

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PAN-554021 – DA2025/23
PROPOSAL	The construction and operation of a 5 MWAC Solar Farm and 11 MWh Battery Energy Storage System (BESS) defined as Electricity Generating Works
ADDRESS	200 Warialda Road, Warialda NSW 2402 Lot 2 DP 1222620
APPLICANT	Fortitude Renewables Pty Ltd
OWNER	Gwydir Shire Council
DA LODGEMENT DATE	04/08/2025
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Development Application (DA)
REGIONALLY SIGNIFICANT CRITERIA	Clause 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council related development over \$5 million
CIV	\$8,763,948 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	Biodiversity and Conservation 2021SEPP, Gwydir LEP 2013, Planning Systems 2021, Resilience and Hazards 2021, Transport and Infrastructure 2021
TOTAL & UNIQUE SUBMISSIONS ISSUES IN SUBMISSIONS	Three (3) submissions received. Refer to assessment against 'The Public Interest' in the Assessment Report
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects, plans, Glint and Glare Assessment, Aboriginal Archaeological Due Diligence Assessment, Noise and Vibration Assessment, Traffic Impact Assessment, Resource and Waste Management Plan
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	No

SCHEDULED MEETING DATE	16 February 2026
PLAN VERSION	21 June 2023 Version No A
PREPARED BY	Cliff Schmidt (PSA Consulting) on behalf of Gwydir Shire Council
DATE OF REPORT	16 January 2026

1. PROPOSAL DESCRIPTION

The Development Application is made by Fortitude Renewables Pty Ltd, for the construction and operation of a 5 MW_{AC} Solar Farm and 11 MWh Battery Energy Storage System (BESS) at 200 Warialda Road, Warialda, NSW 2402 (Lot 2 DP 1222620). The proposal is defined as an Electricity Generating Works under the *Gwydir Local Environmental Plan 2013*.

The proposed development will occupy approximately 15 ha of the site (total site area approximately 43ha), accommodating solar photovoltaic (PV) arrays mounted on single-axis tracking systems, four inverter stations, a central power conversion station, a battery storage unit, internal access roads and associated electrical infrastructure.

Supporting works include vegetation removal required for site establishment and access, installation of underground and overhead cabling, security fencing, and connection to the nearby Essential Energy 22 kV network within the Warialda Road reserve.

A 20 metre trafficable Asset Protection Zone (APZ) will surround the solar farm infrastructure consistent with NSW Rural Fire Service requirements.

Areas of Aboriginal archaeological sensitivity, including the identified Aboriginal object AHIMS 11-5-0117, are fully avoided, with the development footprint located outside the 10 metre exclusion buffer identified in the Aboriginal Archaeological Due Diligence Assessment by the applicant.

The site is zoned E4 General Industrial Zone under the *Gwydir Local Environmental Plan 2013* and the development of Electricity generating works is permissible with consent. The proposal is considered to be compatible with existing land uses, including the adjacent Warialda Zone Substation and surrounding rural and industrial landholdings, and contributes to the State's renewable energy transition objectives.

This report has been prepared in accordance with the *Environmental Planning and Assessment Act 1979*, the *Gwydir Local Environmental Plan 2013* (LEP), and other relevant planning instruments.

2. PROPOSED WORKS

The proposal involves the construction and operation of a 5 MW AC solar photovoltaic (PV) electricity generating facility and an 11 MWh Battery Energy Storage System (BESS) on approximately 15 hectares of land at 200 Warialda Road, Warialda.

The development comprises:

- Installation of solar array panels on piled tracking systems;
- Installation of containerised lithium-ion batteries with a capacity of up to approximately 11 MWh (BESS);
- Overhead transmission line to connect the Essential Energy Warialda substation network;
- Development of a new site access from Warialda Heavy Vehicle Bypass;
- Installation of temporary construction office and amenities;
- Installation of Solar Panel arrays and battery storage cells;
- Earthworks for construction lay-down area, hardstand areas and internal roads;
- Installation of inverters, transformers, and switchgear;
- Removal of 11 trees within the road reserve;
- Vegetation clearance of the development area limited to a maximum of 0.84ha¹; and
- Construction of security fence and entrance gate.

Access and Internal Roads

A new access approximately 12.5m wide is proposed off Dogleg Drive, approximately 600m east of Warialda Road. Internal roads are also proposed within the development site to provide access to the BESS.

Earthworks

Minimal earthworks are required to construct the proposed development. Erosion and sediment control measures will be implemented around the perimeter of the construction footprint to mitigate the potential impacts from earthworks.

Aboriginal Heritage

An Aboriginal archaeological due diligence assessment was undertaken by Virtus Heritage for the project. As part of the assessment a silcrete flake AHIMS 11-5-0117 was identified on the perimeter of the eastern boundary of the project area. To mitigate and avoid harm to potential Aboriginal objects, the assessment recommended redesign of the project during detailed design to ensure no ground disturbing works or use of heavy machinery will be carried out within 10m of the object.

¹ Pg8, SEE.

To ensure the development and associated works do not impact the Aboriginal object AHIMS 11-5-0117 and the associated area of archaeological sensitivity, and in response to Council's request for information, a revised site layout plan was submitted demonstrating that no ground-disturbing works or use of heavy machinery will occur within 10m of the object and the corresponding area of sensitivity.

Operational Details

Once operational, the development will run with minimal on-site activity and be largely automated, with performance and safety monitored remotely. On-site work will be confined to periodic inspections, routine vegetation control, minor road and equipment maintenance, and occasional servicing of the BESS.

Operational Traffic

Traffic will be minimal and no permanent staff will be based at the site. The traffic impact assessment by the Intersect Traffic notes that *Traffic movements generated by the operation of the development would include a single staff light vehicle movement associated with maintenance inspections as required and specific maintenance work which would be short term and infrequent.*

Bush Fire Protection Measures

The project site is located within Category 1 bushfire prone land being the highest risk for bush fire. In the context of Planning for Bushfire Protection 2019 (PBP2019), solar farms require special consideration and are to be provided with adequate clearances to combustible vegetation, firefighting access. To ensure compliance with PBP2019, the application proposes a 20m Asset Protection Zone (APZ) around project related infrastructure and associated maintenance of the APZ.

On-site water supply for fire fighting purposes with a minimum volume of 20,000L (stored in a non-combustible storage tank) is also to be provided.

Prior to the construction a Bush Fire Emergency Management and Operations Plan will be developed identifying all relevant risks and mitigation measures associated with the construction and operation of the solar farm.

The development application was referred the NSW RFS as a non-statutory advice agency on 8 August 2025. A response and recommended conditions were provided on 28 August 2025. These conditions were included in the Conditions of Consent.

Stormwater

Stormwater management during the construction and decommissioning phase will be carried in accordance with Landcom 2004 'Bluebook' and Volume 2C Unsealed Roads (DECC, 208).

During the operation of the development, perennial grass cover will be maintained at the solar farm project area and re-established to its former state after decommissioning.

Construction Activities

Construction works will be carried out in accordance with the Interim Construction Noise Guidelines (State of NSW and Department of Environment and Climate Change NSW, 2009) and will be undertaken between 7am to 6pm Monday to Friday and 8am to 1pm Saturday and at no times on public holidays. Dust and construction equipment management is proposed in accordance with Section 124 of the *Protection of the Environment Operations Act 1997* and Clause 16 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.²

Construction Waste Management

Construction waste will be managed under a site-specific Waste Management Plan prepared before works begin. Materials will be re-used on-site, where feasible, such as mulched vegetation. Any waste that cannot be reused will be removed and either recycled or disposed of at a licensed waste facility.

Temporary toilets will be provided during construction, with effluent collected and removed by qualified contractors. These facilities will be taken off-site once construction is complete.

3. DEVELOPMENT PLANS



Figure 1 Proposed site layout

² Pg 41, SEE.

4. SITE CONSIDERATIONS

Site Condition

The site is legally described as Lot 2 DP 1222620 and is located at 200 Warialda Road, Warialda. The site has a total area of approximately 43 hectares of which approximately 15 hectares will be used for the Solar Farm and BESS Project. The land forms part of a larger Council-owned parcel historically used as a works depot and quarry area, and is currently characterised by disturbed open grassland, patches of regrowth woodland, and previously cleared operational land.

The project area has been historically cleared and removed of any significant trees, understorey plants or groundcover. The site is not identified on biodiversity mapping and there are no known sightings recorded of threatened or endangered species within the project area.

Topography

The topography consists of gently undulating terrain, with elevations ranging between approximately 368 m and 392 m AHD. The proposed solar farm footprint occupies approximately 15 ha within the northern portion of the lot. The land has already been subject to disturbance from historic quarrying and machinery operations.

Surrounding development

The subject site is surrounded by heavily vegetated RU1 zoned land to the north, east and west of the site with RU5 Village zoned land to the south. The Essential Energy Warialda substation is located in the south-western corner of the site.

Nearby residential dwellings and acoustic receivers

A total of eight residential receivers and one commercial receiver (Council Depot) have been identified within proximity to the project in relation to noise impact. The closest sensitive receiver is a residential receiver located 300 m from the project area. These receivers are identified in the Noise Vibration Impact Assessment by Assured Environmental.

Servicing

The site is not serviced by reticulated water, sewer or power.

Hazards or constraints

No environmental or land-use constraints have been identified that would preclude the development. The site is free of flooding as confirmed from the council ARC GIS Web Map.

Title

The subject site is owned by Gwydir Shire Council. Title searches confirm the lot contains no easements or restrictions that would prevent the establishment or operation of the solar farm and associated infrastructure.

Aboriginal Heritage

One silcrete flake (AHIMS 11-5-117) was identified within the project area and the object and associated area of sensitivity is depicted in the figure below. To ensure the development and associated works do not impact the Aboriginal object AHIMS 11-5-0117 and the associated area of archaeological sensitivity, and in response to Council's request for information, a revised site layout plan was submitted demonstrating that no ground-disturbing works or use of heavy machinery will occur within 10m of the object and the corresponding area of sensitivity.

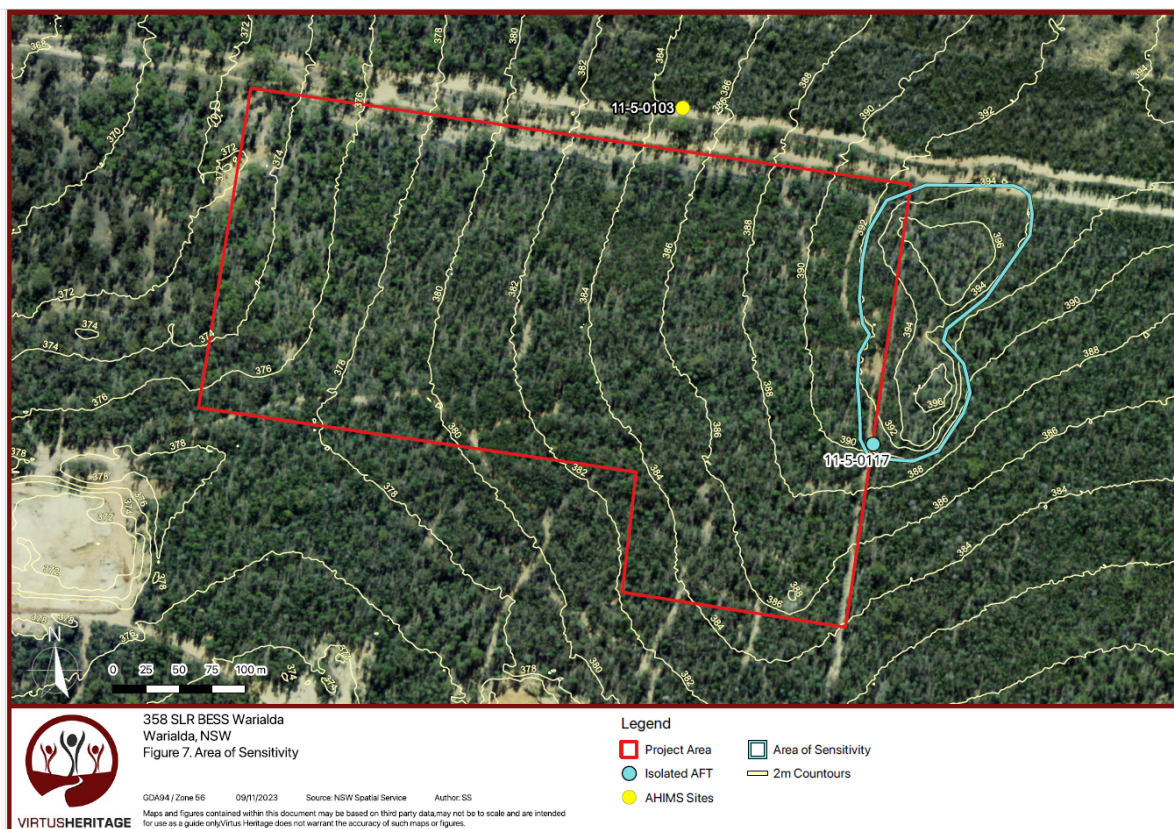


Figure 2. AHIMS 11-5-0117 and the associated area of sensitivity



Figure 3. Site free of flooding

5. STATUTORY ASSESSMENT

Environment Planning and Assessment Act 1979

1. The proposed development requires approval under this act.
2. The proposed development is neither designated nor integrated development
3. The development meets the definition of Regionally Significant Development under the Planning Systems SEPP, as it involves electricity generating works with a capital investment value greater than \$5 million.

Section 4.15 of the EP&A Act 1979 lists the following Matters for Consideration when assessing a development application:

- (1) **Matters for consideration—general** in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—
- (a) the provisions of—
- (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and

(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, and
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

An assessment of the relevant provisions is provided below.

Development Control Plans

Not applicable. Gwydir Shire Council does not have an adopted Development Control Plan.

State Environmental Planning Policies

The following is a list of State Environmental Planning Policies that apply to the Gwydir Shire Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

SEPP TITLE	APPLIES
Biodiversity and Conservation 2021	Yes
BASIX 2004	No
Exempt and Complying Codes 2008	No
Housing 2021	No
Industry and Employment 2021	No
Planning Systems 2021	Yes
Primary Production 2021	No
Resilience and Hazards 2021	Yes
Sustainable Buildings 2022	No
Transport and Infrastructure 2021	Yes
Resources and Energy 2021	No

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Ecological advice submitted with the application confirms that vegetation clearing associated with the proposal is below the 1-hectare Biodiversity Offset Scheme (BOS) threshold applicable to the site and that the development will not result in significant impacts on threatened species or habitats under Part 2.3 of the SEPP. Accordingly, a BDAR is not required, and the proposal does not trigger the BOS.³

³ Applicant's Ecological advice email from GeoLINK received as part of the information response.

Subject to the implementation of standard vegetation management practices during construction, the proposal is considered to satisfy the provisions of Chapter 2 of the SEPP (Biodiversity and Conservation) 2021, and no further assessment under the SEPP is required.

State Environmental Planning Policy (Planning Systems) 2021

The proposal has been assessed against this SEPP, specifically Chapter 2 – State and Regional Development, which establishes thresholds for development that must be determined by a Regional Planning Panel.

As the Estimated Development Cost (EDC) does not exceed \$30 Million, the project is not classified as State Significant Development.

As the land is owned by Gwydir Shire Council, and has an EDC of greater than \$5 million, in accordance with Schedule 6, Section 3 of the State Environmental Planning Policy (Planning Systems) 2021, the project is “Council Related Development and is classified as regionally significant development, which will need to be determined by the Northern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this SEPP requires consideration of the potential for land contamination and the suitability of the land for the proposed use. Section 4.8 of the applicant's SEE confirms that *A search conducted of the NSW Environmental Protection Agency (EPA) contaminated land record of notices, on 24 March 2025, and list of notified sites dated March 2025, did not identify the development site or land within the locality as contaminated or potentially contaminated land.*

The proposed solar farm and BESS do not involve the use, storage, or generation of hazardous chemicals or materials that would give rise to contamination or safety risks. Accordingly, the site is suitable for the intended purpose in accordance with Chapter 4 of this SEPP.

The site is also mapped as Category 1 Bushfire Prone Land, which is addressed through the of a 20 m trafficable Asset Protection Zone (APZ), internal access designed in accordance with Planning for Bush Fire Protection 2019, and installation of a 20,000-litre static water supply, consistent with the hazard mitigation objectives of this SEPP.

Overall, the proposed development is consistent with the aims and provisions of the Resilience and Hazards SEPP 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is defined as electricity generating works under this SEPP and is located within proximity to existing Essential Energy distribution infrastructure. As the development occupies land traversed by a powerline easement, with a statutory concurrence referral to Essential Energy was required under Chapter 2, Part 2.3, Division 5, Subdivision 2, Section 2.48 of the SEPP. Essential Energy reviewed the proposal and raised no objections, subject

to standard clearance, access and safety requirements, which have been incorporated into the development layout (response provided 18 August 2025).

The proposal will generate construction traffic on Dogleg Drive, with indirect access to the Gwydir Highway, a State road. A Traffic Impact Assessment was prepared, which confirms that the development will not materially increase heavy vehicle usage of the road network and will not alter or intensify access to a State road.

Subject to the implementation of standard construction traffic management measures and ongoing compliance with Essential Energy requirements, the proposal is considered to satisfy the relevant provisions of this SEPP.

Gwydir Local Environmental Plan 2013

The land is zoned E4 General Industrial under this LEP. In accordance with the Land Use Table, electricity generating works is a use permitted with development consent in the E4 zone.

The objectives of the E4 General Industrial zone are:

1. *To provide a range of industrial, warehouse, logistics and related land uses.*
2. *To ensure the efficient and viable use of land for industrial uses.*
3. *To minimise any adverse effect of industry on other land uses.*
4. *To encourage employment opportunities.*
5. *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

The development is compatible with the character of the surrounding areas and support the broader function of the E4 zone by accommodating Essential Energy infrastructure adjacent to the existing Warialda Zone Substation. The development comprises utility infrastructure that is co-located within industrial zone land and contributes to regional electricity supply, resilience and economic activity.

The proposal has been designed to ensure that any potential environmental or amenity impacts on surrounding land uses are minimised. This includes maintaining appropriate setbacks, establishing a 20-metre Asset Protection Zone, implementing traffic and construction management measures, and avoiding known Aboriginal cultural heritage constraints. Operational activity is low-intensity, involves minimal noise or emissions, and does not compromise the functioning of surrounding land uses.

The development also supports local employment through construction-phase jobs and ongoing maintenance requirements, that provides local employment opportunities.

Overall, the proposal aligns with the objectives of the E4 General Industrial zone and is consistent with the intent and provisions of the Gwydir Local Environmental Plan 2013.

Zoning Zone objectives	The subject land is zoned E4 General Industrial
	(a) <i>To provide a range of industrial, warehouse, logistics and related land uses.</i> (b) <i>To ensure the efficient and viable use of land for industrial uses.</i> (c) <i>To minimise any adverse effect of industry on other land uses.</i> (d) <i>To encourage employment opportunities.</i> (e) <i>To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.</i>
Land use definition	electricity generating works means a building or place used for the purpose of— (a) <i>making or generating electricity, or</i> (b) <i>electricity storage.</i>
Permissibility	The proposed development is permissible with consent in the E4 General Industrial zone as electricity generating works are not specified in item 2 or 4 of the GLEP2013 Land Use table. Applicable clauses of the GLEP2013 that relate to the application:
Clause 5.10 - Heritage conservation	Complies. Clause 5.10 seeks to conserve environmental heritage within the Gwydir local government area by protecting the significance of heritage items, archaeological sites, landscapes and Aboriginal objects or places. The Aboriginal Due Diligence Assessment undertaken for the proposal confirms that no Aboriginal objects or archaeological sites occur within the solar farm development footprint. While one previously recorded Aboriginal object (AHIMS 11-5-0117) is located on the wider lot, it lies outside the project area and will be avoided by the proposed works. No impact to this site or its setting will occur. The assessment concludes that the likelihood of uncovering subsurface material within the disturbed project area is low. An Unexpected Finds Protocol will be implemented during construction to ensure compliance with statutory requirements in the event any previously unrecorded cultural material is encountered. Given the absence of heritage items within the site, avoidance of the known Aboriginal site, and implementation of appropriate management measures, the proposal is considered to satisfy Clause 5.10 of the Gwydir LEP 2013.
Clause 6.1 - Earthworks	Complies. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposed solar farm and associated earthworks are considered to comply with the objectives of Clause 6.1 as: (a) Earthworks are confined to the defined solar farm footprint and are low-impact, avoiding significant changes to natural landform or disruption of existing drainage patterns.

	(b) The earthworks will not constrain the future use of the land, which can be returned to industrial or rural purposes following decommissioning. (c) The site is not contaminated and the quality of soil will not be impacted. (d) The development is well separated from neighbouring dwellings, and temporary construction impacts such as noise and dust will be managed through standard mitigation measures. (e) No import or export of bulk fill is required; earthworks are limited to minor reshaping for access and equipment pads. (f) The Aboriginal Heritage Due Diligence Assessment confirms a low likelihood of disturbing relics, and known Aboriginal sites lie outside the development area. (g) The site is not located near waterways, drinking water catchments, or environmentally sensitive areas, and stormwater will be managed through erosion and sediment control measures during construction. (h) There are no mapped heritage items or conservation areas within or near the project area other than the aboriginal sites discussed above. (i) The ecological assessment by the applicant confirms no significant impacts on native flora or fauna, including threatened species or habitats will occur. (j) Appropriate environmental safeguards—including sediment and erosion controls, dust suppression, and site stabilisation—will be implemented during construction to minimise impacts.
Clause 6.4 Essential services	Complies. The development will be provided with all necessary services as assessed below: (a) Potable water: Minimal water is required for operation. Any water needed for construction or maintenance activities will be brought to site by a licensed potable water supplier. No permanent reticulated water connection is required. (b) Electricity: The development generates its own electricity. Temporary construction power, if required, will be supplied by portable equipment. No separate external electricity supply is necessary for operation. (c) Sewerage: During construction, staff amenities will be provided via portable toilet facilities serviced by a licensed contractor. No ongoing sewerage demand exists during operation, as the facility is unstaffed. (d) Stormwater: Stormwater will be managed through standard erosion and sediment controls during construction. The operational facility consists primarily of permeable ground cover, with negligible impervious area, and does not alter existing drainage patterns.

- | | |
|--|---|
| | (e) Access: The site is accessed from Dogleg Drive, an existing local road suitable for construction and maintenance vehicle movements. Internal access tracks will be constructed to allow maintenance vehicles to reach key infrastructure within the site. |
|--|---|

Environmental Planning and Assessment Regulation 2021

Division 2 of the Regulation identifies various mandatory Conditions of Development Consent. These will be addressed below in the section dealing with recommended Conditions of Consent.

Other Legislation

Biodiversity Conservation Act 2016

Section 1. Application of Part 7 of BCA 2016: The EP&A Act requires that Part 7 of the BCA 2016 be considered for all developments. Under the BCA 2016, it is an offence to “significantly affect threatened species or ecological communities, or their habitats”. As such, all development must be assessed to ensure that such significant effect will not take place.

Part 7.2 BC Act: Part 7.2 of the BCA 2016 provides a list of developments or activities that are “likely to significantly affect threatened species”.

Criterion	Comment
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	It is highly unlikely to have any effect.
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	The threshold is not exceeded.
(c) it is carried out in a declared area of outstanding biodiversity value.	The development site is not within a declared area.

Part 7.3 BC Act: The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats—

Criterion	Comment
(1) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the	No threatened fauna or flora species or important habitat features were recorded within the disturbance footprint. The biodiversity assessment by GeoLINK concludes the proposal is unlikely to affect

species is likely to be placed at risk of extinction,	any threatened species or place any local population at risk of extinction.
(2) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity— (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,	No such community is recorded on the site.
(c) in relation to the habitat of a threatened species or ecological community— (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,	No such species or community are recorded on the site.
(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),	The proposed development is not located in an area of outstanding biodiversity value and will not adversely affect these areas (either directly or indirectly).
(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	The proposed development is not a key threatening process, and the limited, constrained disturbance area is not expected to increase the impact of a key threatening process.

As noted above, the proposed development footprint covers less than one hectare and contains no threatened species, ecological communities, or important habitat features. While limited vegetation clearing is required, the Biodiversity Test of Significance by GeoLINK

confirms that the disturbance will not significantly affect threatened species or ecological communities, or their habitats. Accordingly, the proposal does not trigger the Biodiversity Offsets Scheme, and no further assessment under the BC Act is required.

Other Relevant Plans

Gwydir Shire Community Participation Plan:

The application was publicly notified in accordance with the Community Participation Plan and adjoining and nearby landowners were formally advised. The application was exhibited for the required period, during which three submissions were received. All submissions have been considered in the assessment of the proposal and the matters raised have been addressed, where appropriate, through recommended conditions of consent.

Accordingly, the assessment has been undertaken in accordance with the Gwydir Shire Council Community Participation Plan.

Gwydir Shire Community Strategic Plan:

The proposal aligns with the Gwydir Shire Community Strategic Plan by supporting a resilient and sustainable local economy through the delivery of renewable energy infrastructure. The solar farm and BESS contribute to regional energy security and economic diversification, consistent with the Plan's goal of strengthening local industry.

The development has a limited physical footprint, avoids key environmental constraints, and incorporates appropriate erosion and sediment controls, reflecting the Plan's emphasis on responsible land management. Operational impacts are minimal, with low noise, traffic and on-site activity, ensuring compatibility with the surrounding rural and industrial character.

Accordingly, the proposal is consistent with the objectives of the Gwydir Shire Community Strategic Plan.

Warialda Town Strategy Plan:

The proposal is consistent with the Warialda Town Strategy Plan, which supports sustainable development, economic diversification and responsible land use within the Warialda area. The solar farm and BESS contribute to the local strategy by delivering modern renewable energy infrastructure, supporting regional productivity and strengthening long-term economic resilience. Its low-impact operational profile aligns with the Strategy's objectives for protecting environmental values and ensuring development does not detract from local amenity or landscape character. Accordingly, the proposal is considered consistent with the strategic direction of the Warialda Town Strategy Plan.

Likely Impacts of the Development

The project involves the installation of photovoltaic (PV) arrays and associated equipment, underground cabling, a BESS and internal access tracks. The development operates with minimal on-site presence once constructed.

Vegetation removal is limited to the project footprint and avoids areas of higher environmental value. The ecology assessment by the applicant confirms that no threatened ecological communities or significant habitat features occur within the disturbance area, and clearing is below the threshold that would trigger the Biodiversity Offset Scheme.

The Aboriginal Due Diligence Assessment identifies one previously recorded Aboriginal object on the broader lot but outside the development area. No objects occur within the project footprint, and an Unexpected Finds Procedure will be implemented.

Natural Environmental Impacts:

The environmental impacts of the development are limited and manageable. Vegetation disturbance is minor, and the site consists largely of previously cleared or disturbed land. No threatened species or ecological communities will be significantly affected.

Earthworks are shallow and limited to trenching, pile-driving and minor levelling. The development will not intercept groundwater or alter natural drainage patterns, and erosion and sediment controls will be implemented during construction. The SEE confirms the site is not flood-prone.

Glint and glare modelling by SLR Consulting demonstrates that the solar arrays will not result in adverse reflectivity impacts on nearby dwellings or road users.

Noise modelling confirms construction noise can be managed to acceptable levels, and operational noise is negligible.

Overall, environmental impacts are low and can be adequately managed through standard measures.

Built Environmental Impacts:

Built form impacts are minimal. The structures proposed consist of solar panels, fencing and a compact BESS compound. No buildings for permanent occupation are proposed. The development is located within an industrial zone and adjacent to the existing Essential Energy substation and rural land uses, making it compatible with the established built environment.

Social and Economic Impacts:

The development is expected to have positive economic and social outcomes. Construction will generate short-term employment and opportunities for local contractors. The solar farm contributes to regional energy security and supports the transition to renewable energy

infrastructure, consistent with State and local planning objectives. The development does not introduce adverse social impacts. The operation is unmanned, produces no emissions, and generates minimal traffic, noise and waste. The rural and industrial character of the locality will be maintained.

Amenity:

The site is well separated from sensitive receptors and operational activity is low-intensity. Noise, dust and traffic impacts are confined primarily to the construction period and can be managed through standard environmental controls. Once operational, traffic movements will be reduced to occasional maintenance visits.

Visual impacts are limited due to the modest panel height, set-backs, surrounding landform and the presence of the adjacent substation. The glint and glare assessment confirms no unacceptable reflectivity impacts.

The development is compatible with surrounding rural and industrial land uses and will not result in adverse amenity impacts on adjoining properties.

The Public Interest

The application was publicly notified and three submissions were received (including one late submission). The issues raised primarily related to bushfire risk, potential toxicity of solar panels, vegetation management, decommissioning, visual impact and general environmental concerns. These matters have been considered in the assessment, and the technical reports submitted with the application confirm that the development will not result in unacceptable impacts.

A summary of the Applicant's responses to the public submissions dated 3 December 2025 is provided in the table below.

Submission	Applicant's Response
<u>Submissions 1 and 2</u> The submissions raise concerns regarding contamination, decommissioning, and long-term operational management.	<i>These matters are acknowledged and have been assessed in the SEE (Sections 3.8.1 and 4.8).</i> <i>The site has historically been used as a Council works depot and is not listed on the NSW EPA Register of Notified Sites or the Contaminated Land Record of Notices. The SEE confirms that no contaminating activities have occurred and that the site is suitable for the proposed use without remediation.</i> <i>The project will operate under EPA and Council regulation for environmental</i>

	<i>management. A Decommissioning and Rehabilitation Plan will be prepared prior to decommissioning of operations to ensure the site is rehabilitated and reinstated to an agreed post-operational condition in consultation with Council. Maintenance and operational management will be undertaken in accordance with relevant environmental legislation and conditions of consent to ensure continued compliance and environmental performance throughout the operational life of the project.</i>
<u>Submission 3</u> <u>The submission provides comment (not objection) regarding fire management, vegetation control, replacement planting, and decommissioning.</u>	<i>Fire safety will be managed in accordance with Planning for Bush Fire Protection 2019, including provision of a trafficable perimeter and maintenance of vegetation consistent with Inner Protection Area (IPA) standards.</i> <i>Vegetation management will be undertaken consistent with RFS Asset Protection Zone (APZ) requirements to maintain clear ground cover and manage regrowth within the project area.</i> <i>Replacement planting to offset proposed tree removal is not proposed at this stage. It is anticipated that if required, this be proposed as a condition of consent.</i> <i>The Applicant commits to preparing a Decommissioning and Rehabilitation Plan prior to decommissioning the development, including waste management plan. A decommissioning bond is not proposed, decommissioning of the site will be at the cost of the proponent at the time of decommissioning.</i>
General Response to Renewable Energy Concerns All submissions raise broader concerns regarding renewable energy developments, including decommissioning, fire risk, and landscape change. These matters have been addressed in the SEE within the context of NSW Government renewable	<i>The proposed Warialda Solar Farm supports NSW's transition to cleaner energy in accordance with the NSW Electricity Strategy, Electricity Infrastructure Roadmap, and Renewable Energy Policy Framework. The project is located on Category 1 Exempt Land under the Draft Native Vegetation Regulatory Map, meaning native vegetation clearing within the site does not trigger the Biodiversity</i>

energy policy and environmental assessment frameworks.	<i>Offsets Scheme. Disturbance is limited to approximately 1 ha of previously cleared land, below the BOS threshold and will not result in significant ecological impact.</i> <i>Comprehensive management measures, including bushfire protection, vegetation management, erosion and sediment control and decommissioning, will ensure that the project operates in a safe, sustainable and compliant manner throughout the project lifespan. These commitments provide confidence that the proposal will deliver measurable renewable energy benefits while maintaining environmental integrity and local amenity.</i>
--	--

Assessing Officer's Comment

The proposal incorporates appropriate bushfire protection measures, demonstrates that glint and glare and operational noise are negligible, and avoids significant vegetation or heritage constraints. Panel materials, waste management and decommissioning obligations can be appropriately addressed through conditions of consent. The small scale of the solar farm, its location within an industrial zone and its separation from dwellings further mitigates potential amenity impacts.

Overall, the applicant's responses and application material adequately resolve the matters raised in submissions.

6. RECOMMENDATION

That the proposed development at **200 Warialda Road, WARIALDA NSW 2402** (Lot 2 DP 1222620) be approved, subject to the following conditions and advisory notes.

CONDITIONS OF CONSENT

Advice: Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent. Advice is not part of the condition but helps to explain the conditions.

Note: A reference to the Building Code of Australia in this document is to be read as a reference to the National Construction Code which has superseded the BCA. Please note carefully the following general advice:

1. A Construction Certificate from a Certifier must be approved and issued prior to commencement of any building works on the site.
2. During Construction, the Applicant must ensure that the works don't interfere with any services. Use "Before You Dig" to make sure (byda.com.au). If services are

affected, the Applicant is responsible for any alterations, upgrades or relocations, or you may need to modify your consent to avoid impacts.

3. Any new crossover / driveway to provide access across the road verge or laneway will require the approval of Council under Section 138 of the Roads Act. (Refer to condition 2.4 below).
4. Any new connection to services such as water, stormwater etc will require the approval of Council under Section 68 of the *Local Government Act 1993*

GENERAL CONDITIONS

1. Provide conditions to contractors and subcontractors

A copy of this consent, all endorsed plans and other documents are to be provided to contractors and subcontractors working on the site.

Reason(s) for the above condition(s). To ensure that all people involved in the construction are aware of these conditions and are provided with an electronic copy and a hard copy.

2. Approved Development

Development consent is granted for the construction and operation of a 5 MW (AC) solar farm and associated 11 MWh Battery Energy Storage System (BESS) on Lot 2 DP 1222620 – 200 Warialda Road, Warialda NSW 2402. The development includes photovoltaic (PV) arrays, inverter/PCS units, underground cabling, internal access tracks, perimeter fencing, a BESS compound and associated civil works.

Advising: It is advised that the proposed development has been assessed with regard to the provisions of the Gwydir Local Environmental Plan 2013 and is considered to be electricity generating works which is defined as:

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

The Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Document/Plan Title	Document No & Revision	Author	Dated
PV Plant Layout	Rev 00	-	17/11/25
BATTERY CONTAINER ELEVATION DETAILS	G-3.0_023120 Rev A	ACENERGY	22/06/23

CENTRAL INVERTER ELEVATION DETAILS	G-4.0_023120 Rev A	ACENERGY	22/06/23
SECURITY FENCE DETAILS	G-5.0_023120 Rev A	ACENERGY	22/06/23
PV MOUNTING SYSTEM DETAILS	G-6.0_023120 Rev A	ACENERGY	21/06/23
SITE ELEVATION DETAIL	G-7.0_023119 Rev A	ACENERGY	21/06/23
Statement of Environmental Effects	002C	Premise	15/07/25
Glint and Glare Assessment	610.033023.00001 Rev R01-v1.0	SLR	18/07/25
Aboriginal Archaeological Due Diligence Assessment	Version 1g	VIRUS HERITAGE	26/04/2024
Noise and Vibration Impact Assessment: Warialda Solar and BESS	16310 Rev RO	Assured Environment al	04/04/2025
Traffic Impact Assessment	Rev D	Intersect Traffic	30/08/23

Reason(s) for the above condition(s). To make sure it is clear which documents and plans are to be used to construct the development, noting that detailed designs and plans are required prior to a construction certificate being approved.

Advising: If an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the same time, the plans override the supporting documentation, and the conditions override both.

3. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's Engineering Guidelines – Subdivisions and Development Standards and relevant authorities' specifications.

4. Lapsing of Consent

In accordance with Section 4.53 of the *Environmental Planning and Assessment Act, 1979* this consent is valid for a period of five (5) years from the date of consent.

Advice 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the

land to which the consent applies before the date on which the consent would otherwise lapse.

Advice 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

5. Damage to Council Property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

6. Existing Services

The applicant must check that the proposed works do not affect any Council, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

7. Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Applicant must:

- (1) Not further harm the object.
- (2) Immediately cease all work at the particular location.
- (3) Secure the area so as to avoid further harm to the Aboriginal object.
- (4) Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
- (5) Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

8. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the National Parks and Wildlife Act 1974. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Advice: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

9. Decommissioning

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

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

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

10. Construction Certificate Required

Prior to commencement of any works, it is necessary to obtain a Construction Certificate from an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any works.

11. Accessway Plan

Prior to the issue of a Construction Certificate, detailed design / plans are to be submitted to Council for approval showing the provision of an all-weather access between the property boundary and the Warialda Heavy Vehicle Bypass. The accessway is to be constructed in accordance with Council's Engineering Guidelines – Subdivisions and Development Standards.

12. S138 Roads Act

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application, including payment of fees, shall be lodged with Gwydir Shire Council for approval, as the Roads Authority for any works required within a public road. These works may include but are not limited to:

- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- (b) Road opening for utilities and stormwater (including stormwater connection to Council Infrastructure).
- (c) Road Occupancy or road closures

All works shall be carried out with the Roads Act approval, the development consent including the stamped plans and Gwydir Shire Council specifications.

13. Stormwater Drainage

Adequate arrangements are to be made for the disposal of stormwater. Stormwater runoff shall not be permitted to flow over the property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.

Detailed design drawings for the proposed stormwater drainage system including any overland swales and other stormwater diversion structures in accordance with

- (a) Managing Urban Stormwater: Soils and Construction, Volume 1, 4th edition (Landcom, 2004) known known as the 'Blue Book'; and
- (b) Volume 2C Unsealed Roads (DECC, 2008).

The detailed design plans are to be submitted to Council for approval **prior to issue of a Construction Certificate.**

PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS

14. Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days' notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

15. Erection of Signs

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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.

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.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

16. Construction Management Plan (CMP)

Prior to the commencement of work, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the development. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:

- (a) the management of traffic during construction:
 - i. all vehicular access to the site be via the approved access route via Dogleg Drive
 - ii. Maximum size of vehicle is a 19 meter B-double
 - iii. Any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project
- (b) Heavy vehicle access to be via Gwydir Highway and Dogleg Drive.
- (c) the management of loading and unloading of construction materials on site
- (d) material stockpiling/storage;
- (e) identify parking for construction worker vehicles;
- (f) dust mitigation measures; and
- (g) complaint management and contingency measures; and
- (h) The construction and traffic management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.

17. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum)

- (a) the installation of a sediment fence with returned ends across the low side of the works; and
- (b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed prior to the commencement of site works and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

18. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

19. Waste Management Plan

A waste management plan for the work must be prepared and submitted to Council for approval **prior to the commencement of construction work** on the site. The waste management plan must:

- (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
- (b) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - i. reused on-site, and
 - ii. recycled on-site and off-site, and
 - iii. disposed of off-site, and
- (c) if waste material is to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site, and
- (d) if waste material is to be disposed of or recycled off-site - specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.

20. Traffic Management Plan

A Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval **prior to the commencement of work** within Council's road reserve. The TMP must comply with the requirements of Transport for New South Wales' Traffic Control at Work Sites Technical Manual (TCAWS Manual), Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3), and Austroads' Guide to Temporary Traffic Management (AGTTM). The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained throughout the duration of the works. All inspections of the TMP and collection of records must comply with the requirements of the TCAWS Manual.

DURING CONSTRUCTION

Advice: The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

21. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

22. Noise Control

The mitigation measures recommended in the Construction Noise Management Plan (Appendix A of the approved Noise and Vibration Impact Assessment by Assured Environmental dated 4/4/2025 Rev RO) and the Noise and Vibration Impact Assessment Report (4/4/2025) are to be employed and maintained for the duration of the project.

23. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Toilet facilities must be provided and functioning prior to the commencement of construction.

24. SafeWork NSW

The developer is required to comply with all requirements of SafeWork NSW.

25. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

26. Sedimentation and Erosion Controls

The approved erosion and sediment control measures shall be implemented and maintained during works.

27. Hours of Work

All building, excavation and demolition work is to be carried out between 7:00am and 6:00 pm Monday to Saturday with no work to be undertaken on Sundays or Public Holidays.

Variation to these times may be permitted on submission of a written request to Council indicating the date/s and time/s of the proposed work. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours.

28. Dust Control

Where dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation, construction and building works. If necessary, water sprays shall be used on the site during construction works to reduce the emission of dust.

29. Contaminated Land Unexpected Finds

In the instance that works cause the generation of odours or uncovering of unexpected contaminants, works are to immediately cease, Council is to be notified and a suitably qualified person appointed to further assess the site.

PRIOR TO COMMENCEMENT OF OPERATIONS

30. Completion of Road Works

Prior to commencement of operations, the Applicant shall ensure that all works associated with the s138 Roads Act approvals have been completed, inspected and signed off by Council.

31. Completion of Intersection between Dogleg Drive and Internal Access Road

Prior to commencement of operations, the intersection of the internal road and Dogleg Drive is to be constructed in accordance with Austroads guidelines. This includes the geometry of the intersection along with the demonstration that the relevant sight distance criteria, specifically Safe Intersection Site Distance (SISD), Stopping Sight Distance (SSD) and Approach Site Distance (ASD) are met.

Further, drainage under the intersection parallel to Dogleg Drive must have capacity to contain a 10% AEP rain event.

32. Completion of Internal Access Road

Prior to commencement of operations, an internal access road from Dogleg Drive is to be constructed that complies with the following access requirements of Table 7.4a of Planning for Bush Fire Protection 2019:

- (a) property access roads are two-wheel drive, all-weather roads;
- (b) the capacity of road surfaces is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- (c) there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- (d) minimum 4m carriageway width;
- (e) in a forest, woodland and heath situations, access roads have passing bays at a maximum interval of 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- (f) a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- (g) curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- (h) the minimum distance between inner and outer curves is 6m;
- (i) the cross fall is not more than 10 degrees; and
- (j) maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed.

33. Bushfire Emergency Management and Operations Plan (BEMOP)

Prior to the commencement of operations, a Bushfire Emergency Management and Operations Plan (BEMOP) must be prepared by a suitably qualified person and submitted to Council for approval.

The BFEMOP shall be prepared in consultation with NSW RFS Namoi/Gwydir Fire Control Centre. The BFEMOP shall include:

- (a) 24 hour emergency contact details including alternative telephone contact;
- (b) site infrastructure plan;
- (c) detailed measures to prevent or mitigate fires igniting;
- (d) work that should not be carried out during total fire bans;
- (e) availability of fire-suppression equipment, access and water;
- (f) storage and maintenance of fuels and other flammable materials;
- (g) notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite
- (h) surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure
- (i) weather conditions are appropriate; and

- (j) appropriate bush fire emergency management planning.

34. Establishment of Asset Protection Zones

To allow for emergency service personnel to undertake property protection activities, a 20 metre wide trafficable defensible space (Asset Protection Zone) that permits unobstructed vehicle access is to be provided around the perimeter of the solar array footprint including associated infrastructure (e.g. HV switchboard, inverter, battery storage, etc).

35. Firefighting Water Supply

The provision of water must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- (a) a 20,000 litre static water supply must be provided in close proximity of the property entrance;
- (b) new above-ground tanks are manufactured from concrete or metal;
- (c) a minimum 50mm inner diameter outlet (pipe) for firefighting purposes is to be connected to any above ground water supply tank and located on the non-hazard side. A metal ball valve and 65mm Storz fitting is to be fitted to the outlet. All exposed external water pipes are constructed of a metal (or like) material, including any fittings;
- (d) a hardened ground surface for truck access is supplied within 4m of the water supply outlet or access hole and unobstructed access is to be provided at all times;
- (e) underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank and underground tanks are clearly marked;
- (f) raised tanks have their stands constructed from non combustible material or bush - fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine;
- (g) Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

ON-GOING REQUIREMENTS

Advice: The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

36. Development Footprint

No clearing, earthworks or vegetation disturbance is to be undertaken outside of the approved solar farm, and access road footprints as shown on the approved plans.

Advice: This condition ensures the physical extent of the solar farm remains as what was assessed during the application process.

37. Environmental Management

The operation of the solar farm is to be undertaken at all times in a manner that does not result in any environmental issues, including but not limited to noise, dust soil erosion, public road impact or road runoff.

38. Perennial Ground Cover

During the operation of the solar farm perennial grass cover over the site is to be maintained.

39. Inner Protection Area.

The solar farm development footprint is to be managed as an Inner Protection Area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- (a) tree canopy cover should be less than 15% at maturity;
- (b) trees at maturity should not touch or overhang the development;
- (c) lower limbs should be removed up to a height of 2m above the ground;
- (d) tree canopies should be separated by 2 to 5m;
- (e) preference should be given to smooth-barked and evergreen trees.
- (f) create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards
- (g) development should be provided;
- (h) shrubs should not be located under trees;
shrubs should not form more than 10% ground cover;
- (i) grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and
- (j) leaves and vegetation debris should be removed.

40. Maintenance of APZ

The Asset Protection Zone must be maintained for the duration of the development in accordance with *Planning for Bush Fire Protection 2019*. The APZ must not be compromised by landscaping, storage, or infrastructure, and vegetation within the APZ must be managed to maintain fuel levels consistent with RFS requirements.

41. Decommission Management Plan

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

- (a) Expected timeline for rehabilitation completion;

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

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

ADVISORY NOTES

Advice: The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, Environmental Planning & Assessment Regulation 2021, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) General

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

(2) Construction and subdivision works certificate

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

(3) Document reference

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

(4) Essential Energy

- (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

- (c) Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
<https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>
- (d) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- (e) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

GENERAL ADVISORY NOTES

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

DICTIONARY

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means GWYDIR SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.