

Attachment 4: Agency Responses



The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

My reference: DOC19/134017
Your reference: KRobson:kb:DA0283/2019

24 June 2019

Dear Sir/Madam

**Development Application DA0283/2019
Proposed Electricity Generating Works – Old Mill Road, Gulgong**

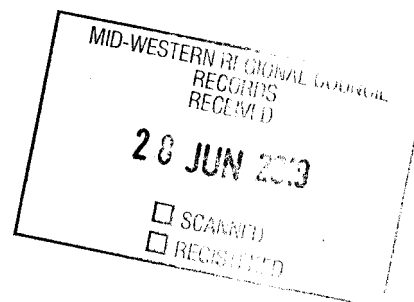
Reference is made to your letter dated 19 June 2019 advising that Council was considering a development application for electricity generating works (5MW solar farm) on Old Mill Road, Gulgong, being Lots 460, 461, 462, 463 & 464 DP755434.

I have reviewed the Statement of Environmental Effects prepared by Zenith Town Planning dated 6 June 2019 and can advise that the Department of Industry, Lands has no comment on the proposal as all works are confined to freehold land.

It is noted that the land to the west of Lot 460 DP755434 part R755434 for Future Public Requirements and the land to the east of Lot 464 DP755434 is a Crown road. The applicant should ensure that there is no works on or occupation of these lands without the prior approval of this department.

Yours sincerely

Elizabeth Burke
Group Leader, Property Management Services





OUT19/16476

The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

By email: Kayla.Robson@midwestern.nsw.gov.au

Dear Ms Robson

DA0283/2019 for Mid-Western Regional Council at Lots 460-464 DP755434 129 Old Mill Road, Gulgong - Avisford Mini Sustainable Energy Park

Thank you for the opportunity to provide comment on the above proposal as per referral CNR-708 dated 8 November 2019. The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. This advice is provided recognising the broader policy framework, including the government's commitment to net zero emissions by 2050.

It is acknowledged that this referral is made after the exhibition period where the issue of impact on agricultural land has been raised in some of the submissions. Generally we would request an agricultural impact statement be undertaken in these circumstances however noting the timeline we would ask Council consider the following information in undertaking the remainder of your assessment.

As noted in the Statement of Environmental Effects (SEE) only 2% of the Mid-Western Regional Council area is used for cropping purposes. This land is part of that 2%, supporting its identification as Land and Soil Capability class 3 and potentially making it a significant contributor to the Mid-Western Regional Council agricultural economy and supply chains. If an agricultural impact assessment was to be undertaken this matter should be considered.

The Central West Orana Regional Plan recognises that high quality agricultural land should be protected to ensure economies of scale for producers that will minimise costs across the supply chain. While this lot is only 16ha, in Mid-Western LGA there are more than four times more RU1 lots less than 40ha than there are 40-100ha. Considering the lot size structure, determining whether the impact of the loss of agricultural land is significant or not purely on a lot size basis in Mid Western LGA could lead to significant cumulative loss of production.

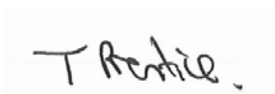
It is recognised that this land is located within the Central West Renewable energy zone pilot project area, but that this project has not been fully developed at this stage.

If Council determines that, on balance, this project should be supported, it is requested that conditions are included requiring:

1. An undertaking that some multifunctional use of the land is undertaken – page 55 of the SEE speaks about the possible use of the land for vegetables or grazing during operation of the solar industry. This is being done successfully internationally, with grazing common in NSW also. Studies into the possibility of agro-voltaics should be undertaken prior to issue of the construction certificate to enable the design to be modified as necessary to accommodate the multifunctional use.
2. Decommissioning - decommissioning is to include complete removal of all infrastructure including underground cabling and piping. While the SEE acknowledges the removal of solar arrays, to enable the return of the land to horticulture all underground cabling and footings etc will also need to be removed.

Should you require clarification on the information contained in this response, please contact Mary Kovac, Agricultural Landuse Planning Officer on 68811250.

Yours sincerely



20 January 2020

Tamara Prentice
Manager Agricultural Land Use Planning

19 July 2019

Kayla Robson
Senior Town Planner
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850

Also via email: Kayla.Robson@midwestern.nsw.gov.au

Dear Kayla,

RE: Development Application No. DA0283/2019
PROPOSED DEVELOPMENT: Proposed Electricity Generating Works (5MW Solar farm) and
Associated Infrastructure
PROPERTY: Lot 460 DP 755434 to Lot 464 DP 755434 (inclusive) – 129 Old Mill Road Gulgong

I acknowledge receipt of the Gulgong Solar Farm Development Application (DA) lodged by IT Power Australia Pty Ltd (Applicant) on NSW Planning Portal.

The DA seeks approval for construction, operations and decommissioning (subject to confirmation by the Applicant) of a solar farm with a DC array capacity of 6.1MW and an AC output of 5 MW (Proposal) on Lot 460 DP 755434 to Lot 464 DP 755434 inclusive (Land). The Land to which the DA is related is immediately adjacent to the non-operational Gulgong to Maryvale rail corridor although its railway line is yet to be constructed.

However, the rail corridor is currently subject to a project for construction of the railway line although the project is at an early stage of investigation. As such, this letter is prepared to ensure that the Proposal does not have any adverse impacts on the rail corridor in respect of future rail operations of the railway line.

Rail Corporation New South Wales (RailCorp) are the landowner of the Country Regional Network (CRN) across NSW. As of 15 January 2012, John Holland Rail (JHR) have been appointed to manage the CRN. As such JHR is responsible for reviewing development applications, planning proposals and policies adjoining the rail corridor to ensure that potential impacts to rail operations (current and future) are considered and addressed.

On this note, the exhibited documents have been reviewed by JHR in accordance with

- *State Environmental Planning Policy (SEPP) (Infrastructure) 2007* (the ISEPP); and
- *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)* (the Guideline)
<http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf>.

If the development is to be approved, it is recommended that Council consider comments and conditions of consent outlined in **TAB A**. Following submission of this letter, JHR may further propose conditions of consent, if relevant, depending on the availability of information requested in this letter.

Thank you again for requesting JHR comment on this proposal. If you have any further questions, please contact the writer either via email at joanne.cheoung@jhg.com.au or telephone (02) 9685 5092 at your earliest convenience.

I hope this has been of assistance.

Yours faithfully,

Joanne Cheoung
Commercial Property Analyst
John Holland Rail
Country Regional Network

TAB A – Detailed Comments on Development Application No. DA0283/2019

The following should be considered if the proposed development is to be approved. Please note that RailCorp are the rail authority for those sections of railway lines, however, JHR are responsible for the safe operation of the network and will also be responsible for the review of the following conditions.

Excavation in, above, below or adjacent to rail corridors

Issue

Clause 86 of the ISEPP stipulates that the consent authority must not grant consent without consulting with the rail authority and obtaining concurrence consistent with clauses 86(2) – (5) in the event that the development involves the penetration of ground to a depth of at least 2m below ground level on land within 25m of a rail corridor.

The SoEE states details of excavation associated with the development ranging from approximately 1.2 metres to 3.5 metres into the ground subject to confirmation by a geotechnical/structural engineer. However, it does not contain information whether or not the proposed excavation for each construction activity would occur within 25 metres of the rail corridor boundary.

Recommended Condition

It is vital for JHR and RailCorp to be satisfied **now** that development would not have adverse impacts on the rail corridor land and construction of the railway line to completion or hinder possible future rail operations.

As such, Council is requested to impose condition that the Applicant must provide JHR with a geotechnical report containing details of excavation for each construction activity and confirming that the development does not have adverse impact on the rail corridor in accordance with Clause 86 of the ISEPP.

Cranes and Equipment

Issue

Clause 85 of the ISEPP 2007 states that if the development involves the use of a crane in the air space above the rail corridor, the consent authority must take into consideration any response from the rail authority. Furthermore, the Guideline provides that a crane, concrete pump or other equipment (**Equipment**) must not be used in airspace over the rail corridor without approval in writing from the rail authority.

It is noted that the SoEE does not provide details whether the cranes will be used in the air space above the rail corridor.

Comment

Council should require the Applicant to provide more information outlining whether mobile cranes will be used in the air space above the rail corridor.

The use of mobile cranes must be in accordance with the AS 2550 series of Australian Standards, *Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use- Concrete Placing Equipment*.

Note: If there is use of cranes above the rail corridors' airspace, JHR and RailCorp will suggest a condition following the review of any material prepared by the Applicant.

Stormwater management

Issue

The Guideline provides that discharge of stormwater from a development during and after construction should be designed to ensure that no adverse effects will be had on the existing watercourse and drain infrastructure system.

The SoEE states that stormwater management is proposed to be addressed by controls recommended in the SoEE with full details to be provided with an application for a construction certificate.

Recommended Condition

Council is requested to impose a condition that the Applicant liaise with JHR in respect of the stormwater management and to obtain JHR and RailCorp's approval, if necessary to ensure that it does not have adverse impacts on the rail corridor by way of its discharge from the site into the rail corridor.

Noise, vibration & air quality

Issue

The Guideline provides that for development that is in or immediately adjacent to a rail corridor the consent authority must be satisfied that the development would not be adversely affected by rail noise, vibration or air quality due to the volume of traffic the rail line carries.

Comment

As the Land is immediately adjacent to the rail corridor, Council is requested to advise the Applicant that the Proposal will not be adversely affected by rail noise, vibration and air quality should the rail corridor become operational in the future.

Visual Impacts

Issue

Although the SoEE contains consideration of visual impacts from various locations of glare and glint, it does not have information regarding visual impacts from the rail corridor.

Recommended Condition

Council is requested to impose a condition that the applicant provide JHR with an assessment of the potential glare and glint from the solar farm confirming that the level of reflectivity and glare produced by any materials, lighting and external finishes of infrastructure necessarily required for the Proposal will not have any impacts on the rail corridor. In addition, Council is requested that red and green lights will not be used in all signs, lighting building colour schemes on any part of a building which will face the rail corridor.

Construction and Demolition impacts

Issue

It is noted that the Proposal includes construction and installation of various infrastructure including the mounting systems for the PV panels, inverter station, security fencing and material laydown areas for construction within the Land.

In addition, the SoEE also indicates the possibility of decommissioning of the solar farm although the development is now intended to remain in operation indefinitely.

Recommended Condition

Council is requested to impose a condition that the applicant should prepare and provide JHR with a Risk Assessment/Management Plan and Safe Work Method Statements detailing any impacts on the rail corridor in respect of construction of infrastructure stated above and a Rehabilitation and Decommissioning Management Plan to describe how the infrastructure will be removed and how the Land will be rehabilitated following removal of infrastructure.

Traffic Management

Issue

Clause 84 of the ISEPP 2007 states that the consent authority must not grant consent to development without the concurrence of the rail authority for the rail corridor if the development involves a likely significant increase in the total number of vehicles or the number of trucks using a level crossing.

The SoEE states that there would be approximately 45 semi-articulated trucks with an expected daily maximum of 4 trips and 50 light vehicles per day during construction. JHR note that it is appropriate to consider construction of appropriate infrastructure (i.e. a new level crossing or a bridge) to deal with the substantial increase in vehicle volume and type that might impact on the interface where Castlereagh Highway and the future railway line intersect.

Recommended Condition

Council is requested to impose a condition that the applicant must prepare and provide JHR with an assessment of suitability of a prospective level crossing or a bridge at the intersection in the event that the railway line becomes completed and operational in the future. If the assessment finds that a level crossing or a bridge is an appropriate measure, JHR and RailCorp will further suggest further conditions following the review of a suitability assessment prepared by the Applicant. In addition, Council will also be required to enter into a Road Rail Interface Agreement with JHR in accordance with the Rail Safety National Law 2012 for a prospective level crossing or a bridge in the intersection.

Please be advised that the DA does not seem to trigger concurrence from RailCorp in accordance with Clause 84 since the rail corridor is not currently in operation. However, it is RailCorp's current position that a new level crossing or bridge at that intersection must be taken into account **now** to ensure that there will be no requirements for a new level crossing or a bridge that would affect the construction of the railway line or hinder possible future operations.

Access to the Land

Issue

It is noted that vehicle access to the site would be by way of the existing drive entrance located at the centre of Lot 461 off Old Mill Road. Access to the Land remains unchanged as the development proposes to use the existing access road located at the centre of Lot 461 off Old Mill road. Furthermore, no access is proposed to be created off Castlereagh Highway.

Recommended Condition

It appears that the existing vehicle access is not likely to have consequential impacts on the rail corridor. However, Council is requested to impose a condition that the Applicant must obtain approval from JHR and RailCorp to any future modifications to the extent that access is proposed to use Castlereagh Highway, which would inevitably require a level crossing or a bridge at the intersection between the rail corridor and Castlereagh Highway which is also discussed above.

In addition, the SoEE states that a secondary emergency access point is proposed at the south-eastern corner of the site. As stated in your email dated 15 July 2019, please provide JHR with more information regarding the location and the route of the access point proposed.

Fencing

Issue

The SoEE states that it is proposed to install a 1.8 metre high security fence which is to be located with a setback of 3 metres from the boundary.

Recommended Condition

Although the securing fencing is proposed to be installed, the fencing is not along the rail corridor but within the land boundary of the site.

It is essential to prevent unauthorised entry. Accordingly, Council is requested to impose a condition that the boundary fences along the rail corridor should be installed during construction and operation in accordance with JHR's engineering standards which are available at <http://jhrcrn.com.au/media/2071/crn-cp-511-v1-1.pdf>.

In addition, the applicant is required to submit an application to install the boundary fences to JHR for its endorsement and for RailCorp's approval. Please advise the applicant to contact our Third party works team via CRN.3rdpartyworks@jhg.com.au for more information and also refer the applicant to JHR website; <http://www.jhrcrn.com.au/what-we-do/property-services/third-party-work-enquiries/>.

Fiona Duncan

From: Fiona Duncan
Sent: Tuesday, 2 July 2019 4:22 PM
To: 'council@midwestern.nsw.gov.au'
Subject: Re: DA0283/2019 - 129 Old Mill Road, Gulgong (Lots 460-464 DP755434) - Solar Farm
Attachments: MID-WESTERN REGIONAL COUNCIL - DEVELOPMENT APPLICATION DA0283-2019 - 129 OLD MILL ROAD GULGONG.pdf

Dear Sir/Madam,

We refer to the above matter and to your correspondence dated 19 June 2019 seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. As part of the development, if required by Essential Energy, easement/s are to be created for any new or existing electrical infrastructure, using Essential Energy's standard easement terms current at the time.
4. All new vegetation proposed to be planted should remain outside Essential Energy's easement area. If such planting will be within the easement area, provision of landscaping plans/specifications (as to the type and location of the planting) must be submitted to Essential Energy for approval prior to any works commencing.
5. The proposed boundary security fencing must not hinder Essential Energy's access to its existing electrical infrastructure and/or easement on the property. Such access is required 24 hours a day, 7 days a week.
6. Satisfactory arrangements are to be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions. Refer to Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
7. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreement/s and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.
8. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations 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.

9. 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)*.
10. 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 Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us  

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Your Ref: DA0283/2019
Our Ref: D19/2773
DA19081420025 CC

ATTENTION: Kayla Robson

27 August 2019

Dear Sir/ Madam

**Development Application - 460, 461, 462, 463, 464//755434 - 129 Old Mill Road
Gulgong 2852**

I refer to your correspondence dated 14 August 2019 seeking advice regarding bush fire protection for the above Development Application in accordance with Section 4.14 of the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Evacuation and Emergency Management

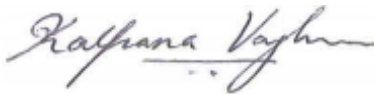
The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

2. A Bush Fire Management Plan (BFMP) shall be prepared in consultation with NSW RFS District Fire Control Centre. The BFMP shall include:
 - 24/7 contact details including alternative telephone contact;

- Site infrastructure plan;
- Fire fighting water supply plan;
- Site access and internal road plan;
- Construction of asset protection zones and their continued maintenance;
- Location of hazards (Physical, Chemical and Electrical) that will impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
- Such additional matters as required by the NSW RFS District Office (Plan review and update).

Should you wish to discuss this matter please contact Craig Casey on 1300 NSW RFS.

Yours sincerely



Kalpana Varghese

Team Leader, Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au



22 July 2019

SF2019/135842; WST19/00152/01

General Manager
Mid-Western Regional Council
PO BOX 156
MUDGEES NSW 2850

Dear Sir

**DA0283/2019: Lots 460-464 DP 755434; 129 Old Mill Road, Gulgong
Avisford Mini Sustainable Energy Park – 5MW Solar Farm**

Thank you for the email dated 26 June 2019 referring the above development application to Roads and Maritime Services for comment.

From review of the submitted documentation, it is understood the proposal includes:

- Construction of a solar photovoltaic array with a peak instantaneous grid output of 5 megawatts covering a land area of 16 hectares.
- The site will have direct access via Old Mill Road, a local road that intersects with the Castlereagh Highway (HW18), a State classified road approximately 1km to the west of the site access.
- Construction is planned for a duration of approximately six months. An average of four B-double heavy vehicle deliveries per day and two deliveries during any hourly period is expected. Delivery and removal of infrastructure materials, such as import of gravel and concrete or export of spoil, was not quantified in the application.
- Up to 50 staff may be required onsite at the peak of the construction phase.
- During operation of the unmanned facility, traffic impacts are anticipated to be minor, with a maintenance crew of three staff visiting on a 3-monthly schedule and infrequent truck deliveries in the event of component replacement.

Roads and Maritime makes the following comments for Council's consideration in determining the development proposal:

- Under section 101 of *Sate Environmental Planning Policy (Infrastructure) 2007*, vehicular access to the proposed site is to be provided via Old Mill Road, a local road.

Roads and Maritime Services

- During construction all heavy vehicle movements and construction staff accessing the site are to do so via Rouse Street, an approved B-double route and not via the intersection of the Castlereagh Highway (HW18) and Old Mill Road.
- Roads and Maritime recommends the use of buses to commute staff to and from site to lessen the impact of traffic resulting from the construction of the proposal to local residents and road users but would also have a road safety benefit for staff working at the site.
- It is noted that the number of daily and hourly light vehicle movements assumed in the Traffic Assessment Report (Triaxial Consulting, May 2019) appears to be low considering the number of staff onsite at peak activity. The data is also inconsistent with trip generation rates for similar developments such as the Traffic Assessment Report for the proposed solar farm DA0288/2019 by the same Developer at 3B Sydney Road Burrundulla (Triaxial Consulting, May 2019). For the purpose of this assessment, Roads and Maritime has adopted light vehicle movements of approximately 100 per day (50 in + 50 out) and 50 movements during each of the morning and evening peak hourly periods.
- Scheduling of haulage routes to minimise conflict with school bus pick and drop off locations and school zones along the proposed haulage route during construction.
- Ensure management via a Driver Code of Conduct of all project related vehicle drivers to address the impacts of unsafe driver behaviour and driver fatigue.
- An assessment of local climate conditions that may affect road safety for vehicles used during construction and operation of the project (eg fog, wet weather, dust, wildlife strikes).
- Notifying the local community about project-related traffic impacts.
- Consideration of procedures to receive and address complaints from the community about project related traffic.

Please forward a copy of Council's determination of the development application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information, please contact Ainsley Bruem, Acting Manager Land Use Assessment, on 02 6861 1449.

Yours faithfully



Dane Hendry
Senior Manager, Regional Customer Services
Western Region

Dear NSW Planning,

TransGrid Reference Number: 2019/293
CNR 709 – DA 283/2019 – 129 Old Mill Road, Gulgong

Thank you for notifying TransGrid of the abovementioned proposal for review.

We have reviewed the subject area and can advise this proposal will not affect TransGrid's Infrastructure and/or Easements.

If you have any questions, please do not hesitate to contact our *Easements and Development Team* on (02) 9620 0515.

Kind regards,

Skye Shanahan
Enquiry Services Coordinator | Works Delivery

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766
T: (02) 9620 0104
E: Skye.Shanahan@transgrid.com.au W: www.transgrid.com.au

**MID-WESTERN REGIONAL COUNCIL
HERITAGE MEMORANDUM**

TO: KAYLA ROBSON, SENIOR PLANNER
FROM: HERITAGE AND URBAN DESIGN ADVISER
REF: DA 0283/2019: 129 OLD MILL ROAD, GULGONG
DATE: 28 NOVEMBER 2019

The proposal is for a solar farm on a lot abutting the site of item 122, a house on Caledonian Road. The site is distant from the Gulgong Conservation Area.

Council sought a Statement of Heritage Impact prepared by a suitably qualified heritage consultant. The author of the statement does not appear to have heritage qualifications. It would have been preferable to include recent photographs of the item, and not to rely simply on the inventory sheet from the c. 1985 Heritage Study. However the statement is in the format recommended by the Heritage Council and does address the relevant issues, including the identification of a reasonable curtilage. It is adequate for present purposes.

The item will be over 750m from the nearest point of the perimeter fence around the solar farm, well outside the curtilage and the visual catchment of the item. It will have no physical impact on the item and no impact on views towards it. It will arguably be visible from the item, but only in the distance, and this is not a significant view.

It is similarly distant from the Conservation Area.

Consequently there are no heritage-based objections to the proposal.



Heritage Adviser

MWRC – DEVELOPMENT APPLICATION REFERRAL

DEVELOPMENT APPLICATION NO: DA0283/2019

FILE NO: DA0283/2019

PROPOSAL: electricity generating works

**PROPERTY DESCRIPTION: Lot 460 DP 755434 - Arocka 129 Old Mill Road GULGONG
NSW 2852**

REFERRED TO HEALTH INSPECTOR ON: 02 December 2019

ASSESSING OFFICERS NAME: KRobson

COMMENTS:

COMMENTS:

Proposal consists of a Solar Farm with class 8, 10a and 10b buildings and structures proposed throughout, all considered capable of complying with the BCA. Certifier shall determine compliance with the BCA at time of Construction Certificate.

Recommended conditions of consent.

Prior to Commencement of Works – Building

E1
E2
E3
E5
E11

Building Construction

B7
F1
F3
F4
F14

Prior to Issue of the Occupation Certificate

H1
H4

Ty Robson
10/12/2019

MWRC – DEVELOPMENT APPLICATION REFERRAL
ENGINEERING COMMENTS AND CONDITIONS

DEVELOPMENT APPLICATION NO: DA0283/2019

FILE NO: DA0283/2019

PROPOSAL: electricity generating works

PROPERTY DESCRIPTION: Lot 460 DP 755434 - Arocka 129 Old Mill Road GULGONG NSW 2852

REFERRED TO DEVELOPMENT DESIGN ENGINEER ON: 18 June 2019

ASSESSING OFFICERS NAME: KRobson

COMMENTS:

Introduction

The applicant is seeking approval for development of a 5MW solar farm on a site located on the western outskirts of Gulgong.

The solar arrays will consist of variable tilting modules aligned in a north south direction.

While there are multiple aspects of development to be considered as part of the overall assessment of this application the following comments are generally limited to engineering aspects including access, traffic (including construction traffic and ongoing operational requirements), and servicing including stormwater drainage. Some general comments are also made to landscaping and a requirement for the preparation and implantation of site management plans.

It is noted that there will be 16,184 solar modules mounting on driven piles installed in rows running north – south and one inverter station mounted on a skid and incorporating High/Medium voltage switchgear and transformers.

Construction activities are expected to employ around 50 people on site over a period of approximately 3 months. During operation the site will be un-manned with quarterly maintenance expected to be carried out by a crew of 2 – 3 persons.

Site Description

The subject land is comprised of a number of abutting parcels generally forming an irregular trapezoidal shape with an east-west orientation.

The northern boundary abuts Old Mill Road, the eastern boundary abuts an unformed 'paper' road, the southern boundary abuts a rail reserve that separates and generally provides a buffer strip from the Castlereagh Highway. The western most parcel comprising the proposed development site has a short section on the southern side with direct abuttal to the Castlereagh Highway with the western boundary abutting a reserve vegetated with native trees.

The site is generally flat cleared pastoral grazing land that appears to have also been used for cropping.

However, while there might be a railway land buffer between the site and Castlereagh Highway it is considered that the site, being in such close proximity to both the township of Gulgong and a main road access, the visual impact of the development and ongoing management suggests the proposal is not a preferred use for the site.

Ongoing Site Management

It is noted that a number of submissions have been made in regards to fire risk.

While the operation of solar farm equipment and infrastructure is not likely to generate any significant additional fire risk it is considered essential that site management and maintenance be undertaken at greater than quarterly intervals to ensure that grassed areas and other vegetation are appropriately managed to minimise fire risk.

Access and Road Maintenance

Plans submitted with the application and subsequent to a further information request indicate that a single access point is proposed from Old Mill Road.

Old Mill Road runs generally in an east – west direction, the western end has an intersection with Castlereagh Highway while the eastern end enters the township of Gulgong at an intersection with both Caledonian and Rouse Streets.

Caledonian and Rouse Streets form part of a TfNSW network providing a heavy vehicle bypass for Gulgong.

As mentioned above the plans provided indicate a single access point with an internal loop road proving access to car parking and 3 No. Lay Down Areas for Construction.

Site Access

It will be necessary for the applicant to construct an access intersection prior to the commencement of on site construction activities generally in accordance with the proposed intersection treatment plan MX10595.00 SK01 prepared by Triaxial Consulting.

Traffic and Construction Activities.

A Traffic Assessment Report prepared by Triaxial Consulting and submitted with the application suggests that the existing road network has available capacity and proposed vehicle movements during the construction period and will not have an adverse impact on traffic management.

The Traffic Assessment Report deals primarily with vehicle movements and road capability for the projected temporary increase in vehicle numbers. It does not specifically comment on pavement condition and maintenance of pavements.

It is noted from the Traffic Assessment Report that construction vehicles will consist of a total of 45 B-double trucks and light vehicles, possibly including buses, transporting workers to and from the site daily.

However, it is considered that heavy vehicle numbers are significantly under estimated and that actual traffic volumes will have significant detrimental impact on pavements and maintenance requirements of Old Mill Road.

While the light vehicles are not likely to have any significant impact on road pavements it is considered that the number of B-double trucks is greatly under estimated and is likely to have some detrimental impact on road pavements.

Accordingly, given that the road network appears capable of managing the projected vehicle numbers, there are no recommended upgrade requirements.

However, repair and reinstatement of any damage to Council managed roads will be an essential condition.

A condition requiring pre- and post-construction pavement inspections and lodgement of a suitable Bank Guarantee to provide for the repair of any damage to road infrastructure is recommended.

Services and Infrastructure

While the facility will operate as an un-manned site there will be no apparent need for permanent servicing. There is a water main in the locality to which a connection may be able to be provided if necessary. This main runs through the reserve adjacent the western boundary, then along Old Mill Road to Gulgong township.

There is no sewer infrastructure servicing the property. All servicing requirements will need to be provided by the Applicant in accordance with relevant standards and approvals.

Stormwater Controls

The Planning Report forming part of the application provides a statement regarding the limitations of the assessment as being *“based on publicly available information and data and does not include a site inspection, sampling, or any additional hydrological and/or hydraulic modelling”*.

Notwithstanding the lack of investigation undertaken in preparation of the planning report it is considered that with the exception of internal access driveways the site will essentially remain undeveloped on the basis that the majority of ground surfaces will be undisturbed. Solar panels are to be mounted on driven posts.

Stormwater management requirements are likely to be limited to minor works for access tracks and some bunding / contour drains to control surface runoff where necessary.

Environmental Considerations

It is considered that some screening might be necessary which can be managed by establishment and maintenance of suitably located vegetation buffers.

Waste Management

Solar farm components are generally shipped with large amounts of packaging to protect solar panels and other electrical components from damage caused during shipping and handling. This creates large volumes of waste.

Given that components are often imported from overseas timber packaging is often chemically treated rendering usual waste disposal methods for timber products inappropriate

Accordingly preparation and implementation of an extensive waste management strategy and plan for safe and convenient disposal of waste materials.

Recommendation

As noted above, the visual impact of the development and concerns regarding ongoing site management (to minimise risk of grass fires in proximity to the Gulgong township) suggests the proposal is not a preferred use for the site and accordingly the development is not recommended for approval.

However, should this application be considered for approval the following are recommendations for conditions that should be applied to any approval that might be given.

RECOMMENDED CONDITIONS:

GENERAL

- 1 The applicant must demonstrate compliance with the conditions of this approval prior to the commencement of use.
- 2 All vehicular traffic associated with the construction and use of the development must travel to and from the site using Castlereagh Highway and western portion only of Old Mill Road.
- 3 Prior to the commencement of construction the Applicant must, in conjunction with Council, arrange for and undertake a pre-construction dilapidation survey of Old Mill Road to identify and record any existing defects.
- 4 Prior to the commencement of work the applicant must enter into an agreement with Council and lodge a Bank Guarantee, or other acceptable security, adequate funds to remedy and repair, to Council satisfaction, any defects or damage that may be caused by construction traffic associated with the development of the solar farm.
- 5 At the completion of construction works and prior to commencement of use or commissioning of the solar farm the Applicant must, in conjunction with Council arrange for a post-construction dilapidation survey to identify any apparent defects caused by construction activities and repair any defects to the satisfaction of Council within 28 days or other period as may be agreed.
- 6 Prior to the commencement of any construction within the solar farm site the applicant must construct the site entry point from Old Mill Road. Construction of the entry point must be generally in accordance with the proposed intersection treatment plan MX10595.00 SK01 prepared by Triaxial Consulting. Separate approval under the provisions of Section 138 of the Roads Act 1993 must be obtained prior to the commencement of this work.
- 7 Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to Council, including details on the siting of solar panels and ancillary infrastructure.
- 8 Prior to commencing operations, or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to Council.
- 9 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
- 10 Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, Plumbing and Drainage Act 2002 and Plumbing and Drainage Regulations to the complete satisfaction of the Plumbing and Drainage Inspector.

- 11 Where required, the developer must construct at no cost to Mid-Western Regional Council all external roadwork, external stormwater drainage, external water infrastructure and external sewerage infrastructure where necessary that may be required to service the development.

Traffic Management Plan

- 12 Prior to commencing the development, the Applicant must prepare a Traffic Management Plan for the development in consultation with RMS and Council as may be appropriate, and to the satisfaction of Council. This plan must include:
- (a) details of the transport route to be used for all development-related traffic;
 - (b) a protocol for undertaking independent dilapidation surveys to assess the:
 - existing condition of the full length of Old Mill Road prior to the commencement of construction, and
 - (c) a protocol for the repair of Old Mill Road if dilapidation surveys identify the road to be damaged during construction, upgrading or decommissioning works;
 - (d) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading or decommissioning works, including:
 - temporary traffic controls, including detours and signage;
 - notifying the local community about project-related traffic impacts;
 - procedures for receiving and addressing complaints from the community about development-related traffic;
 - minimising potential for conflict with school buses, other motorists and rail services as far as practicable;
 - minimising dirt tracked onto the public road network from development-related traffic;
 - details of any employee shuttle bus service and measures to ensure employee use of this service;
 - scheduling of haulage vehicle movements to minimise convoy length or platoons;
 - responding to local climate conditions that may affect road safety such as fog, dust and wet weather;
 - responding to any emergency repair or maintenance requirements; and
 - a traffic management system for managing over-dimensional vehicles;
 - (e) a driver's code of conduct that addresses:
 - travelling speeds;
 - driver fatigue;
 - procedures to ensure that drivers adhere to the designated transport routes; and
 - procedures to ensure that drivers implement safe driving practices;
 - (f) a program to ensure drivers working on the development receive suitable training on the code of conduct and any other relevant obligations under the Traffic Management Plan; and
 - (g) a flood response plan detailing procedures and options for safe access to and from the site in the event of flooding.

Following Council approval, the Applicant must implement the Traffic Management Plan.

Noise

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

Dust

- 14 The Applicant must minimise the dust generated by the development.

Visual

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

Operating Conditions

- 16 The Applicant must:
- ensure the solar panels and ancillary infrastructure (including security fencing) are designed, constructed and maintained to reduce impacts on localised flooding and groundwater at the site;
 - minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version; and
 - ensure the solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site.

Site Management and Fire Safety

- 17 Prior to the commencement of use the Applicant must prepare a Site Management and Fire Safety Plan for the development to the satisfaction of Council. The study must detail all site management activities including scheduling of site, infrastructure and vegetation maintenance and be consistent with the:
- Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline; and
 - NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*; and

Following Council approval, the Applicant must implement the measures described in the Fire Safety Study.

Operating Conditions

- 18 The Applicant must:
- (a) minimise the fire risks of the development;
 - (b) ensure that:
 - there is defensible space of at least 10 metre around the perimeter of the solar arrays and battery storage area that permits unobstructed vehicle access;
 - the defensible space and solar array areas are managed as an Asset Protection Zone;

- the development complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006 (or equivalent)* and *Standards for Asset Protection Zones*;
 - the Asset Protection Zone for the development is wholly contained within the development footprint;
 - the development is suitably equipped to respond to any fires on site including provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located adjacent to the internal access road;
- (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.

Emergency Plan

- 19 Prior to commissioning operations, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS. The Applicant must keep two copies of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
 - (b) identify the fire risks and controls of the development; and
 - (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site.

Following approval, the Applicant must implement the Emergency Plan.

WASTE

- 20 The Applicant must:
- (a) minimise the waste generated by the development;
 - (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (c) store and handle all waste on site in accordance with its classification;
 - (d) not receive or dispose of any waste on site; and
 - (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

INTERNAL DRIVEWAYS

- 21 All internal driveways and Solar Farm access tracks must be constructed of compacted gravel to a suitable standard to sustain all construction and future maintenance traffic requirements. Pavement must be wide enough to allow two vehicles to safety pass or with provision made for localized widening. Where necessary culverts or suitable erosion protection measures must be made for stormwater drainage.
- 22 Access driveways and pavements must be maintained to the satisfaction of Council at all times.
- 23 Where applicable the Applicant must ensure at all times that provision and use of access complies with the requirements of the relevant Rail Authority.

CAR PARKING

- 24 Car parking areas must be provided of sufficient size to allow for one car parking space per two employees. Car parking areas must generally provide sufficient space for parking and manoeuvring as specified in AS2890.1 Parking facilities – Part 1: Off-street car parking.

STORMWATER DRAINAGE

- 25 The approved development must not interfere with the natural flow of stormwater over the land and must not cause ponding or concentration of stormwater runoff on the subject land or adjoining roads and railway.
- 26 Stormwater runoff from pavement areas must be managed within the site and dispersed to landscaped areas.
- 27 The site shall be graded so that it is free draining.

EROSION AND SEDIMENT CONTROL

- 28 No construction must take place until appropriate erosion control, dust control and silt collection measures are in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite for the remainder of the construction period.

WATER AND WASTE WATER

- 29 Any permanent facilities on site must be provided with a water supply sufficient for use and the provision of fire fighting facilities and storage in accordance with relevant Australian Standards and Queensland Fire and Emergency Services requirements.
- 30 Any permanent facilities on the site must provide for adequate treatment of waste water. No treated waste water contaminated with oil, grease or other contaminants is permitted to discharge into any natural water course or/and Council stormwater system.



David Webster
Manager Development Engineering
Mid-Western Regional Council

MWRC – DEVELOPMENT APPLICATION REFERRAL
ENGINEERING COMMENTS AND CONDITIONS

DEVELOPMENT APPLICATION NO: DA0283/2019

FILE NO: DA0283/2019

PROPOSAL: electricity generating works

**PROPERTY DESCRIPTION: Lot 460 DP 755434 - Arocka 129 Old Mill Road GULGONG
NSW 2852**

REFERRED TO DEVELOPMENT DESIGN ENGINEER ON: 18 June 2019

ASSESSING OFFICERS NAME: K Robson

COMMENTS:

Previous Engineering assessment has reviewed all available information and recommended REFUSAL.

From an engineering perspective the grounds for refusal included:

Reasons for Refusal

- A The use of the majority of Old Mill Road for access to the site is not supported and the issue of a permit for use of the road by OMOS vehicles is not likely to be given.
- B Any proposed use of the Old Mill Road / Rouse Street / Caledonian Street intersection is considered to create unacceptable safety issues due to the significant number of large vehicles.

Additional reasons for refusal might also include:

- C The reflectivity of the panels on the urban environment of Gulgong.
- D The fire risk from the solar farm poses to the township.

However, if the decision made by the Planning Panel is to support Approval it is recommended that the conditions detailed below be included in any consent that might issue

RECOMMENDED CONDITIONS: - *only if recommend for approval by the Planning Panel*

GENERAL

- 1 The applicant must demonstrate compliance with the conditions of this approval prior to the commencement of use.
- 2a All vehicular traffic associated with the construction and use of the development must travel to and from the site using Rouse Street and Mill Road.
- 2b Prior to the commencement of construction the applicant must install, in accordance with TfNSW requirements and consent, suitably worded advanced warning signage on Castlereagh Highway, advising that all construction traffic must enter the Solar Farm Construction Site via Caledonian Street.
- 3 Prior to the commencement of construction the Applicant must, in conjunction with Council, arrange for and undertake:
 - a pre-construction dilapidation survey of Old Mill Road to identify and record any existing defects or deficiencies for B-double vehicles,
 - complete any works, including improved safety measures, required to upgrade the intersection of Caledonian / Rouse Streets and Old Mill Road to accommodate B-double vehicles,
 - complete any upgrade works on Old Mill Road identified as deficiencies to provide an adequate pavement configuration suitable for B-double vehicles,
 - obtain any approvals that may be required from TfNSW for any intersection works, and
 - complete the construction of an access crossover to the site in accordance with the Plan prepared by Triaxial Consulting and submitted with the application.
- 4 Prior to the commencement of work the applicant must enter into an agreement with Council and lodge a Bank Guarantee, or other acceptable security, adequate funds to remedy and repair, to Council satisfaction, any defects or damage that may be caused by construction traffic associated with the development of the solar farm.
- 5 At the completion of construction works and prior to commencement of use or commissioning of the solar farm the Applicant must, in conjunction with Council arrange for a post-construction dilapidation survey to identify any apparent defects caused by construction activities and repair any defects to the satisfaction of Council within 28 days or other period as may be agreed.
- 6 Prior to the commencement of any construction within the solar farm site the applicant must construct the site entry point from Old Mill Road. Construction of the entry point must be generally in accordance with the proposed intersection treatment plan MX10595.00 SK01

prepared by Triaxial Consulting. Separate approval under the provisions of Section 138 of the Roads Act 1993 must be obtained prior to the commencement of this work.

- 7 Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to Council, including details on the siting of solar panels and ancillary infrastructure.
- 8 Prior to commencing operations, or following the upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work as executed plans of the development to Council.
- 9 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
- 10 Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, Plumbing and Drainage Act 2002 and Plumbing and Drainage Regulations to the complete satisfaction of the Plumbing and Drainage Inspector.
- 11 Where required, the developer must construct at no cost to Mid-Western Regional Council all external roadwork, external stormwater drainage, external water infrastructure and external sewerage infrastructure where necessary that may be required to service the development.

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 - (a) details of the transport route to be used for all development-related traffic;
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 - existing condition of the full length of Old Mill Road prior to the commencement of construction, and
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- (g) a flood response plan detailing procedures and options for safe access to and from the site in the event of flooding.

Following Council approval, the Applicant must implement the Traffic Management Plan.

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- 22 Access entrance for B-double vehicles is provide sufficient turning path with gateways set back 20m from the fence line to Old Mill Road. Access driveways and pavements must be maintained to the satisfaction of Council at all times.
- 23 Where applicable the Applicant must ensure at all times that provision and use of access complies with the requirements of the relevant Rail Authority.

CAR PARKING

- 24 Car parking areas must be provided of sufficient size to allow for one car parking space per two employees. Car parking areas must generally provide sufficient space for parking and manoeuvring as specified in AS2890.1 Parking facilities – Part 1: Off-street car parking.

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Don Cottee
Development Control Engineer
Mid-Western Regional Council

Amended by:



David Webster
Manager Development Engineering
Mid-Western Regional Council