



MATTERS FOR CONSIDERATION UNDER SECTION 4.15

Environmental Planning & Assessment Act 1979 (as amended)

Development Application No	DA19/2023
Details of Proposal	New 5MW Solar Farm
Owner	Anne Catherine O'Leary
Applicant	Bilal Enerparc
Property Description	Talbragar Park/126 Lawson Park Road DUNEDOO 2844 Lot 78 DP754309
Zoning	RU1 Primary Production
Proposed Zoning	N/A
Local Environmental Plan	Warrumbungle LEP 2013
Vehicle Access	New access is proposed from Lawson Park Road as per Technical Services requirements.
Assessing Officer	Mark Hitchenson – Contract Planner
Date of Inspection	29 May 2023
Site History	Site has a history of agricultural activities there are no structures located on this area of the property.
Key Issues	The key issues identified are: • Traffic impacts during construction with heavy vehicles on the roads, • Impacts on agricultural land, • Visual impacts on adjoining properties, • Bushfire Prone land, • Disposal of waste, and • Decommissioning of solar panels at the end of life.
Secondary Assessing Officers	Kelly Dewar – Manager Planning and Regulation Darren Devenish – Building Certifier

INTEGRATED DEVELOPMENT:

Fisheries Management Act 1994	No	Heritage Act 1977	No
Mine Subsidence Compensation Act 1961	No	National Parks & Wildlife Act 1974	No
Protection of the Environment Operations Act 1997	No	Roads Act 1993	No
Rural Fires Act 1997	No	Water Management Act 2000	No

PUBLIC CONSULTATION

Notification Requirements under DCP 2015 & Statutory (Integrated/Designated/Advertised)

Notification – Adjoining landowners	Yes
Newspaper Advertisement	Yes
Exhibition/Notification dates	From: 13 September 2023 To: 5 October 2023
Submissions received: 2 during notification period plus 1 late submission.	Issues: • Solar installations are unsightly, will cause glare and ruin our scenic views. • The run off from the solar panels will affect water courses that flow into the Talbragar River, cause erosion and pollute the river system. • Using valuable agricultural land for power generation is wrong! • The land is flood prone, prime agricultural land that should not be used for industrial purposes. • The development will be only a few hundred meters from my

	kitchen window, not a view you can admire, especially if they were to go into disrepair such as hail storm damage, becoming redundant because of nuclear power eventually becoming our main source of energy and potentially becoming a fire hazard. • It would appear the transmission line to link the nearest substation would have to cross some of my property, which I would strongly oppose. • Impact on the valuation of my property. • The proposal is just a blight on a beautiful piece of Agriculture land.
	Planners comments: • The application has been accompanied by an assessment of the visual and glare impacts of the proposed development. The assessments demonstrate that the proposal will have minimal impacts. The applicant used the 'Large Scale Solar Energy Guideline' to assess visual impacts. Notification resulted in only three objections (only one from a person within the viewshed). Councils own assessment of the visual impact is minimal with the exception of the adjoining property discussed below. • Stormwater runoff from the solar panels will fall onto the natural ground and will predominantly be absorbed into the soil in a dispersed manner. Conditions relating to erosion and sediment control are recommended. Subject to these conditions, the proposal will not cause pollution of the river system. • The subject land is within the Renewable Energy Zone and will be returned to agricultural land at the end of the development's lifespan. • A hydrological study was submitted with the development application indicating an average flood depth across the site of 0.061m (6.1cm). The study shows a slight increase in flood levels on the subject site as a result of the development and a slight decrease in flood levels on downstream properties. Overall, the study demonstrates no significant difference between pre-development and post-development flood peak discharges. • Only a small part of the subject land is mapped as Biophysical Strategic Agricultural Land. The proposed use is temporary, is not defined as an industrial activity and will not prevent the future use of the land for agricultural purposes. • A row of existing trees is located along the western boundary of the site to provide some screening of the solar panels from the adjoining residence. In addition, there is vegetation on the adjoining property that adds to this screening. The existing vegetation is shown in the following aerial photograph. • At the onsite meeting it was discussed that additional trees be planted for added screening for R2 and R3. Condition of Consent to be conditioned to ensure that adequate screening is established and maintained for the life of the development.



- The transmission line already exists and the only works to connect the panels to the transmission line are within the subject property. No works on the adjoining property are proposed.
- The issues of repair of damaged panels and the potential redundancy of solar power are not relevant to the assessment of the development application. Any damaged panels would need to be disposed of as per waste conditions.
- The potential impact on property values is also not a relevant planning matter. In any case, there is no evidence to suggest that the proposal will result in the devaluation of any property.

AGENCY / INTERNAL REFERRALS

Agency Name	Essential Energy
Agency Response / Conditions: Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development: • As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10M from the nearest part of the development to Essential Energy's infrastructure is required to ensure that there is no safety risk. 22KV LINE TO THE NORTH OF THE PROPERTY • As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. • It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets. Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service. Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.	

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure 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;
- 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Internal Referrals

Building Certifier: Referral sent on 27 June 2023. Comments received 5 July 2023.

Conditions

- All works constructed be required will to be in accordance the NCC-BCA 2019 Volume Two Class 1 and Class 10 Buildings.
- Structurally engineered plans will be required for the installation of the solar units.

Technical Services: Referral sent on 27 June 2023. Comments received 5 July 2023.

Comments:

Lawson Park Road traverses the premises located at 126 Lawson Park Road, Dunedoo, with the proposed development planned for the northern section of the property. Unfortunately, the property lacks clear identification markers, such as property numbers or names, and the proposed driveway access is not visibly designated on-site.

Considering the presumed location, it is imperative to verify the property's proposed site access once the necessary markings are clearly established, including visible indicators of the property name and numbers. To enhance site identification and facilitate a comprehensive evaluation, it may be advisable to arrange an additional site inspection prior to scheduling the subsequent visit.

Presently, the land consists of undeveloped farmland, enclosed by fencing. No existing driveway exists on proposed location, necessitating the creation of a new one. Alongside the roadside, a mowed table drain is present, which exhibits water ponding along its alignment. Notably, no kerb and gutter infrastructure is found along the frontage.

During the construction process, utmost care must be taken to ensure that the stormwater drainage flow along Lawson Park Road remains unaffected by the installation of the new driveway.

Additional Comments received on 9 August 2023:

Premise has reached an agreement to select the 'All Weather Road' as the preferred access route, in lieu of the 'Digilah Road'. The 'All Weather Road' route has the advantage of lacking culverts or bridges, except for one causeway. This makes it a safer option for accessing the property located at Talbragar Park/126 Lawson Park Road, Dunedoo. Consequently, there is no necessity for an assessment of the existing culvert on Digilah Road.

I'm pleased to inform you that the council has authorized the utilization of the 'All Weather Road' for heavy vehicle access, irrespective of loading conditions.

I wish to emphasize that all other conditions remain unaltered.

Conditions:

- **Property Access Driveway** - The construction of the property's vehicle driveway access must adhere to the guidelines outlined in the Warrumbungle Shire Council's commercial driveway access drawing and Development Control Plan. To facilitate the driveway construction from Lawson Park Road, a suitably sized pipe culvert with accompanying headwalls is required. The minimum recommended pipe size is 375mm, and the appropriate class will be determined and designed by a qualified engineer to accommodate the proposed road train access. Additionally, considering the new development's proximity to the table drain adjacent to Lawson Park Road, it is crucial to obtain prior approval for the driveway's location and geometry before commencing any road works. This ensures compliance with regulations and proper integration with existing drainage infrastructure.
- **Street Drainage** - The construction of the driveway shall not impede the street drainage flow.

- Site Drainage - Adequate site drainage should be maintained to reduce moisture changes of underground soil during wet season.
- Roof Water - Direct roof water and water from solar panels away from the foundation using properly sized guttering, down piping, and drainage systems, while ensuring it doesn't hinder the natural water flow of the surrounding area.
- Utility Services - All existing utility services must be appropriately located prior to the start of construction.
- Sediment Control - Appropriate sediment and erosion control measures need to be taken during construction work to minimise runoff and erosion. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaping is completed. Please list any conditions to be imposed on the Notice of Determination. All road works, safety, service criteria and traffic management on local roads are required to meet with Council's formal approval as the roads authority under the Roads Act 1993.
- Standards: All public works and public land impacted, or to be constructed by the consent holder and dedicated to Council, shall be designed, constructed and maintained in accordance with the relevant Austroads and Council's adopted standards current at the time of application for each detailed design approval (e.g. under the Roads Act).
- Roads condition assessment: The consent holder shall undertake comprehensive condition assessment reports to Council's satisfaction, for all its infrastructure assets along the identified Council-managed commuter and haulage routes, prior to the consent holder commencing significant activity along that route in the construction or future refurbishment or decommissioning phases, and again within four months after the conclusion of construction, refurbishment or decommissioning.
- Road Safety Audit (RSA): Prior to Roads Act approvals, the developer must provide an RSA prepared by an independent accredited RSA auditor for all the designated WSC-managed commuter and haulage roads, considering the construction, operation, refurbishment and decommissioning stages of the project. Any specific hazards or infrastructure treatments identified may be required to be included in the scope of works, depending on the risk assessment and to the satisfaction of Council.
- Maintain roads during construction: The consent holder shall maintain the WSC-managed public roads comprising the designated haulage and commuter routes for the entire duration from commencement of the construction, until completion of the Defects and Maintenance Liability Period (DLMP), to Council's satisfaction.
 - a. Maintenance shall include regular patrols, grading (for unsealed roads) and rectification of any apparent hazards, failures or defects within a reasonable timeframe, to provide for safe and serviceable travel by all road users to a standard no worse than in the pre-development scenario. Rectification methods for significant or non-standard issues shall first be notified to and approved by Council before said work is undertaken. As part of any Roads Act approval Council may order the consent holder to take action, or (with sufficient notice to the consent holder except in emergencies) Council may undertake the work and recover the costs from the consent holder.
- Renew road pavements by end of construction phase: Prior to commissioning the project or any sub-stage or cluster, designs for renewal of all WSC-managed road pavements providing access to that stage in accordance with this condition shall require approval by Council under the Roads Act, to ensure road works can be completed without delay following commissioning. Within 12 months of commissioning any stage or cluster and prior to Council refunding applicable bond securities, the developer shall overlay, reconstruct or rehabilitate the pavement to renew the full design life lost due to construction traffic (using Austroads methods for Equivalent Standard Axles, ESA), and offset the future likely estimated design life that will be lost due to operational and decommissioning traffic, or provide at least the minimum design ESA values below (whichever method results in the higher design life), for the full length of the designated WSC-managed public haulage routes that provide access to that cluster or stage.
- Construction Traffic Management Plan –
 - a. Traffic Management Plans (CTMP) must minimise delays and temporary traffic impacts along WSC-managed roads in connection with transport of Over Size Over Mass (OSOM) loads, so far as is reasonably practicable, through the use of a combination of measures such as (but not limited to):
 - b. Public notification along affected roads, with advance notice given in the local media and by signage posted along the route;
 - c. Use of night or off-peak transport periods;

- d. Platooning of multiple OSOM loads at the same time;
- e. Selection of lay-by areas for OSOM loads at regular distances so that the duration of each traffic stoppage on single-carriageway roads is minimised;
- f. Other measures identified in consultation with Council. The draft CTMP must be submitted to Council for review at least three months prior to the planned movement of heavy and oversized vehicles. The CTMP must be approved by Council before any movement of heavy or oversized vehicles.
- g. As part of the CTMP measures, the consent holder shall maximise the use of buses and minibuses between accommodation centres, the project site and towns, and shall encourage car-pooling quotas be developed and enforced, to ensure that project private vehicle-kilometres are minimised.
- h. Project bus planning shall also provide for regular workforce access to town services and amenities while minimising negative social impacts on surrounding communities. The Plans must also mitigate and minimise the impacts of development traffic on school bus routes during their operating times, and on stock and crop haul routes during high-traffic seasons.
- Decommissioning: As part of decommissioning the project, all the following shall be completed by the consent holder:
 - a. Remove all structures to ground surface level, and transport all components offsite to approved waste disposal, processing or reuse sites.
 - b. Remove all private structures and services that cross or traverse along or encroach into WSC-managed public dedicated road reserves, including all subsurface cables and plant (but pits and conduits may be retained with Council approval).
 - c. Extinguish any easements (if applicable) which burden public land or dedicated roads in favour of the project.
 - d. Reinstate and make good public land after removal of structures to no worse than its pre-development condition.
 - e. Repair all defects in public land or infrastructure that arose from the decommissioning activities, within 24 months of completion and prior to refund of bond securities held by Council.

Environmental Compliance Officer: Referral sent on 27 June 2023. Comments received 20 July 2023.

Comments:

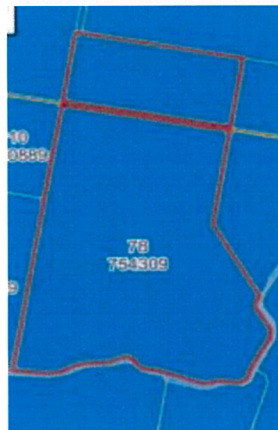
Following assessment of this application the current environmental attributes (as of 20 July 2023) were noted for the proposed site;

- The land where the proposed solar farm is to be located is not identified as an area of biodiversity in accordance with the Biodiversity Values map published by the Chief Executive of the NSW Office of Environment and Heritage.
- It is identified as groundwater vulnerable in accordance Council's GIS Mapping.

Biodiversity Map



GIS Map – green area on map



GIS Map – Riparian and watercourse



- A riparian or watercourse is not located within 100m of the site in accordance with aerial photographs available for the site.
- The site is identified as salinity prone in accordance with Council's GIS Mapping System.
- There are no Property Vegetation Plans (PVP) registered to the site in accordance with Council's GIS Mapping System.
- The property is not listed on Council's contaminated land register.

No trees/vegetation are proposed to be removed and investigations show there are no flora/fauna/riparian areas at risk should a development take place

Conditions:

A waste management plan is to be supplied to Council prior to construction works with all putrescible waste and recycling from the site to be disposed of at a licenced landfill.

A vegetation management plan is to be supplied to Council prior to any construction works.

AN ENVIRONMENTAL HEALTH AND BUILDING SURVEYOR MUST COMPLETE THE FOLLOWING MATTERS FOR CONSIDERATION

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

Construction (Does it comply with NCC & relevant standards?): To be checked as part of the Construction Certificate assessment.

Waste (How is sewer / storm water to be deposited on site?): Conditioned with Consent.

Energy (Is BASIX Certificate supplied?): Not applicable.

Noise and vibration (Hours of construction, condition of consent): Conditioned with Consent.

Water (Water Services including tanks): Conditioned with Consent.

Soils (Are soils suitable?): Soils are suitable for the development.

Utilities (Are utility services available?): Utility services available to site.

The provisions of any matters prescribed by the EP & A Regulations that apply to the land to which the development application relates;

Clause 61 – Additional matter that consent authority must consider:

1. In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*.

Comment: Applicable to the decommissioning phase of the development. A condition requiring separate development consent to be submitted to Council prior to decommissioning is recommended.

2. In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—

- a. the subdivision order, and
- b. any development plan prepared for the land by a relevant authority under that Schedule.

Comment: Not applicable.

3. In determining a development application for development on the following land, the consent authority must consider the *Dark Sky Planning Guideline*—

- a. land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,
- b. land less than 200 kilometres from the Siding Spring Observatory, if the development is—

- i. State significant development, or
- ii. designated development, or
- iii. development specified in *State Environmental Planning Policy (Planning Systems) 2021*, Schedule 6.

Comment: The lot is located within Warrumbungle Shire Council. Consent to be conditioned to ensure compliance with the Dark Sky Planning Guideline.

4. In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the *Low Rise Housing Diversity Design Guide for Development Applications* published by the Department in July 2020.

Comment: Not applicable.

5. Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.

Comment: Not applicable.

Clause 62 – Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building and change of use of an existing building):

Comment: Not applicable.

THE REMAINING MATTERS OF CONSIDERATION ARE TO BE COMPLETED BY THE PRIMARY ASSESSING OFFICER

The provisions of any environmental planning instrument;

State environmental planning policies:

State Environmental Planning Policy (Biodiversity and Conservation) 2021: Chapter 3

Comment: Chapter 3 of this SEPP relates to koala habitat protection. A Biodiversity Assessment Report was submitted with the development application. It states that:

The proposed development footprint does not contain a resident population of Koalas and there are no recent sightings of the species (DPE, 2022d). The study area is therefore not 'core koala habitat' as defined by the SEPP. No suitable feed tree species are present within the development footprint and although suitable feed trees have been planted in the tree lanes adjacent to the proposed solar farm, barbed wire fencing is a barrier to movement of Koalas into these plantings.

The development does not include clearing of native vegetation, nor is it likely to impede movement of Koalas between habitats. The proposed development will therefore have low or no direct impact on Koalas or Koala habitat and does not require a Koala plan of management under the SEPP.

The above assessment is supported. Council can be satisfied that the land is not a core koala habitat and can therefore grant development consent without further assessment.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: Not applicable.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Not applicable

State Environmental Planning Policy (Housing) 2021: Not applicable

State Environmental Planning Policy (Industry and Employment) 2021: Not applicable

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development: Not applicable

State Environmental Planning Policy (Planning Systems) 2021: Chapter 2

Comment: Chapter 2 of this SEPP relates to State and regionally significant development. The proposed development does not meet the triggers in the SEPP for State or regionally significant development. The proposal is therefore local development and this SEPP does not apply.

State Environmental Planning Policy (Precincts – Regional) 2021: Not applicable

State Environmental Planning Policy (Primary Production) 2021: Part 2.2

Comment: A small part of the subject land is mapped on the Draft State Significant Agricultural Land Map, as shown below. While the solar farm will be in operation for approximately 25 years, the use is a temporary use and the land will be returned to agricultural land at the end of its life span. The proposal will have no direct or indirect impacts on the agricultural use of adjoining land and is therefore considered an appropriate use of the land.



State Environmental Planning Policy (Resilience and Hazards) 2021: Chapter 4

Comment: The land is rural land. There is no known information that suggests the land may have been previously used for potentially contaminating activities according to Council records. The application was referred to Councils Environmental Compliance Officer for comment: No contaminated land is registered on councils' records, however there is the possibility of contamination from previous use as the land is listed as RU1 Agricultural land. Given the proposed development is a solar farm, no further investigations are required.

State Environmental Planning Policy (Resources and Energy) 2021: Not applicable

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

Comment: Clause 2.36 of the SEPP provides for electricity generating works of the kind proposed to be permitted with consent in a prescribed non-residential zone, including the RU1 Primary Production zone. The subject land is zoned RU1.

Clause 2.42 applies to development of solar farms in a regional city for State significant or regionally significant development. The subject land is not in a defined regional city and is not State significant or regionally significant development.

Clause 2.48 applies to development that may have an impact on electricity power lines and requires referral of the development application to the relevant electricity supply authority. The application has been referred to Essential Energy and their comments have been considered in the assessment of the application.

Local environmental plans:

Warrumbungle Local Environmental Plan 2013 applies as follows:

Clause 1.2 Aims of Plan.

Comment: Satisfies the plan objectives.

Clause 1.9 Covenants.

Comment: No known covenants on the land.

Clause 2.6 Subdivision consent requirements

Comment: Not applicable.

Clause 2.7 Demolition.

Comment: Applicable to the decommissioning phase of the development. A condition requiring separate development consent to be submitted to Council prior to decommissioning is recommended. The land is to be returned to a 'clean' state or as it was prior to the development.

Land Use Table

Comment on permissibility of use: The use of the land for electricity generating works is prohibited in the RU1 Primary Production zone. However, electricity generating works may be carried out within a prescribed rural, industrial or special use zone under clause 2.36(1) (b) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. RU1 Primary Production land is a prescribed rural zone.

Zone Objectives:

Comment: The proposed development is considered to be consistent with the zone objectives as:

- It is proposed on a relatively small rural lot and therefore does not result in rural land fragmentation.
- It provides a diverse income stream for the landholder who owns adjoining land used for agricultural purposes.
- At the end of the life span of the development, it will be decommissioned and the land returned to a rural use.
- The proposal does not impact on the agricultural use of adjoining land.

Clause 4.1 Minimum Lot Size.

Comment: Not applicable.

Clause 4.1AA Minimum subdivision lot size for community title scheme

Comment: Not applicable.

Clause 4.1A Minimum subdivision lot size for strata plan schemes in Zone RU1

Comment: Not applicable.

Clause 4.2A Erection dual occupancy and dwellings in Zone RU1

Comment: Not applicable.

Clause 4.2B Erection rural workers dwellings in Zone RU1

Comment: Not applicable.

Clause 4.6 Exceptions to development standards

Comment: Not applicable.

Clause 5.3 Development near zone boundaries

Comment: Not applicable.

Clause 5.4 Controls relating to miscellaneous permissible uses (home business, home industries, farm stays, secondary dwellings etc)

Comment: Not applicable.

Clause 5.8 Conversion of fire alarms

Comment: Not applicable.

Clause 5.10 Heritage conservation.

Comment: Not applicable.

5.13 Eco tourist facilities

Comment: Not applicable.

5.14 Siding Spring Observatory – Maintaining Dark Sky

The development is outside the 18km distance from the observatory. Subclauses 7,8 & 9 apply as follows:

(7) Development on land 18 kilometres or more from observatory

The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 1,000,000 lumens or more. **Satisfies**

(8) The consent authority must consult with the observatory director before granting development consent to development for the purposes of a dwelling house, secondary dwelling or dual occupancy on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in a dwelling having:

(a) an outside light fitting other than a shielded light fitting, **To be conditioned** or

(b) more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings. **To be conditioned**

(9) The consent authority must consult with the observatory director before granting development consent to development (other than development for the purposes of a dwelling house, secondary dwelling or dual occupancy) on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 50,000 lumens or more. **Will not emit more than 50,000 lumens**

Referral to the Observatory Director is not required provided conditions are imposed on outdoor lighting as per NSW Planning requirements. There are to be no unshielded external lights. No more than 7 outdoor light fittings or more than 5 non-automatic lights.

Comment: The site is located greater than 18km from the observatory. The applicant has advised that the only external lighting is a motion sensor light at the entrance gate, that would only be triggered if there was movement at the gate. A condition will be imposed requiring the development to not emit more than a total of 50,000 lumens.

Clause 5.21 Flood Planning.

Comment: Not applicable. The lot is not identified as being flood prone land as per the WLEP2013. Notwithstanding, the applicant has submitted a hydrological study demonstrating that flood depths

and velocities across the site are very low and the proposal makes no significant difference to flood depths or velocities on the site or on adjoining land.

Clause 6.1 Earthworks

Comment: The proposed earthworks are ancillary to the development and do not adversely affect the land or surrounding land. The applicant has advised that there is minimal earthworks required across the footprint of the development. The proposed earthworks are limited to the installation of poles for the solar panels and this will not significantly affect drainage patterns, the future use of the land for agricultural purposes or the amenity of adjoining properties. Appropriate conditions of consent are recommended in relation to the potential disturbance of Aboriginal items. A mapped watercourse crosses the site, however there is no defined bed or bank and the proposal will not detrimentally affect nearby watercourses.

Clause 6.3 Terrestrial Biodiversity

Comment: Not applicable. The site is not identified as being affected by Terrestrial biodiversity under the WLEP2013.

Clause 6.4 Groundwater Vulnerability

Comment: Located within the Groundwater vulnerability area however development will have minimal to no impact on the groundwater.

Clause 6.5 Riparian Land and Watercourse

Comment: Not applicable. The site is not identified as being affected by riparian land or watercourses under the WLEP2013. Notwithstanding a watercourse is mapped on the State Government's Hydroline Spatial Data. As there is no defined bed or bank of the watercourse, the land does not contain waterfront land as defined in the Water Management Act 2000.

Clause 6.6 Essential Services

Comment: Essential services are available to the land.

Clause 6.7 Location of Sex Services Premises

Comment: Not applicable.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority;

Draft State environmental planning policies: None known of.

Draft local environmental plans: No planning proposal affects the development.

Any development control plan;

Development control plan 2015 applies as follows:

Chapter 3 Notification Procedures complied:

Comment: Notification was not required.

Chapter 5 Other Development Controls:

Access and Parking

Objectives

- Car parking is to be provided on-site which will cater for the increased demand brought about by the development of the site
- Adequate car parking for people with disabilities
- The provision of car parking which is functional, safe and attractive
- Functional loading and unloading facilities are provided to cater for the development of the site
- The construction of car parking areas, service areas and associated areas to be in accordance with good engineering practice

Comments: Adequate room will be available on site for the parking needs of the development both during construction and operation. A condition requiring a minimum of 2 spaces near the control room is recommended.

Access & Traffic Generation-

Comment: The proposal initially identified that access to the site during construction would be from the Castlereagh Highway, turning right into Digilah Street and then right into Lawson Park Road. Council's Technical Services raised concerns about heavy vehicles crossing the culvert on Digilah Street. It is now proposed that heavy vehicles come into Dunedoo from the east via the Castlereagh Highway, pass through the town along Bolaro Street, exit the town to the north via the Castlereagh Highway, turn east on to All Weather Road and then rejoin Digilah Road, south of the intersection with Lawson Park Road. This will ensure that none of the heavy vehicles use the culvert. Council's Technical Services have approved this route of travel. A new access to the site from Lawson Park Road will be constructed. Appropriate conditions are recommended.

Parking Controls

Comment: The proposed development does not indicate any parking onsite. Consent to be conditioned to ensure at a minimum 2 car parking spaces are provided near the control room with at least one of the spaces designed as a disabled carpark with signage.

Bush Fire Prone Land

Comment: The subject land is mapped as bushfire prone. Planning for Bushfire Protection 2019 contains the following provisions for solar farms:

- a minimum 10m APZ for the structures and associated buildings/infrastructure; and
- the APZ must be maintained to the standard of an IPA for the life of the development.
- Infrastructure for the purposes of requiring APZ excludes:
 - road access to the site; and
 - power or other services to the site and associated fencing.
- Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure during bush fire emergencies. It should also be designed and maintained so that it will not serve as a bush fire risk to surrounding bush.
- A Bush Fire Emergency Management and Operations Plan should identify all relevant risks and mitigation measures associated with the construction and operation of the wind or solar farm. This should include:
 - detailed measures to prevent or mitigate fires igniting;
 - work that should not be carried out during total fire bans;
 - availability of fire-suppression equipment, access and water;
 - storage and maintenance of fuels and other flammable materials;
 - notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
 - appropriate bush fire emergency management planning.

The proposed development can comply with the above requirements and appropriate conditions of consent are recommended.

Agritourism / Farm stay accommodation / Farm gate premises and farm experience premises / Roadside Stalls

Comment: Not applicable.

Temporary occupation of a building during erection dwelling-

Comment: Not applicable.

Installation of manufactured home, moveable dwelling or associated structure-

Comment: Not applicable.

Contaminated land

Comment: The land is rural land. There is no known information that suggests the land may have been previously used for potentially contaminating activities according to Council records. The application was referred to Councils Environmental Compliance Officer for comment: No

contaminated land is registered on councils' records, however there is the possibility of contamination from previous use as the land is listed as RU1 Agricultural land. Given the proposed development is a solar farm, no further investigations are required.

Outdoor advertising signage-

Comment: Not applicable.

Heritage conservation-

Comment: Not applicable.

Flood prone land-

Comment: The applicant has submitted a hydrological study demonstrating that flood depths and velocities across the site are very low and the proposal makes no significant difference to flood depths or velocities on the site or on adjoining land. The land is not mapped as being flood prone land on the WLEP2013.

Sex services premises (brothels)-

Comment: Not applicable.

Chapter 6 Rural Development Controls:

Objectives

- To provide design standards and guidelines for the appropriate siting of rural dwellings within the Warrumbungle Local Government Area.
- To protect the amenity of the locality in which the development is situated
- To ensure that development preserves and complements any natural and/or cultural heritage characteristics of the area.
- To achieve well designed and sited dwellings and outbuildings that complements the landscape, and, in the opinion of Council, do not cause adverse visual impacts.
- To ensure that development does not adversely impact upon the existing and future agricultural and rural industry potential of the land and adjoining land.
- To ensure that development is located and designed having regard to bushfire, land instability and flooding risks/hazards
- To ensure that satisfactory vehicular access is provided
- To protect existing vegetation and corridors, minimizing possible impacts on threatened species, communities, populations or their habitat.
- Minimise potential pollution of rivers, streams and sub-surface waters

Comment: Meets the relevant objective of the Control. In particular, the proposal will not adversely impact upon existing surrounding rural use, or the future rural use of the subject land as at the end of the life span of the development, it will be decommissioned and the land returned to a rural use.

General Design Requirements

Comment: The general design requirements are not applicable to the proposed development.

New buildings

Comment: The proposal includes only one small building, being the control room, which will not be visible from the public domain, being 350m from Lawson Park Road. The building is located approximately 550m from the nearest residential dwelling. The building will be no more than 6.2 metres long, 2.6 metres wide (16.12m) and 3 metres high. The security fencing has a 33m setback to the street and the solar panels will be 83m from the street. A number of storage containers will also be located within the fenced area. While these will be within 50m of Lawson Park Road, they are temporary and will be removed at the completion of construction. The proposed building must be constructed of low reflective materials. Consent to be conditioned to ensure non-reflective materials are used. The proposal is considered satisfactory.

Vehicle Access

Comment: Access will be provided from a new crossing at Lawson Park Road. Appropriate conditions are recommended.

Environmental Considerations

Comment: Meets the requirements. The site is flat, no clearing is being proposed for the development. The application was referred to Councils Environmental Compliance Officer for comment: It is not identified as an area of biodiversity in accordance with the Biodiversity Values map published by the Chief Executive of the NSW Office of Environment and Heritage. No riparian land is located within 60m of the proposed development site. No trees/vegetation are proposed to be removed. The proposed land that the development is to take place on is free of any terrestrial biodiversity (in accordance with Warrumbungle Shire Council's current LEP 2013) and is not an area that includes land of declared outstanding biodiversity value.

Bushfire Protection

Comment: Meets the requirements. The subject land is bushfire prone and the development can comply with the requirements of Planning for Bushfire Protection 2019 for solar farms.

Flooding

Comment: The applicant has submitted a hydrological study, taking into account the effects of climate change, demonstrating that flood depths and velocities across the site are very low and the proposal makes no significant difference to flood depths or velocities on the site or on adjoining land. The land is not mapped as being flood prone land on the WLEP2013.

Land Use Separation

Comment: Not applicable. No buffers required to land use in the vicinity of the development.

Effluent Disposal

Comment: Not applicable.

Electrical and Telecommunications

Comment: The proposal involves connection to the power grid and is in close proximity to an existing power line. The application has been referred to Essential Energy and their comments have been considered in the assessment of the application.

Water

Comment: Not applicable.

Contamination

Comment: Meets the requirements. The land is rural land. There is no known information that suggests the land may have been previously used for potentially contaminating activities according to Council records. The application was referred to Councils Environmental Compliance Officer for comment: No contaminated land is registered on councils' records, however there is the possibility of contamination from previous use as the land is listed as RU1 Agricultural land. Given the proposed development is a solar farm, no further investigations are required.

Fencing

Comment: Security fencing of the solar farm is proposed. The proposed fencing will be no more than 2.4 metres high, constructed of chain link fencing with barbed wire above and is considered appropriate for the use and the location.

Rural Workers Dwelling

Comment: Not applicable.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social & economic impacts in the locality;

Context and setting: The development is considered appropriate for the subject land and the context. The development will not have detrimental impacts on surrounding rural lands and as the use is temporary, the future use of the subject land for agriculture will not be compromised.

Access, transport and traffic: The proposal will generate, during the peak construction period, up to eight heavy and 12 light vehicle movements per day or six vehicle movements during the morning and evening peak. The peak construction period is 2 months, with an overall construction period of six months. There will be minimal traffic generated during the operational period, with no staff on site other than for occasional maintenance requirements.

The proposal initially identified that access to the site during construction would be from the Castlereagh Highway, turning right into Digilah Street and then right into Lawson Park Road. Council's Technical Services raised concerns about heavy vehicles crossing the culvert on Digilah Street. It is now proposed that heavy vehicles come into Dunedoo from the east via the Castlereagh Highway, pass through the town along Bolaro Street, exit the town to the north via the Castlereagh Highway, turn east on to All Weather Road and then rejoin Digilah Road, south of the intersection with Lawson Park Road. This will ensure that none of the heavy vehicles use the culvert. Council's Technical Services have approved this route of travel. A new access to the site from Lawson Park Road will be constructed. Appropriate conditions are recommended.

Public domain: There will be no impact on the public domain.

Heritage: Not located within a Heritage Item or Heritage Conservation Area.

Other land resources: No known impact on other land resources.

Flora and fauna (7 part test from Biodiversity Conservation Act 2016 required?) No detrimental impact on flora and fauna.

Natural hazards: The subject land is bushfire prone and the development can comply with the requirements of Planning for Bushfire Protection 2019 for solar farms. The applicant has submitted a hydrological study demonstrating that flood depths and velocities across the site are very low and the proposal makes no significant difference to flood depths or velocities on the site or on adjoining land. The land is not mapped as being flood prone land on the WLEP2013.

Technological hazards: No known technological hazards.

Safety, security and crime prevention: No known safety, security or crime prevention measures required. The proposed fencing will secure the area surrounding the proposed solar farm.

Social impact in the locality: There is minimal social impact on the locality of the development. There are a total of 11 residential receivers on rural properties located within 3.25km of the site. The application was notified to surrounding neighbouring properties with two properties being in proximity of the development Receptor 2 and 3. Consent to be condition to ensure that screening of the development is establish and maintained for the life of the development.

Economic impact in the locality: Minimal impact.

Site design and internal design: Design of development satisfactory, the proposed area of the development is utilising approximately 23.8ha of the property to the north of Lawson Park Road the remained of the property to the south of Lawson Park Road will continue to be used for farming.

Cumulative impacts: The construction phase of the solar farm is expected to take 6 months to complete with a peak of 2 months with a maximum of 25 staff on-site at any one time during the day. Construction hours are 7am to 6pm weekdays, 7am to 1pm Saturday and no works on Sundays or public holidays. It is expected that construction will commence on this project prior to other planned REZ projects, so the impacts from construction traffic and worker accommodation will not occur at the same time, minimising potential cumulative impacts.

The suitability of the site for the development;

Does the proposal fit in the locality? Yes, the subject land is within the Renewable Energy Zone and it is considered that the proposal will have a minimal impact on the locality.

Are the site attributes conducive to development? Yes, the development has been designed to minimise environmental impacts.

Submissions made in accordance with this Act or the regulations;

Public submissions: Three public submissions were received.

Submissions from public authorities: One submission was received from Essential Energy.

The public interest;

Federal, State and Local government interests and community interests: No Federal, State or Local Government interests. Community interests will be protected through conditions imposed on the consent.

DEVELOPMENT SERVICES REPORT ON DEVELOPMENT APPLICATION NO. 19/2023

PROPERTY DESCRIPTION: 126 Lawson Park Road DUNEDOO, being Lot 78 DP 754309

PROPOSAL: Solar Farm

ZONE: RU1 Primary Production

ARE SECTION 94A LEVY CONTRIBUTIONS PAYABLE Yes:

If Yes what is the amount payable: \$0 - \$100,000 = Nil

\$100,001 - \$200,000 = 0.5% of value

>\$200,000 = 1% of value

Estimated cost of development: \$5,250,787.00

Levy Contribution required: \$52,507.87

CONCLUSION: The development is permitted in the zone with Councils consent. There are no planning or environmental issues with the proposal. It is considered that the proposed development could be operated within acceptable environmental limits, and that it would provide economic benefits to the local community. Conditions have been imposed to ensure that such impacts are adequately mitigated and appropriately managed during the operation of the development.

RECOMMENDATION: Conditional approval is recommended.

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application, have no pecuniary or conflict of interest to disclose in respect of the application.

Mark Hitchenson

Assessing Officer
Mark Hitchenson
Contract Town Planner

12.03.24

Date

Delegated Authority
Kelly Dewar
Manager Planning and Regulation

Date

ATTACHMENT A – CONDITIONS OF THE CERTIFICATE

This consent is subject to the following conditions:

PART A – GENERAL CONDITIONS

CONDITION					REASON
Approved plans and supporting documentation					To ensure all parties are aware of the approved plans and supporting documentation that applies to the development
1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.					
Plan No.	Revision No.	Plan Title	Drawn By	Dated	
2023-SP001		Dunedoo Site Plan	Enerparc Australia	15/11/23	
Document Title	Version No.	Prepared By	Dated		
Statement of Environmental Effects	001D	Premise	22/03/23		
Biodiversity Assessment	001B	Premise	03/03/23		
Hydrological and Hydraulic Assessment	001C	Premise	03/03/23		
Aboriginal Heritage Due Diligence Assessment	001B	Premise	03/03/23		
Glare Analysis		Forge Solar	28/02/23		
Noise and Vibration Assessment		Assured Environmental	27/09/22		
Traffic Impact Assessment		Amber Traffic and Transport Direction	18/08/22		
In the event of any inconsistency between the approved plans and the supporting documentation, the approved plan prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.					
Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is no possible to comply with both at the relevant time.					

Plans on site 2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.	To ensure development is undertaken in accordance with the determination of Council
National Construction Code 3. All building work must be carried out in accordance with the provisions of the National Construction Code (BCA 2019 Volume Two Class 1 and Class 10 Buildings) and any Australian Standards adopted there under.	To ensure that all building work is carried out in accordance with the relevant construction standards.
Utility Services 4. All existing utility services must be appropriately located prior to the start of construction. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the relevant public authority.	To ensure costs associated with the development are not transferred to the public.
Essential Energy Requirements 5. A distance of 10m from the nearest part of the development to Essential Energy's infrastructure is required to ensure that there is no safety risk. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 – Work Near Essential Energy's Underground Assets. If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service. The applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. Essential Energy makes the following general comments: • If the proposed development changes, there may be potential safety risks and it is recommended that	To comply with the requirements of the electricity authority.

Essential Energy is consulted for further comment; - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; - Any activities in proximity to electrical infrastructure 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; - 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.	
External Cladding 6. All external wall and roof sheeting to comprise a pre-painted finish that is non-reflective and not visually intrusive.	To ensure the external cladding of the building is non intrusive to the surrounding locality.
Period of Consent 7. This development consent is granted for a period of 25 years. Further development consent is required to extend the life of the development.	To clarify the terms of the approval.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

CONDITION	REASON
Construction Certificate Requirements 8. No new works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works.	To ensure work is undertaken in accordance with this consent & relevant construction standards
Structural Details 9. Structurally engineered plans will be required for the installation of the solar units	To ensure structural integrity of the building
Payment of section 7.12 contributions 10. Before the issue of a construction certificate, the applicant must pay a total contribution of \$52,507.87 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with Warrumbungle Section 7.12 Contributions Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Warrumbungle Section 7.12 Contributions Plan. A copy of the development contributions plan is available for inspection at www.warrumbungle.nsw.gov.au	To address the increased demand for regional infrastructure resulting from the approved development

Erosion and sediment control plan 11. Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier: - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The applicant must ensure the erosion and sediment control plan is kept on- site at all times during site works and construction	To ensure no substance other than rainwater enters the stormwater system and waterways.
Construction Environmental Management Plan 12. Prior to issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) must be provided to Council for approval. The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following: - Project Contact Information - Site Security Details - Timing and Sequencing Information - Site Soil and Water Management Plan - Groundwater Management Plan - Landscape Management Plan - Traffic Management Plan - Noise and Vibration Control Plan - Dust Control Plan - Air Monitoring - Odour Control Plan - Health and Safety Plan - Waste Management Plan - Bushfire Risk Management Plan - Incident and Complaints Management Plan - Unexpected Finds Protocol - Decommissioning and rehabilitation Plan	To ensure the development is undertaken in a manner that protects the environment and human health.
Waste Management Plan 13. A waste management plan is to be provided to Council prior to the issue of a Construction Certificate addressing all potential waste products generated during construction, operation and decommissioning phases. Including the location at which all waste will be transported to. Note: No waste will be accepted at any Warrumbungle Shire Council Waste Facilities.	To ensure waste is appropriately managed and disposed.

Construction Traffic Management Plan 14. The applicant must prepare a submit to Council for approval a Construction Traffic Management Plan addressing the following: - Traffic Management Plans (CTMP) must minimise delays and temporary traffic impacts along WSC-managed roads in connection with transport of Over Size Over Mass (OSOM) loads, so far as is reasonably practicable, through the use of a combination of measures such as (but not limited to): - Public notification along affected roads, with advance notice given in the local media and by signage posted along the route; - Use of night or off-peak transport periods; - Platooning of multiple OSOM loads at the same time; - Selection of lay-by areas for OSOM loads at regular distances so that the duration of each traffic stoppage on single-carriageway roads is minimised; - Other measures identified in consultation with Council. The draft CTMP must be submitted to Council for review at least three months prior to the planned movement of heavy and oversized vehicles. The CTMP must be approved by Council before any movement of heavy or oversized vehicles. - As part of the CTMP measures, the consent holder shall maximise the use of buses and minibuses between accommodation centres, the project site and towns, and shall encourage car-pooling quotas be developed and enforced, to ensure that project private vehicle-kilometres are minimised. - Project bus planning shall also provide for regular workforce access to town services and amenities while minimising negative social impacts on surrounding communities. The Plans must also mitigate and minimise the impacts of development traffic on school bus routes during their operating times, and on stock and crop haul routes during high-traffic seasons.	To ensure the development has minimal impacts on the road network.
Vegetation Management Plan 15. A Vegetation Management Plan shall be provided to Council prior to the issue of a Construction Certificate detailing how existing and planted vegetation will be maintained for the life of the development.	To ensure vegetation on site is appropriately managed.
Tree Shielding 16. Additional matured trees are to be placed along the site boundaries to Receptors 2 and 3 to reduce the visual impact on the neighbouring properties.	To reduce the visual impact to neighbouring properties.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

CONDITION	REASON
Erosion and sediment controls in place 17. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).	To ensure runoff and site debris do not impact local stormwater systems and waterways
Signs on site 18. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: - showing the name, address and telephone number of the principal certifier 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 Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.	To provide for safe management of the site.
Management of Waste 19. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Demolition materials and waste materials must be disposed of at suitably licensed waste management facility as per the approved Waste Management Plan All putrescible waste and recycling produced from the site is to be disposed of at an approved waste facility, via direct delivery to the site during opening hours.	To ensure responsible disposal of waste material
Site Facilities 20. Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must: be a standard flushing toilet, connected to a public	For the health and safety of the community and workers on the site.

sewer, or • if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or • a portable toilet. The provision of toilet facilities must be completed before any other work is commenced.	
Property Access Driveway 21. The construction of the property's vehicle driveway access must adhere to the guidelines outlined in the Warrumbungle Shire Council's commercial driveway access drawing and Development Control Plan. All public works and public land impacted, or to be constructed by the consent holder and dedicated to Council, shall be designed, constructed and maintained in accordance with the relevant Austroads and Council's adopted standards current at the time of application for each detailed design approval (e.g. under the Roads Act). All road works, safety, service criteria and traffic management on local roads are required to meet with Council's formal approval as the roads authority under the Roads Act 1993. To facilitate the driveway construction from Lawson Park Road, a suitably sized pipe culvert with accompanying headwalls is required. The minimum recommended pipe size is 375mm, and the appropriate class will be determined and designed by a qualified engineer to accommodate the proposed road train access. Additionally, considering the new development's proximity to the table drain adjacent to Lawson Park Road, it is crucial to obtain prior approval for the driveway's location and geometry before commencing any road works. This ensures compliance with regulations and proper integration with existing drainage infrastructure. The construction of the driveway shall not impede the street drainage flow.	To comply with the requirements of the Roads Act 1993.
Roads condition assessment 22. The consent holder shall undertake comprehensive condition assessment reports to Council's satisfaction, for all its infrastructure assets along the identified Council-managed commuter and haulage routes, prior to the consent holder commencing significant activity along that route in the construction or future refurbishment or decommissioning phases, and again within four months after the conclusion of construction,	To ensure the impacts of the proposed development on the road network can be measured.

refurbishment or decommissioning.	
Road Safety Audit (RSA) 23. Prior to Roads Act approvals, the developer must provide an RSA prepared by an independent accredited RSA auditor for all the designated WSC-managed commuter and haulage roads, considering the construction, operation, refurbishment and decommissioning stages of the project. Any specific hazards or infrastructure treatments identified may be required to be included in the scope of works, depending on the risk assessment and to the satisfaction of Council.	To ensure the impacts of the development on road safety can be measured.
Bond securities 24. In accordance with its adopted policies and Roads Act approval conditions, Council will, at its discretion, require the consent holder to lodge refundable bond securities to guarantee the consent holder's performance of any of the following: a. Outstanding or incomplete works; b. Defect liability and/or maintenance obligations.	To ensure funds are available to rectify any damage to Council infrastructure.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

CONDITION	REASON
Construction Hours 25. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between: • Monday to Friday (inclusive) - 7.00am to 6.00pm • Saturday – 7.00am to 1.00pm • No works are to be carried out on a Sunday or Public Holiday The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or material must not be delivered to the site outside the approved hours of site works. Any variation to the hours of work required Council's approval.	To protect the amenity of the surrounding area
Construction noise 26. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an Laeq (15 min) of 5dB(A) above background noise, when measured at	To protect the amenity of the neighbourhood

any lot boundary of the property where the construction is being carried out.	
Construction Access 27. Heavy vehicles accessing the site shall travel into Dunedoo from the east via the Castlereagh Highway, pass through the town along Bolaro Street, exit the town to the north via the Castlereagh Highway, turn east on to All Weather Road and then left onto Digilah Road, south of the intersection with Lawson Park Road. No heavy vehicles shall cross the culvert on Digilah Road.	To ensure construction vehicles accessing the site do not cause damage to Council infrastructure.
Maintain roads during construction 28. The consent holder shall maintain the WSC-managed public roads comprising the designated haulage and commuter routes for the entire duration from commencement of the construction, until completion of the Defects and Maintenance Liability Period (DLMP), to Council's satisfaction. a. Maintenance shall include regular patrols, grading (for unsealed roads) and rectification of any apparent hazards, failures or defects within a reasonable timeframe, to provide for safe and serviceable travel by all road users to a standard no worse than in the pre-development scenario. Rectification methods for significant or non-standard issues shall first be notified to and approved by Council before said work is undertaken. As part of any Roads Act approval Council may order the consent holder to take action, or (with sufficient notice to the consent holder except in emergencies) Council may undertake the work and recover the costs from the consent holder.	To ensure roads are maintained appropriately during construction.
Uncovering relics or Aboriginal objects 29. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition: • "relic" means any deposit, artefact, object or material evidence that: a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and b. is of State or local heritage significance; and	To ensure the protection of objects of potential significance during works

• “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.	
Applicant's Cost of Work on Council Property 30. The applicant shall bear the cost of all works associated with the development that occurs on Council's property.	To ensure proper management of public funds.
Bushfire Safety 31. The following bushfire prevention measures shall be provided to the development:- Asset Protection Zones and Landscaping From the start of building works and in perpetuity, the property around the proposed development must be managed as an inner protection area (IPA) for 10m in all directions. Essential Equipment Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure during bush fire emergencies. It should also be designed and maintained so that it will not serve as a bush fire risk to surrounding bush. Bush Fire Emergency Management and Operations Plan A Bush Fire Emergency Management and Operations Plan shall be prepared in consultation with the NSW RFS to identify all relevant risks and mitigation measures associated with the construction and operation of the solar farm. This should include: • detailed measures to prevent or mitigate fires igniting; • work that should not be carried out during total fire bans; • availability of fire-suppression equipment, access and water; • storage and maintenance of fuels and other flammable materials; • notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and • appropriate bush fire emergency management planning.	To provide for development in accordance with Planning for Bushfire Protection 2019.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

CONDITION	REASON
Occupation Certificate 32. No occupation of the site is to occur until such time as an Occupation Certificate has been issued by the Principal Certifying Authority.	Statutory Requirement
Outdoor Lighting 33. All lighting must be in accordance with the requirements of 'Development on land 18 kilometres or more from the observatory' under Clause 5.14 Siding Spring Observatory – Maintaining Dark Sky of the Warrumbungle Local Environmental Plan 2013. In particular, the development must not emit more than a total of 50,000 lumens.	To comply with Clause 5.14 of the Warrumbungle Local Environmental Plan 2013.
Electricity 34. The development shall be connected to electricity supply by a licenced electrician, and in accordance with the relevant Australian Standards. The electricity is to be connected prior to the issue of an Occupation Certificate. Prior to the connection of the electrical services a certificate of compliance must be provided from a licensed electrician certifying that the electrical system complies with the relevant Australian Standard.	To ensure adequate servicing of the development
Stormwater 35. Roof water and water from solar panels shall be directed away from the foundation using properly sized guttering, down piping, and drainage systems, while ensuring it doesn't hinder the natural water flow of the surrounding area. Adequate site drainage should be maintained to reduce moisture changes of underground soil during wet season.	To ensure that disposal of water does not adversely affect buildings or property.
Removal of waste upon completion 36. Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.	To ensure waste material is appropriately disposed or satisfactorily stored
Renew road pavements by end of construction phase 37. Prior to commissioning the project or any sub-stage or cluster, designs for renewal of all WSC-managed road pavements providing access to that stage in accordance with this condition shall require approval by Council	To ensure any damage to Council infrastructure is appropriately rectified.

under the Roads Act, to ensure road works can be completed without delay following commissioning. Within 12 months of commissioning any stage or cluster and prior to Council refunding applicable bond securities, the developer shall overlay, reconstruct or rehabilitate the pavement to renew the full design life lost due to construction traffic (using Austroads methods for Equivalent Standard Axles, ESA), and offset the future likely estimated design life that will be lost due to operational and decommissioning traffic, or provide at least the minimum design ESA values below (whichever method results in the higher design life), for the full length of the designated WSC-managed public haulage routes that provide access to that cluster or stage.	
--	--

PART F – ONGOING

CONDITION	REASON
Maintenance of the Site 38. For the life of the development, the solar panels, security fencing, surrounding grassed areas and all existing and planted vegetation on the site shall be appropriately managed and maintained to minimise bush fire risk, maintain site security and ensure the site and the development is well maintained. Erosion and sediment controls installed prior to construction shall be retained on site for the life of the project and maintained to ensure runoff from solar panels does not cause erosion or sediment impacts.	To ensure the site and development is maintained in an appropriate manner.
Car Parking 39. A minimum of 2 car parking spaces are to be provided near the control room, with at least one of these spaces being designed as a disabled parking space with appropriate signage.	To ensure adequate parking is provided for persons visiting the site
Decommissioning 40. A separate development application shall be submitted to Council for approval for the demolition and decommissioning of the development. As part of decommissioning the project, all the following shall be completed by the consent holder: - Remove all structures to ground surface level, and transport all components offsite to approved waste disposal, processing or reuse sites. - Remove all private structures and services that cross or traverse along or encroach into WSC-managed public dedicated road reserves, including all subsurface cables and plant (but pits and conduits may be retained with Council approval). - Extinguish any easements (if applicable) which burden public land or dedicated roads in favour	To ensure the decommissioning of the development is undertaken in accordance with a valid development consent.

	of the project.	
d.	Reinstate and make good public land after removal of structures to no worse than its pre-development condition.	
e.	Repair all defects in public land or infrastructure that arose from the decommissioning activities, within 24 months of completion and prior to refund of bond securities held by Council.	

ADVICE

Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

Bushfire Information

Information on Bushfire hazard reduction and requirements of Asset Protection Zones can be obtained from the NSW Rural fire service website www.rfs.nsw.gov.au

Inspections

If any of the following inspections are required a minimum of 48 hours notice must be given if Council is chosen as the Principal Certifying Authority:

- a. Pier holes, pads or bulk piers before concrete is poured.
- b. Steelwork in place for reinforced slab or footings.
- c. Wet area water-proofing
- d. Framework at "lockup" stage. (Roof may be loaded, gutters and downpipes in place, veneer tied off to frame, plumbing installed and electrical wiring installed.)
- e. Stormwater connections
- f. Final at occupation stage – all conditions of consent and building aspects complete

Outdoor Lighting – Dark Sky Planning Guideline

This document contains information to assist the assessment of development and promote best practice outdoor lighting to protect the observing conditions in the Dark Sky Region for the Siding Spring Observatory. To view an electronic version in PDF format, visit www.planning.nsw.gov.au

Disposal of Waste

No construction waste will be accepted at Warrumbungle Shire Council Waste facilities. The Waste Management Plan is to include the location which all waste will be transported to.