ability to provide access to the site from any of these frontages. The development proposes a vehicle access from Ross Road with the vehicle access to be provided within the boundaries of future Lot 23 of Development Determination No. 2015/062.

***S4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the***

***Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

There are no draft environmental planning instruments applicable to the proposed development.

***S4.15(1)(a)(iii) any development control plan***

Gunnedah Development Control Plan 2012

➤ 4. Industrial

- *Clause 4.1 – Building Setbacks*

The proposed works are to be located substantial setback from each of the public road frontages. The closest boundary from the extent of the solar module arrays is over 150 metres. Side property boundary setbacks are to be compliant with the Building Code of Australia. A condition is proposed for a peg survey report to ensure that in the event the subdivision for Development Determination No.2015/062 is registered, that the solar farm and substation will be retained within a single allotment. Services and construction should not be located over property boundaries to ensure that all services and infrastructure are located within the same land title.

- *Clause 4.2 – Design*

The generally flat nature of the site provides an ideal surface for development of the solar farm and the lack of opportunities for overlooking minimise the likelihood of visual impacts to the public domain and surrounding properties. The proposed development also allows for adequate separation distances from sensitive receptors and exists in a suitable industrial environment.

It is satisfied that the proposed development would be compatible with the requirements of this clause where carried out in accordance with the recommendations of the visual impact assessment. The development will also have negligible impact on external infrastructure (e.g. road frontage to Kamilaroi Highway, adjoining properties etc.). As such, the provisions of this Part have been satisfied.

- *Clause 4.3 – Utilities*

The development does not require any connections to water or sewer infrastructure. However, an amenities block is proposed which will contain one toilet and hand basin to accommodate the full time employee. A S68 application is to be lodged for the installation and connection of this facility. The development is not expected to generate any trade waste. Hence, no trade waste application is required for the development.

The development site is not encumbered by any easements within the vicinity of the development which may prohibit the development from occurring in the proposed layout. The development has adequate provision of Council's sewer and water services for connection through the site with the proposed development not expected to generate a large increase in water service usage. A stormwater management plan is required to be provided to Council prior to the issue of a Construction Certificate to ensure that appropriate stormwater drainage networks are implemented as part of the development and that the existing stormwater drain is appropriately sized to take the stormwater generated from the site. Stormwater discharged from the site is not to exceed pre-development flows.

- *Clause 4.4 – Traffic and Access*

Vehicle access to the development site is available from Quia, Ross and Black Jack Road. The property address and main access will be from Ross Road and it is proposed to utilise this existing property access for access to the solar farm (construction and operation). All vehicles are able to enter and leave the solar site in a forward direction. Each of the public roads fronting the site are sealed local roads (approximately 7.2 metres wide) with gravel shoulders, table drains and grassed verges.

The applicant has advised the primary transport implication associated with the development is the construction and delivery traffic associated with the construction phase of the solar farm (3 heavy vehicles, 1 plant/machinery, and 34 light vehicles). It is also indicated that once the solar farm is operational, traffic movements will be limited to a maximum of one vehicle per day (weekdays typically) for maintenance.

Quia Road is a local road which is bitumen formation and satisfies Council's requirements for the proposal. However, the access points will require upgrading to accommodate the proposed development. The existing roads are capable of accommodating the traffic generated during and after the construction of the development. Additionally, given the minimal traffic generated by the proposal post construction, it is considered this will not conflict with existing vehicular movement throughout the locality.

- *Clause 4.5 – Parking*

In accordance with Council's local provisions industrial development is required to provide parking on the basis of 1 space per 75 m<sup>2</sup> Gross Floor Area (GFA) or 1 space per 2 employees (whichever is greater). The development when operational will generate a demand for 1 employee and therefore one car parking space. A condition will be imposed on any development consent to this effect.

- *Clause 4.6 – Landscaping*

The developer has not proposed to provide any landscaping around the solar farm. In order to aid in reducing any visual implication of the development and visual amenity of the area the developer is to provide a detailed landscaping plan with landscaping for the first 3 metres of the site setback. A condition has been recommended to this effect.

- *Clause 4.7 – Fencing*

The development proposes to construct boundary fences along the exterior boundary of future Lot 23 of Development Consent No. 2015/062. The future lot layout creates a battle axe shaped lot with an axes handle being the only frontage to a public space with a boundary fence.

The proposed fencing is not of a decorative nature within the front setback for visual amenity, as required by the DCP. A condition is proposed that requires a detailed plan of proposed fencing for the initial building setback area be provided to Council for approval prior to the issue of a Construction Certificate to ensure that the primary road frontage is adequately addressed and the visual appearance of the fence does not detract from the surrounding area. The application does not propose any security fencing for the remaining area of the site.

- *4.8 – Loading/unloading*

Adequate space and facilities are provided for loading/unloading of on-site during construction and operation. Adequate area also exists for vehicle movement to enter

and exit the site in a forward direction, satisfying requirements. A condition will be imposed in the notice of determination requiring loading bay(s) to be line-marked and signposted.

- *Clause 4.9 – Outdoor Lighting*

No outdoor lighting is proposed as part of the subject development. Any lighting installed is to be compliant with *AS 4282 Control of Obtrusive Effects of Outdoor Lighting*.

- *Clause 4.10 – Outdoor Signage*

There is no signage associated with the development proposal.

- *Clause 4.11 – Noise*

Development is not proposed within 400 metres of a residential zone. The noise source from the development will be from panel tracking. The development noise impacts are considered to be less than that of the EPA Noise Policy for Industry. The development is not expected to be a high traffic generating development. Hence, it is not expected that the development will generate excessive noise generation through vehicle movements.

The proponent has prepared a noise impact assessment in relation to the construction and operation of the proposed development. The study was undertaken to assess the potential impacts of the construction and operation of the proposed solar farm on nearby sensitive receptors. It is satisfied that noise impacts will have negligible impact during construction and operation of the development given the mitigation strategies imposed by the proponent.

A condition will be imposed as a condition of consent to ensure the protection of amenity for nearby receptors.

➤ 5. Subdivision

- *Clause 5.19 – Community Title Subdivision*

The development proposes to create a single community title allotment over each of the 275 solar module arrays, regardless of size of capacity. The application was accompanied by a Draft Community Management Statement for the implementation of the Community Title subdivision model. Common areas will include the entry access handle to the land and the remaining area surrounding the solar array modules.

It is highlighted that on the conclusion of the 25 year operational life of the solar development, the lots proposed under community title will become one lot, enabling future industrial land use.

- *Clause 5.20 – Contamination*

Consideration has been made to the potential for contamination on the site previously in this report.

- *6.6.1 – Environmental Effects*

A Construction Environmental Management Plan (CEMP) is proposed for the construction of the solar farm and is to incorporate, the following specific mitigation measures:

- Dust is to be minimised using the following means:
  - A water cart (truck), wetting all access roads and exposed dust surfaces as appropriate to the conditions of the project site.

- Wetting of stockpiled topsoil and other materials that exhibit significant dust lift off, as required.
- Stabilising techniques and/or environmentally acceptable dust palliatives if wetting down of surfaces prove to be ineffective.
- Erosion and sedimentation impacts associated with soil disturbance from the above activities are proposed to be minimised by undertaking works in accordance with provisions of the Managing Urban Stormwater: Soils and Construction series, in particular:
  - Managing Urban Stormwater: Soils and Construction, Volume 1, 4th edition (landcom 2004), known as 'the Blue Book'.
  - Volume 2A Installation of Services (DECC 2008a).
  - Volume 2C Unsealed Roads (DECC 2008b).

The CEMP will manage the construction of the solar farm and ensure that any associated impacts are controlled. The proponent has indicated the development will be controlled so that it will not detrimentally impact adjacent properties.

The SoEE identifies that there will be a number of potential sources of dust emissions during the proposed construction of the solar farm. Such sources include earthworks, vehicle movements. The SoEE also outlines the mitigation measures that are proposed to be implemented to minimise dust impacts during the construction and operation of the proposal.

Due to the nature of the use, it is considered that on-going operational use of the site for a solar farm is unlikely to lead to any detrimental impacts. On the end of the 25 year operational life of the solar farm, facilities and infrastructure are to be decommissioned via removal of all solar farm infrastructure, and community title lots surrendered. This will facilitate use of the land for industrial purposes, with no on-going limitations.

- **6.6.2 Erosion and Sediment Control**

Council's standard condition will be imposed for sediment and erosion control measures to be implemented during construction of the proposed solar farm and associated infrastructure.

- **6.6.3 Conflicting Land uses**

The use of the subject land is currently vacant but contains dilapidated building structures. The former use of the land was a combined abattoir, tannery and a grazing enterprise. The closest residential receptor is approximately 345 metres south-east of the proposed solar farm. Other surrounding uses are rural and industrial. As such, no land use conflict issues are expected to arise in terms of visual and acoustic privacy, dust, overshadowing or views as a result of approval of the application.

- **6.6.4 Waste Management**

Regular waste removal and maintenance as well as resource and waste management at the solar farm during and after construction have been detailed in the submitted Statement of Environmental Effects. Conditions have been included in the terms of consent to ensure the appropriate management of waste during construction and decommission of the development as well as waste management during the ongoing operation of the site. The ongoing development is not expected to generate extensive waste with no permanent staff or waste generated as a by-product of the development

operation. General waste where generated will be stored onsite and disposed to a suitably licensed waste facility.

- **6.6.5 Noise**

Noise impacts have been addressed previously through this report.

- **6.6.6 Geology**

The subject site is relatively flat and stormwater on the site will fall in a North West direction across the development area. The land does not have significant slope which may inhibit the development. Solar arrays can be appropriately stepped across the site based on natural grade of slope. Only minimal earth works are indicated. The solar arrays are single axis  $\pm 60$  degree horizontal tilt modules mounted on a fixed steel post structure driven approximately 2 meters below ground. Hence, the development is not expected to be invasive or impact on the slope of the site for natural water runoff.

***S4.15(1)(a)(iia) 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***

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under Section 7.11 of the Act.

***S4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)***

*Joint Regional Planning Panels Order 2009*

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

*Environmental Planning & Assessment Regulations 2000*

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

***S4.15(1)(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***

- ***Context & setting***

The land subject to this development application is situated in a rural and industrial locality. The development of the land would alter the appearance of the site and its relationship with the prevailing rural/industrial character of the area. The development site contains several partly demolished buildings that were previously utilised for the operation of the Gunnedah abattoir, including offices, two derelict dwellings and an existing dwelling that is currently being utilised as a residential dwelling.

To inform the assessment of this issue a Visual Impact Assessment has been submitted as part of the development. This visual impact assessment identifies that the proposed development is likely to have a low potential for the generation of low intensity and short duration potential glare hazards to nearby road users and industrial area. Furthermore, the proposed solar farm would also generate low intensity and short duration potential glare hazards to aircraft taking off from the western runway of Gunnedah Airport, heading in a north-westerly direction. The closest sensitive receptor is a residence situated approximately 345 metres east of the solar farm site. It is considered that the visual impact of the proposed development on low-moderately affected nearby receptors is negligible.

The solar farm site will not significantly detract from regional visual amenity. The site will not be visible from major public roads through the region such as Kamilaroi Highway due to the topography of the locality. The proposed solar farm may be partially visible from Quia Road and Blackjack Road. However, as the structures are setback from each road at a distance of 470 to 640 metres, the impact is not expected to be unacceptable.

As a result of the Visual Impact Assessment, the proponent does not provide a recommendation related to mitigating any potential impacts. However, Council requires that a landscaping plan be prepared for the exterior perimeter of the solar farm to reduce the potential visual impact on the wide landscape and visual impacts where visible from adjoining allotments and public spaces.

- *Access, transport and traffic*

Legal and physical access to the development site is available from Quia, Ross and Black Jack Road. The property address and main access is from Ross Road and it is proposed to utilise this existing property access for access to the solar farm.

Quia, Ross and Black Jack Road are all local roads which are bitumen formation, without the improvement of kerb and gutter. The section of road along the property entry is bitumen sealed. The property access is approximately 1.3 kilometres from the intersection of Quia Road and the Kamilaroi Highway.

The impact of the development on the surrounding roads is expected to be during the construction phase. Once the solar farm is operational, traffic movements are expected to be limited to a maximum of one vehicle per day. All trucks are expected to enter and exit the site via the existing access from Ross Road. The current road network is suitably designed to accommodate the expected vehicle traffic during construction and post completion. Traffic generated is expected to be suitably accommodated within the surrounding road network.

A Construction Environmental Management Plan (CEMP) Traffic Management Plan (TMP) are proposed by the applicant as part of the development. These plans will consider any possible impacts on the road network and mitigate such impacts. The mitigation measures are considered to be acceptable and conditions will be imposed to ensure these plans are issued to Council prior to the commencement of construction.

- *Public domain*

The impacts of the development on the public domain are limited. The development does not propose to include any public reserves. This is due in part to the location of the development, the nature of surrounding areas and the distance of the development site from key active public spaces within the closest township (Gunnedah).

Although the development is visible from a public place (i.e. a public road) it will not significantly obstruct any views and it is considered to be consistent with existing structures in proximity. It is considered that any impacts are likely to be minimal given the large setback of the solar farm from adjacent road boundaries, and the generally flat nature of the site. The topographic shielding to the east, the lack of overlooking properties and the visual buffer that the proposed industrial lots would provide between the road and the solar farm will also encourage minimal impact.

- *Utilities*

The site has existing provision of water, sewer and electrical services. Any upgrade to these services should be conducted in consultation with the local service provider. There are no triggers for payment of Section 64 Development Services Contributions for water or sewer services in accordance with Council's contribution plans.

- *Heritage*

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

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

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

- *Other land resources*

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

In order to support the decommissioning stage, a rehabilitation plan for the solar farm is proposed to be developed prior to commencement of decommissioning work to ensure that the land is suitable for future use.

- *Water*

The applicant has identified minor construction impacts to surface waters such as possible sedimentation as a result of site clearing and levelling for the solar farm.

Construction impacts to groundwater are also identified as possible and would likely relate to spills of chemicals or fuels during construction of the solar farm. The clearing of trees can potentially impact groundwater via the rise of saline groundwater through the soil profile. However, the proponent has identified tree clearing would be minimised and therefore it is not considered that this is likely for the subject site.

Furthermore, no water is proposed to be extracted from groundwater sources for construction purposes for any project element. Groundwater is also not expected to be intercepted during construction of the proposed solar farm. Additionally, there is not expected to be any water impacts on the adjoining properties as a result of the proposed administration imposed during construction and in the operations of the solar farm.

It is expected that impacts to the local surface and groundwater environments in relation to ongoing operations is considered to be limited given the largely passive nature of the solar farm.

A condition is to be imposed regarding stormwater management to ensure that post development off site flows match or improve on predevelopment levels.

- *Soils*

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

○ *Air and microclimate*

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

The internal driveway for future Lot 23 access handle will require a hard-sealed surface from the property boundary to the end of the access handle, to ensure that traffic movements do not create dust nuisance to the surrounding area. All internal access driveways are to be of a hard-sealed surface and regularly maintained.

○ *Flora and fauna*

The development is not considered to be critical habitat or include significantly endangered ecological species. The development is not expected to create any irreversible ecological impacts.

Section 1.7 of the EP&A Act 1979 specifies that the Act and the assessment of development applications under it, is subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016*. In accordance with the requirements of this Act the applicant has engaged an accredited ecologist to prepare a Biodiversity Development Assessment Report (BDAR) in relation to the development. It is considered the information provided in the BDAR is satisfactory and the proposed development can be supported from an ecological perspective subject to recommended conditions of consent.

The conclusions and recommendations of the BDAR generates a credit liability of 14 credits with respect to the impact on Koala habitat. However, no other credits have been generated. Recommended conditions of consent have been included in the determination following the review of the BDAR to ensure the appropriate species credits are met and the development is carried out in accordance with relevant requirements. The identified credits will require offsetting prior to the commencement of the development proceeding.

Consequently, the development satisfies the obligations in relation to Section 1.7 of the EP&A Act and Part 7 of the BC Act 2016.

○ *Waste*

There are a number of sources of waste identified for the construction of this development and these include:-

- Packaging materials
- Excess building materials
- Cabling
- Metal off-cuts
- Plastic and masonry products
- General refuse and other non-putrescible general solid wastes.

The solar farm will need to manage all type of wastes in accordance with the required guidelines. General waste associated with the proposed development will be stored in a designated area on site. This will be removed from site to a waste management facility on an as required basis. The proponent has identified that a Waste Management Plan will be utilised for the development which will include classifying and quantifying waste, tracking of waste leaving the site and the fate of materials to be recycled or disposed. The Plan will seek to minimise waste and maximise opportunities for recover and reuse.

The development will generate waste during the construction works. However, there will be significant waste generated during the decommissioning of the site with disposal of solar arrays and associated infrastructure. Council is requesting that a decommission plan be prepared prior to the issue of a Construction Certificate to ensure that any decommission waste that will be disposed of to its waste management facility can be accounted for in its long term plans and Environmental Protection License due to the potential large volumes of waste that may be disposed of the facility that is above the general expectation of community waste levels.

- *Energy*

The proposed development is expected to have a negligible impact on energy resources.

- *Noise & vibration*

The proponent engaged a consultant to prepare a Noise Impact Assessment (NIA) to assess the potential impacts of the construction and operation of the proposed solar farm on nearby sensitive receptors in accordance with the applicable NSW policies and guidelines. It was determined that the most significant construction noise impacts are predicted to be associated with site preparation activities and the installation of support poles (specifically pile driving). Other sources of noise related to the development include construction vibration, road traffic construction noise and operation noise.

Section 5.14.3 of the SoEE identifies that noise from the construction and operation of the proposed development will be mitigated by implementing a number of measures. These measures have been listed in the NIA. The proponent also states that machinery will meet industry standards.

- *Natural hazards*

The site is not identified as being subject to flooding. A small portion of the development site is mapped as being subject to bushfire. There are no areas located within the footprint of the proposed electrical generating works. A Bushfire Assessment Report was not required to accompany the specific location of the development is not mapped as bush fire prone and the development proposed does not involve residential or residential related buildings.

- *Technological hazards*

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

- *Safety, security & crime prevention*

The development will not result in any decrease in safety, security and prevention of crime in the area. The development will not include any surveillance of the property. Staff movements will be minimal and will act as natural surveillance of the site. Development plans have indicated that the entire perimeter of the electricity generating works site will have a security fence installed to reduce security issues.

The four (4) Crime Prevention Through Environmental Design (CPTED) principles are also to be considered in the development to ensure it does not create or exacerbate crime risk. The proposed development satisfies the requirements prepared by the former *NSW Department of Urban Affairs and Planning* (DUAP 2001).

- *Social & Economic impact in the locality*

The development will have little social impact on the surrounding area and will be consistent with existing industrial and rural related development on adjoining allotments.

The economic benefits associated with the development are expected to be generally positive through providing opportunities for local employment throughout the construction and operation phase.

- *Site design and internal design*

The subject site is zoned *IN1 General Industrial* with nil Minimum Lot Size in the zone. It is considered that the proposed development is unlikely to result in land use conflict. The proposed development is located with adequate setbacks from all lot boundaries in a rural/industrial setting. The proposed development is not an over development of the site and the solar farm are set back at adequate distances from adjoining receptors.

The solar farm site will not significantly detract from regional visual amenity. The solar farm will be barely visible from the major public road (Kamilaroi Highway) due to the setback distance and topography. With the conducting of landscaping around the perimeter of the development site, the impact to adjoining properties is not considered to be unacceptable.

- *Construction*

Any construction works is to be compliant with the Building Code of Australia. A Construction Environmental Management Plan is to be provided to Council and approved prior to any works being undertaken.

A condition will be imposed that limits the construction activities to 7:00 am - 5:00 pm Monday to Friday, and 07:00 am - 1:00 pm on Saturday. There will be no construction activities on Sundays or public holidays. Conditions have been included in the terms of consent in order to mitigate any potential impacts arising during construction work for the proposed dam and associated earthworks.

- *Cumulative impacts*

The construction impacts of the development are considered to be short term. The proponent has indicated that a construction environmental management plan will be prepared incorporating a traffic management plan. These plans will ensure that impacts associated with the transport of materials to the site would be appropriately managed and potential impacts are minimised.

The cumulative impacts of the proposed development are deemed to be acceptable in this instance, subject to the imposition of the recommended conditions of development consent. Additionally, 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.

#### ***S4.15(1)(c) the suitability of the site for the development***

***S4.15(1)(d) any submissions made in accordance with this Act or the regulations******Community Participation Plan 2020 – Consultation***

The development involves the construction of a solar farm and a 275 lot community title subdivision. It is expected that there will be some impact on adjoining land holders. Hence, under the requirements for the Community Participation Plan 2020 the development application was notification to the adjoining land holders and placed on public exhibition for 14 days. Council did not receive any submissions during the exhibition period.

***S4.15(1)(e) the public interest***

The development is not integrated or designated development. During the advertising and neighbour notification period Council received no submissions. Therefore, no further discussion is required.

### **3. Conclusion**

The development application is seeking approval for the construction of 29.5 megawatt (MW) electrical generation works (Solar Farm) in the form of 275 solar arrays and community title subdivision of each individual solar array, creating 275 community title subdivisions. Electrical generation works is to occur for a period of 25 years from the commencement of generation works and is to include decommissioning of solar arrays and all associated infrastructure upon completion of generation works.

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

It is recommended that, in relation to Development Application No. 2020/032 at Lot 24 DP 1235089, 131 Quia Road, be approved subject to the listed conditions of consent identified within Annexure A.

## ANNEXURE A – CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 2020/032

### A. THAT DEVELOPMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

- Development Application form lodged, 08 May 2020;
- Statement of Environmental Effects, prepared by Premise, dated 28 January 2020, ref: 218294\_SEE\_001D.docx; and
- Submitted plans:
  - Prepared by *Ekstica*, dated 4 September 2018, Drawing No.: E05 (Substation General Layout),
  - Prepared by *Premise*, dated 21 October 2019, Revision D, Drawing No.s: 01C\_TP01 to 8 (Site locality, Current Lot Layout, Proposed Community Title Subdivision Plan and Module Layout, Proposed Solar Module & Lot Layout, Module Lot Configurations Details, Proposed Fencing Plan, Proposed Fencing Details, Proposed Substation & Compound Plan),
- Supporting Documentation:
  - Koala Assessment Report, prepared by AREA, dated 19/11/2020;
  - Solar Panel Technical Details Prepared by *Trinasolar*;
  - Biodiversity Assessment Report, dated January 2020, prepared by *AREA Environmental Consultants and Communication*;
  - Ironbark Solar Farm Constraints Analysis Report, dated 21 May 2019, prepared by *ecological Australia*;
  - Draft Community Management Statement for Lot 23 Quia Road Gunnedah;
  - Detailed Site Investigation, Version 2 - 10 March 2016, prepared by *Geolyse*;
  - Analytical Laboratory Reports, dated February 2016, prepared by ALS Environmental;
  - Noise and Vibration Impact Assessment, dated 22 January 2020, prepared by *Assured Environmental*.

except as otherwise provided by the conditions of consent.

**Reason: To ensure compliance with application and plans.**

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

- Construction of a maximum 275 solar array modules, by the completion of the following works:
  - Construction of a 29.5 MW solar energy generation facility, with an operation life of 25 years;
  - Construction of an electrical substation and all associated infrastructure including, transformers, inverters, wiring, perimeter fencing and internal access roads;
  - Rehabilitation of solar electrical generation facility at end of 25 year operational life and removal of all above ground infrastructure, including removal of community title lots;
- Community Title Subdivision creating 275 Community Title allotments (community title lots created over each solar array module);
- Generation of a no more than 29.5 megawatt (MW) per annum;
- Construction of boundary fence around Electrical Generation Works (Solar Farm) and substation;

- Operational life of electrical generating works of no longer than 25 years from the commencement of electrical generating operations; and
- Decommissioning of all solar arrays, above and below ground infrastructure and electrical substation and any other structures or infrastructure relating to solar generation works, and surrender of all community title allotments upon cease of operational life of solar generation works in accordance with the rehabilitation plan required by condition D1 of this determination.

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

**Reason: To ensure compliance with application and plans.**

- A3.** To confirm and clarify the terms of this approval, development consent is not granted for the operation of the proposed Electrical Generation Works (Solar Farm) for a period greater than 25 years from the commencement of electrical generating operations.

**Reason: To ensure compliance with application and plans.**

**A4. Decommissioning**

At the completion of the 25 years lifespan of the development the site is to be returned to a standard that would support the industrial use of the site, and as outlined in the approved Statement of Environmental Effects and approved Decommission and Rehabilitation Plan.

A decommissioning report is to be provided to Council a minimum of 6 months prior to the cessation of the 25 year approval period specified within condition A3. The decommissioning report is to be to the satisfaction of Gunnedah Shire Council's General Manager or Delegate.

Documentary evidence is to be provided to Council from a suitably qualified person to confirm that the development has been successfully decommissioned to a standard to support the industrial use of the land in accordance with this requirement and that all community title allotments have been surrendered.

**Reason: To ensure required rehabilitation works are completed.**

## **B. PRESCRIBED CONDITIONS**

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

**B1. Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)**

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

- (1) For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work—
  - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
  - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (1A) For the purposes of section 4.17(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply—
  - (a) to the extent to which an exemption is in force under clause 164B, 187 or 188, subject to the terms of any condition or requirement referred to in clause 164B(4), 187(6) or 188(4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant—
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

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

**Reason: To ensure compliance with the statutory requirements.**

**B2. Erection of signs**

- (1) For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
  - (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—
    - (a) showing the name, address and telephone number of the principal 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.
  - (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
  - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
  - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
  - (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.
- Note.** Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

*Reason: To ensure compliance with the statutory requirements.*

## C. PRIOR TO COMMENCEMENT OF WORKS

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

*Reason: To meet statutory requirements.*

- C2.** Prior to work commencing appropriate measures are to be implemented in relation to erosion and sediment control. Such measures are to be maintained during the construction of the development in accordance with Council's Gunnedah Development Control Plan 2012.

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

- C3.** Prior to the commencement of building works a "Peg Survey Report" indicating the location of the external boundary of the proposed electrical generation works (Solar Farm), is to be supplied to Council confirming the position of all structures, relative to the lot boundaries of proposed Lot 23 (granted by Development Consent No. 2015/062.004). All structures, services and landscaping must be located within the area designated by this proposed allotment.

*Reason: To ensure compliance.*

- C4. Clearing Management**

Approved Clearing limits and Tree preservation zones are to be clearly delineated with temporary fencing or similar prior to construction commencing.

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

## D. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- D1.** Prior to the issue of a Construction Certificate a site Decommission and Rehabilitation Plan is to be provided and be approved by Gunnedah Shire Council.

The Decommission and Rehabilitation Plan is to include but not be limited to:

- Proposed method of removal of infrastructure from the site;
- Proposed method of disposal of solar panels, including expected waste volumes and potential location of disposal;
- Method of stabilisation of final land form, post decommission; and
- Required site validation and remediation works;

*Reason: To ensure appropriate consideration is made for decommissioning and rehabilitation of the development site.*

- D2.** Prior to the issue of a Construction Certificate, details of proposed fencing design and materials for the proposed fence to be located within the front boundary setback of around Electrical Generation Works (Solar Farm) and substation where directly fronting Quia Road or Ross Road to the building setback of 10 metres, are to be submitted to and approved by Council. The front boundary fence is to be of a decorative nature and must not incorporate any barbed wire within the construction. Gate entry is to be positioned to ensure that any vehicle expected to access the site (construction or operational) is able to pull off the road without any part of the vehicle becoming a hazard to other motorists.

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

- D3.** Prior to the issuing of a Construction certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The current levy payable is \$65,000.

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

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

- D4.** Material used as fill within the site must be free of contaminants. A report is to be submitted to Council prior to the issue of a Construction Certificate, providing details of fill including source of fill and potential contaminants within sourced soil.

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

- D5. Species Credit Retirement Conditions**

- (a) Prior to issue of construction certificate, the class and number of species credits in Table 1 must be retired to offset the residual biodiversity impacts of the development in accordance with the submitted Biodiversity Assessment Report (BDAR), prepared by AREA Environmental Consultants and Communication, dated January 2020.
- (b) The requirement to retire credits outlined in condition (a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- (c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the consent authority prior to issue of construction certification.

Table 1 Species credits required to be retired – like for like

| Impacted species credit species       | Number of species credits | IBRA sub-region |
|---------------------------------------|---------------------------|-----------------|
| <i>Phascolarctos cinereus</i> (Koala) | 14                        | Anywhere in NSW |

**Reason: To meet statutory requirements.**

- D6.** Prior to the issuing of a Construction Certificate, the Developer shall apply to Council for approval under Section 68 of the Local Government Act, 1993 to:
- (a) Carry out water supply works
  - (b) Carry out sewerage works
  - (c) Carry out stormwater drainage works

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

**Reason: To ensure environmental health standards are met.**

- D7.** Prior to the issue of a Construction Certificate, a landscaping plan shall be submitted to and be approved by Council. The plan shall illustrate a minimum three (3) metre wide landscaping buffer around the exterior perimeter of the solar development (future Lot 23) and the electrical generation works substation. Vegetation should be staggered to create a more effective vegetation barrier. Details of proposed tree species, height at maturity and proposed pot size are to be submitted to Council.

**Note.** Suitable vegetation species should incorporate low maintenance, drought and frost tolerant species, suitable for the climatic conditions of the region.

**Reason: To ensure adequate landscaping to minimise visual impacts**

- D8.** Prior to the issue of a Construction Certificate a Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to Council for assessment and approval.

The Stormwater Management Plan is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater can be intercepted, drained and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Any proposed works (e.g. diversion banks, drains etc) must be designed in accordance with Australian Rainfall and Runoff to cater for the 1 in 20 year storm.

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

- D9.** Prior to the issue of a Construction Certificate a Construction Traffic Management Plan (CTMP) is to be submitted and approved by Council in relation to construction of the development. Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by Council in writing prior to the issue of a Construction Certificate.

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

#### **Allotment Filling**

- D10.** Any filling proposed on the allotment requires certification as to its suitability by an appropriately qualified Consulting Engineer. The fill material is to be submitted to and be approved by Council prior to the issue of a Construction Certificate.

**Reason: To ensure compliance with Council's requirements.**

- D11.** A Construction Environmental Management Plan (CEMP) is to be prepared and submitted to Council for review and approval prior to the Issue of a Construction Certificate. This plan shall include but not be limited to:

- Identifying critical life cycle events of target species and detail timing of vegetation clearing to ensure no impacts to these target fauna occur.
- measures to avoid noise encroachment on adjacent habitats, such as avoiding night works as much as possible and directing lights away from vegetation.
- Identify tree protection zones (TPZ) around retained trees for management for the duration of construction in accordance within Australian Standard 4970-2009 – Protection of trees on development site.
- sediment and dust control measures to prevent indirect impacts to retained vegetation including an adaptive dust monitoring programs to control air quality, daily monitoring of dust generated by construction activities with all activities relating to the proposal would be undertaken with the objective of preventing visible dust emissions from the development site.
- vehicle hygiene protocols

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

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

- D12.** A Soil and Water Management Sub-Plan (SWMP) is to be submitted to and be approved by Council prior to the Issue of a Construction Certificate, forming part of the CEMP, for review and approval prior to the commencement of construction of the development. This plan shall be implemented throughout the construction of the development.

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

**D13. Site Waste Minimisation Management Plan**

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

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

**E. GENERAL**

- E1.** Runoff from rainfall events up to, and including the 5 year ARI event must be contained within a piped or channelised system of adequate size to accommodate post development stormwater flows. Flows greater than the 5 year ARI event up to and including the 100 year ARI must be controlled within overland flow paths. Where flow paths are located on private property, an easement shall be provided in favour of the lots/lands that benefit.

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

- E2.** Stormwater from the development site must not be concentrated onto adjoining land. Stormwater runoff from the proposed development shall be directed to the drainage channel located within future Lot 24.

*Reason: To ensure compliance with Council's requirements.*

- E3.** Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

*Reason: To ensure compliance with Council's requirements.*

- E4.** Excavated material from the site is not to be placed on or used to alter the level of Council's footpath, with no earth batters are to extend beyond the property boundary line. The placement of fill to support the kerb and gutter is not included in this condition.

*Reason: Implementation of Council policy.*

**Access - Urban**

- E5.** The existing vehicular access shall be from Ross Road is concrete driveway across the footpath in accordance with Council's standards and specifications. A copy of the concrete crossover specification sheet can be downloaded or viewed on Council's website at: <http://www.gunnedah.nsw.gov.au>

- a) Before commencement of this work, construction levels are to be obtained from Council's Infrastructure Services. A security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.
- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2-3%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

**Reason: To implement Council's policy.**

#### **Access**

- E6.** The developer shall construct the internal driveway from the Northern lot boundary along Ross Road for the full extent of the access to the electricity Generation Works. The internal driveway is to be constructed of either bitumen seal, asphaltic concrete, concrete, interlocking pavers or alternative dust-suppressant material approved by Council.

**Reason: To prevent dust nuisance.**

- E7.** The developer shall install a full width concrete kerb layback and concrete driveway crossing across the footpath to give access to the development site, accessed to the approved Lot 23 indicated on 'Proposed Community Title Subdivision Plan and Module Layout', prepared by Premise, dated 21/10/19, Reference: 218291, Drawing No. 01C\_TP03, Revision D. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

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

#### **Traffic and Parking**

- E8.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or alternative product must be provided to Council and approved. Parking areas must comply with AS 2890 – Parking Facilities.

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

#### **Noise**

- E9.** The development shall not generate noise, when measured over a 15 minute period ( $L_{AEQ, 15min}$ ), which exceeds the following noise levels at the most affected nearby residential receivers:
- 65dba, during daylight hours (7:00am - 6:00pm Monday to Saturday; or 8:00am to 6:00pm on Sundays and Public Holidays) ;
  - 55dba, during evening hours (6:00pm to 10:00pm);
  - 50dba, during night hours (10:00pm – 7:00am Monday to Saturday, and 10:00pm – 8:00am Sundays & Public Holidays),

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

- E10.** Operating noise emission levels from the electrical substation must comply with the EPA's NSW Industrial Noise Policy.

**Reason: To ensure compliance.**

- E11.** Onsite car parking accommodation shall be provided for a minimum of one (1) vehicle within the development area (future lot 23), to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the

submitted plans, except as otherwise provided by the conditions of this consent. All parking spaces are to be marked to ensure compliance with *AS 2890 Off Street Parking* for parking space dimensions.

***Reason: To ensure compliance with Council's requirements.***

***Outdoor Lighting***

**E12.** Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

***Reason: To ensure compliance.***

**E13. Hollow Bearing Tree felling and wildlife rehoming**

An ecologist or trained wildlife handler is to be present during the felling of all hollow bearing trees. Any fauna captured as part of this process are to be relocated into surrounding suitable habitat and any injured fauna are to be taken to the nearest veterinary hospital or wildlife carer.

***Reason: To ensure compliance with applicable legislation.***

**F. DURING CONSTRUCTION WORKS**

**F1.** A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

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

**F2.** The storage of all building materials shall be confined within the boundaries of the allotment.

***Reason: To ensure site safety.***

**F3.** The approved erosion and sediment control facilities are to be provided and maintained throughout the construction of the development.

***Reason: To ensure compliance with Council's requirements.***

**F4.** Any damage caused to kerb, guttering and/or footpath during building operations, shall be rectified by the developer in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

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

**F5. Fire-fighting water supply**

The developer is to provide a minimum 20,000 litre water supply (tank) fitted with a 65mm storz fitting shall be located adjacent to the internal property access road within the required APZ.

***Reason: To ensure compliance and fire safety of Building.***

**F6.** Removal of any known or suspected contaminated waste or soil is to be tested and disposed of to a suitably licensed facility.

***Reason: To ensure suitable disposal of contaminated waste.***

- F7.** All excavation and operation works shall cease on site should the identification of an item of potential aboriginal or European heritage significance be discovered during excavation and operation works. The Office of Environment and Heritage shall be contacted and any required approvals are to be obtained before the re-commencement of excavation and operation works.

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

**F8. Toilet facilities**

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

Each toilet provided:

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

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

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

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

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

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

**Reason:** *To ensure environmental health standards are met.*

- F9.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

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

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

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

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

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

**G. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- G1.** Occupation of the building and operation of the solar energy generation facility is not to occur until all work has been completed the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

***Reason: To meet statutory requirements.***

***Landscaping***

- G2.** All landscaping identified on the approved landscaping plan shall be implemented prior to the issue of an Occupation Certificate.

***Reason: To ensure adequate landscaping along road frontage.***

**H. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (COMMUNITY TITLE SUBDIVISION)**

- H1.** An application for a Subdivision Certificate and payment of the subdivision fee applicable at the time shall be lodged with Council.

Note: The application fee is adopted under the Council's 2020/2021 Operational Plan. Revised fees adopted in the subsequent Operational Plans will apply to lots released in later financial years.

***Reason: To ensure payment of application fee.***

- H3.** Prior to the issue of a Subdivision Certificate for the Community Title Subdivision, the developer is to provide Council with a copy of the FINAL Community Management Statement.

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

**I. CONTINUED OPERATIONS**

- I1.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

***Reason: To ensure maintenance of landscaping.***

- I2.** The sealing to all internal driveways, vehicular parking, manoeuvring and loading areas is to be maintained at all times.

***Reason: To ensure maintenance of car parking areas.***

- I3.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

***Reason: To ensure compliance with Council's requirements.***

- 14.** The proposed substation shall not be used for any commercial use without the prior written consent of Council.

***Reason: To ensure compliance***

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

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

- 16. Asset Protection Zone Development Area**

At all times the entire solar array development footprint is to be managed as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

***Reason: To ensure compliance and fire safety of Building.***