



**Kayla Robson**

**Mid-Western Regional Council**

Via email [Kayla.Robson@midwestern.nsw.gov.au](mailto:Kayla.Robson@midwestern.nsw.gov.au)

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**RE: DRAFT CONDITIONS OF CONSENT FOR DA 0283/2019**

Thank you for the opportunity to provide comments on the draft conditions of consent that have been prepared for the Western Regional Planning Panel regarding DA 0283/2019 Gulgong Solar Farm at 129 old Mill Road, Gulgong. Below are some comments and suggestions regarding the draft conditions.

- **Condition 1** is a standard condition requiring the development to comply with stamped approved plans. **Condition 60** requires detailed plans of the final layout including the siting of solar panels and ancillary infrastructure to be submitted to Council prior to commencing construction. **Condition 60** is not necessary as the plans submitted with the DA and specified in **Condition 1** indicate the final layout.
- **Condition 3** requires all vehicular traffic associated with construction and operation of the solar farm to utilise Caledonia Street, Rouse Street and Old Mill Road. No access to the site is permitted from the Castlereagh Highway or the western end of Old Mill Road. **Condition 48** requires ITP Development to prepare an assessment of the suitability of a level crossing or bridge at the intersection of the road and railway if the rail line is used. **Condition 48** is not necessary given that access from the Castlereagh Highway is not permitted by **Condition 3** and a level crossing over the rail land is not proposed.
- **Condition 20** is unclear and ambiguous. There is no standard referenced, e.g. to define mature vegetation, and it is not stated how council will measure compliance with the condition. The requirements of this condition also conflict with **Condition 22** which requires defendable space around the perimeter of the solar arrays and there is a further conflict with **Condition 1** requiring the development to be in accordance with stamped approved plans. Further comments are made below regarding other conditions that relate to landscaping.
- A search was carried out during preparation of DA documentation of the Department of Planning, Industry and Environment's Planning Portal and the RFS website to determine whether the site is mapped as bushfire prone land. The findings have since been checked and it is confirmed that the site is not mapped as bushfire prone land. The recent issue of the revised *Planning for Bushfire Protection Guideline 2019* contains guidelines for solar farms, however, the guideline applies only to development on land mapped as bushfire prone. It is considered that there is no legal basis to impose such onerous requirements in relation to bushfire protection and the imposition of **Conditions 22, 44, 59, 76 and 99** is unreasonable. For example, part (c) of **Condition 22** requires *the applicant to assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site*. The vicinity of the site and the type of assistance to be provided are undefined. This requirement would breach

council's duty of care and may place solar farm personnel who may not be trained or experienced in firefighting in harm's way.

- **Condition 24** requires that an Independent Environmental Audit of the development be carried out. ITP Development have proposed to prepare an environmental management plan which will be based on the mitigation measures identified in the various expert reports prepared to support the application. The EMP is sufficient to monitor environmental performance and compliance with conditions of consent. An environmental audit would be a duplication of the tasks involved in the EMP and amounts to Council's abrogation of duties. It is seen as unnecessary and cost-shifting to ITP Development.
- **Condition 30** requires the site to be graded and free draining. The purpose of this condition and the standard by which compliance is measured is unclear.
- **Condition 42** requires the developer to plant two rows of plants no less than 2 metres apart along all boundaries. It also requires plants to be mature at the time of planting. ITP Development propose to plant shrubs between the boundary and the security fence with 5 metres separation between plants along the eastern, northern and southern boundaries. Land to the south is a rehabilitation reserve and already heavily vegetated which provides ample screening. It is unclear whether **Condition 42** requires 2 metres separation between plants, or between rows of plants, or both. Regardless, the requirement for additional fencing and plantings will impose substantial costs on the developer with no additional benefits in terms of screening. It is not best practice to plant mature plants. Seedlings or young plants have a higher survival rate and it is difficult for mature plants to gain traction and survive particularly in dry climatic conditions. It is requested that **Condition 42** be deleted.
- **Condition 43** requires a reticulated water service to be provided to the site to maintain the site and establish landscaping. ITP Development propose to bring water to the site by means of tanks on the trays of utility vehicles for these purposes. The nearest point of the development site to the edge of the urban area of Gulgong which is serviced with reticulated water supply is approximately 900 metres away. Provision of mains lines extensions and connecting infrastructure would impose an unreasonable cost on the developer. It is not usual practice to supply reticulated water to a rural property and would not conform with any development servicing plan that Council has in place to direct the installation of water infrastructure to urban growth areas. The use of Gulgong's potable water supply on a solar farm to maintain plants would pose a risk to the township in terms of untended use and a waste of a valuable resource in times of drought. This condition also conflicts with **Condition 22** which includes a requirement to install a 20,000 litre water tank for fire-fighting purposes under **Condition 43** and is unreasonable and unnecessary.
- **Condition 45** requires a workforce and accommodation strategy. This condition is imposed to enforce commitments given in the assessment of social and economic impacts in the Statement of Environmental Effects. Written confirmation of the availability of accommodation and evidence of consultation with local recruitment providers can be provided. However, the contents of a workforce and accommodation strategy, the qualifications required to be an independent expert in preparing such a strategy, and the criteria by which council would assess and approve such a strategy are unknown. This condition is unreasonable as it would impose additional costs and delays.
- **Condition 49** requires engineering certification of the ability of the site to withstand loadings as it may be affected by underground mine workings. The farm machinery used to till, sow and harvest crops on the site would have exposed any potential for subsidence. The site is not

identified as being located within a mine subsidence district on the state government's Planning Portal. This condition should be deleted.

- **Condition 56** requires an amended landscaping plan (see **Condition 42**) to be provided to the PCA. It is suggested that **Condition 42** be deleted therefore **Condition 56** is unnecessary.
- **Condition 84** requires the consolidation of the five lots on which the development is proposed. This is not considered necessary as it would have no material impact on the development but would prevent future land management options available to the land owner following decommissioning of the solar farm.
- **Condition 94** requires notice to be given to the council if the site operator or manager changes. The intent of this condition is unclear and ambiguous and therefore unreasonable. Council does not need to maintain a register of business owners or managers other than for rating purposes.
- **Condition 95** requires replacement of dead or removed vegetation with plants of the same species and maturity. This is acceptable so long as the replacement plants are not required to be mature plants as per **Condition 42**. The survival rate of mature plants is low compared to seedlings or young plants.
- **Condition 98** requires internal access roads to be trafficable by two-wheel drive vehicles. Fire-fighting trucks and emergency services vehicles are generally four-wheel drive. Maintenance vehicles accessing the site will be four-wheel drive utilities. This condition is unnecessary.
- **Condition 100** requires the developer to maintain an ongoing complaints register. This would be an onerous task given that during the operational phase there would be nil activity on the site that would disturb nearby residents or cause noxious emissions. Maintenance crews that would visit the site every two to three months and the regular watering of plants are not activities that are likely to generate complaints. This condition should be deleted.



Mishka Talent