

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-156 – P16.22.16
PROPOSAL	The proposal seeks consent for the establishment of a 5MW solar generation plant and infrastructure. Specifically, the proposal involves the construction of solar PV panels and associated infrastructure including a battery storage system.
ADDRESS	10439 MITCHELL HIGHWAY NEVERTIRE 2826
APPLICANT	NSW Community Renewable (Nevertire) Pty Ltd c/- SLR Consulting
OWNER	Michael Roger Cole
DA LODGEMENT DATE	16/09/2022
REGIONALLY SIGNIFICANT CRITERIA	SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development 5 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes— (a) ..., electricity generating works, ... (b)
CIV	\$ 6,276,512 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 – Section 5, Schedule 6 – electricity generating works CIV more then \$5 million ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Warren Shire Council Local Environmental Plan 2012
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	NIL
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
PREPARED BY	Maryanne Stephens

EXECUTIVE SUMMARY

- The proposal seeks consent for the establishment of a 5MW solar generations plant, infrastructure, and a battery storage system. The development “*electricity generating works*” is prohibited under the Warren LEP in the RU1 Primary Production zone however, Electricity Generating Works are permitted within Part 2.3, Division 4 of the SEPP – Transport and Infrastructure 2021.
- The site is cultivated dry land cropping and is bushfire prone land. There is a patch of trees along the western boundary. Only desktop biodiversity study complete. Site visit revealed land is cultivated and no concerns or issues raised. Confirmation that Native Title does not exist over the land.
- Since the original application was submitted, the applicant has relocated the subject site to further south west which is a higher land area and massively reduces the risk of flooding. The application has also been modified to include a battery storage system. In support of this modification, a fire safety report has been submitted which recommends a static water supply for grass bushfires and an inner asset protection zone to be maintained.

The other item that has been modified is the path of travel to the development site. The applicant had changed the proposed access routes 3 times during the initial assessment phase. However the new access point is via the village of Nevertire, off the Mitchell Highway, onto the Nevertire Bogan Road, then a left hand turn onto unnamed road, over private property (Grain Corp) back onto unnamed road into the property of the development site.

- Key issues – flooding, visibility, bushfire, access, all addressed further on in report
- Key concerns from agencies, community etc (bulk and scale, bushfire)
- All issues were resolved with recommended conditions of consent
- Development was advertised with nil submissions received
- Recommendation – approve development with recommended conditions of consent as it has minimal impact upon the environment and does not create a land use conflict.
- Summary of s4.15(1) matters
 - Not permissible under the Warren LEP, however is permissible under the State Environmental Planning Policy (Transport and Infrastructure) 2021
 - The proposal is consistent with planning controls of the Warren DCP
 - State Environmental Planning Policy (Biodiversity & Conservation) 2021 – no concerns
 - State Environmental Planning Policy (Planning Systems) 2021 – no concerns
 - State Environmental Planning Policy (Primary Production) 2021 – no concerns
 - SEPP (Resilience & Hazards) - no evidence of contamination, suitable for the current proposal.
 - State Environmental Planning Policy (Transport and Infrastructure) 2021 – no concerns
 - Flooding – development was re-located to higher land to minimise the incidence of flooding.
 - Bushfire prone land – refer to Bushfire Assessment Report, conditions of consent to implement mitigation measures
 - Glint and glare – not constituted or deemed nil result
 - Pistol Club – email received no safety concerns

1. THE SITE AND LOCALITY

1.1 The Site

Lot 2 DP755293 10439 Mitchell Highway Nevertire, is located adjacent to the railway line, on the southern side of the railway line, approximately 3.6kms travelling east from the Nevertire Bogan Road, on unnamed road reserve.

Since the original application was submitted, the applicant has relocated the subject site to further south west which is a higher land area and massively reduces the risk of flooding. The application has also been modified to include a battery storage system. In support of this modification, a fire safety report has been submitted which recommends a static water supply for grass bushfires and an inner asset protection zone to be maintained.

The other item that has been modified is the path of travel to the development site. The applicant had changed the proposed access routes 3 times during the initial assessment phase. However, the new access point is via the village of Nevertire, off the Mitchell Highway, onto the Nevertire Bogan Road, then a left hand turn onto unnamed road, over private property (Grain Corp) back onto unnamed road into the property of the development site.

For the purposes of maintenance of the PV solar system, the following condition is recommended for the purposes of access:

Provide an all-weather access road, a minimum of 150mm road base (DGB20) or "A1" gravel pavement, a minimum of six (6) metres wide, from the end of the bitumen seal on the Nevertire-Bogan Road to the development site, including within the private property NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

Reason: To ensure that the site is suitably accessible.

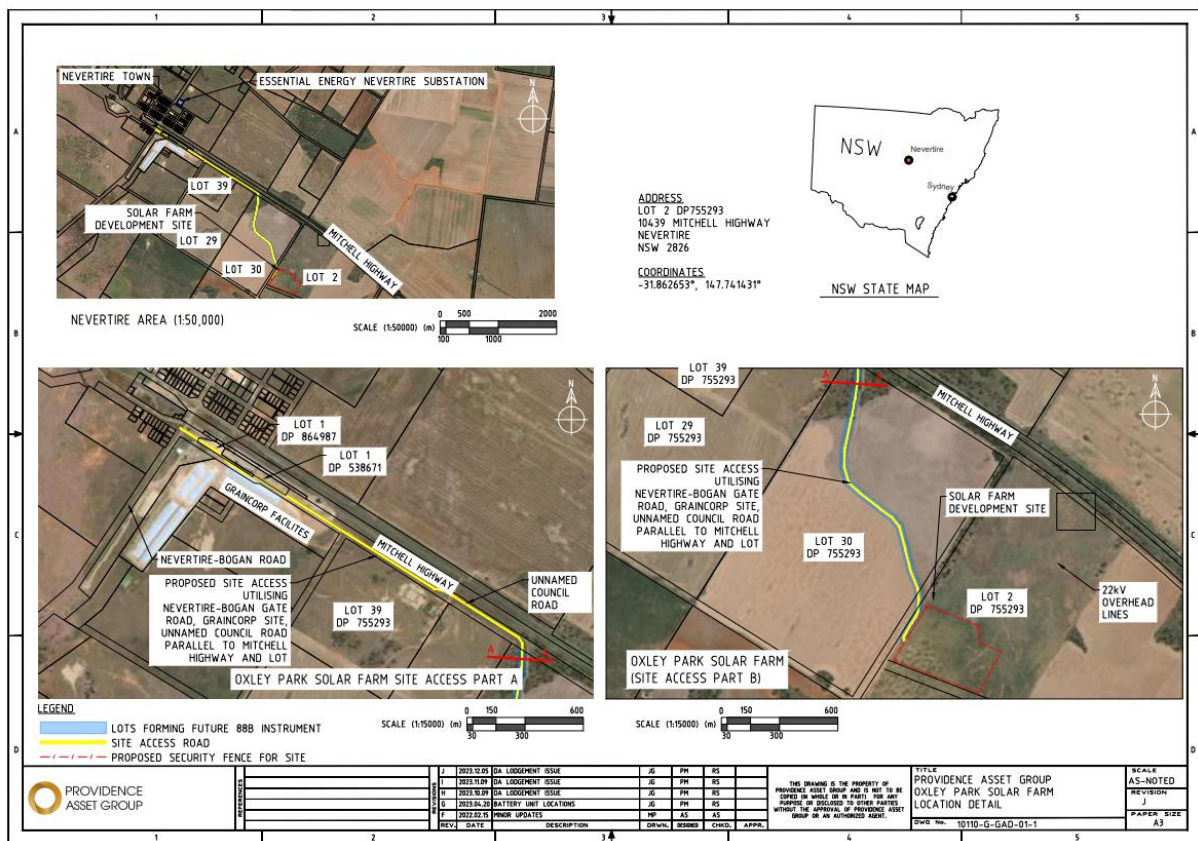
The site is cultivated dry land cropping and is bushfire prone land. There is a patch of trees along the western boundary. Only desktop biodiversity study complete. Site visit revealed land is cultivated and no concerns or issues raised. Confirmation that Native Title does not exist over the land.

1.2 The Locality

Lot 2 DP755293 10439 Mitchell Highway Nevertire, is located adjacent to the railway line, on the southern side of the railway line, approximately 3.6kms travelling east from the Nevertire Bogan Road, on unnamed road reserve.

The proposed development site is approximately 13.4 hectares and is flat. Surround development is agricultural, grazing and cropping farmland.

The locality is ideal as it is in close proximity to the zone substation for the purposes of solar electricity generation. There is a 120MW solar farm to the west of Nevertire.



2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the establishment of a 5MW solar generation plant and infrastructure. Specifically, the proposal involves the construction of solar PV panels and associated infrastructure including a battery storage system.

- The proposed development will involve the installation of the PV panels, infrastructure and battery storage system. Onsite ground works will include stormwater drains, roads, static water supply and fencing.
- Development data (in table below).
- Provide some of the plans/diagrams/perspectives/montages to show the general outline of the proposal and include in Annexures. Refer to the current version of the plans upon which the report is based (a list if required).

Table 1: Development Data

Control	Proposal
Site area	14.8Ha
FSR (retail/residential)	N/A

Clause 4.6 Requests	No
Car Parking spaces	1
Bushfire prone land	Static Water Supply, APZ, access, emergency management
88B Restriction to user	Lot 1 DP864987, Lot 1 DP538671, Lot 30 DP755293, and Lot 2 DP755293 for the purpose of access

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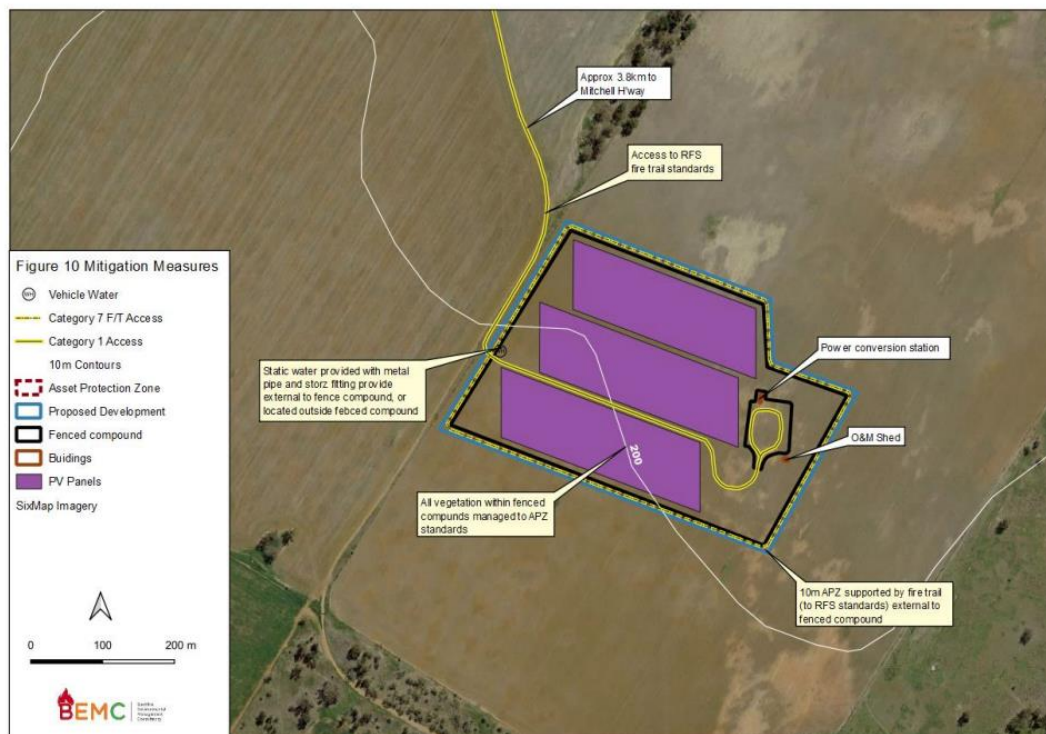
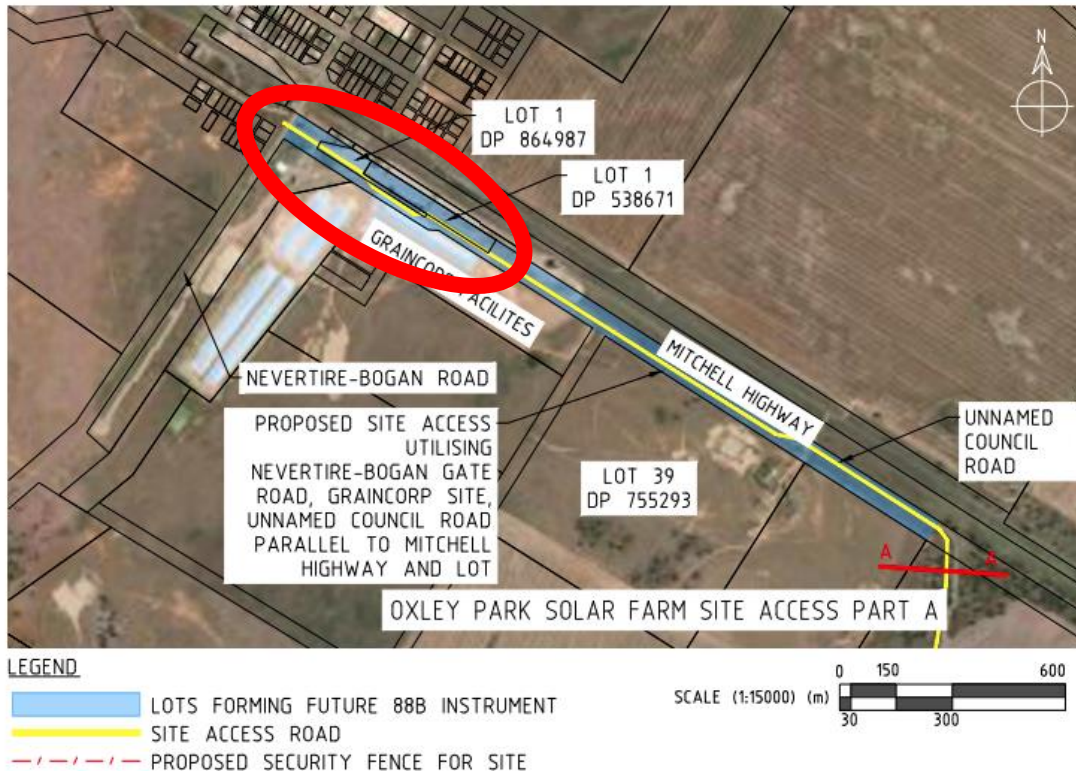
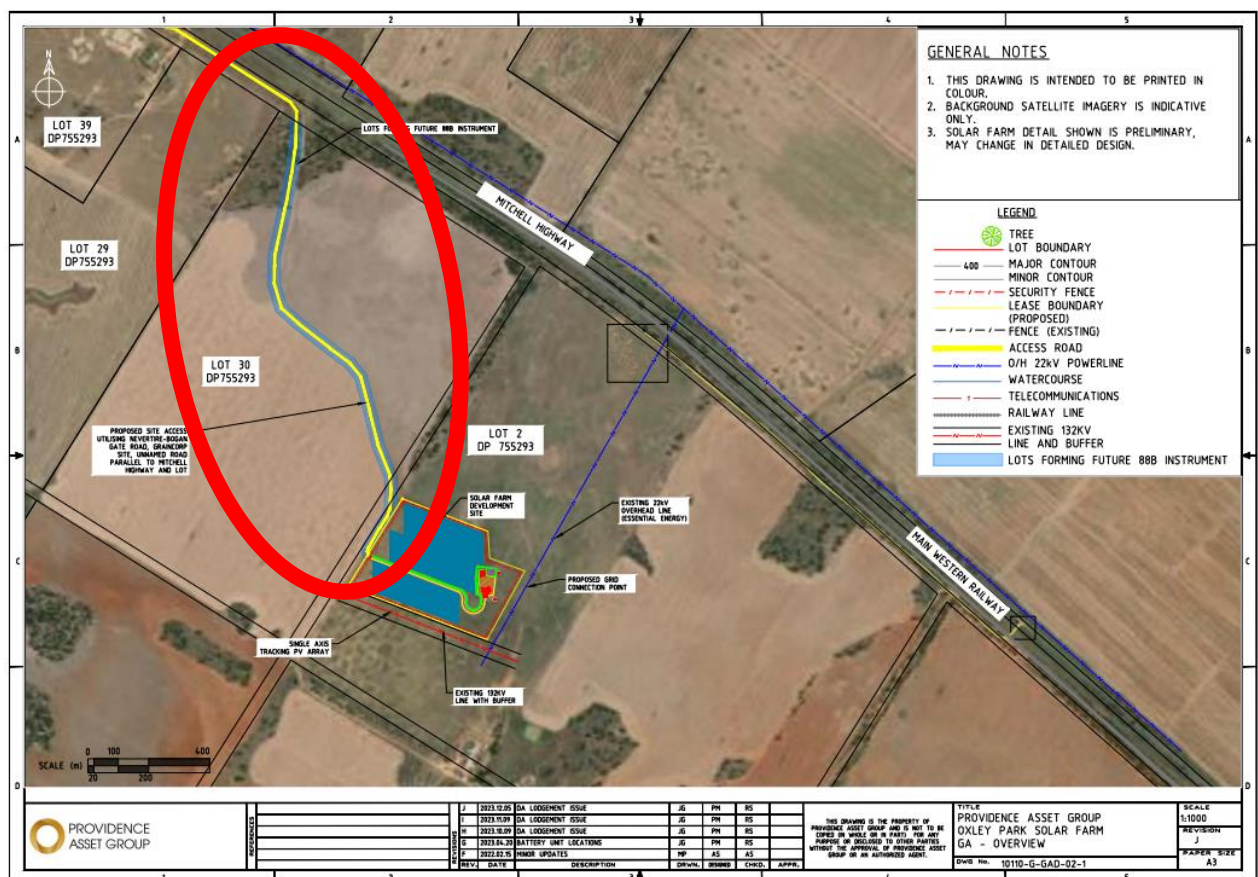


Figure 10 Mitigation Measures for bushfire prone land



Section 88B access over Lot 1 DP 864987 and Lot 1 DP538670 (Referred to as Part A)



2.2 Background

The development application was lodged on 6 September 2022. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

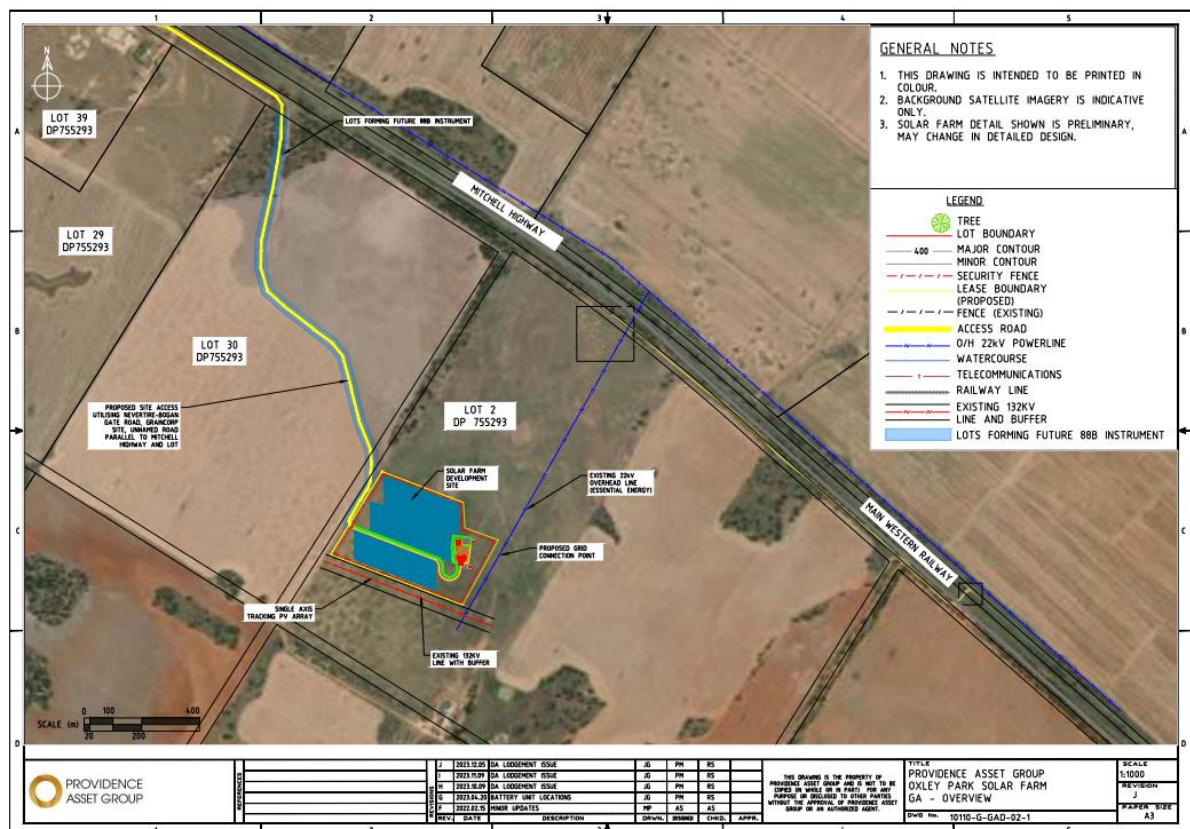
Date	Event
6 September 2022	DA lodged
7 April 2021	Exhibition of the (original) application
6 September 2022	DA referred to external agencies
1 March 2023	Site visit
9 March 2023	Request for Information from Council to applicant
12 September 2023	Panel briefing
19 September 2023	Panel briefing
16 October 2023	Final Determination meeting - Deferred
10 October 2023	Amended plans lodged – clarification on roads to be utilised and access over private land, dated 16 October 2023 accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 10 October 2023.

2.3 Site History

Warren Shire Council received a development application in February 2021 for the same development. To summarise, the access road was changed three times due to the likelihood of the required road improvements becoming cost prohibitive for the applicant. It was nearing completion when it was discovered that the application was over the monetary value for local council assessment. Legal advice resulted in the applicant withdrawing the application and resubmitted a new development application. It appears that much of the old documentation has been used for the new application, however the site has been moved from adjacent to the northern boundary to further to the southwest within Lot 2 DP755293.



Original site location



Amended site location

The main issue of the first development application (P16-21.03) was that the first access road was approximately 4kms in length, plus improvements to the access off Mitchell Highway, over the railway line and RMS requirements.

The applicant then modified the access to a private railway crossing, which was only 1.4kms from the site however, the RMS requirements were still onerous as were Council requirements.

The applicant has now proposed to use the existing road network utilising the existing turn off Mitchell Highway onto Nevertire Bogan Road, over the railway, through the GrainCorp site, onto unnamed road. The concern is that access over private land will require an 88B restriction to user over the land for the purpose of access. This is proposed to be addressed with the following condition;

As per Section 4.16 (3) the development consent is granted subject to following conditions are to be fully complied with prior to commencement:

The creation of an 88B instrument over the private land, being Lot 1 DP864987, Lot 1 DP538671, Lot 30 DP755293, and Lot 2 DP755293 for the purpose of access.

Reason: To ensure that access over private land is formalised legally to ensure that access can be maintained into the future.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Requiring concurrence/referral: S138 Roads Act 1993

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Warren Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 3: Koala Habitat Protection 2020 Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Whether development is State or Regionally significant 	Y
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development <ul style="list-style-type: none"> • Developments consistency with aims/objectives of the policy. Sustainability of the development. 	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Previous use of the land and its suitability for the current proposal. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> Part 2(3) Development Controls:- Definition of development Permissibility Effect on electricity network	Y

	Effect on Roads and traffic	
Proposed Instruments		N/A
LEP	• Clause 2.3 – Permissibility and zone objectives	Y
DCP	Clause e)iii	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

The proposed solar panels and infrastructure are located on Lot 2 DP755293. No trees or other vegetation are proposed to be removed or contain high biological value.

Chapter 3: Koala Habitat Protection 2020

The solar panel farm is not located in Primary or secondary class A or B habitat; however, some Secondary Class B land is located nearby. This potential habitat area will not be impacted by the proposal.

Chapter 4: Koala Habitat Protection 2021

No areas of natural vegetation that provide habitat will be affected.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP. The proposed solar farm is defined as 'electricity generating works' which is 'private infrastructure' and has a CIV over \$5 million (\$6,276,512), and is therefore 'regionally significant development'.

Accordingly, the Western Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2: Primary Production and rural development

Electricity generating works ('solar energy systems') are not specifically mentioned in the policy. However, the proposal is generally consistent with the broad aims of the policy as the area involved, 14.8ha, is not of significant size relative to surrounding agricultural land and will not permanently 'sterilise' rural land as it could revert to cropping land in the future, should the need arise.

Further, the generation of clean energy will contribute to sustainable agriculture in the area providing a reliable power source.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

With regard to the remediation of land, the land has previously been used for cropping (and possibly grazing in the past) with no known uses that would be likely to have substantially contaminated the site.

It is considered on the basis of the available information, the site is suitable for the solar farm use which will neither involve significant excavation, nor staff permanently on site - except during the construction phase. If a different, more intensive use is proposed in the future, a comprehensive site investigation may be required.

The proposal is considered to be consistent with the SEPP, subject to imposition of relevant conditions of consent in relation to remediation works during construction on any consent granted.

A condition may also be imposed regarding the decommissioning of the site to enable remediation of the site as required. This condition will be associated with a s.88B Positive Covenant for registration on the title of Lot 2 DP755293.

State Environmental Planning Policy (Transport and Infrastructure) 2021
Chapter 2: Infrastructure

Part 2(3) Development Controls:-

Division 4 Electricity generating works or solar energy systems. The proposed development is defined as a :- '*solar energy system*'. Clause 2.36 further states that:-

Development permitted with consent:-

'(9) solar energy systems - Development for the purpose of a solar energy system may be carried out by any person with consent on any land.'

The proposal is permitted with consent by the SEPP regardless of the Warren LEP 2012.

Division 5 - Electricity transmission or distribution.

Subdivision 2 - Development likely to affect an electricity transmission or distribution network.

Essential Energy was advised of the proposal and comments have been noted above in this report.

Division 17 - Roads and traffic. Subdivision 2 - Development in or adjacent to road corridors and road reservations

2.122 Traffic-generating development

The proposed solar farm ('*solar energy system*') is not specifically defined in Schedule 3 of the SEPP as Traffic-generating development and as such would be classified as 'Any other purpose' which requires referral to TfNSW if it involves a development that generates '50 or more motor vehicles per hour' in the case of it having 'access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)'.

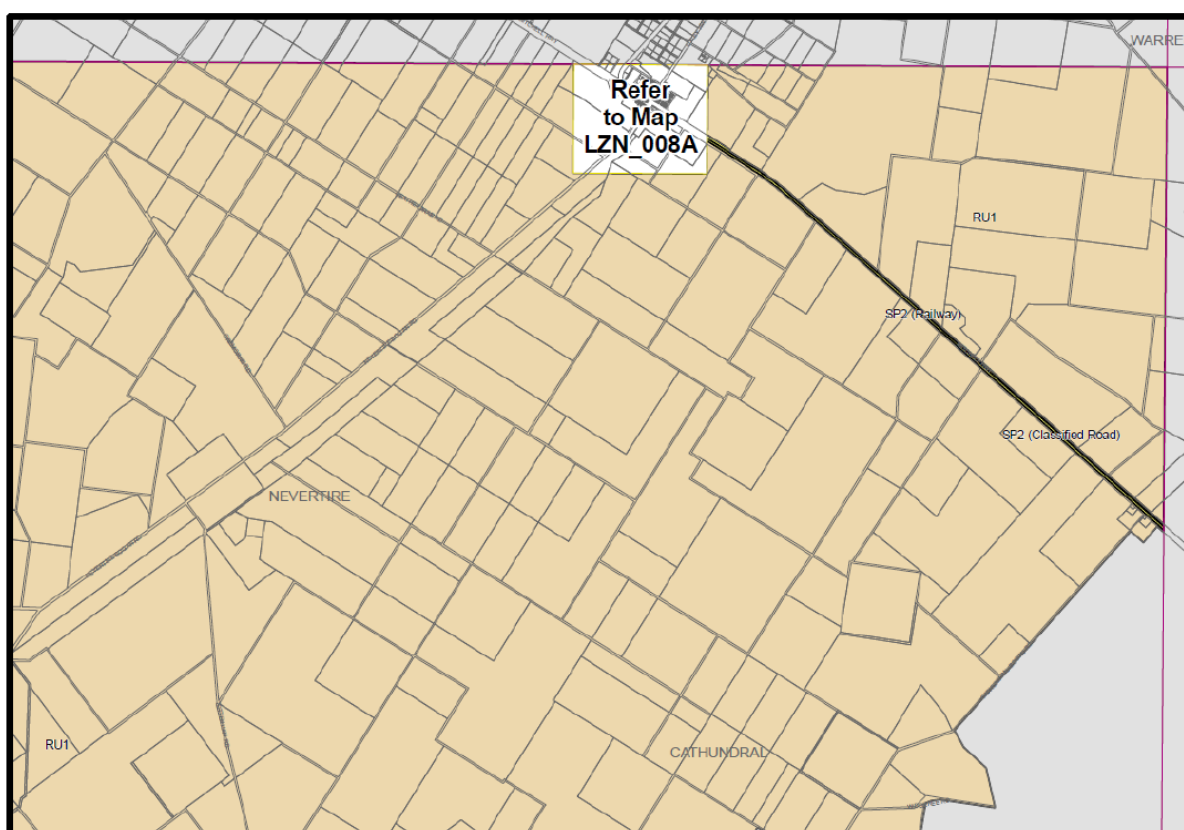
The proposal, although not generating 50 or more motor vehicles per hour was however referred to Transport for NSW and initial comments requested a Traffic Impact Assessment (TIA) to be submitted for consideration.

Warren Local Environmental Plan 2012

Zoning and Permissibility

The site is located within the RU1 Primary Production Zone pursuant to Clause 2.2 of the LEP.

The subject land is zoned RU1 Primary Production and under Part 2 Land Use Table of Warren Local Environmental Plan 2012 an Electricity Generating Works is not listed as a development that is permitted with the consent of the Council. Nonetheless, Electricity Generating Works are permitted within Part 2.3, Division 4 of the SEPP – Transport and Infrastructure 2021.



The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

- *To protect, enhance and conserve agricultural land in a manner that ensures that the primary role of land is for efficient and effective agricultural pursuits, managed in accordance with sustainable natural resource management principles.*
- *To protect water resources in the public interest.*
- *To protect areas of local, state, national and international significance for nature conservation, including areas with rare plants, wetlands and significant habitat.*
- *To permit rural industries that do not have a significant adverse impact on existing or potential agricultural production on adjoining land.*
- *To conserve and protect the Macquarie Marshes by encouraging and managing appropriate land uses and agricultural activities.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The natural resource base is not being diminished, the site is only 14.8Ha in size and the grazing of the land can still be permitted
- The area is suitable for the proposed development as it is located near suitable infrastructure
- The proposed development will not create a land use conflict as it will not impact on the existing surrounding land use of cropping
- The proposed development is not located near the Macquarie Marshes.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	1,000Ha for dwelling, no dwelling proposed	No subdivision proposed	N/A
Height of buildings (CI 4.3(2))	The development control has not been adopted		N/A
FSR (CI 4.4(2))	The development control has not been adopted.		N/A
Heritage (CI 5.10)	AHIMS completed. Check of Native title completed. No concerns.		Yes
Acid sulphate soils (CI 6.1)	The development control has not been adopted.		N/A

Flood planning (CI 6.3)	Consideration of flood impacts on the development site, riparian systems, other properties and persons.	Site relocated to higher ridge on allotment to address flooding. Stormwater plan provided.	Yes
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The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

These proposed instruments are considered below:

- Draft Remediation of Land SEPP – the greatest risk of contamination is from the oil within the transformer. There is a bund to contain and spills or leakages, which is deemed acceptable to manage the contamination risk.

The following condition has been recommended;

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

The proposal is generally consistent with these proposed instruments.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Warren Shire Council Development Control Plan 2012* ('the DCP')

Clause 6

General Objectives for Zone RU1 Primary Production

6. Council's objectives for the Zone RU1 Primary Production are to promote the proper management and utilisation of resources by:

a) Protecting, enhancing and conserving:

i. Agricultural land in a manner that ensures the primary role of land within the zone is for efficient and effective agricultural pursuits, managed within sustainable natural resource management principles, and.....

e) Enhancing the economic value of land for agriculture by:

iii. Permitting other primary production uses such as energy generation that complement the primary role of the zone, and

General considerations for development in Zone RU1 Primary Production

7. The consent authority may consent to development on land in Zone RU1 Primary Production only if it has taken into consideration the effect of that development on the following:

- a) The present use of the land, the potential use of the land for the purposes of agriculture and the potential of the land for sustainable agricultural production,*
 - b) Vegetation, timber production, land capability, flood water behaviour and water resource availability and quality,*
 - c) The future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,*
 - d) The protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including Aboriginal relics and places,*
 - e) Whether adequate environmental safeguards and rehabilitation measures have been, or will be, made to protect the environment,*
 - f) The cumulative impact of development on the integrity of the environmental characteristics of the area, water resource management and native wildlife,*
 - g) The effect of the removal of agricultural land from production and potential land use conflict,*
 - h) The cost of providing, extending and maintaining public amenities and services to the development,*
 - i) Any proposals for future expansion of settlements in the locality.*
- 8. Clause (7) does not apply to development that is an addition to a building or work.**

The proposal is consistent with the general objectives and the considerations have been addressed.

NOTE; Warren LEP and DCP areas of interest are the Macquarie Marshes and effectively keeping “farms as farms”. The proposal is not located within the Macquarie Marshes and the land area being 14.8Ha in size will not impact on the normal operations of the farm on which the proposal is located.

Warren Shire Council does NOT have a contributions plan that is relevant pursuant to Section 7.18 of the EP&A Act.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- The proposal is able to satisfy either the deemed-to-satisfy provisions and/or the performance requirements of the National Construction Code (NCC).

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

- The proposed development involves the crossing of private land, owned by others as well as the landowner of the subject site. This will be addressed with a condition of consent requiring an 88B instrument over the subject lots; being Lot 1 DP864987, Lot 1 DP538671, Lot 30 DP755293, and Lot 2 DP755293 for the purpose of access.
- The site is subject to flooding however the relocation of the development to the higher section of the allotment has greatly reduced the likelihood of flooding occurring.
- The site is bushfire prone land. Refer to Bush fire Risk Assessment Report provided by Bushfire Environmental Management Consultancy Version 2. Recommendations have been applied to the development as appropriate conditions of consent.
- The development has the potential for “*Glint and Glare*”. Refer to report Ref: 630.30571-R01 V1 Dated June 2023.
Page 26 states “*that reflections may be visible along some of the surrounding roads and rail line, it does not constitute a glare condition from the project*”. The two nearest dwellings were also assessed for impact for “glint and glare”, page 28 states nil glare was determined for both dwellings.
- The development will be prominently visible in its location however this does not restrict the site for the use. Refer Revised Visual Analysis V4 Date June 2023. Vegetation in the surrounding area will limit visibility however the rail line will greatly decrease the visibility of the development from the Mitchell Highway. In addition, the distance from the roads to the site will also decrease the visual impact. No mitigation measures are necessary, and the visual impact rating has been determined as Minor.
- The development is located southeast of the Macquarie Valley Pistol Club. Consultation with the Pistol Club has determined that the Club does not have any safety concerns due to the location and distance of the proposed development.
- The development will result in the production of waste however this has been addressed with the Waste Management Report SLR Ref:630.30571.00000-L01V0.1-20230628 dated 28 June 2023, no concerns.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed solar farm and battery storage system is appropriate as a result of the Central West and Orana Regional Plan 2041 Objective 2 and Objective 7 supporting the renewal energy projects. The development will not create a land use conflict as it has minimal impact upon the surrounding land use and its location minimises the likely impacts of visual and glint and glare. The site is subject to bushfire however this does not restrict the site for this use. Mitigation measures including static water supply and asset protection zone will be applied upon the development.
- Access and traffic – The proposed development utilises existing road network and access over private land. The greatest traffic generation will be during construction, after which time only service personnel will be accessing the site for maintenance. One parking space will be available and this is deemed appropriate. The roads will be required to be upgrade to “all weather” access road.

- Public Domain – the development is located approximately 3.5km from the village of Nevertire and is located on private land. The Macquarie Valley Pistol Club is located approximately 2.5kms from the development site. The Macquarie Valley Pistol Club have been consulted with and the Club does not have any safety concerns due to the location and distance of the proposed development.
- Utilities – the necessary approvals will need to be obtained from the appropriate electricity provided. This has been addressed with a condition of consent.
- Heritage – an AHIMS search was completed with nil results.



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 2.755293

Client Service ID : 845236

warren shire council
Dubbo Street
Warren New South Wales 2824
Attention: Maryanne Stephens
Email: council@warren.nsw.gov.au

Date: 30 November 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP755293, Section : - with a Buffer of 50 meters, conducted by Maryanne Stephens on 30 November 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

- Other land resources – as the site is only 14.8Ha it is not considered that it will impact on the existing cropping use of the agricultural land of the site.
- Water/soils impacts – the greatest risk of contamination is from the oil within the transformer. There is a bund to contain and spills or leakages, which is deemed acceptable to manage the contamination risk.

- Flora and fauna impacts – no trees and/or vegetation are proposed to be removed. The site was cultivated at the time of the site inspection. Along the boundary of Lot 2 DP755293 and Lot 30 DP755293 there is an corridor of advanced trees which may offer habitat to wildlife. There is no proposal for this vegetation to be impacted upon as part of this development.
- Natural environment – as part of the stormwater management plan, contour banks are proposed however, they are not considered significant.
- Noise and vibration – during construction noise and vibration will be generated. This has been addressed with a condition restricting the days and times construction can occur to ensure the amenity of the area is not impacted upon.
- Natural hazards – the site is subject to flooding and bushfire. The development was relocated to a higher area on the allotment to minimise the flooding and the bushfire has been addressed with mitigation measures such as static water supply and asset protection zone.
- Safety, security and crime prevention – the site is secured with chain link fencing and top barb.
- Social impact – the proposed development was placed on public exhibition and the adjoining neighbours were notified, with nil submissions received. Glint and glare was assessed and determined to either be a nil impact or not constituted. Noise will only be created during construction, and this has been addressed with conditions limiting days and times of construction.
- Economic impact – The proposal will provide some economic benefit to the local community during the construction phase and up to one permanent local jobs during operation, the development will also result in the improvement to the unnamed road parallel to the rail way to an all weather road, the proposal will provide renewable energy to cater for the needs of approximately 2,000 homes, and it will provide renewable surplus energy to the State grid, which will reduce the requirement for reliance on existing fossil fuel fired power stations and is therefore in the wider public interest.
- Site design and internal design – the development is set out appropriately on the site to mitigate potential impacts, in particular flooding as it was relocated from the lower area of the allotment to the higher ridge line. Bushfire has also been taken into consideration with the site design.
- Construction – Noise will only be created during construction, and this has been addressed with conditions limiting days and times of construction.
- Cumulative impacts – the proposed solar farm, associated infrastructure and battery storage system are consistent with the planning controls and will have minimal impact in the proposed location.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

- the proposed solar farm, associated infrastructure and battery storage system fit within the locality as it is located close to existing overhead power lines, the sub zone station, and was relocated to reduce the likelihood of flooding.
- The development will require the unsealed roads to be improved to an all-weather condition, this has been addressed with conditions of consent.
- The development does not involve the removal of any trees or vegetation in the proposed location.
- Although the site is bushfire prone land, there will be mitigation measures implemented to reduce the risk and manage the site.
- The proposed development does not create a land use conflict with the existing cropping use.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

It is considered the proposal for a solar farm is in the public interest as:

- The proposal will provide renewable energy to cater for the needs of approximately 2,000 homes
- The proposal will provide renewable surplus energy to the State grid, which will reduce the requirement for reliance on existing fossil fuel fired power stations and is therefore in the wider public interest;
- The proposal is consistent with planning controls of the Warren LEP and DCP;
- The proposal will not have any adverse environmental impacts in the normal course of operations;
- The proposal is a sufficient distance from the nearest settlement that if a fire occurred could be mitigated;
- The proposal will provide some economic benefit to the local community during the construction phase and up to one permanent local jobs during operation;
- The engagement of local contractors where possible during construction;
- As mentioned, the development will provide additional capacity to the State grid via transfer of surplus electricity production which is consistent with the principles of ecologically sustainable development and mitigating climate change.

In view of the above, on balance, it is considered that the proposal is consistent with the local and wider public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>		N/A
Rail authority for the rail corridor	Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>		N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land		N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	Response received; conditions provided in attachment A.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer has recommended conditions of consent. The access is over existing road network. Section 88B required for access over private land. Section 138 for work over un-named road.	Y
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised no concern.	Y

Building	Council's Building Officer reviewed the proposal and raised no objection subject to recommended conditions.	Y
Health	Council's Health Officer reviewed the proposal and raised no issues.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 7 April 2021 until 23 April 2021. The Council didn't receive any submissions in response to the notification.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Access over private land;

To ensure that access to the development site can be maintained

Resolution: The issue has been resolved through recommended conditions of consent

The creation of an 88B instrument over the private land, being lot Lot 1 DP864987, Lot 1 DP538671, Lot 30 DP755293, and Lot 2 DP755293, for the purpose of access.

Reason: To ensure that access over private land is formalised legally to ensure that access can be maintained into the future.

5.2 Bushfire prone land

The site is bushfire prone land, (refer to report).

Resolution: The issue has been resolved through recommended conditions of consent

The solar farm shall comply with the relevant specifications and requirements of the Bush Fire Risk Assessment report prepared by Bushfire Environmental Management Consultancy dated 21st April 2023 including the following:

- A 10m wide Asset Protection Zone (APZ) around the perimeter of the solar array and contained within the boundaries of the subject site. The APZ that would give firefighters a clear and defensible place from which to fight any fire and would be fuel- managed, with regular site maintenance ensuring grass and other vegetation is kept to a safe level, including under the solar array panels themselves.

- Emergency vehicle access off unnamed road that would allow firefighting vehicles to enter the site. All access gates would be fitted with an 003 fire lock that would be able to be used by emergency services.

- Installation of a minimum 20,000 litre static water supply tank for dedicated firefighting purposes. The tank is proposed to be located near the entry point of the compound/site. The tank would be fitted with 65mm storz outlet with a ball valve fitting extending to outside the fence compound providing firefighter access OR the tank can be entirely outside the fence compound, to allow connection to firefighting vehicles.

- The tank is to be non-combustible materials (steel/concrete)
- Ball valve and pipes are adequate for water flow and are metal,
- Supply pipes from tank to ball valve have the same bore size to ensure flow volume,
- Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank,
- A hardened ground surface for truck access is supplied within 4m,
- Above-ground tanks are manufactured from concrete or metal,
- Raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959),
- Unobstructed access can always be provided,
- Static Water Supplies (SWS) are clearly marked with SWS signage place at the front gate and in location that guide responding fire agencies to the location of the water supply on site (Refer to Appendix),
- Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- All exposed water pipes external to the building are metal, including any fittings.

Details are to be demonstrated on the Construction Certificate plans.

5.3 Flooding

The site is subject to flooding however due to the relocation of the development to a higher area than originally proposed, the incidence of flooding is less likely.

Resolution: The issue has been resolved through recommended conditions of consent

Buildings and critical infrastructure is to be at a level of at least 450mm above the 1955 flood height as indicated by the Department of Water Resources or as evidenced by a Registered Surveyor's Level Certificate using known flood marks and the 1955 flood slope to calculate flood height at the development site. This information is to be provided prior to the commencement of building works.

Reason: To ensure the associated infrastructure is not inundated by flood waters.

5.4 Hazardous materials/contamination

Due to the nature of the development involving oil in the transformer.

Resolution: The issue has been resolved through recommended conditions of consent

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

5.5 Road works

The development will impact upon the existing unnamed road and as such the developer is required to improve the road to an all-weather access road and to provide a post construction dilapidation report.

Resolution: The issue has been resolved through recommended conditions of consent

17. A Section 138 application under the Roads Act is required, to complete the necessary roadworks on the unnamed road as required by Consent condition no. 18 below.

18. The applicant is to provide an all-weather access road, a minimum of 150mm road base (DGB20) or "A1" gravel pavement, a minimum of six (6) metres wide, from the end of the bitumen seal on the Nevertire-Bogan Road to the development site, including within the private property NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

Reason: To ensure that the site is suitably accessible during wet weather.

19. Provide an all-weather turning area, a minimum of 150mm road base (DGB20) or "A1" gravel pavement, a minimum of six (6) metres wide.

NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

Reason: To ensure that the site is suitably accessible during wet weather.

20. The developer is to ensure that dust suppression measures are in place to minimise the creation of dust into and exiting the development site.

Reason: To ensure the creation of dust does not impact upon the amenity of the area and does not create a visibility hazard to the surrounding environment.

21. The maintenance of the roads including the bitumen seal are the full responsibility of the developer.

Reason: To ensure the associated infrastructure is not inundated by flood waters.

37. Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of the principal certifier, detailing whether:

(a) any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s) (where there are any adjoining buildings within 3 metres of a boundary).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

5.6 Glare and Glint

Refer to report. Determined as not an issue or a concern. No resolution required.

5.7 Macquarie Valley Pistol Club

Email received expressing no safety concerns. No resolution required.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The key issues for the development are:

- Access over private land, bushfire prone land, all weather access, flooding, and hazardous materials/contamination. The site is deemed suitable for the proposed development and is considered compatible with the locality etc.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application P16-22.16 for 5MW PV solar farm and battery storage system at Lot 2 DP755293 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans
- Attachment C: Email from Macquarie Valley Pistol Club

Attachment A: Draft Conditions of consent

As per Section 4.16 (1)(a) the development consent is granted subject to following conditions are to be fully complied with;

1. The creation of an 88B instrument over the private land, being Lot 1 DP864987, Lot 1 DP538671, Lot 30 DP755293, and Lot 2 DP755293, for the purpose of access.

Reason: To ensure that access over private land is formalised legally to ensure that access can be maintained into the future.

Conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*

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

Reason: Statutory requirement.

3. A sign must be erected in a prominent position on the site:

- showing the name, address and telephone number of the principal certifying authority for the work, and
- 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
- stating that unauthorised entry to the work site is prohibited.
- Detailing a GPS location for emergency services in the event of an emergency

Any such sign is to be maintained while the building work is being carried out but must be removed when the work has been completed.

Reason: Statutory requirement.

Conditions imposed by Council

Approved Plans and Supporting Documentation

4. The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Statement of Environmental Effects, Ref 630.30571.00000-R04-v0.1, dated October 2023, prepared by SLR Consulting Australia Pty Ltd.			
The following plans, studies and reports submitted with Development Application Number P16-22.16, and prepared by Provincence Asset Group (unless otherwise stated):			
Drawing Document Project No.	Version	Content	Date of Plan
CIV.00 - 005	C	Stormwater Management Plan	29.05.2023
10110-G-GAD-01-1	J	Site access and location detail	5.12.2023

10110-G-GAD-02-1	J	Overview	5.12.2023
10110-G-GAD-02-2	J	System Detail	5.12.2023
10110-C-DET-02-1	B	Security Fence	04.02.2021
10110-C-DET-06-1	C	Road Section Detail	9.11.2023
10110-E-DET-01-1	B	PV Mounting System Detail	04.02.2021
10110-E-DET-02-1,2	B	Power Conversion Station Detail	04.02.2021
10110-G-DET-01-1	C	Site Elevation Detail	04.02.2021
10110-C-DET-05-1	B	Shed detail	04.02.2021
10110-E-DET-06-1	A	BESS Container detail	20.04.2023
200638	C	Stormwater Management Report	30.05.2023
BEMC	2	Bush Fire Risk Assessment	21.04.2023

In the event of any inconsistency between the conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

Connection to Electricity Network

5. This development consent does not approve the connection to the electricity network over Lot 2 in DP755293. Any proposed connection will be the subject of a separate application and approval from the relevant authority.

Reason: To ensure appropriate approvals are sought for future off-site infrastructure works.

6. A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

Reason: To ensure any signage is assessed in accordance with the planning controls.

7. This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

8. A Construction Certificate is required for the development in accordance with Section 6.7(1) of the Environmental Planning and Assessment Act 1979.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

9. The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

(a) Payment of building and construction industry long service levy - The applicant must pay the long service levy of \$39620.00 as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

(b) Public liability insurance - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.

Reason: To ensure payments are made in accordance with legislative requirements.

10. The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

11. Stormwater management shall be undertaken in accordance with the final approved stormwater plan Drawing CIV -00...05 Version C REF 022638 prepared by DRB Consulting Engineers.

The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.

Reason: To ensure stormwater is appropriately managed on the site.

12. The solar farm shall comply with the relevant specifications and requirements of the Bush Fire Risk Assessment report prepared by Bushfire Environmental Management Consultancy dated 21st April 2023 including the following:

- A 10m wide Asset Protection Zone (APZ) around the perimeter of the solar array and contained within the boundaries of the subject site. The APZ that would give firefighters a clear and defensible place from which to fight any fire and would be fuel- managed,

with regular site maintenance ensuring grass and other vegetation is kept to a safe level, including under the solar array panels themselves.

- Emergency vehicle access off unnamed road that would allow firefighting vehicles to enter the site. All access gates would be fitted with an 003 fire lock that would be able to be used by emergency services.
- Installation of a minimum 20,000 litre static water supply tank for dedicated firefighting purposes. The tank is proposed to be located near the entry point of the compound/site. The tank would be fitted with 65mm storz outlet with a ball valve fitting extending to outside the fence compound providing firefighter access OR the tank can be entirely outside the fence compound, to allow connection to firefighting vehicles.
 - The tank is to be non-combustible materials (steel/concrete)
 - Ball valve and pipes are adequate for water flow and are metal,
 - Supply pipes from tank to ball valve have the same bore size to ensure flow volume,
 - Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank,
 - A hardened ground surface for truck access is supplied within 4m,
 - Above-ground tanks are manufactured from concrete or metal,
 - Raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959),
 - Unobstructed access can always be provided,
 - Static Water Supplies (SWS) are clearly marked with SWS signage place at the front gate and in location that guide responding fire agencies to the location of the water supply on site (Refer to Appendix),
 - Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
 - All exposed water pipes external to the building are metal, including any fittings.

Details are to be demonstrated on the Construction Certificate plans.

Reason: To ensure the development complies with the relevant requirements for bushfire management and to protect the safety of occupants on the site.

13. Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

14. Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the Environmental Planning and Assessment Regulation 2000.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

15.

(a) A safety clearance distance of at least 10 metres (measured horizontally) from the centreline of the overhead powerlines, to the development, is required;

(b) Should the proposed development be altered, Essential Energy is consulted for further comment;

(c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the [subject] property should be complied with;

(d) Activities undertaken within the location of existing electricity infrastructure located on the property 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".

(e) 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).

(f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

16. The design vehicle (largest vehicle) should be conditioned to be limited to a maximum size of 19m B-double heavy vehicle.

Reason: To ensure that the development does not pose a public safety risk with longer vehicles creating a safety hazard, by spilling onto the Mitchell Highway when stopping at the railway crossing.

17. A Section 138 application under the Roads Act is required, to complete the necessary roadworks on the unnamed road as required by Consent condition no. 18 below.

18. The applicant is to provide an all-weather access road, a minimum of 150mm road base (DGB20) or "A1" gravel pavement, a minimum of six (6) metres wide, from the end of the bitumen seal on the Nevertire-Bogan Road to the development site, including within the private property NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

Reason: To ensure that the site is suitably accessible during wet weather.

19. Provide an all-weather turning area, a minimum of 150mm road base (DGB20) or "A1" gravel pavement, a minimum of six (6) metres wide.

NOTE - The road works are to be inspected by Council to ensure these works are suitable for the purpose and meet the required standards prior to the works associated with the solar farm, commencing.

Reason: To ensure that the site is suitably accessible during wet weather.

20. The developer is to ensure that dust suppression measures are in place to minimise the creation of dust into and exiting the development site.

Reason: To ensure the creation of dust does not impact upon the amenity of the area and does not create a visibility hazard to the surrounding environment.

21. The maintenance of the roads including the bitumen seal are the full responsibility of the developer.

Reason: To ensure the associated infrastructure is not inundated by flood waters.

22. Buildings and critical infrastructure are to be at a level of at least 450mm above the 1955 flood height as indicated by the Department of Water Resources or as evidenced by a Registered Surveyor's Level Certificate using known flood marks and the 1955 flood slope to calculate flood height at the development site. This information is to be provided prior to the commencement of building works.

Reason: To ensure the associated infrastructure is not inundated by flood waters.

23. A temporary toilet shall be provided on site from the commencement of building work.

The temporary toilet shall be:-

A water closet connected to the sewerage system or approved septic tank;

A chemical closet supplied by a licensed contractor approved by Council.

Reason: To ensure adequate levels of health and amenity are achieved and the natural environment is protected.

24. The connection of the solar farm to the electricity network is designed to Essential Energy Standards and approved by Essential Energy.

Reason: To ensure the associated infrastructure is designed and approved by the appropriate regulatory authority.

25. The applicant shall ensure that all builders refuse and trade waste, whilst on site, is stored in a manner that does not cause any nuisance. All waste is to be removed from the site at the completion of the construction works.

Reason: To ensure the applicant removes all waste from the site, which could reduce the amenity of the area.

26. All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason: To ensure pedestrian and vehicular access is not restricted in public places.

27. Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

Reason: To ensure that filling placed on land does not affect natural drainage.

28. Fill shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

Reason: To ensure that the works do not result in water being diverted onto adjoining land.

29. Any excavation/fill is to be suitably retained.

Reason: To ensure the stability of the site and adjoining properties.

30. All waste is to be deposited at a licenced landfill. The Ewenmar Waste Depot does not have the capabilities of disposing of large volumes of waste and therefore another waste facility will have to be utilised due to the expected volumes of waste created.

Reason: To ensure that the waste created from the development is disposed of in an acceptable manner and at a licenced waste facility.

31. The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: The storage and handling of flammable and combustible liquids. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

32. Prior to the issue of an Occupation Certificate, the applicant must supply written verification to Council from an appropriate authorised person within the organisation operating the development attesting to the backtracking/rest angle of the solar panel as 40°.

Reason: To ensure potential glare impacts on surrounding receivers is minimised.

33. Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, and is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

34. All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following

- (a) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) Bushfire Protection Measures and standards as outlined in this consent shall be installed and completed;
- (d) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and maintain ground cover.

Reason: To ensure adequate arrangements have been made for the development.

35. Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the Environmental Planning and Assessment Act 1979.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

36. Construction or demolition may only be carried out between the times

Stated as follows:-

Mondays to Saturday 7.00am to 5.00pm.

Sundays & public holidays no construction work to take place.

Reason: To ensure the amenity of the area is not compromised.

37. Before the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report which must include a photographic survey, to the satisfaction of the principal certifier, detailing whether:

(a) any roads and/or public infrastructure have been damaged as a result of the carrying out of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) and if so, it is to be fully repaired to the written satisfaction of Council, and at no cost to Council.

Before the issue of an Occupation Certificate, the Principal Certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s) (where there are any adjoining buildings within 3 metres of a boundary).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

Advisory Note:

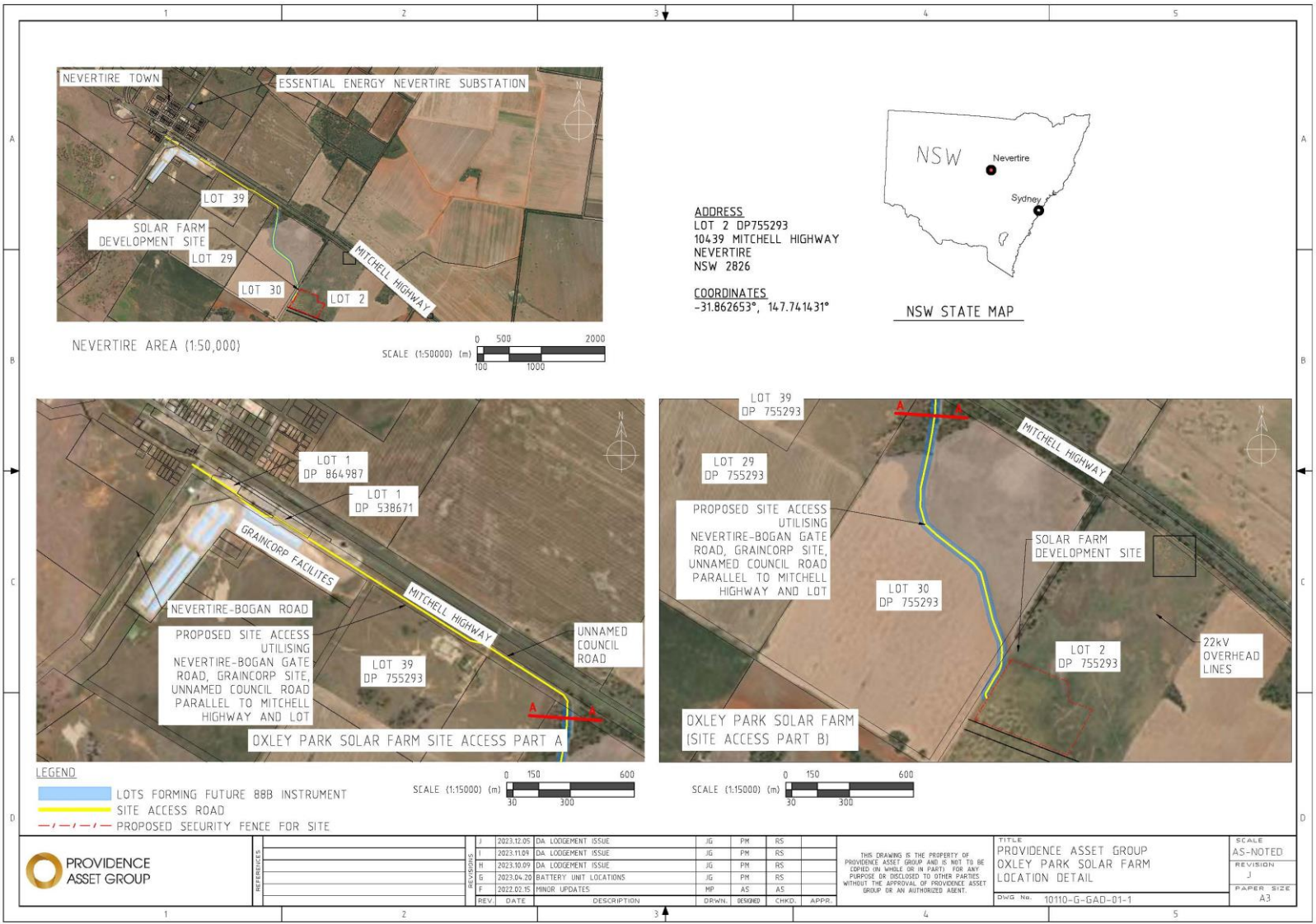
Dial Before You Dig

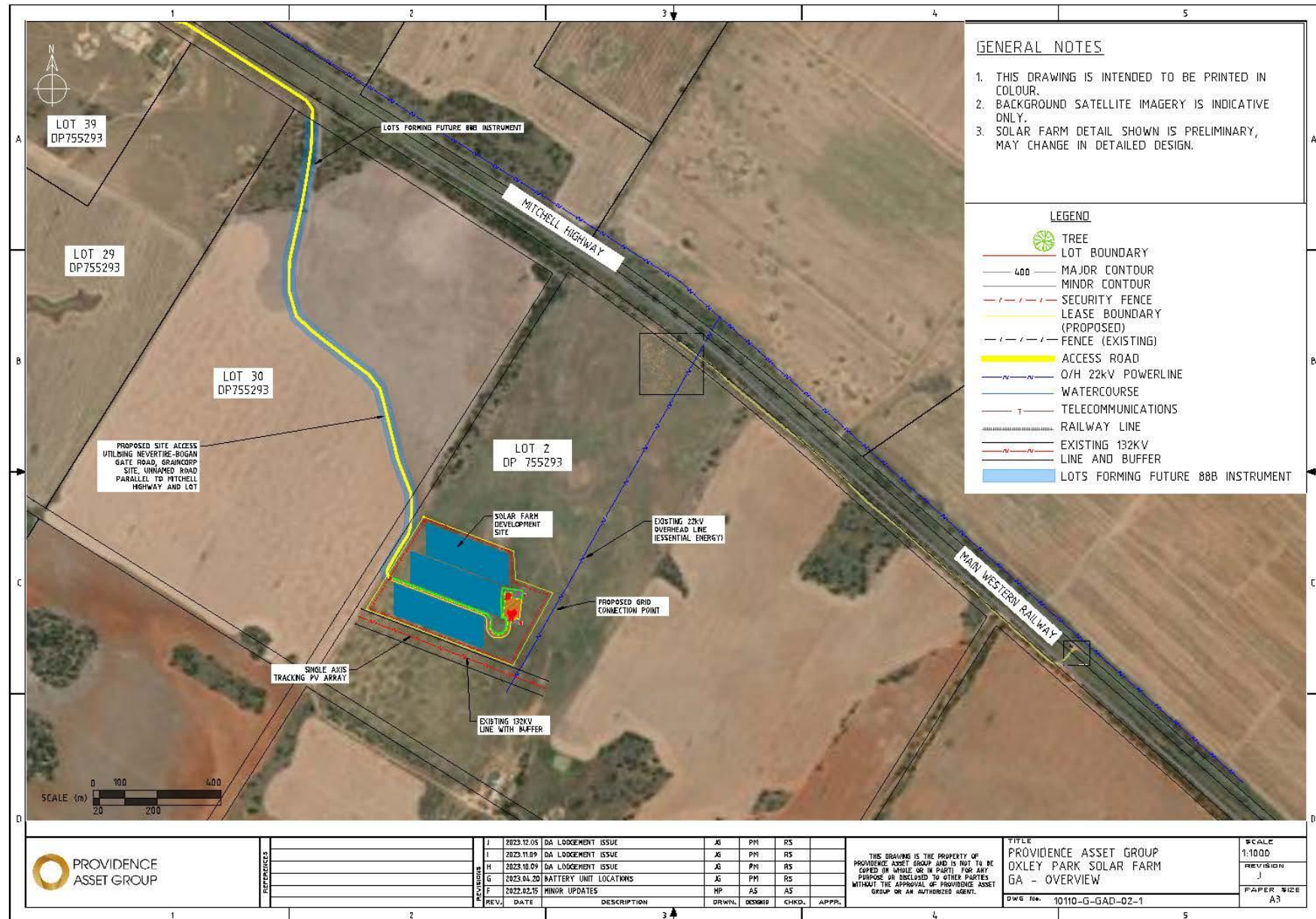
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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.

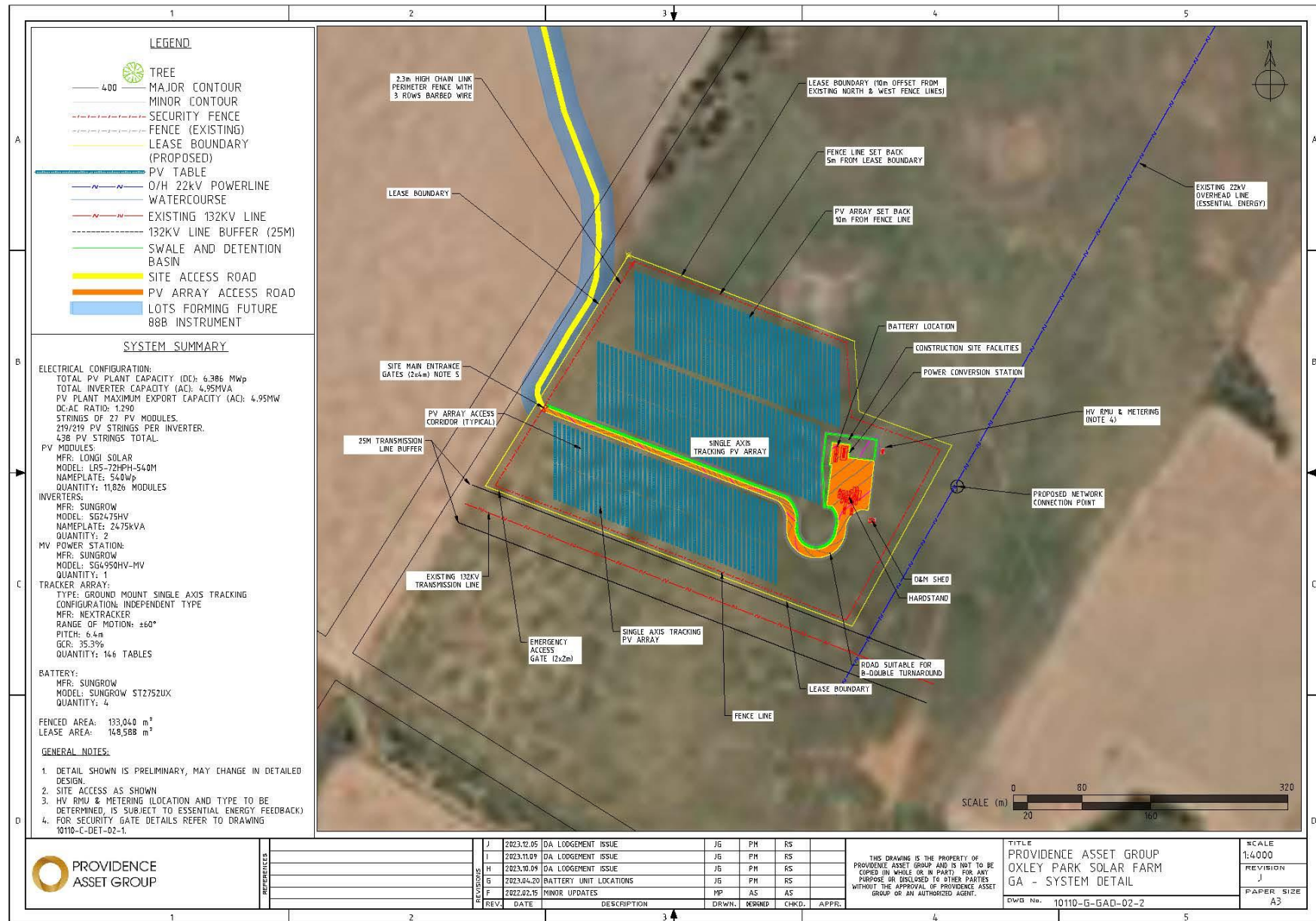
Telecommunications Act 1997 (Commonwealth)

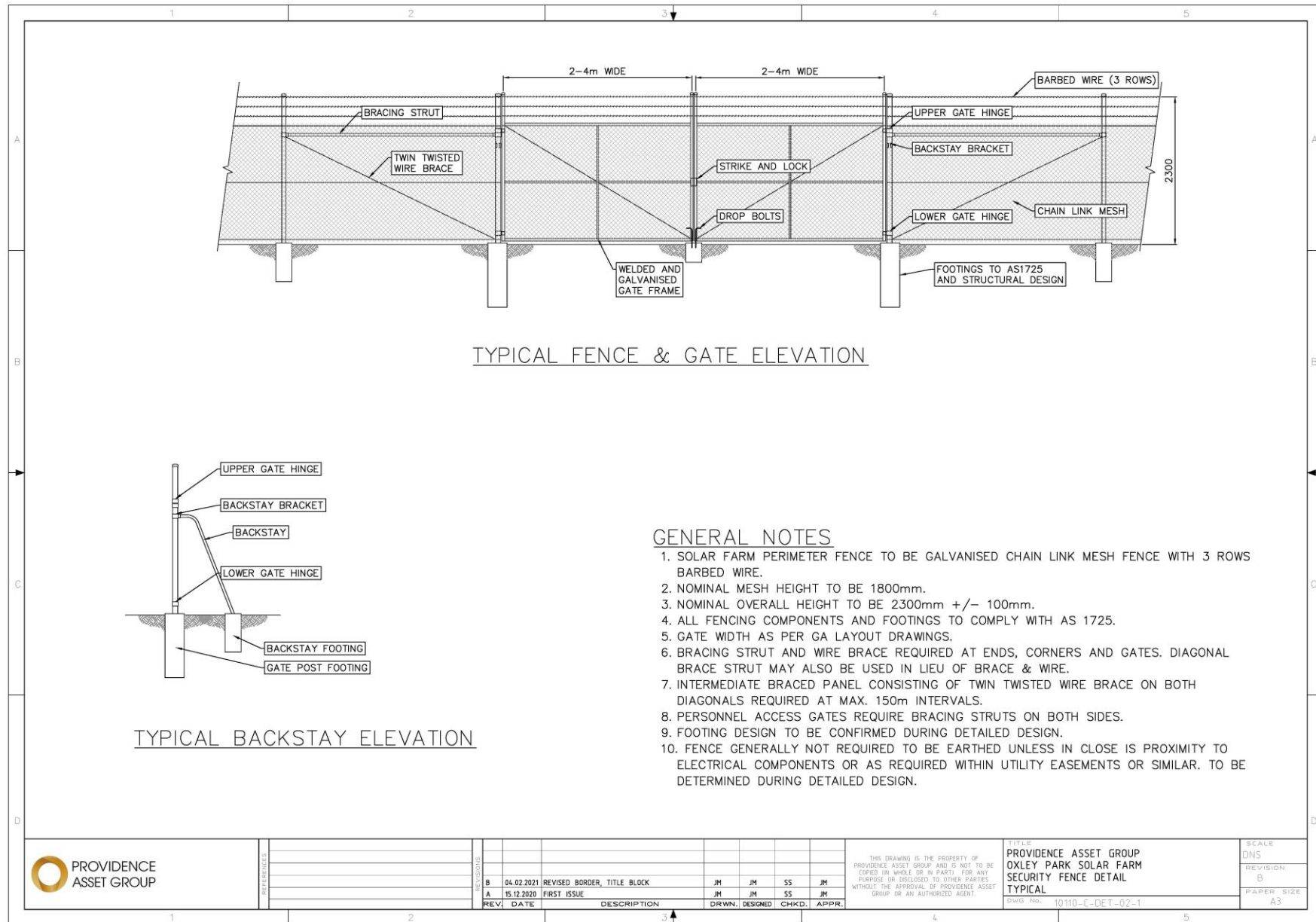
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, 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 1800810443.

Attachment B: Architectural Plans



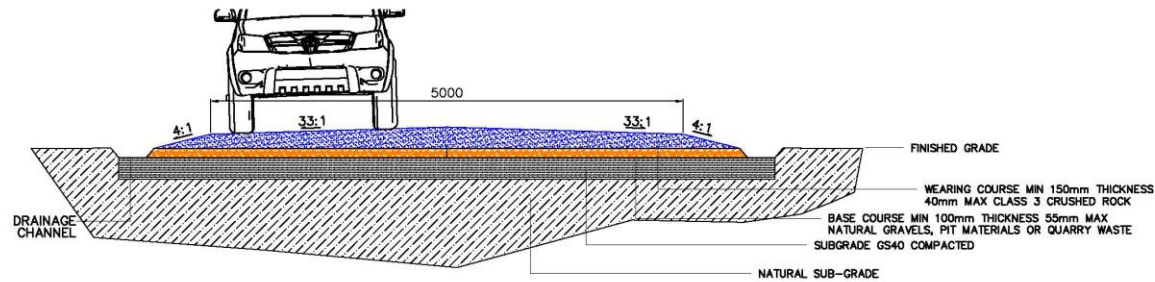




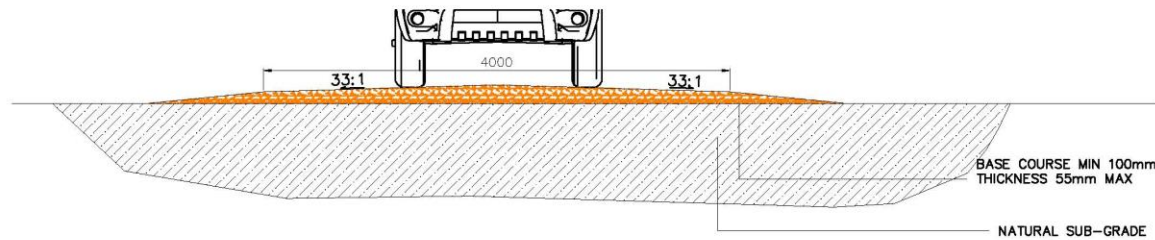


GENERAL NOTES

1. DETAILS SHOWN ARE PRELIMINARY, PAVEMENT DESIGN SUBJECT TO FINAL TRAFFICABILITY ASSESSMENT.
2. TRAFFIC LANE TYPICAL WIDTHS OF 4m TO 5m AS SHOWN. SECTIONS MAY BE WIDER THAN SHOWN TO ACCOMMODATE REQUIRED VEHICLE TURNING CIRCLES.
3. ALL ROADS TO HAVE ADEQUATE CROSS FALL FROM CENTER AND SHALL MAINTAIN MINIMUM LAYER THICKNESSES PER THE PAVEMENT DESIGNS.
4. ALL ACCESS ROADS SHALL BE RAISED MINIMUM 150mm ABOVE EXISTING GROUND LEVEL.



1 SITE ACCESS ROAD SECTION (EXTERNAL SITE ROAD)



2 PV ARRAY ACCESS ROAD SECTION (INTERNAL SITE ROAD)



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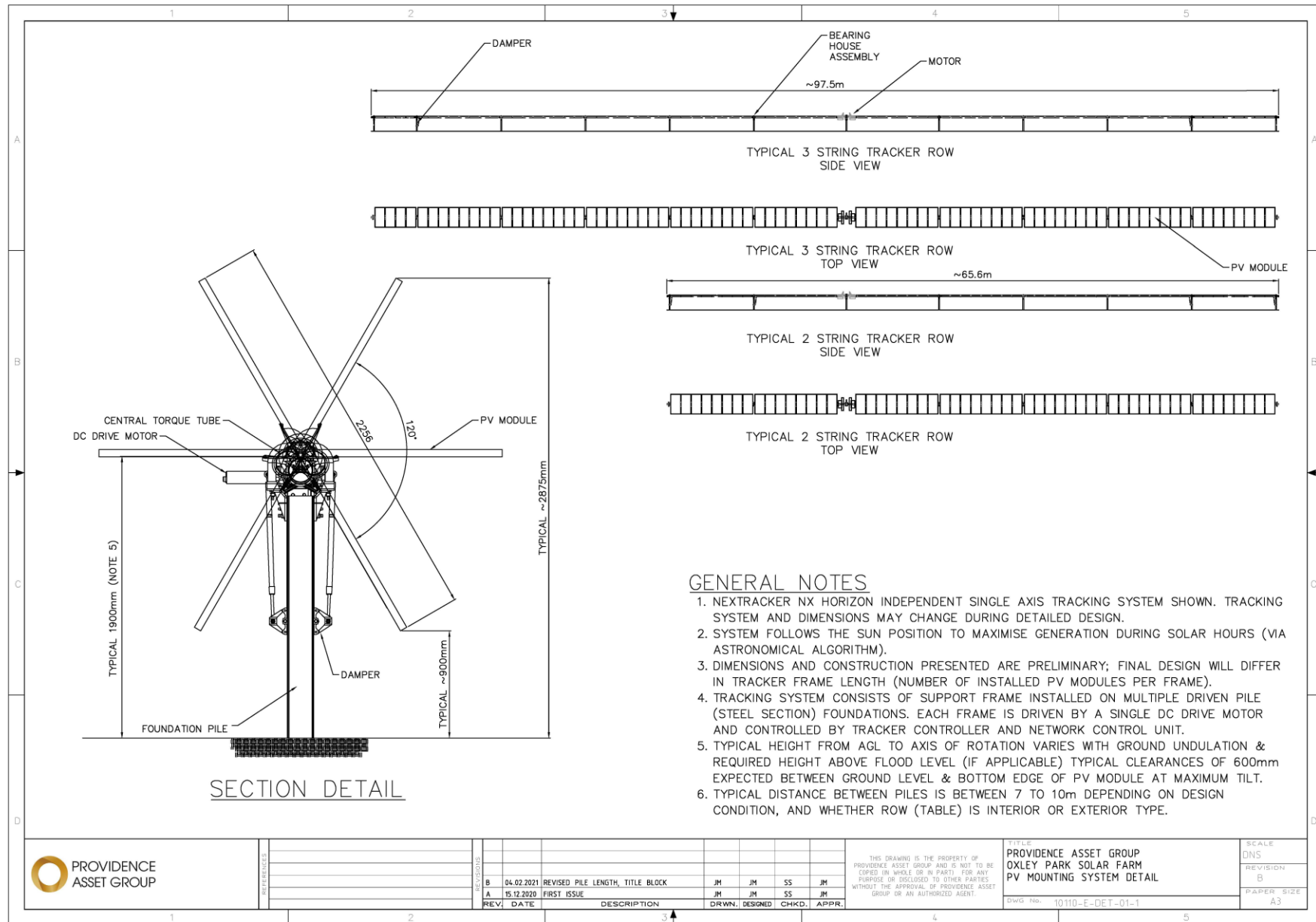
REV.	DATE	DESCRIPTION	DRWN.	DESIGN	CHKD.	APPR.
C	09.11.2023	REVISED NOTES	JG	PM	RS	
B	04.02.2021	REVISED BORDER, TITLE BLOCK	JM	JM	SS	JM
A	15.12.2020	FIRST ISSUE	JM	JM	SS	JM

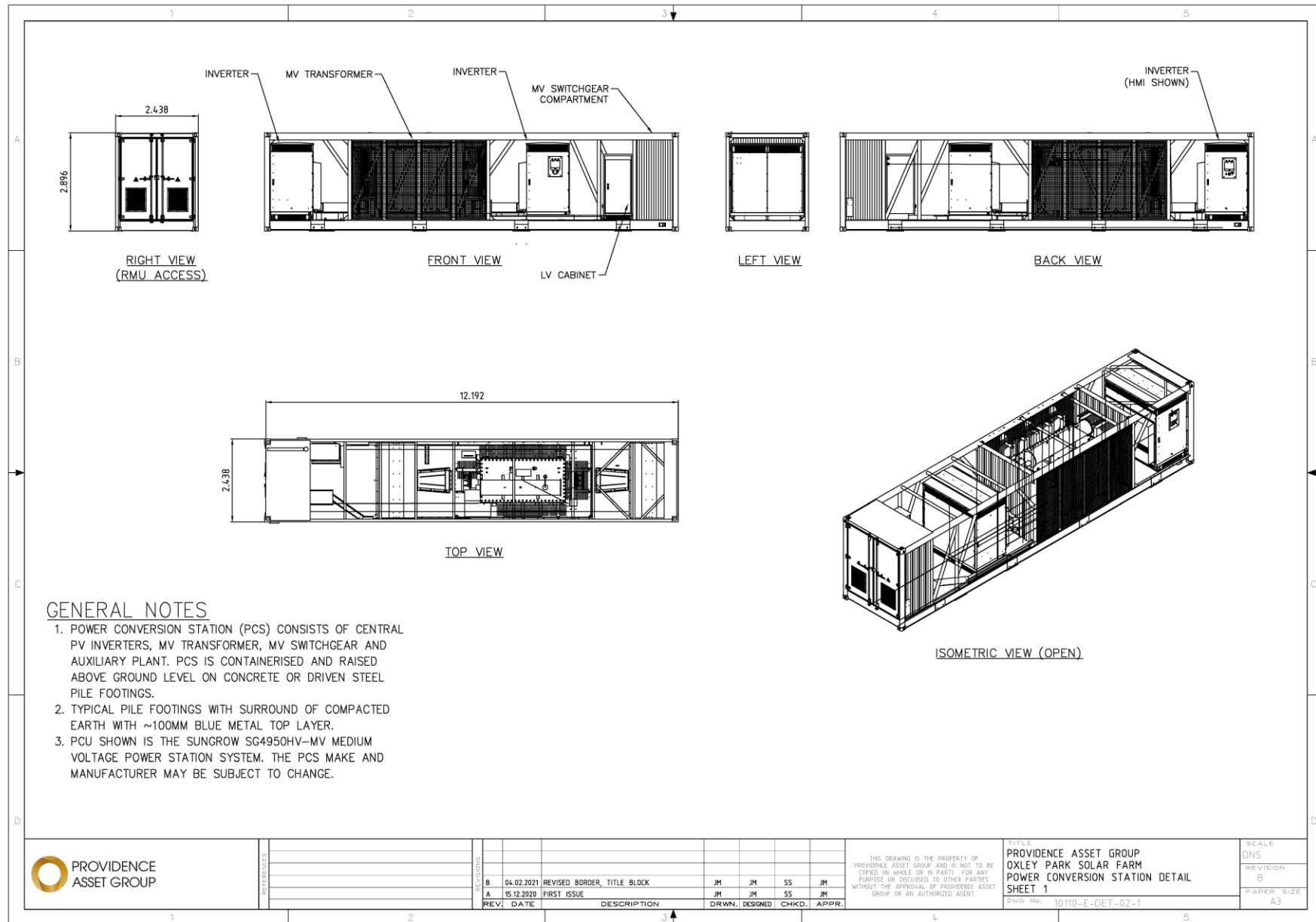
10110-C-DET-01-1 CIVIL DETAIL

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TITLE
PROVIDENCE ASSET GROUP
OXLEY PARK SOLAR FARM
ROAD SECTION DETAIL
TYPICAL
DWG. No. 10110-C-DET-06-1

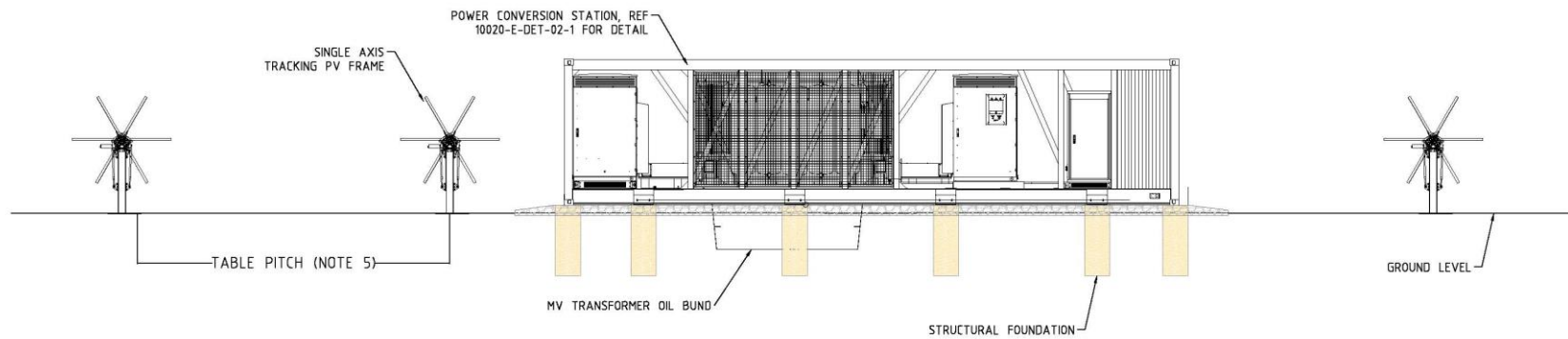
SCALE
AS SHOWN
REVISION
C
PAPER SIZE
A3





GENERAL NOTES

1. TYPICAL INSTALLATION DETAIL SHOWN, MAY CHANGE DURING DETAILED DESIGN.
2. TYPICAL INSTALLATION SHOWN; PCS RAISED ABOVE GROUND LEVEL ON CONCRETE/STRUCTURAL PILE FOUNDATIONS, WITH BLUE METAL SURROUND. FOR LOW LYING AREAS SKID REQUIRES RAISING ABOVE FLOOD LEVEL BY COMPACTED EARTH MOUND, TYPICAL 1:3 BATTER, WITH ONE SIDE MIN 1:6 FOR PEDESTRIAN ACCESS, SUBJECT TO FINAL DESIGN.
3. SINGLE AXIS TRACKER ASSEMBLY – FULL HEIGHT TYPICALLY 2.575m AGL, +/- 0.5m DEPENDING ON GROUND TOPOGRAPHY. TYPICALLY 1.6m AGL, +/- 0.5m WHEN IN FLAT POSITION.
4. MINIMUM CLEARANCE OF 600MM BETWEEN GROUND LEVEL AND PV MODULE EDGE AT MAXIMUM ROTATION TO BE MAINTAINED.
5. SINGLE AXIS TRACKING FRAME – TYPICAL TABLE PITCH OF 6.0 – 7.0m
6. COMBINER BOX TYPICALLY 1.5m +/- 0.5m HIGH.



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REV.	DATE	DESCRIPTION	DRWN.	DESIGNED	CHKD.	APPR.
B	04.07.2021	REVISED BORDER, TITLE BLOCK	JM	JM	SS	JM
A	15.12.2020	FIRST ISSUE	JM	JM	SS	JM

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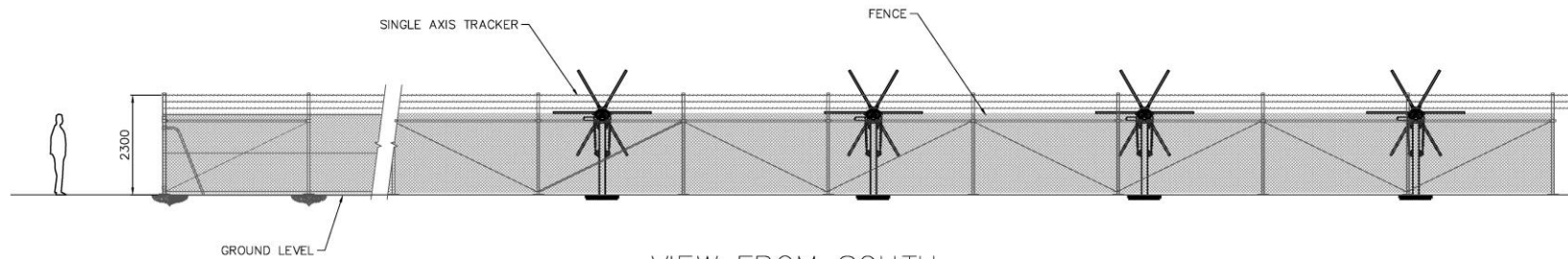
TITLE
PROVIDENCE ASSET GROUP
OXLEY PARK SOLAR FARM
POWER CONVERSION STATION DETAIL
SHEET 2

DWG. No. 10110-E-DET-02-2

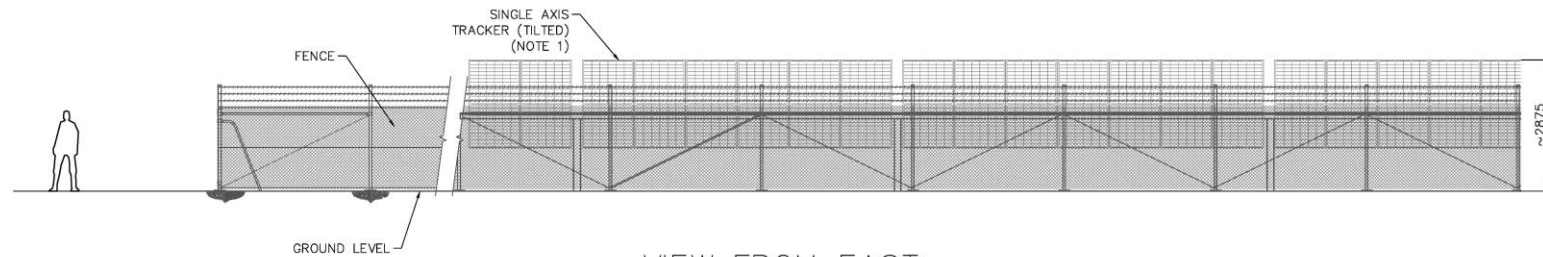
SCALE
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REVISION
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GENERAL NOTES

1. NB DETAIL PRESENTED IS PARALLEL PROJECTION. PV TRACKERS WILL BE 1-MODULE-IN PORTRAIT SINGLE AXIS TRACKING TYPE, AND WILL BE POSITIONED SUFFICIENTLY FAR FROM THE FENCELINE AS TO APPEAR SMALLER THAN AS SHOWN.
2. PRELIMINARY EQUIPMENT SELECTION:
PV MODULE: LONGI LR5-72HPH-540M
TRACKING SYSTEM: NEXTRACKER NX HORIZON
DETAIL PRESENTED IS BASED UPON EQUIPMENT SELECTION, MAY CHANGE DURING DETAILED DESIGN.
3. GROUND LEVEL SIMPLIFIED TO CONSTANT ELEVATION, GROUND LEVEL VARIES ACROSS SITE.
4. REFER TO 10110-C-DET-02-1 FOR FENCING DETAIL.
5. LANDSCAPING EXTERNAL TO FENCE NOT SHOWN.
6. PILES 300mm LONGER THAN TYPICAL TO REMAIN CLEAR OF FLOOD EVENT WATER LEVELS.



VIEW FROM SOUTH



VIEW FROM EAST



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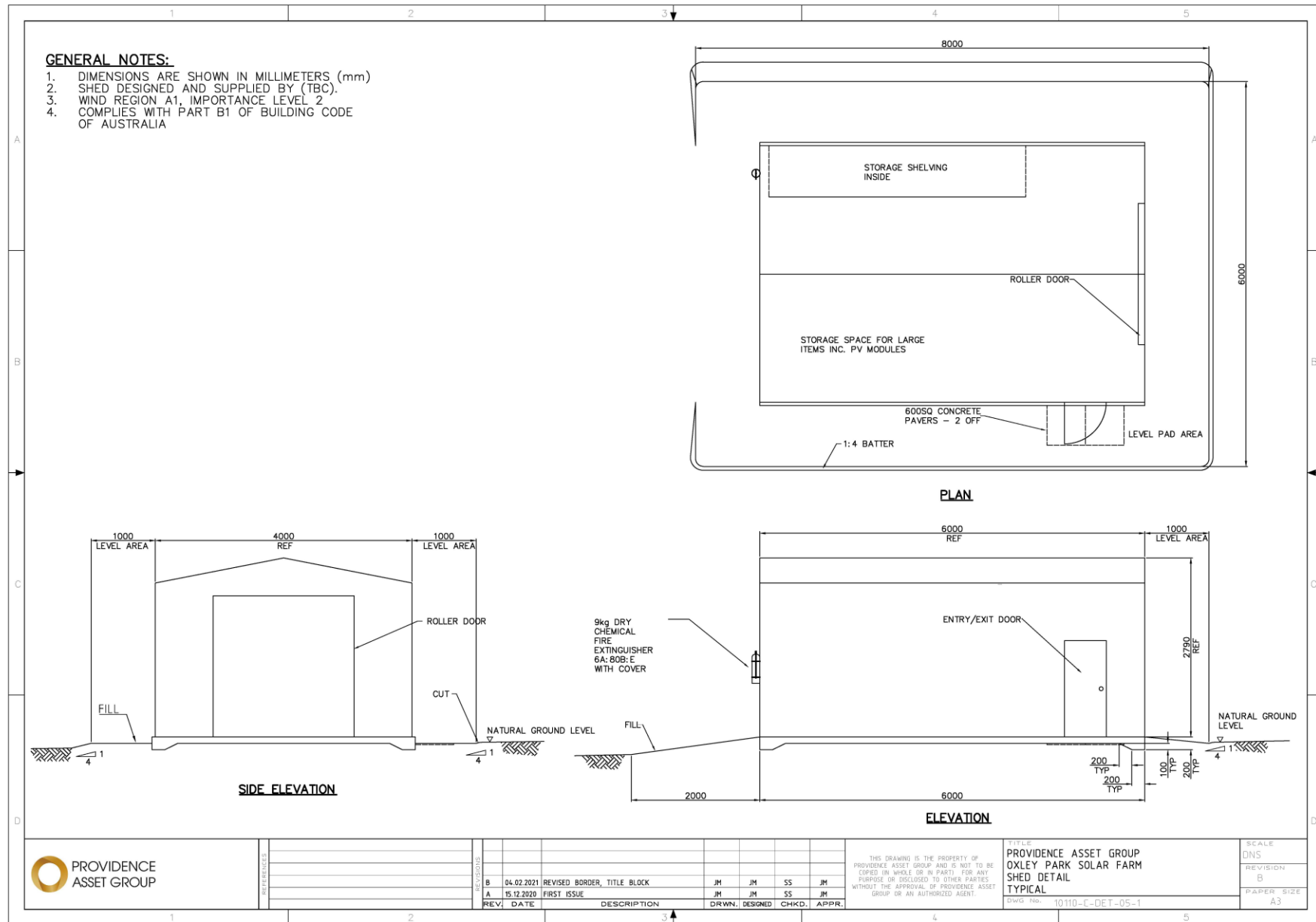
REV.	DATE	DESCRIPTION	DRWN.	DESIGNED	CHKD.	APPR.
C	04.02.2021	REVISED TRACKER PILE LENGTH	JM	JM	SS	JM
B	04.02.2021	REVISED BORDER, TITLE BLOCK	JM	JM	SS	JM
A	15.12.2020	FIRST ISSUE	JM	JM	SS	JM

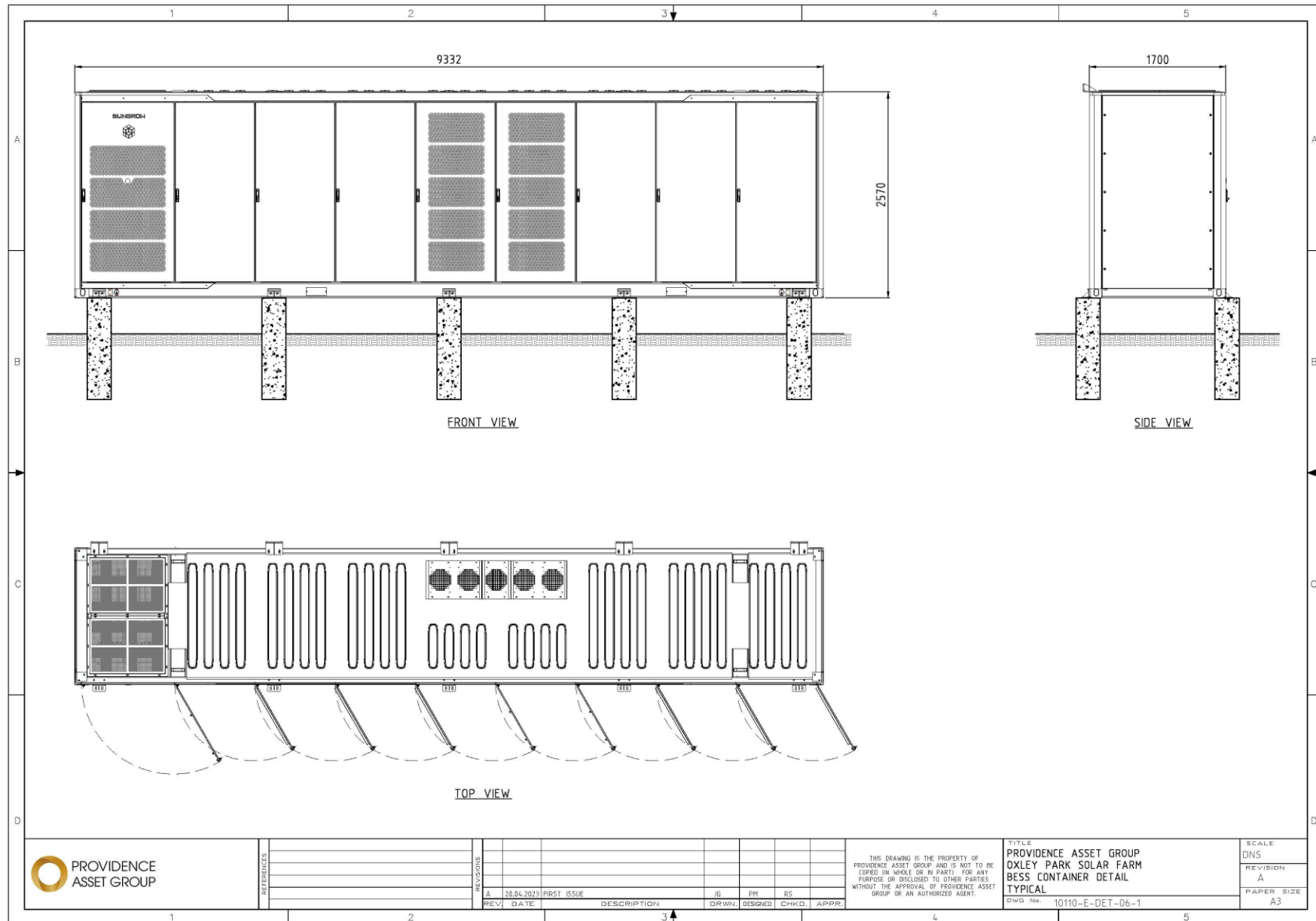
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TITLE
PROVIDENCE ASSET GROUP
OXLEY PARK SOLAR FARM
SITE ELEVATION DETAIL

DWG No. 10110-G-DET-01-1

SCALE
DNS
REVISION
C
PAPER SIZE
A3





Attachment C: Email from Macquarie Valley Pistol Club

From: Aaron Ryan <aaronryan1114@gmail.com>
Sent: Friday, December 8, 2023 9:05 AM
To: Maryanne Stephens <mjs@warren.nsw.gov.au>
Subject: Re: Nevertire Solar Farm "Oxley Park"

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

After discussions with the club and surrounds ,it is under our opinion that the proposed works detailed in the provided email attachments , for the upcoming solar farm, will not directly be affected by pistol club meetings/shoots.

Please be aware that if proposed plans for the solar farm deviate from shown attachments, then permissions and affected areas will need to be re-addressed.

Also note, any changes to fence lines to surrounding lots conjoined with the pistol club are at the expense of the solar farm.

Regards

Aaron Ryan

MAQUARIE VALLEY PISTOL CLUB

SECRETARY/TREASURER

On Tue, 31 Oct 2023, 4:54 pm Maryanne Stephens, <mjs@warren.nsw.gov.au> wrote:

Good afternoon Ryan

Please find attached information on the proposed solar farm on "Oxley Park". If you can please provide a letter stating that the Nevertire Pistol Club don't have any concerns that would be greatly appreciated.

Regards,

Maryanne Stephens

Manager Health & Development | Warren Shire Council

A: 115 Dubbo Street Warren NSW 2824 | PO Box 6 Warren NSW 2824

P: 02 6847 6600 |

E: Maryanne.Stephens@warren.nsw.gov.au



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