

Development Assessment Report

DA Number: DA-8-2021

Council: Uralla Shire Council

Location: 152 Staces Road URALLA

Development Description: Construction & Operation of a 4.95 MW AC Solar Farm & Associated Works

Title Details: Lot: 385 DP: 755846

Property Details/History

	Checked	Comments
File History	Yes	
Title Plan	Yes	No issues apparent.
Check Ownership	Yes	

Application Type

Is this application an Integrated Development Application? No

Is this application a Designated Development Application? No

Is this application for State Significant Development? No

Concurrence/Referral

Section 4.13 – EP & A Act

Does this application require concurrence or referral? No

Does this application require referral for decision by the JRPP? Yes

Local Environmental Plan

Section 4.15(1)(a)(i) – EP & A Act

This land is zoned: IN1 General Industrial

List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes	Electricity generating works are permitted with consent under the provisions of Clause 34 of the State Environmental Planning Policy (Infrastructure) 2007 therefore LEP consent provisions do not apply.

Is there a draft LEP or draft LEP amendment which may affect this proposal? No

Do 'existing use' provisions apply to this development? No

Development Control Plan

Section 4.15(1)(a)(iii) – EP & A Act

Does Uralla DCP 2011 apply to this land/proposal?

Yes

Chapter	Compliance	Comment
5 Development In Commercial And Industrial Areas	Yes	Setbacks are compliant and appropriate.

Is there a draft DCP which may affect this proposal?

Yes

Comment: The current draft DCP which has been publicly exhibited specifies that for large scale renewable energy development (>100 kilowatts), no development is permitted within 500m of a dwelling or business premises not associated with the project. This clause was included to protect the amenity of residents on surrounding properties, and the nearest residential receptor in relation to the proposed development is 230m. Clause 18.5 “Exemptions” of the DCP provides that:

“Where a proposed development is not State Significant Development, relaxations of the above development standards may be considered where site specific attributes of the development make imposition of a standard unwarranted in the view of Council”.

Given the relatively small scale of the proposed development it is reasonable to suggest that amenity impacts can be adequately addressed through appropriate vegetation screening. This contention is supported by site inspections which indicated that targeted enhancement of existing vegetation screening would all but eliminate the solar infrastructure from affected viewsheds. For this reason a recommended condition of consent has been included requiring a Vegetation Screening Plan to be approved by Council prior to the issue of a construction certificate. Another recommended condition of consent has been included requiring that the screening be maintained for the life of the development (see recommended conditions of consent 12 and 26). In this context, it is considered that imposition of the 500m separation requirement development standard in this case would be unreasonable and unwarranted.

Regional Environmental Plan

The proposed development is consistent with the New England North West Regional Plan: Direction 5: Grow New England North West as the renewable energy hub of NSW.

State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes

List all relevant SEPPs		
SEPP	Compliance	Comment
State Environmental Planning Policy (Koala Habitat Protection) 2020	Yes	The Statement of Environmental Effects incorrectly assesses the proposed development against a repealed version of the SEPP. An amended assessment was requested and received by Council on 11 January 2021. None of the trees present on site are feed tree species listed in Schedule 2 of the SEPP, and the site is should not be considered potential or core koala habitat.
State Environmental Planning Policy (Infrastructure)	Yes	Development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone.

2007		
State Environmental Planning Policy No 55—Remediation of Land	Yes	The preliminary investigation found that contamination levels were below Health Based Investigation Levels for an industrial use. A letter from the EPA dated 14 February 2012 has been provided stating that any residual contamination does not warrant regulation under the Contaminated Land Management Act 1997.

Planning Agreement

Section 7.4 (10) – EP & A Act

Is there a Planning Agreement in force under section 93F of the EP&A Act? No

Has a Planning Agreement been offered under this development? No

Planning Strategies/Local Policy

Section 4.15(1)(b) – EP & A Act

Is there a Planning Strategy or Local Policy that requires notation? No

Subdivision

Is this application for subdivision? No

Environmental Impacts

Section 79c(1)(b) – EP & A Act

Does this proposal have any potential environmental impacts? Yes

	Impact	Comment
Social	No	
Economic	Yes	It is expected that there will be some minor local employment generated during the construction phase, and 1-2 FTE positions generated long term.
Siting & Configuration	No	
Setbacks	No	
Privacy	No	
Overshadowing	No	
Solar Access	No	
Amenity	Yes	Prior to the establishment of mature vegetation screening it is expected that the solar farm will be visible from several viewsheds. To what degree this affects amenity is contentious and subjective. A recommended condition of consent has been included requiring a Vegetation Screening Plan to be approved by Council prior to the issue of a construction certificate. Another recommended condition of consent has been included requiring that the screening be maintained for the life of the development.
Water	No	No apparent significant impacts on stormwater or groundwater. Not a Controlled Activity for the purposes of the Water Management Act 2000.
Air	No	

	Impact	Comment
Noise	Yes	Some amenity impacts are likely during the 10-16 week construction phase, however they are not expected to be highly significant, and little can be done to ameliorate the impacts other than restricting times when construction can take place, which has been addressed by a recommended condition of consent. Amenity impacts post construction are expected to be negligible.
Land Degradation	No	
Tree Loss	Yes	The proposal does not involve any clearing which would exceed the Biodiversity Offsets Scheme threshold. Four mature trees will be removed.
Flora	No	The development footprint is clear of any Endangered Ecological Communities.
Fauna	No	
Waste	Yes	A recommended condition of consent has been included requiring Council approval of a Waste Management Plan prior to the issue of a construction certificate.

Environmental Impacts – Threatened Species

Section 4.15(1)(b) – EP & A Act

Does the proposed development require approval under the EPBC Act? No

Is a Species Impact Statement required? No

Environmental Impacts – Heritage

Section 4.15(1)(b) – EP & A Act

Does this proposal have any potential impact on?

Heritage	Impact	Comment
European	No	
Aboriginal	No	None identified.

Is this land classified as containing an item of environmental heritage? No

Is there an impact on an item of environmental heritage? No

Is this proposal in a heritage conservation zone? No

Is this proposal in an adjoining or in close vicinity to a conservation zone? No

Flooding

Section 4.15(1)(b) – EP & A Act

Is this property flood affected? No

Bush Fire Prone Land

Section 4.15(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? No

Contaminated Land

Has this land been identified as being contaminated land by Council? Yes

Does this land require remediation? No

Infrastructure

Has an engineering assessment been completed? Yes

Does this proposal have any potential infrastructure impacts? Yes

	Impact	Comment
Sewer	No	Not required.
Water	No	Not required.
Drainage	Yes	Impacts are expected to be minimal.
Access	Yes	No evidence has been provided that Crown Lands has granted access to the site over the parcel of land immediately to the north of the site, being Lot 7300 DP 1157667. A recommended condition of consent has been included requiring written consent for access from Crown Lands prior to the issue of a construction certificate.
Kerb & Gutter	No	
Upgrade Existing Road	No	Given the minor expected traffic volumes during construction and operation a road upgrade is considered unwarranted and unreasonable.
Road Network	No	
Existing Easements	No	
Electricity	Yes	A copy of the Essential Energy application for connection dated 19 August 2019 has been provided.
Telecommunications	No	Not required.
Pedestrian Access	No	
Loading & Unloading	No	
Parking	No	

Does the development require any new easements? No

Construction Assessment

Is a construction assessment required? No

Section 68 Assessment

Section 68 – LGA Act

Is a section 68 approval required? Yes

What the type of assessment/approval required? B5.

Developer Contributions

Section 7.11 – EP & A Act

Does this proposal require any Developer Contribution?

No

Signage

Does this proposal require signage?

No

Notification

Section 4.15(1)(d) – EP & A Act

Was this application notified?

Yes

Is this application an advertised development application?

No

Were there any written submissions received?

Yes

If Yes, what was the number of submissions received?

1

Submission Maker	Issue	Comment
Elizabeth Every	Amenity impacts and compliance with the draft DCP.	See the DCP section of this report for analysis regarding compliance with draft development standards. Visual amenity impacts have been addressed by recommended conditions of consent. Other suggested amenity impacts are either considered not significant or have been addressed by recommended conditions of consent.

Section 88b Instrument

Does Council require a Section 88b instrument to be prepared?

No

Public Interest

Section 79c(1)(e) – EP & A Act

Does this proposal have any construction or safety issues?

No

Is there any public health issues?

No

Are there any other public interest issues?

No

Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this proposal

Yes

Assessing Officer General Comment

ASSESSMENT – KEY ISSUES

No issues warranting further detailed consideration have been identified.

Recommendation

No significant adverse impacts are known or expected on the natural, social or economic environment as a result of the approving the application. In that context it would be appropriate to approve the Development Application subject to the attached recommended conditions of development consent.


INTERNAL REFERRAL

Director of Infrastructure & Development:

Comment. Ok to proceed.

Recommendation _____

Signature _____



Date 31.3.2021

Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached:

No

Signed:



Matt Clarkson, Manager of Development and Planning

Date: 31.3.2021

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code 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.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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 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.

GENERAL CONDITIONS

4. The development shall be implemented in accordance with:
 - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

5. The owner of the property is to ensure that any structure is installed:
 - (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any structures being erected in a location where it would be inappropriate.

6. The structures are to be inspected at the following stages of construction:

- before the pouring of footings**
- before covering drainage (under hydrostatic test)
- before pouring any reinforced concrete structure **
- before covering the framework for any wall, roof or other building element **
- before covering waterproofing in any wet area**
- before covering any stormwater drainage connections
- when the building work is completed and all conditions of consent have been addressed**

** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.

Should Council be the nominated as the PCA, it should be noted that Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

Reason: To ensure compliance with appropriate standards.

7. A Construction Certificate must be obtained from a certifier before work commences.

Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.

8. Use of the facility is not to take place until the Principal Certifier (PC) has carried out a final inspection and an Occupation Certificate issued.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.

9. All boundary gates must not swing over Council property, Crown Land or public roads.

Reason: Gates which swing over public land may interfere with pedestrian and vehicle traffic.

10. No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

Reason: To prevent pollution from detrimentally affecting the public or environment.

11. Upon the solar farm becoming no longer operational, the site must be decommissioned and all above ground and sub-surface infrastructure removed from site.

Reason: To ensure that the site is adequately decommissioned and remediated upon cessation of operations..

12. Any external lightning is to be positioned and directed so as to prevent the intrusion of light to the adjoining properties.

Reason: To prevent the intrusion of light onto adjoining premises.

13. Plantings approved under the Vegetation Screening Plan must be maintained for the life of the development.

Reason: To ensure that visual amenity impacts are minimised.

14. The responsible person for plumbing and drainage work must ensure that the responsible person has given Council a notice of work in an approved form that specifies the work to be carried out and the responsible person for the work.

The notice of work must be provided no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or no later than 2 business days before the work concerned is carried out in any other case.

Reason: Statutory requirement.

15. The responsible person for plumbing and drainage work must provide Council, and the person for whom the work is carried out, with a certificate of compliance within 2 business days after the work is completed.

Reason: Statutory requirement.

Note: A certificate of compliance is a written document, in an approved form that certifies that the plumbing and drainage work to which it relates is code compliant.

16. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The application must be approved prior to the issue of a Construction Certificate.

Reason: To ensure pedestrian and vehicular safety during construction.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

17. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifier (if the PC is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

18. The owner of the property is to ensure that any structure is constructed:
- (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

19. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday 7.00 AM to 5.00 PM

Sunday & public holidays No construction activities are to take place.

Reason: To ensure that public amenity is not unduly affected by noise.

20. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

21. The construction contractor shall provide a temporary sanitary service to the building site before building operations are commenced.

Reason: To provide effective sanitation of the site during building construction.

22. All construction materials, sheds, skip bins, spoil, temporary water closets etc. shall be kept wholly within the property and not placed on public land or in a position that may result in materials/debris being washed onto the roadway or into the stormwater drainage system.

Reason: To preserve the amenity of the locality and protect stormwater systems.

23. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

Reason: To ensure compliance with approved plans.

24. Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (d) divert uncontaminated run-off around cleared or disturbed areas,
- (e) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (f) prevent tracking of sediment by vehicles onto roads,
- (g) stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To prevent pollution from detrimentally affecting the public or environment.

25. All demolition work to be undertaken in accordance with Australian Standard 2601 – The Demolition of Structures.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

26. Development involving bonded asbestos material and friable asbestos material:

- (h) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011,
- (i) the person having the benefit of the development consent must provide the principal certifier with a copy of a signed contract with such a person before any development pursuant to the consent commences,
- (j) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
- (k) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

27. A Vegetation Screening Plan must be approved by Council's Director of Infrastructure and Development or nominee.

Reason: To ensure that visual amenity impacts are minimised.

28. The developer is to provide Council with written consent from Crown Lands for access across Lot 7300 DP 1157667.

Reason: To provide appropriate access to the site.

29. A Waste Management Plan must be approved by Council's Director of Infrastructure and Development or nominee.

Reason: To ensure that waste impacts are minimised.

Note: Council has no current capacity for polystyrene processing.

ADVISORY NOTES – GENERAL

30. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
31. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
32. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
33. Any alteration to the drawings and/or documentation shall be submitted for the approval of the consent authority. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.
34. Telecommunications Act 1997 (Commonwealth): Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
35. Prior to any works being undertaken within the road reserve, (including the footpath), a Section 138 approval must be obtained from Council. Please contact Council to obtain an application form.

END