

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES –302; PAN-478739 [DA P16-24.17]
PROPOSAL	Construction of a 5MW solar farm and battery energy storage system, comprising 12,000 solar panels on tracking arrays, 1 central inverter, 1 medium voltage power station, 4 battery energy storage systems and associated fencing, pole and road/intersection works.
ADDRESS	Lot 2 DP 1184528; Lot 2 DP1261542, Lots 1 & 2 DP1285518, Lots 4 & 15 DP755303, Lot 26 DP820770, Lot 28 DP850160 9438 Mitchell Highway, Cathundral
APPLICANT	Chris Smith & Associates Planning
OWNER	Robert & Anne Montgomery
DA LODGEMENT DATE	15/10/2024
APPLICATION TYPE	Regionally Significant Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private infrastructure and community facilities over \$5 million
CIV	\$5,514,564 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	State Environmental Planning Policy (Biodiversity and Conservation) 2021 – allowable clearing area – no clearing proposed State Environmental Planning Policy (Biodiversity and Conservation) 2021 – land application – no clearing proposed SEPP (Planning Systems) 2021 SEPP (Transport and Infrastructure) 2021 Warren LEP 2011
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	0
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects – version 3 RFI Response dated 30/10/2025

	Site Plan Road/intersection Design Plan Traffic Impact Assessment Report (Trafficworks) dated 23/09/2025 TfNSW Response to Solar Farm TIA 27-8-2025 Site plan, 76 Module tracker details, 38 Module Tracker details, pair tolerances, elevations, typical fence plan, Construction Environmental Management Plan, Bushfire Management & Emergency Response Plan, Biodiversity Assessment Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Nil
RECOMMENDATION	Approval with conditions
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	10 March 2026
PREPARED BY	Melissa Ward (Ward Planning and Consulting on behalf of Warren Shire Council)
DATE OF REPORT	2 March 2026

EXECUTIVE SUMMARY

The Proposal

The proposal seeks consent for the construction and operation of a 5 MW solar farm and associated battery energy storage system on approximately 11 hectares of a 355-hectare rural holding known as “Nevertire”, located 12 kilometres east of Nevertire village and 22 kilometres north-west of Trangie. The solar farm footprint is situated on Lot 2 DP 1184528, a flat, cleared area currently used for cropping and well separated from native vegetation. Access to the site is provided from the Mitchell Highway via existing farm tracks, which will be upgraded as part of the project. A vegetated depression in the north-western portion of the property is avoided entirely by the layout.

The surrounding locality is characterised by broadacre cropping with scattered vegetation and existing rural infrastructure. A 22 kV overhead electricity line traverses the site, enabling direct connection to the Essential Energy network. The proposal is consistent with the emerging renewable energy landscape in the region, with several existing and approved solar farms located within a 2–12 kilometre radius. Dubbo, approximately 120 kilometres to the south-east, is the nearest regional centre.

The development comprises up to 12,000 photovoltaic modules mounted on single-axis tracking arrays, a central inverter, a medium-voltage power station, four battery energy storage units, a new overhead connection pole, and a 2.3-metre-high perimeter security fence. A new crossover to the Mitchell Highway is proposed to facilitate safe access. The scale and siting of the project ensure minimal land-use conflict, maintain the long-term agricultural potential of the land, and align with regional trends toward diversified and sustainable energy generation.

History

The application was submitted in November 2024. Delays have been experienced with this application due to recurrent RFI’s and negotiation between the applicant and TfNSW regarding highway intersection upgrades. Further detail on this is not known by the author due to recent involvement in the assessment.

The application was advertised in accordance with Council’s CPP from 20/11/2024 to 5/12/2024. During this time no submissions were received. General ownership in the vicinity of the development site has not changed in this time.

Key Issues

Key issues with this application have been:

- Intersection design of access with Mitchell Highway
- Safety concerns of access
- Drainage at access
- Legal access to the site via series of section 88B instruments for access
- Waste
- Bushfire

Intersection Design & Liaison with TfNSW

TfNSW has advised that the information submitted to date does not fully resolve its traffic safety concerns, but these matters can be addressed through revised, detailed plans to be provided before construction. Because the development requires works on the Mitchell Highway, TfNSW concurrence under s138 of the Roads Act will still be required after approval.

To close out the outstanding issues, a suite of pre-construction conditions is recommended, including:

- Preparation of a signage schedule consistent with AS 1742 and TfNSW requirements.
- Upgrading the Mitchell Highway intersection to at least a BAR/BAL standard.
- Detailed intersection design incorporating survey, drainage assessment, vertical geometry, and culvert requirements.
- Investigation and protection or relocation of telecommunications utilities in consultation with TfNSW.
- Survey of the existing road formation, noting TfNSW's preference for 3 m shoulder widening.
- Submission of final design plans accompanied by an updated Traffic Impact Assessment addressing all TfNSW comments.
- Lodgement of a s138 Roads Act application for all road and drainage works at the highway intersection.

Waste

The construction waste strategy focuses on minimising waste, separating recyclable materials, and using regional facilities because Warren Shire cannot accept large construction volumes. Soil is reused on site, metals and aggregates are recycled, packaging and plastics are stored in sealed, labelled bins, and workforce waste is tightly controlled. Hazardous materials are excluded from skip bins and must go to licensed facilities. Modular PV components and driven steel piles reduce waste generation, and all contractors must transport waste off-site in bulk loads to Whylandra, JR Richards, Matthews Metal Management, or Bingo Industries. Only minor maintenance waste is expected post-construction, and a consent condition will require full compliance with the Waste Management Plan.

Bushfire

The bushfire risk can be effectively managed through a permanent Asset Protection Zone, compliant internal access for firefighting vehicles, and a dedicated 20,000-litre static water supply installed and maintained in accordance with *Planning for Bush Fire Protection 2019*.

The site is well suited to a solar farm because it is **remote from dwellings**, surrounded by **compatible agricultural land**, contains **no significant vegetation or biodiversity constraints**, and can be safely and efficiently accessed from the Mitchell Highway with alternative routes available in an emergency. It has **existing electricity infrastructure**, can be serviced with on-site water for firefighting and dust suppression, and presents **no land-use conflicts** with adjoining properties.

The application has considered all legislation including relevant SEPPs and the Warren LEP. The Warren DCP has also been considered in the assessment of the DA.

The above summary includes key issues and combined with legislation checks, the application is supported for approval with conditions.

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions N/A

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report Yes

1. THE SITE AND LOCALITY

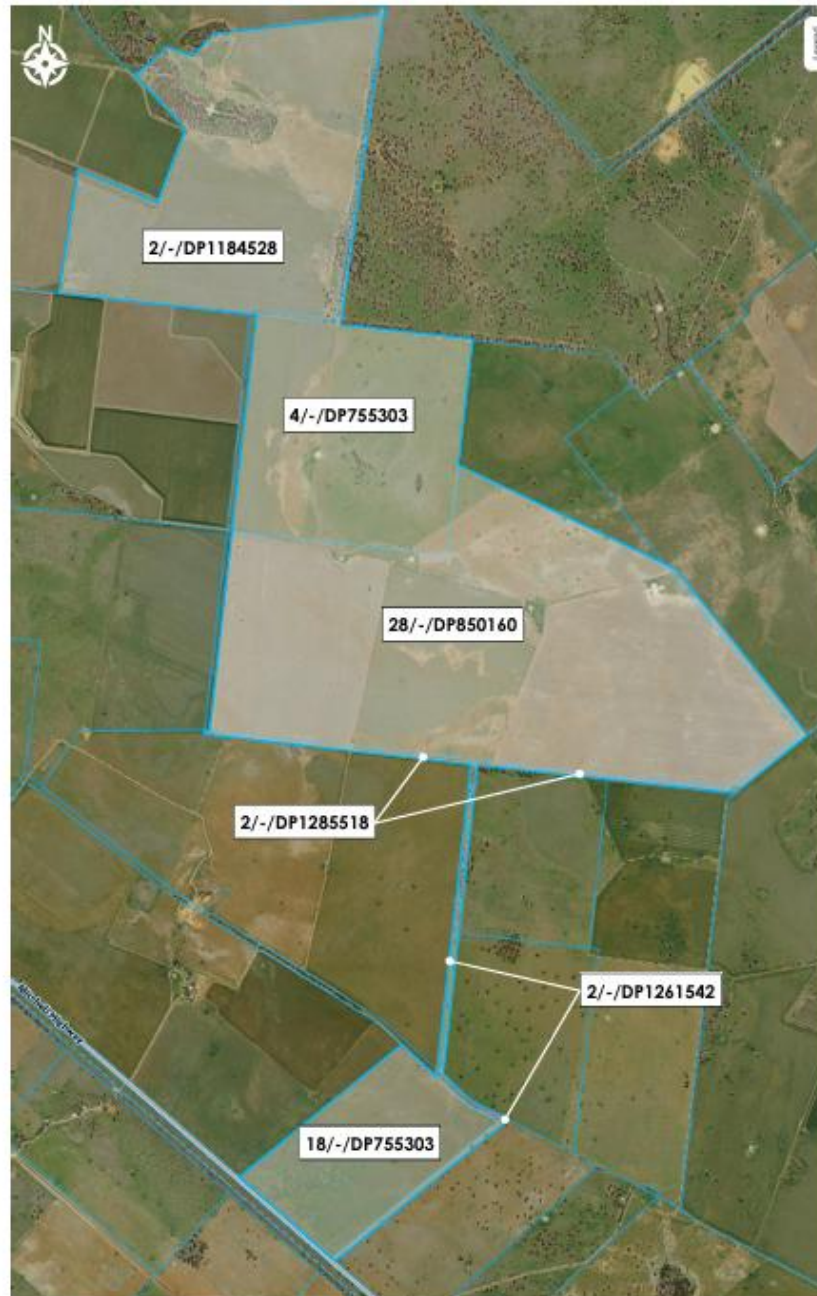
1.1 The Site

- The proposed solar farm and battery energy storage system is proposed to cover approximately 11 hectares of land of the 355-hectare parcel of land. The land is relatively flat, clear of native vegetation and used for cropping.
- The solar farm is proposed on Lot 2 DP 1184528, which is located to the north of the hosting farmer's property. Vehicular access is provided from the Mitchell Highway along existing farm tracks to the site.
- A visible depression runs through the property which contains significant vegetation to the north-west of the lot. This is not impacted by the proposed solar farm.
- Other lots that form part of the property and contain access tracks which will be upgraded and utilised as part of the development include:

Lot 4/-/DP755303	260 ha	Square lot directly south of the subject site, contains one (1) central dam and central access track that travels north-south through the lot.
Lot 28/-/DP850160	644 ha	Central Lot. This lot is an irregularly shaped 644 ha lot that contains four distinct paddocks, with a dam in each paddock. Lot is largely cleared with only limited vegetation and internal farm tracks/lanes between paddocks.
Lot 2/-/DP1285518	25 ha	40.235-metre-wide crown road with right of access – <i>runs generally east west</i> along the southern and eastern boundary of Lot 28/-/DP850160.
Lot 18/-/DP755303	138 ha	Southern-most allotment with frontage to the Mitchell Highway. The parcel is largely cleared, with only a few isolated trees and small patches of remnant trees on the site. A new vehicle access to the Mitchell Highway from the southern-east corner, with construction of a vehicle access to be integrated into the existing internal tracks on the rest of the property.
Lot 2/-/DP1261542	18.5 ha	40.235-metre-wide crown road with right of access. This crown road runs generally in a north-south directly, with a tree belt and right down to the Mitchell Highway frontage.

- The farm, known as “Nevertire”, is located 12 kilometres east of Nevertire village and 22 kilometres north-west of Trangie, off the Mitchell Highway. See below location maps and plans of the site.

4.2 Subject Site



Subject Site Extents – Mitchell Highway, Cathundral (EDT Explorer)
 Parcels containing proposed solar farm and proposed access shaded

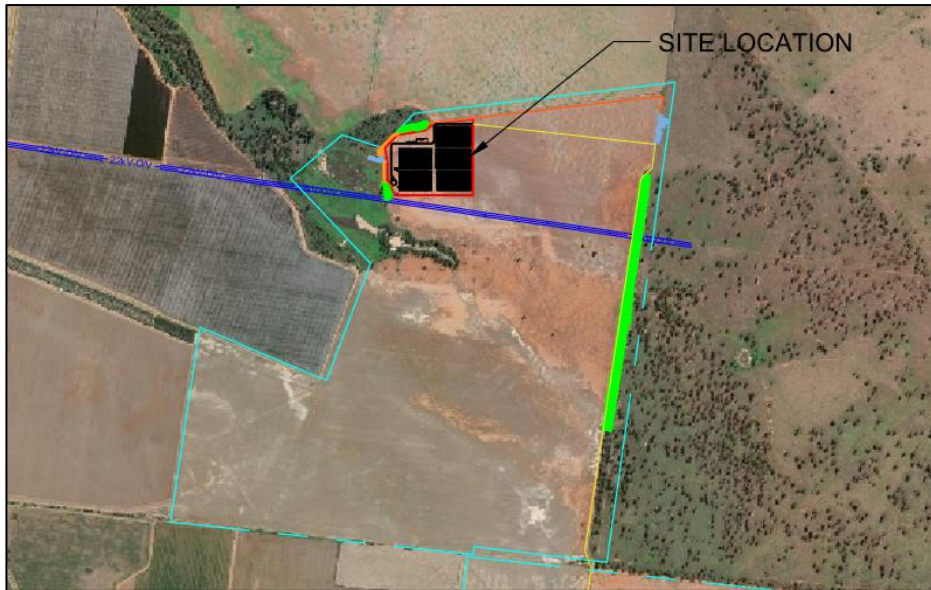


Figure 1: Extract from DA plans showing location of solar farm within Lot 2 DP 1184528



Figure 2: Approximate location of site showing 22kv overhead line from Essential Energy portal



Figure 3: Site looking south. Note: site photographs from prior assessing Officer's briefing report



Figure 4: Site looking north, possibly north-east



Figure 6: Site to the west

1.2 The Locality

- The site is surrounded by extensive cropping with scattered vegetation.
- As depicted in the photographs above, the site is traversed by a 22kv overhead electricity line which enables power generated to enter the network.
- Similar solar farms are existing and approved in this area. Most notably, the AGL solar farm 2km north-west of Nevertire was one of the first solar farms constructed in this region. Two (2) other solar farms have been approved in the area, one 8.5kms away from the subject site, to the South of the Mitchell Highway, and another 11.2kms away from the subject site, adjacent to the Nevertire Bogan Road, Nevertire.
- The closest regional centre is Dubbo, 120km south east of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

- The proposal seeks consent for the construction and operations of a 5MW solar farm and battery energy storage system.
Specifically, the proposal involves:
 - Construction of 11,430 PV modules mounted on single axis tracking arrays, each having the following specification:
 - Nominal dimensions of 2.84m x 1.13m
 - Maximum height of approximately 2.7m above ground (when at maximum rotation)
 - Panels will be arranged in individual rows.
 - 2.3m high chain mesh perimeter fence around entire perimeter of facility, with one gate along the northern boundary
 - One (1) central inverter
 - One (1) medium voltage power station (MVPS)
 - Four (4) battery energy storage system (BESS)
 - One (1) new pole & overhead connection to existing Essential Energy network.
 - Creation of one (1) new crossover to Mitchell Highway

Table 1: Development Data

Control	Proposal
Site area	11ha
Clause 4.6 Requests	Nil
Max Height	2.7m – 2.896m
Landscaped area	Nil
Car Parking spaces	Twenty (20) spaces for construction workers. Two (2) permanent parking spaces required due to infrequent contractor visits to site once operational.
Setbacks	The site is set well back from the closest public road – at least 6 km from the Mitchell Highway.
Access	Proposed via upgraded Mitchell Highway access (BAR/BAL treatment) with existing access tracks and Crown roads proposed to be upgraded. Section 88B instruments to be registered to two (2) lot titles where existing carriageways will provide vehicular access to the solar farm.

2.2 Background

The development application was lodged on **14 November 2024**. 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
14 November 2024	DA lodged
20 November 2024	Exhibition of the application – from 20/11/2024 to 5/12/2024. No submissions received.
20 December 2024	RFI submitted to applicant from Council regarding access and intersection, waste management details
3 April 2025	Response to RFI submitted. Amended plans lodged, section 88B & easements referenced, incorrect reference to land locked land and waste management details.

16 May 2025	DA referred to external agencies – Essential Energy & TfNSW. Portal shows upload of response same day from Essential Energy.
10 July 2025	Assessment briefing report and draft conditions shared to portal
19 August 2025	Preliminary Briefing with Western Regional Planning Panel held between applicant and reps, Council.
21 August 2025	Traffic Impact Assessment lodged in portal. Email in portal advising applicant to provide TfNSW with revised TIA noting correct access location as per email sent 29/7/2025.
27 August 2025	TfNSW response to application with additional information sought from applicant. TfNSW noted the current proposal “does not demonstrate that Cathundral Solar Farm & BESS has mitigated the traffic safety, efficiency and risks to the State Road network”.
30 October 2025	Revised SEE, TIA & intersection plans submitted by applicant to satisfy TfNSW requirements.
19 January 2026	With Warren Council staff changes, application referred to author as external consultant to assist with DA assessment.
29 January 2026	TfNSW submits response regarding revised TIA and plans.
4 February 2026	Following inquiry by WRPP, email from L Charlesworth to M Ward (report author), cc applicant & Council advising to complete assessment of DA and of Panel determination meeting date.
12 February 2026	Phone call M Ward & Elton Zhang (Green Gold Energy)– Elton advised applicant is satisfied with TIA and intersection plans submitted & they are not proposing to respond to TfNSW last letter as construction plans can deal with any outstanding matters.
3 March 2026	Final DA assessment report to be uploaded to portal.
10 March 2026	WRPP determination meeting scheduled for DA

2.3 Site History

- The site has historically been used for broadacre farming and grazing.
- Limited changes in land use can be seen in historical imagery online (google earth).

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,*
- (b) *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/is not considered to be the following categories of development (which are considered further in this report):

- Integrated Development (s4.46) – N/A
- Designated Development (s4.10) – N/A
- Requiring concurrence/referral (s4.13) – Not concurrence but referral to Essential Energy and Transport for NSW
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided – N/A

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**
 - (ii) – **Provisions of Proposed Instruments, and**
 - (iii) – **Any Development Control Plan**

The Environmental Planning Instruments in **Table 3** below are relevant to this application.

Please see the summary below for further information.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 3: Koala Habitat Protection 2020 Assessment below of whether the land meets the 3 steps in Part 3.2 for determining koala habitat. Chapter 4: Koala Habitat Protection 2021 N/A pursuant to 4.4(3)(d)(i)	Yes
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises Private infrastructure and community facilities over \$5 million	Yes
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land Section 4.6 - A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, - Contamination of the site has been considered. The applicant has advised that the land has been historically used for cropping and grazing. - Due to the proposed use of solar farm not increasing risk or exposure to contamination long term, the DA can proceed providing the Contaminated Land Planning Guidelines are followed in accordance with the SEPP.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure Division 4 Electricity generating works or solar energy systems - Section 2.36 Development permitted with consent Land on which the solar farm is proposed is in a non-residential zone. It is therefore development permitted with consent. - Section 2.48(2) (Determination of development applications—other development) – application referred to Essential Energy. The proposal is satisfactory subject to conditions. - Section 2.122(2) - Traffic-generating development	Yes

	The development is proposed to have direct vehicular access to a classified road. TfNSW has dealt with the traffic generating-nature of the development and resulting safety concerns. Their conditions are noted in the assessment below.	
State Environmental Planning Policy (Primary Production) 2021	This SEPP is noted here to clarify the land on which the solar farm and BESS is proposed is primary production land, however the SEPP does not contain provisions specific to this proposal. The land is not located on State significant agricultural land as this map is yet to be gazetted or notified by the Minister. It is not included in the Schedule to this SEPP.	N/A
Proposed Instruments	Warren Draft LEP Amendment No 2 (Housekeeping amendments) PP This DA is not related to or impacted by any changes proposed in this Draft LEP.	Yes
Warren LEP 2012	• Clause 2.3 – Permissibility and zone objectives • Land Use Table – Zone RU1 Primary Production	Yes
Warren DCP	Development Guidelines General Objectives for Zone RU1 Primary Production General Considerations for development in Zone RU1 Primary Production	Yes

Consideration of the relevant EPI's and the DCP is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3: Koala Habitat Protection 2020

Step 1 – Is the land potential koala habitat?

3.6 (1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.

(2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.

(3) If the council is satisfied—

(a) that the land is not a potential koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application, or

(b) that the land is a potential koala habitat, it must comply with section 3.7.

The land has been cleared and is currently used for cropping and grazing. It could not be considered potential koala habitat.

Step 2 – Is the land core koala habitat?

As above, the land is not potential koala habitat so cannot be core koala habitat. N/A

Step 3 - Can development consent be granted in relation to core koala habitat?

N/A

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 State and Regional Development

Schedule 6 – Regionally Significant Development

5 Private infrastructure and community facilities over \$5 million

Development that has an estimated development cost of more than \$5 million for any of the following purposes—
(a) *air transport facilities, **electricity generating works**, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
(b) *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The DA is captured as regionally significant development (CIV of \$5.51 million) and has been referred to the Western Regional Planning Panel as consent authority for determination. The proposal is consistent with this policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. A PSI was not submitted for this application because:

- The site is cleared and has been historically used for cropping and grazing.
- The proposed use of a solar farm and BESS does not increase the risk of contamination or constitute a more intensive or sensitive land use

Using the Managing Land Contamination Planning Guidelines, the risk assessment under part 3 is satisfied as the initial evaluation indicates no further or ongoing risk from contamination for a non-sensitive land use of a solar farm and battery storage.

The proposal complies with this SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Division 4 Electricity generating works or solar energy systems

- Section 2.36 Development permitted with consent

Land on which the solar farm is proposed is in a non-residential zone. It is therefore development permitted with consent.

- Section 2.48(2) (Determination of development applications—other development) – application referred to Essential Energy.
The application was referred to Essential Energy on 16/05/2025. Their response is shown below.

From: TE_Technical Enquiries
To: cam@warren.nsw.gov.au
Subject: CNR-82050 - A-101338 - 9438 MITCHELL HIGHWAY CATHUNDRAL 2823

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

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

Essential Energy makes the following general comments:

- 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)*; and
- 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.

Should you require any clarification, please do not hesitate to contact us.
Information about when and how to request safety advice from Essential Energy.
[Request for Safety Advice \(essentialenergy.com.au\)](http://Request for Safety Advice (essentialenergy.com.au))

Regards,



The above conditions/notes will be placed on the draft consent. Otherwise, no safety risks were identified.

- Section 2.122(2) - Traffic-generating development
The development is proposed to have direct vehicular access to a classified road. **TfNSW has dealt with the traffic generating-nature of the development and resulting safety concerns. Their recommendations are noted in the assessment below.**

29 January 2026

TfNSW reference: REN 25/00141/003
Your reference: DA/P16-24.17.1

Warren Shire Council
115 Dubbo Street
PO Box 6
WARREN NSW 2824

Attention: Maryanne Stephens

BDC1696, Cathundral Solar Farm and Battery Energy Storage System (BESS), 9438 Mitchell Highway Cathundral NSW 2823, Response to Traffic Impact Assessment Final2 Report 23/09/2025 & RFI dated 30 October 205

Transport for NSW (TfNSW) is responding to the Cathundral Solar Farm Traffic Impact Assessment Report, provided via the NSW Planning Portal CNR-89112.

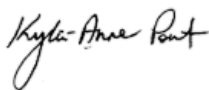
In addition to TfNSW's previous review, dated 25 July 2025 & 27 August 2025, TfNSW has reviewed the following key documents:

- *Traffic Impact Assessment Report (TIA) Final 2 prepared by Trafficworks Pty Ltd, dated 23 September 2025,*
- *RFI Response - Development Application P16-24.07Electricity Generating System (5MW Solar Farm & BESS) Mitchell Highway, Cathundral, Ref: 24033, dated 30 October2025.*
- *Statement of Environmental Effects Electricity Generating System (Solar Farm & Battery Storage) Mitchell Highway, Cathundral (Lot 2, DP1184528) Ref: 24033 Ver. 3 |October 2025*

TfNSW is not satisfied that the information provided in the TIA and relevant documents to date has demonstrated that Cathundral Solar Farm & BESS can effectively mitigate the traffic safety, efficiency and risks to the classified (State) road network. TfNSW therefore requests additional information relating to the key issues identified in **Attachment A**.

If you have any questions, please contact Alexandra Long, Development Services Case Officer on 1300 019 680 or email development.renewables@transport.nsw.gov.au

Yours sincerely,



Kylie-Anne Pont

A/ Manager of Development Services – West
Transport Planning
Planning, Integration and Passenger

Attachment A

BDC1696, Cathundral Solar Farm and Battery Energy Storage System (BESS), 9438 Mitchell Highway Cathundral NSW 2823, Response to Traffic Impact Assessment

This attachment relates to TfNSW's response dated 22 January 2026, reference REN25/00141/002

	TfNSW Comments 27 August 2025	Updated TfNSW Response
1	Traffic Impact Assessment c) A clearly defined construction peak hour is to be provided within the revised TIA.	Closed Peak hour construction period of the development peaks are expected to occur between: — 6:00 am - 8:00 am — 4:00 pm - 6:00 pm As identified in the updated TIA.
2	Access location and treatment d) TfNSW generally does not support multiple access points to the state road network. If the applicant can demonstrate the need for an additional access point, they are to provide the location of new access road (including GPS coordinates and Google Maps link) in revised TIA. The current turn warrant assessment indicates a Basic right turn treatment is required and will need to be incorporated with a Rural Property Access for the construction of this project. A TIA should be updated to reflect these requirements.	Closed Turn warrant assessment in accordance with TfNSW requirements.
4	Strategic Design e) Strategic design is to be provided for the proposed access road, including the intersection treatment at Mitchell Highway based. The design is to be completed in accordance with TfNSW's Strategic-Design-	Open The following items are required to be addressed and updated: (i) Signage A detailed signage schedule identifying the location, type and placement of all proposed signs is to be prepared. The schedule is to be consistent with Drg No. 230729a-CTP-01 and

OFFICIAL

Level 1, 51-55 Currajong Street, PARKES NSW 2870
 PO Box 334 PARKES NSW 2870 | DX20256
 Email: development.renewables@transport.nsw.gov.au | Phone: 1300 207 783
 transport.nsw.gov.au

	requirements-for-DA-Factsheet.pdf. Note - Safe intersection sight distance (SISD) is to be assessed in accordance with Austroads Guide to Road Design Part 4A (Section 3.2.2). The Austroads guide indicates that a 341m SISD is required for a 120km/h design speed	designed in accordance with AS 1742 and TfNSW requirements for review and approval. (ii) Drain & Culvert It is noted that the proposed intersection traverses an existing table drain and connects to land at a different reduced level. Detailed design is to include survey, drainage assessment and vertical design to confirm the final intersection arrangement. The requirement for a culvert or other drainage structure through the intersection will be assessed and, if required, designed in accordance with Austroads and TfNSW drainage standards. It is noted the works will require re-profiling of the existing table drains and the installation of a culvert beneath the proposed access road. (iii) Telecommunications Utilities A utilities investigation and service location is to be undertaken. Any required protection, adjustment or relocation of utilities is to be addressed in consultation with the relevant utility authorities and TfNSW. (iv) Shoulder Width The shoulder width shown is indicative only. A detailed site survey is required to be undertaken to confirm the existing road formation. TfNSW preference is to widen the shoulders to 3m.
		Design plans and reference in TIA to be updated accordingly.
6	Preconstruction a) Provide traffic assessment for Stage 1 - Early works (indicated in Section 6.1 of SEE) of the construction	Closed. Report updated accordingly.

Although TfNSW notes that the information provided has not mitigated safety concerns overall, the above required information can be addressed in revised plans to be submitted to Council prior to construction.

The highway intersection works will require concurrence from TfNSW under section 138 of the Roads Act so their involvement post-approval is required.

To address the above open items, the following conditions of consent are proposed:

Proposed conditions – all required prior to construction
Signage A signage schedule identifying the location, type and placement of all proposed signs is to be prepared. The schedule is to be consistent with Drawing no 230729a-CTP-01 and designed in accordance with AS 1742 and TfNSW requirements. This schedule is to be submitted to Council for final approval by TfNSW as concurrence authority.
Mitchel Highway intersection The intersection of the Mitchell Highway with the proposed site access is to be upgraded to a BAR/BAL minimum design standard in accordance with Traffic Impact Assessment Strategic Concept design plans and the requirements of Transport for NSW.
Intersection design & drainage Detailed design of the proposed intersection with the Mitchell Highway is to include survey, drainage assessment and vertical design to confirm the final intersection arrangement. The requirement for a culvert or other drainage structure through the intersection will be assessed and, if required, designed in accordance with Austroads and TfNSW drainage standards. Note: The works will require re-profiling of the existing table drains and the installation of a culvert beneath the proposed access road.
Telecommunications utilities A utilities investigation and service location is to be undertaken. Any required protection, adjustment or relocation of utilities is to be addressed in consultation with the relevant utility authorities and TfNSW.
Shoulder width A detailed site survey is required to be undertaken to confirm the existing road formation. TfNSW preference is to widen the shoulders to 3m.
Design plans The final design plans are to include an updated Traffic Impact Assessment to address the requirements of TfNSW. The updated TIA is to be submitted to Council with the final designs.
Section 138 Application The applicant is to submit a section 138 application under the Roads Act 1993 for the road and drainage works at the Mitchell Highway intersection. The application is to include all design plans, specifications, cross-sections and design notes in accordance with Austroads and TfNSW standards.

Section 2.122

(4)(b)(ii) *the accessibility of the site concerned, including—*

(A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

(B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

(iii) *any potential traffic safety, road congestion or parking implications of the development.*

Comment: Efficiency of movement of people and freight has been dealt with via the assessment of safe access into and out of the site. Providing the highway intersection is constructed to the appropriate standard with SISD as recommended by TfNSW, this has been covered.

(B) is not relevant.

Road congestion and parking implications for this development are not a concern.

Warren Local Environmental Plan 2012

The Warren Local Environmental Plan 2012 applies to the site. The aims of the LEP include

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to realise the economic potential of rural land in Warren by following the principles of sustainable natural resource management,

(b) to encourage the proper management, development and conservation of natural and man-made resources in Warren by protecting, enhancing and conserving—

(i) agricultural land, and

(ii) timber, minerals, soil, water and other natural resources, and

(iii) the Macquarie Marshes Nature Reserve, and

(iv) areas of significance for nature conservation, and

(v) areas of high scenic or recreational value, and

(vi) places and buildings of archaeological or heritage significance, including relics and Aboriginal places of heritage significance,

(c) to ensure that development is permitted on land with due regard to environmental constraints, accessibility and existing land use patterns,

(d) to allow for the equitable provision of social services and facilities for the community,

(e) to minimise land use conflicts and adverse environmental impacts,

(f) to promote ecologically sustainable development.

The above aims in bold are relevant to the application and are addressed below.

The development protects and conserves agricultural land by permitting dual use of a solar farm and grazing of the land (if intended). Once the solar farm reaches its end of life, the panels can be recycled or otherwise removed from the site and the farm returned to full agricultural use. Draft conditions are included to satisfy reuse of the land for agriculture.

Environmental constraints of the land, accessibility and existing land use patterns are assessed as part of the application below.

Potential land use conflict has been addressed in the statement of environmental effects. The site is set well back from visible boundaries and located at an appropriate distance from unassociated dwellings.

Being a solar farm, the proposal is promoting ecologically sustainable production of electricity.

The proposal is therefore consistent with these aims.

Zoning and Permissibility (Part 2)

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

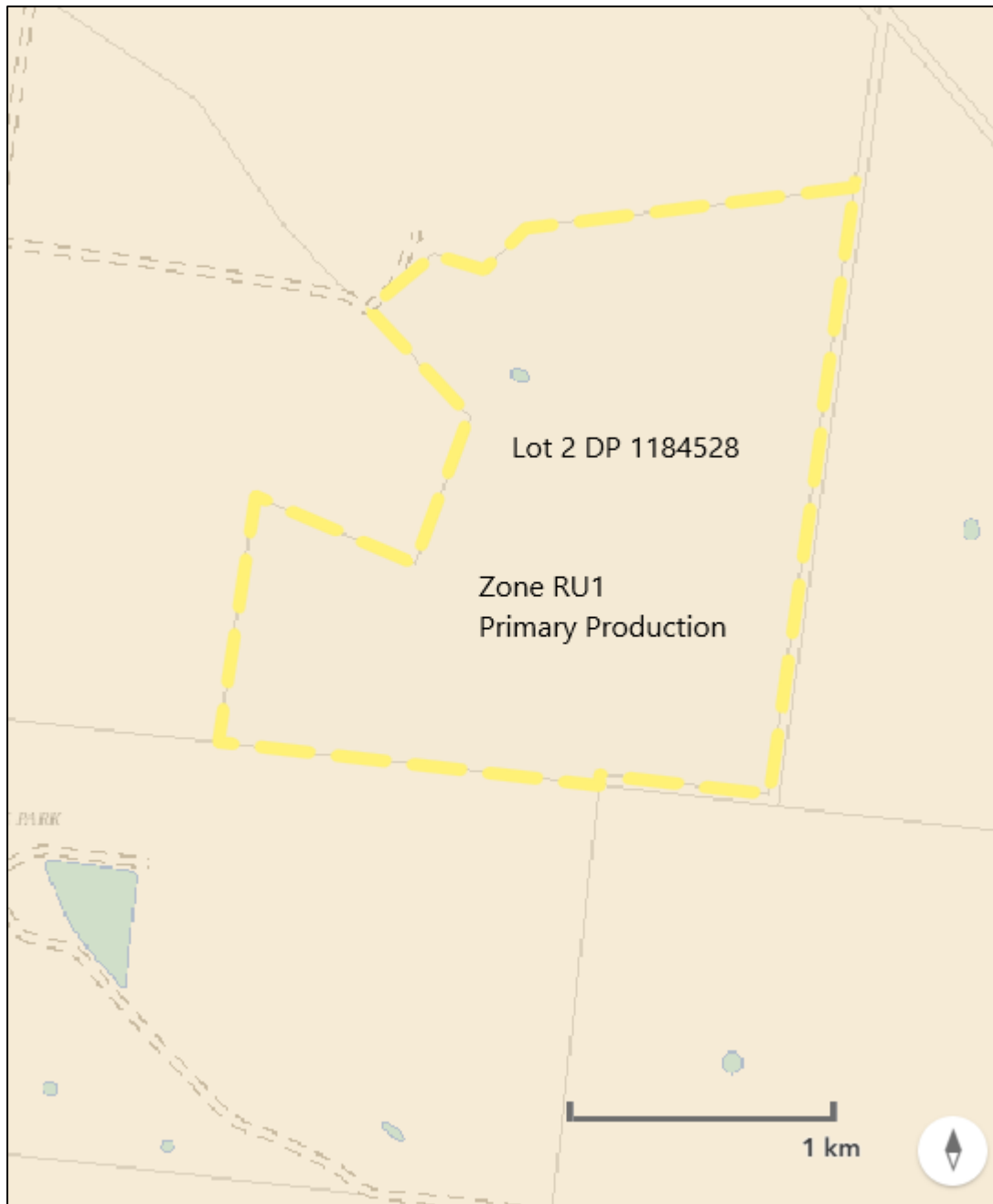


Figure 7: Extract from NSW Planning Portal spatial viewer, with annotations

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of electricity generating works which is a prohibited use in the Land Use Table in Clause 2.3. Despite this, electricity generating works are permissible with consent in the SEPP (Transport and Infrastructure) 2021 in a prescribed non-residential zone. This includes the RU1 Primary Production zone.

In the event of an inconsistency between environmental planning instruments, the SEPP prevails to the extent of the inconsistency (clause 2.7 of the T&I SEPP). This premise of the SEPP overriding the LEP is reinforced in section 3.28 of the Environmental Planning and Assessment Act. Therefore, the land use is permissible with consent under the SEPP.

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 generally consistent with these zone objectives for the following reasons:

- The solar farm and BESS is proposed on land which does not comprise areas of any level of significance in terms of nature conservation and located at a significant distance from the Macquarie Marshes.
- Diversity in primary industry is supported by multi-use of agricultural land appropriate to the location.
- Resource lands will not experience fragmentation – the land will remain in the same ownership in a lease arrangement.
- Limited land use conflict is envisaged with a solar farm in an agricultural zone.
- At the end of the solar farm life the land can be returned to full primary production.

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
Earthworks (CI 6.1)	Unless ancillary to development permitted with consent under the LEP, considerations listed for earthworks matters	Minor excavation only for roadworks and footings for inverters, fence posts & panel mounting frames.	Yes

The proposal is considered to be generally consistent with the LEP.

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

Draft Climate Change and Natural Hazards SEPP

The Draft Climate Change and Natural Hazards SEPP is currently on public exhibition (exhibition period from 17/02/2026 to 16/03/2026). This SEPP is intended to replace the SEPP (Resilience and Hazards) 2021. The Explanation of Intended Effect, available on the DPHI website, has been considered as part of this assessment with the following questions to be included in the new SEPP for all new developments:

- consider climate risk and natural hazards, taking into account projected changes as a result of climate change
- minimise risk to development from climate risk and changing natural hazard exposure as a result of climate change
- consider if the development is appropriately designed, constructed and operated to be resilient to the future impacts of climate change
- use the appropriate prescribed climate scenarios for the relevant development assessment decision, as directed by the Climate Change Scenario Guidelines (draft exhibited with this EIE).

The above points highlight the need to consider climate change with the risks identified for the development. The risks for this proposed development are:

- Bushfire
- Flooding
- Heat
- Drought

To ensure the above risks susceptible to climate change are considered in the assessment, a number of conditions are proposed to address these risks. These draft conditions are shown under the relevant sections below.

Draft Warren Local Environmental Plan (Amendment No 2) – Housekeeping Amendments

This Draft LEP has been the subject of public consultation under the EP&A Act for the Warren LGA. It does not apply to this development application but is included here for completeness.

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

The following Development Control Plan is relevant to this application:

- *Warren Development Control Plan 2013* ('the DCP')

This Plan aims to:

- a) Provide additional planning provisions for the Warren Local Government Area
- b) encourage the proper management, development and conservation of natural and man-made resources within the Warren Local Government Area by protecting, enhancing or conserving;
 - (i) agricultural land;
 - (ii) timber, minerals, soil, water and other natural resources;
 - (iii) the Ramsar-listed Macquarie Marshes Nature Reserve;
 - (iv) areas of significance for nature conservation;
 - (v) areas of high scenic or recreational value; and

- (vi) places and buildings of archaeological or heritage significance, including Aboriginal relics and places.
- (vii) To help facilitate development is appropriately located having regard to environmental constraints, accessibility and existing land use patterns;

The proposal includes provisions to assist in achieving the above aims for development in the Warren Shire.

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
- (ii) Soil stability by controlling and locating development in accordance with soil capability, and
- (iii) Forests of existing and potential commercial value for timber production, and
- (iv) Valuable deposits of minerals, coal, petroleum and extractive material by controlling the location of development for the purposes in order to ensure the efficient extraction of those deposits, and
- (v) Trees and other vegetation where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation, and
- (vi) Water resources in the public interest, and
- (vii) Areas of local, state, national and international significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
- (viii) Places and buildings of archaeological or heritage significance, including the protection of Aboriginal relics and places, and

Comment: The agricultural land associated with this application is to be used temporarily for a solar farm. The integrity of the land is preserved or rested while the solar farm is in operation. The solar farm itself is a sustainable use of the land for renewable energy which can be reverted to full agricultural use once the solar farm is decommissioned. There is limited scenic quality of the land, water resources are not anticipated to be impacted including any significant wetlands.

b) Identifying and protecting land that is environmentally sensitive and of environmental significance from adverse development impacts, in particular:

- (i) Areas of biological diversity, remnant native vegetation (including grasslands), areas of significance for nature conservation and areas of habitat protection (including potential critical habitat for threatened species),
- (ii) The Macquarie River and its associated effluent creeks, cowals, floodplain and wetland environments and natural habitat they support for conservation purposes, and
- (iii) The water quality of streams, riparian areas, lakes and groundwater resources, and

c) Conserving and protecting the wetland values of the Macquarie Marshes by encouraging and managing surrounding land use and agricultural activities consistent with, though not limited to, the Irrigation Policy specified in the Macquarie Marshes Water Management Plan 1996, and

d) Encouraging best management practices in relation to agriculture to minimise adverse impacts on environmentally sensitive land, and

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

- (i) Facilitating farm adjustments and promoting consolidation and enlargement of holdings, and
- (ii) Protecting agricultural land from inefficiencies posed by a reduction of holding size and land use conflicts, and

- (iii) Permitting other primary production uses such as energy generation that complement the primary role of the zone, and
- (iv) Reducing the need for improvements to the provision of services above those required to service the existing rural community, and
- f) Permitting rural industries that do not have a significant adverse impact on existing or potential agricultural production on adjoining land.

Comment: The site is at least 21km in a straight line from the Macquarie Marshes and at least 8km from the Macquarie River. No impacts are therefore envisaged for these natural features.

The proposal complies with (iii) above – energy generation that complements the primary role of the zone.

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.

Comment: The site is currently used for broadacre cropping and grazing. The proposed solar farm maintains the long-term agricultural potential of the land by introducing a reversible, low-impact use for the short to medium term. The temporary removal of approximately 11 ha from active production is minor in the context of the overall 355 ha holding and will not materially affect the farm's ongoing agricultural capacity.

There are no known areas of ecological or conservation significance in proximity to the development footprint. The layout incorporates appropriate setbacks from existing vegetation and buffer areas, and the development will be subject to rehabilitation requirements at the end of its operational life to ensure the land can return to agricultural use.

The land is surrounded by other farms and is not proposed in a settlement expansion area.

Complies.

Warren Shire Council does not have any Contributions Plans in place.

(d) Section 4.15(1)(a)(iia) – 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:

- If demolition of a building proposed - provisions of AS 2601; N/A
If on land subject to subdivision order under Schedule 7, provisions of that order and any development plan; N/A
Dark Sky Planning Guideline if applicable; N/A
- *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) if for manor house or multi dwelling housing (terraces); N/A
- If a building for residential purposes on land in Penrith City Centre is proposed, the *Penrith City Centre Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre*; N/A
- Development on land to which Wagga Wagga LEP 2010 applies, the *Wagga Wagga Special Activation Precinct Master Plan* (DPE, May 2021); N/A
- Development on land to which Moree Plains LEP 2011 applies, the *Moree Plains Special Activation Precinct Master Plan* (DPE, January 2022). N/A

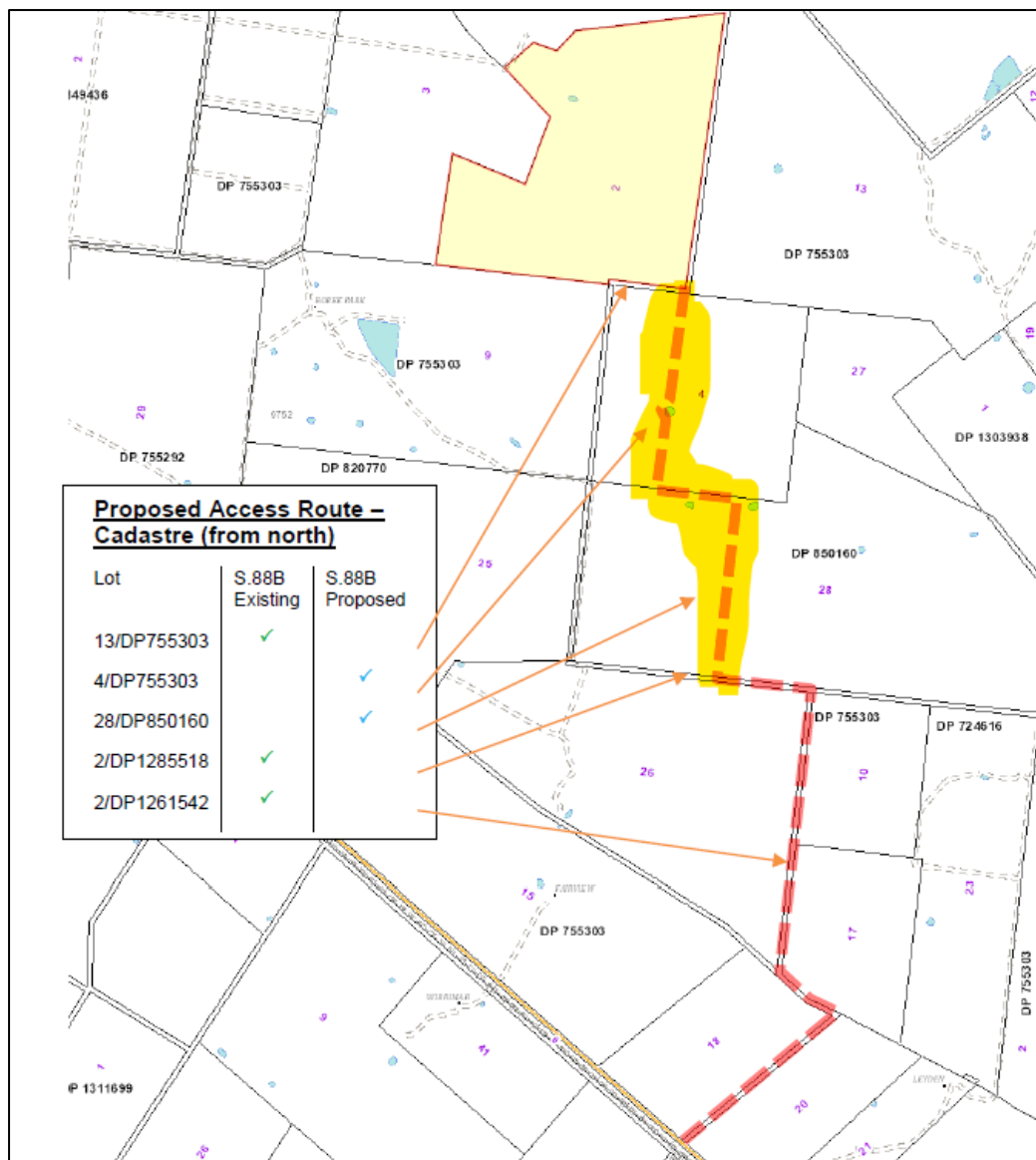
Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

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

- Context and setting – The site is naturally level due to the prevailing topography and its long-term use for agriculture. The panel arrays and BESS will therefore sit low in the landscape and coupled with being set well back from the Mitchell Highway, they will not be visible from public roads not associated with the development.
- Access – Access to the site is proposed via a new or upgraded intersection with the Mitchell Highway and a network of rights of way (existing and proposed) over various lots to the development site on Lot 2 DP 1184528. The plan below (submitted by the applicant) shows location of the access route to the development.



To ensure legal access to the site is available, Council requested evidence of s.88B instruments where the application indicates they are existing. These were provided to Council.

- Traffic – Traffic management has been assessed and considered by Transport for NSW (TfNSW) and Council. Comments provided by TfNSW have been reproduced above (under the T&I SEPP) and will be included in the draft conditions of consent. Essentially, a BAR highway intersection is to be provided with a minimum SISD of 341 metres.

Intersection with Mitchell Highway

The site access was assessed in the Traffic Impact Assessment with references made to AS/NZS 2980.1:2004 Parking Facilities – Part 1 (section 3.2.4). See below for the relevant extract from the TIA.

6.1 Site access – Access driveway ESD requirement

Section 3.2.4 in AS/NZS 2980.1 Parking Facilities – Part 1: Off-street car parking sets out the entering sight distance (ESD) criteria for a driver exiting an access driveway to traffic on the frontage road.

Un-signalised access driveways shall be located so that the intersection sight distance available to drivers leaving the driveway along the frontage road is at least that shown in Figure 3.2 of AS/NZS 2890.1 (reproduced in Figure 7).

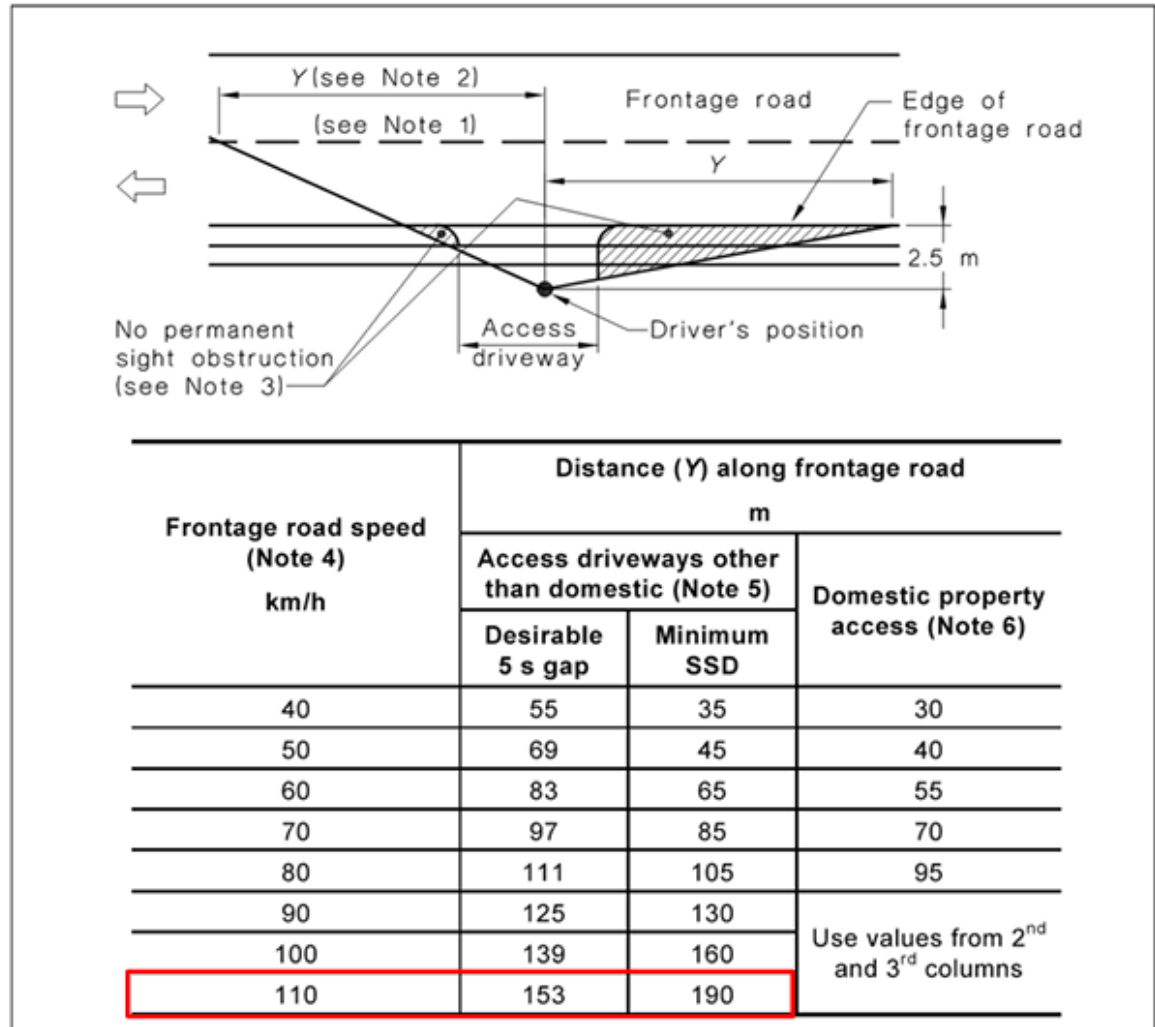


Figure 7: Sight distance requirements at driveways (Source: Figure 3.2 from AS/NZS 2890.1)

The proposed site access to the development along Mitchell Highway is subject to an expected 110 km/h operating speed. The corresponding minimum Stopping Sight Distance (SSD) is 190 m.

Coupled with the above CCD of 190m, a safe intersection sight distance was calculated to be 324m from the Austroads Guide to Road Design. This has been incorporated into a recommendation of the TIA.

Recommendation 1: before the commencement of works, inspect the subject site access and trim/remove any roadside vegetation that restricts compliance with the applicable sight distance requirement of 324 m.

The above recommendation is to be conditioned.

The intersection was considered against the requirements of Figure 7.4 in the Austroads Guide to Road Design Part 4. From this, the strategic concept design plan was prepared for the intersection and recommendation 2 states:

Recommendation 2: the subject site access driveway should be constructed according to the strategic concept design plan.

Recommendation 2 is to be conditioned.

Recommendations 4 and 5 in the TIA refer to the intersection and warning signs. See below. **These recommendations are also to be conditioned** with any changes suggested by TfNSW after submission of the TIA to be included or modify the condition detail.

Recommendation 4: the intersection development access and Mitchell Highway should be upgraded to provide BAR and BAL treatments per the strategic concept design plans.

Truck warning signs should be displayed near the subject site access during the construction phase when heavy vehicles are making deliveries to the subject site. The letter from TfNSW specified that the following signs should be installed:

- “Advance Truck” warning signs (W5-22 Size B)
- distance plate (W8-5 Size B) below the warning sign.

As per the TfNSW request, the signs should be installed 250 m in advance of the development access on each of the Mitchell Highway approaches.

Recommendation 5: truck warning signs should be displayed as per TfNSW requirements near the subject site access during the construction phase when heavy vehicles are making deliveries to the subject site.

The proposed access from the Mitchell Highway is to be upgraded in accordance with comments provided by Transport for NSW. Their requirements include the following treatments:

- BAR/BAL intersection with turning and passing lanes;
- Drainage culvert under the access road and associated table drain works
- Bitumen seal of the access road to a distance of 20 metres into the site access
- Signage (during construction and operational stages) in accordance with AUSTROADS and TfNSW requirements.

Traffic Impacts

The TIA assessed vehicle movements to and from the site. Vehicle movements were split into pre-construction (3-4 weeks duration), during construction (9 months duration) and operational as shown below.

Table 4: Pre-construction activities peak hour traffic volumes

Pre-construction phase	Heavy vehicles	Light vehicles	Total vehicles
Access construction	2 vph	3 vph	5 vph
Other activities	1 vph	6 vph	7 vph

Construction phase there is proposed to be vehicles arriving from 7am and departing from 5pm. Heavy vehicles accessing the site will be mainly 12.5m rigid trucks with an occasional 19m single articulated truck (no B-doubles).

Table 5: Traffic comparison

Phase	Heavy vehicles	Light vehicles	Total vehicles
Pre-construction	3 vph	9 vph	12 vph
Construction	1 vph	20 vph	21 vph
Operational	Nil	2 vph	2 vph

All vehicles are to arrive from the south and leave to the south. Table 6 below shows peak hour traffic volumes.

Table 6: Anticipated peak hour traffic volumes at the proposed access to the development

Period	Type	Left In	Right In	Left Out	Right Out	Total
AM Peak	Light	0	20	0	0	20
	Heavy	0	1	0	0	1
	TOTAL	0	21	0	0	21
PM Peak	Light	0	0	20	0	20
	Heavy	0	0	1	0	1
	TOTAL	0	0	21	0	21

The above figures were used to determine the intersection and signage requirements for the main site access. The remaining recommendation in the TIA was for the internal access road:

— **Recommendation 3:** ensure a 6.0 m wide all-weather access track is provided to the subject site

This will also be recommended as a condition of consent.

- Utilities –
Electricity

Overhead electricity lines traverse Lot 2 south of the proposed solar farm. One new pole and overhead connection to these lines is proposed with this application. Electricity supply to the site is available and adequate.

Water

The site will not be connected to a reticulated water supply. The development will therefore rely on trucked water and static supply to satisfy the following matters.

Bushfire

A minimum of 20,000 litres of static water should be located within the development site to ensure adequate water for bushfire protection. This is a direct recommendation from the Bushfire report as well as a number of other requirements detailed below under natural hazards.

Staff amenities

Water for staff amenities is also to be provided however as the solar farm is not proposing to host permanent staff on site, this is a WHS matter for the operator of the solar farm.

Construction works

A water cart for dust suppression during construction is to be provided on site. This water cart will be required for all construction-related aspects of the development including and not limited to intersection construction, road access works and solar farm and BESS construction.

No other utility services are required for this development.

- Other land resources – It is noted that the development is proposed on primary production land. Whilst this is permissible with consent, it is prudent to include a **condition** requiring the rehabilitation of the site at the end of the life of the solar farm. This ensures the land is returned to agricultural use post-development.
- Water
The closest tributary to the site is the Trangie Cowl which is 4 km northeast of the proposed solar farm. Appropriate soil and water management safeguards during construction will limit any potential impact on waterways.
- Air
The use of dust suppression during construction by water truck will limit potential air quality impacts.
- Soil
Soil impacts are not anticipated with the development. Management of soil erosion, coupled with water management, is to be conditioned on the consent.
- Biodiversity, Flora & Fauna
A Biodiversity Assessment Report (BAR) was submitted with the DA (prepared by Ozark). This report examined potential impacts of the development on fauna only, noting that the site has been routinely cropped and no native vegetation remains on the development site. At the time of assessment, the site contained a newly sown canola crop.

Threatened fauna species (8) and threatened flora species (1) were considered in this report to have a moderate probability of occurrence at the site. The field survey showed no evidence of these species or populations. Subject to implementation of the mitigation measures recommended in the report (reproduced below), no significant

biodiversity impacts are likely. A capture-all condition is proposed to address the recommendations of the BAR:

“The environmental safeguards in Table 7-1 of the Biodiversity Assessment Report (Ozark, August 2024) are to be implemented at the relevant timings of pre-construction, construction and operation”.

Table 7-1. Mitigation measures and environmental safeguards.

Aspect	Environmental safeguards	Responsibility	Timing
General	- Any change in design outside the assessed impact footprint (subject site) will require further ecological survey and assessment. - All personnel working on site will be made aware of the environmental sensitivities of the site and safeguards/mitigations to be implemented, e.g., site induction and 'toolbox' style briefings. This includes all potential/known threatened flora and fauna (see Table 5-2).	Proponent	Pre-construction, construction, operation
Clearing of native vegetation (including habitat trees)	- All construction personnel should be inducted to be aware that any deliberate or accidental damage of a stand of native vegetation outside the subject site has legislative consequences under Part 4 or 5 of the EP&A Act. Evidence of all personnel receiving this induction would be kept on file (signed induction sheets etc.). - Before starting work, a physical vegetation clearing boundary at the approved clearing limit is to be demarcated and implemented. The delineation of such a boundary may include the use of temporary fencing, parawebbing, etc. - Vegetation would be removed in such a way as to avoid damage to surrounding vegetation. - Groundcover disturbance would be kept to a minimum. - Any stockpile and compound sites should be located using the following criteria: - At least 40 m away from the nearest waterway - In areas of low ecological conservation significance (i.e., previously disturbed land) - On relatively level ground - Outside the one in 10-year Average Recurrence Interval (ARI) floodplain - Stockpiling materials and equipment and parking vehicles would be avoided within the dripline (extent of foliage cover) of any tree.	Proponent / contractor	Pre-construction, construction, operation
Accidental death of fauna	Where fauna is encountered, a fauna spotter catcher will remove the animal(s) and relocate them nearby, or if necessary, deliver them to a veterinarian or wildlife carer for rehabilitation.	Contractor	Construction
Light	Any artificial lighting to be used during construction or operation should follow the Best Practice Lighting Design within the National Light Pollution Guidelines (DoEE 2020).	Proponent, contractor	Construction
Soil Management	- Install erosion and sediment controls in line with Landcom's Managing Urban Stormwater, Soils & Construction Guidelines (The Blue Book. Landcom 2004). - Erosion and sedimentation controls are to be checked and maintained on a regular basis. This includes clearing of sediment from behind barriers and after heavy rainfall events.	Proponent, contractor	Pre-construction and construction

Aspect	Environmental safeguards	Responsibility	Timing
	13. Erosion and sediment control measures are not to be removed until the works are complete, and areas are stabilised. 14. Stockpile topsoil removed to be redistributed across site at completion of construction. 15. Implement dust suppression activities.		
Introduction and spread of priority weeds and pathogens	16. Construction crew should be briefed on the identification of significant weeds occur on site during inductions (see Table 6-1). 17. If significant weeds are identified during construction, they will be managed according to the requirements of the <i>Biosecurity Act 2015</i> . 18. Construction machinery (bulldozers, excavators, trucks, loaders, and graders) will be cleaned using a high-pressure washer or other suitable device before entering and exiting work sites. 19. Machinery will be inspected by designated personnel following washdown to ensure no soil, mud, or vegetative material remains. Records of inspections to be maintained. 20. All pesticides will be used in accordance with the requirements on the label. Any person carrying out pesticide (including herbicide) application will be trained to do so and have the proper certificate of completion/competency or statement of attainment issued by a registered training organisation. Keep records of any weed control activities that take place.	Contractor	Construction
Disturbance to fallen timber, dead wood, and bush rock	21. If detected, any fallen timber, dead wood, and bush rock encountered would be left <i>in situ</i> (where possible) or relocated to a suitable place nearby.	Contractor	Construction
Rehabilitating cleared areas	22. Revegetation of any bare soil with locally occurring native flora species typical of the original habitat types. 23. Stockpiled topsoil to be re-spread over cleared areas.	Proponent, contractor	Construction and post-construction
Exacerbating invasive fauna	24. All food scraps and rubbish are to be appropriately disposed of in sealed receptacles to prevent providing forage habitats for foxes, rats, dogs, and cats.	Contractor	Construction
Increased risk of fire	25. If any "hot works" are to be undertaken, these activities will not take place on days of extreme fire danger (where possible).	Contractor	Construction

- Noise and vibration – Assessed as part of the Construction Environmental Management Plan. During construction is when noise (and possibly vibration) would be most offensive with installation of fences and solar panels. During construction, excavators and drilling equipment will produce noise with the most noticeable being pile drivers. Vehicle movements pre and during construction will also generate noise but to a lesser extent.

The following measures are proposed to limit noise and vibration during construction:

- Construction works to be during hours of Mon-Fri 7.00am to 6.00pm, 8.00am to 1.00pm Saturday and no works on Sundays or public holidays
- Outside these hours, delivery of plant, equipment and materials may occur to fit with delivery schedules and as requested by police or other authorities for safety reasons.
- Distance is cited as a mitigation measure in itself with the closest noise receptor being an unassociated dwelling approximately 2.3km south-west of the site.

The CEMP and SEE do not offer further specific mitigation measures for noise apart from environmental management objectives and monitoring as follows:

- Minimisation and management of noise generation from the project area
- Minimisation of the impact of noise emissions on environmental values and the health, welfare and amenity of the population
- Compliance of noise emissions, both individually and cumulatively, with relevant statutory requirements
- Incorporation of measures for minimising noise emissions during construction and operation in design and procurement activities
- To undertake all reasonable and practicable measures during construction and operations to minimise noise emissions

All project activities which cause or have potential to cause noise and vibration impacts will be monitored to ensure they are carried out in accordance with requirements in specific construction noise and vibration impact assessments.

Appropriate mitigation measures (where reasonable and feasible) will be implemented where activities exceed or have the potential to exceed noise or vibration management levels.

Due to the temporary nature of the construction phase of 9 months (when noise nuisance is greatest) and minimal noise at the operational stage, the above measures are considered adequate with a condition requiring compliance with this CEMP and any changes to operations to be reflected where relevant in the CEMP.

- **Natural hazards –
Flooding**

The site was assessed for flood inundation with a 1% AEP peak flood depth map submitted with the application (Torrent Consulting).

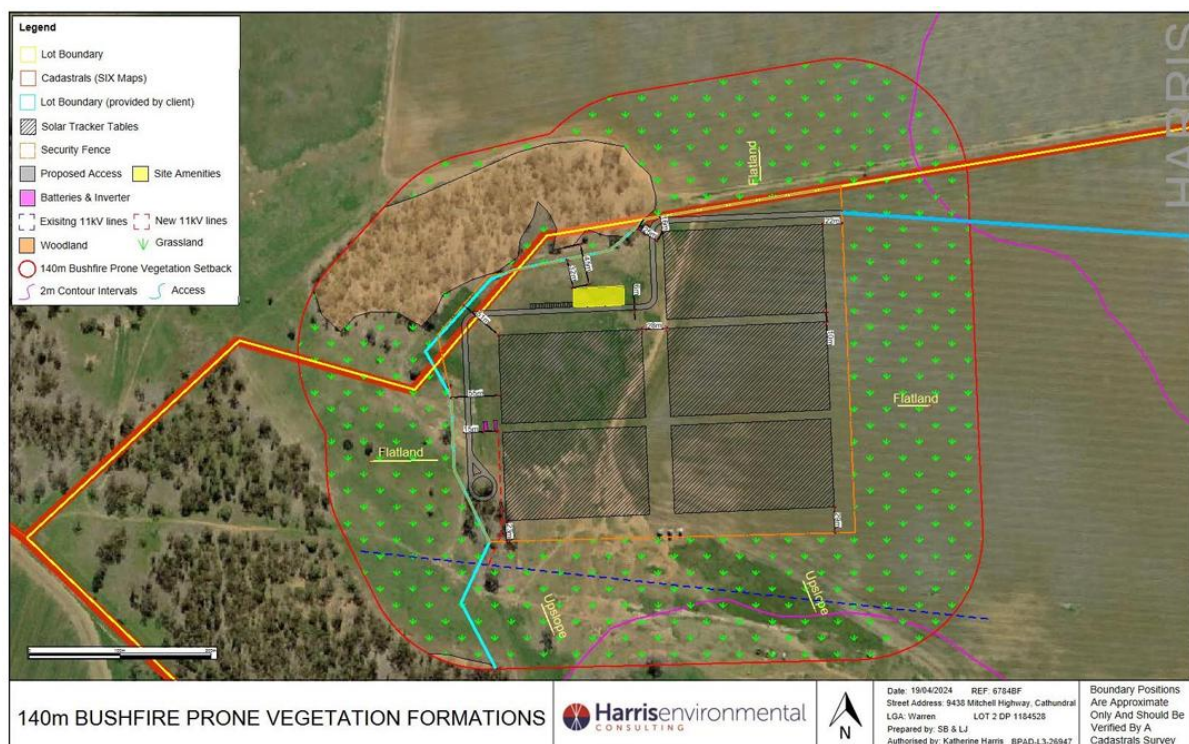
This map shows up to 0.2m flood depth on site. The SEE notes that this is below the minimum height of the solar panels and equipment.

To ensure this is carried through, a **condition requiring minimum build heights above the 1% AEP flood height at the site for panels and electrical equipment** is to be included. Freeboard is not recommended in this instance as this is usually applied

to residential and more sensitive land uses, in accordance with the Flood Risk Management Manual 2023.

Bushfire

A Bushfire Management and Emergency Response Plan was submitted with the DA which assessed the bushfire hazard and recommends measures to respond to this risk.



4.2.3 Potential Bush Fire Behaviour

Based on the assessment of land use, classified vegetation, and effective slopes within 140 metres of the subject site, the predominant risk to the proposed development is likely to be from grassland fires impacting the subject site and spreading from the subject site into the adjoining land.

The bushfire risk posed by a grassland hazard differs from fires in other vegetation communities. Fires burning through a grassland hazard generally spread rapidly at higher intensities and have shorter residence times. Ember production is limited, smaller, and fewer in number than those produced from forest fires, but it can still propagate spot fires ahead of the main fire front.

From the vegetation, slope and risk assessment, an Asset Protection Zone (APZ) surrounding the site is recommended for the site as shown below.

Asset Protection and Internal Access

A defensible space managed as an **Asset Protection Zone (APZ)** must be established and maintained around the solar array within the fenced compound for the life of the development. Internal property access must comply with the requirements of **Table 7.4a of Planning for Bush Fire Protection 2019**, including:

- a minimum **4-metre carriageway width**
 - turning areas capable of accommodating a fire tanker with a **minimum inner turning radius of 6 metres** and **outer turning radius of 12 metres**
 - a minimum **4-metre vertical clearance** to any overhead obstructions
 - curves with a **minimum inner radius of 6 metres**
 - a **minimum 6-metre separation** between inner and outer curves
 - a **crossfall not exceeding 10 degrees**
 - maximum grades not exceeding **15 degrees (sealed)** or **10 degrees (unsealed)**
 - road surfaces and any bridges capable of supporting a **23-tonne firefighting vehicle**, with signage indicating load capacity
 - suitable access for a **Category 1 fire appliance** to within **4 metres** of the static water supply where no reticulated supply is available
-
- Safety, security and crime prevention – The site is well distanced from public view and the surrounding security fencing will prevent unauthorised entry.
 - Social impact – No adverse social impacts are envisaged.
 - Economic impact – no adverse economic impacts are envisaged for the local economy from the solar farm.
 - Site design and internal design – site planning has designed the site clear of mature vegetation and close to electricity connections. Internal site configuration has considered risks and mitigated where necessary including the use of an outer boundary access road to assist with asset protection zone.
 - Construction – the Construction Environmental Management Plan has considered the impacts during construction. This CEMP will be relied upon by the operator and is to be used for the duration of the development.
 - Waste – Construction waste was identified by Council as requiring additional information at the early assessment stage. A Waste Management Plan (WMP) was submitted by the applicant with the major recommendations by category shown below.

Construction Phase Waste Management

Category	Key Waste Types	Management Measures	Responsible Party	Disposal / Recycling Location
Internal access roads & fencing	Excavated soil; aggregate; steel posts; wire mesh; concrete; small offcuts	Redistribute soil on site; accurate ordering; pre-cut fence posts; store packaging/offcuts in sealed, labelled bins; recycle metals and aggregates	Civil contractor	Whylandra Waste & Recycling (Dubbo); JR Richards (Dubbo); Bingo Industries (Sydney)
PV system installation	Cardboard; polystyrene; soft & hard plastics; metal fasteners; wooden pallets	Modular/pre-made components to reduce waste; delivery contractors remove packaging where feasible; separate bins for cardboard/plastics; stack pallets neatly	PV contractor / delivery contractors	Whylandra; JR Richards; Matthews Metal Management (metals); Bingo Industries
PV footings & electrical equipment	Concrete waste (minimal expected); steel piles	Good ordering to minimise excess; steel piles driven (no concrete) where geotech allows	PV contractor	Whylandra; JR Richards; Bingo Industries
Construction workforce waste	Food waste; food packaging; small consumables (screws, fixings, drill bits)	Sealed bins with lids; food only in lunchrooms; no discarding small fixings on ground; portable toilets managed by supplier	All contractors	Whylandra (general waste & organics)
Hazardous / prohibited waste	Polystyrene fragments; flammable/explosive materials	No hazardous waste in skip bins; no cutting/breaking polystyrene; immediate cleanup if breakage occurs	All contractors	Approved hazardous waste facilities (not skip bins)
Site induction & compliance	N/A	Induct all workers in WMP; label all bins; ensure correct separation; prevent contamination; maintain clear bin access	Principal contractor	N/A
Transport & emissions	All waste streams	Bulk transport to reduce trips; contractors responsible for removal; minimise on-site storage	All contractors	Whylandra; JR Richards; Matthews Metal; Bingo Industries
Post-construction	Minimal; maintenance visit waste only	Contractors remove all waste generated during maintenance; no on-site		

It is noted that the Whylandra waste facility in the Dubbo LGA is referenced as able to take construction waste. This is due to Warren Shire Council stating that their waste facilities are unable to accept large-scale construction waste early in the DA process. The Whylandra facility is a large regional waste and recycling centre and it is anticipated they can accept the above wastes.

A condition will be included to ensure compliance with the submitted WMP.

- Cumulative impacts – The SEE states that no cumulative impacts are expected from the development. The only cumulative impacts which could pose further problems is cumulative loss of topsoil from the site if cover vegetation under the panels is lost to due persistent drought. To remedy this, where drought is impacting the site, the operator is to ensure groundcover is maintained to limit loss of topsoil and ensuring long term viability of the primary production land, as below.

Groundcover Vegetation and Topsoil Protection

Groundcover vegetation must be established and maintained across all disturbed areas of the site (with the exception of areas identified in the Bushfire Management and Emergency Response Plan to be vegetation-free) to prevent erosion and protect topsoil. Species used for groundcover must be drought-hardy, capable of providing persistent soil cover, and suitable for the local soil and climatic conditions identified in the Biodiversity Assessment Report.

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 site is suitable for the development of a solar farm. It is well distanced from neighbouring dwellings and surrounded on all sides by farm land.
- The development site does not contain significant tracts of vegetation nor is highlighted on the Biodiversity Values Map.
- The site can be serviced by appropriate access from the Mitchell Highway and to the site. Alternate accesses are available in the event of a natural hazard such as bushfire.
- The site has access to electricity and can be serviced with static water and a water truck for dust suppression.
- No adjoining uses would conflict in principle with the addition of a solar farm and BESS in this location.

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

No submissions from the public were submitted during the public exhibition stage of the development.

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

The proposal on balance, is appropriate in this location and in the public interest. It complies with state, regional and local planning strategies and proposes mitigation of any adverse impacts.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined above under the relevant SEPPs.

The only outstanding issues from referrals are from TfNSW. These outstanding requirements are addressed above and will be conditioned on the consent.

Otherwise, there are no outstanding issues arising from these concurrence and referral requirements.

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	Referral under this section of the Act was not necessary because the proposal complies with 4.14(1)(a) of the Act – the development conforms to the specifications and requirements of Planning for Bushfire Protection 2019, and is backed up by a site specific	Yes

		Bushfire Management and Emergency Response Plan.	
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Yes – see response above under T&I SEPP.	Yes
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.		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.	Yes – see above referral and response under the T&I SEPP.	Yes
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')		N/A
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes		N/A
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i>		N/A

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 reviewed the submitted SEE and TIA and advised he was satisfied with the information provided.	Yes

Any 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 20 November 2024 until 5 December 2024. The notification included the following:

- An advertisement in the local newspaper the Warren Weekly on 24/11/2024;
- Notification on Council's website;
- Notification letters sent to adjoining and adjacent properties including across the Mitchell Highway and all those with a physical boundary.

The Council received no submissions during this time. It is noted that it has been some time since the original DA was submitted and revised plans have been lodged since the original DA was advertised. Council have advised that no owners have changed in the vicinity of the development since the application was submitted and the changes have been mainly regarding access to the site – not the intensity of the development itself.

5. KEY ISSUES

Issues identified from the Preliminary Briefing Panel meeting held on 26 August 2025 are as follows.

Issue	Open/Closed
The TIA does not reflect the currently proposed access	Closed – TIA now reflects new proposed access.
12km of roadway to be constructed as a gravel road capable of being sealed. Council's draft condition regarding the roadway is to be forwarded to the Applicant for comment	Draft Conditions sent to applicant for review. Closed.
An 88b instrument to be provided over private land as Crown roads have an existing 88b in favour of the development. Private versus Crown roads need to be clearly distinguished in the SEE	TIA now reflects s88B instruments required in favour of the development. Private and crown roads also now delineated. Closed.
A response has been provided to Council's RFI. An RFI from TfNSW is pending a response	TfNSW response received on 29/01/2026. Closed.
No landscaping is proposed as the site is located 2.3km to the nearest dwelling	Closed.
The Panel requested various edits be made to the SEE.	Closed

Other pertinent key issues have been assessed above.

6. CONCLUSION

The 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 and the key issues identified in this report, it is considered that the application can be supported.

While the development achieves compliance in several areas, key issues remain in relation to traffic matters as referenced by TfNSW, however these can be ratified with conditions of consent. Other matters addressed include potential impacts on agricultural land, biodiversity management and construction-phase controls. Having regard to the impacts, agency advice, and the broader public interest, the application is supported.

It is considered that the key issues as outlined in the report 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 P16-24.17 (PAN-478739) for a

5MW solar farm and battery energy storage system, comprising 12,000 solar panels on tracking arrays, 1 central inverter, 1 medium voltage power station, 4 battery energy storage systems and associated fencing, pole and road/intersection works at:

Lot 2 DP 1184528; Lot 2 DP1261542, Lots 1 & 2 DP1285518, Lots 4 & 15 DP755303, Lot 26 DP820770, Lot 28 DP850160, 9438 Mitchell Highway, Cathundral

be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent / reasons for refusal attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Development plans
- Attachment C: Traffic Impact Assessment
- Attachment D: Biodiversity Assessment Report
- Attachment E: Construction Environmental Management Plan
- Attachment F : Construction Phase Waste Management Plan
- Attachment G: Bushfire Management and Emergency Response Plan

Attachment A: Draft Conditions of Consent

Administrative conditions

Approved Plans and Documentation

1. The development of a **solar farm and battery energy storage system, comprising 12,000 solar panels on tracking arrays, 1 central inverter, 1 medium voltage power station, 4 battery energy storage systems and associated fencing, pole and road/intersection works** a 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.

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans 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 not possible to comply with both at the relevant time.

Plan Title	Drawn by	Issue/ Rev	Drawing No	Date
4.95MVA PV Export System Site Plan (x2 sheets)	Green Gold Energy	H		25/09/2025
76 Module Tracker Details, Sheet M-101	NexTracker	A	GEN MECH. SET	07/09/2021
38 Module Tracker Details	NexTracker	A	GEN MECH. SET	07/09/2021
Pier Tolerances	NexTracker	A	GEN MECH. SET	07/09/2021
General Solar Farm Electrical Equipment Elevations	Green Gold Energy	A		08/11/2023
General Solar Farm Electrical Equipment Elevations	Green Gold Energy	B		20/11/2020
Chain wire Mesh Security Fence & Gate	Ace Microgrid	B	GG21-10-003-1	16/09/2022
Two-Dimensional Strategic Design	Trafficworks	P1	230729a-CTP-01	22/09/2025
Typical Sections	Trafficworks	P1	230729a-CTP-02	22/09/2025
SISD Check	Trafficworks	P1	230729a-CTP-03	22/09/2025

SISD Check	Trafficworks	P1	230729a-CTP-04	22/09/2025
Swept Path Assessment	Trafficworks	P1	230729a-SKT-01	22/09/2025
Swept Path Assessment	Trafficworks	P1	230729a-SKT-02	22/09/2025
Swept Path Assessment	Trafficworks	P1	230729a-SKT-03	22/09/2025

Approved documents				
Title	Author	Rev	Job No	Date
Statement of Environmental Effects	Chris Smith & Associates/Green Gold Energy	3	24033	Oct 2025
Bushfire Management & Emergency Response Plan	Harris Environmental Consulting	1	6784BF	10/10/2024
Traffic Impact Assessment Report	Trafficworks	Final 2	230729	23/09/2025
Construction Phase Waste Management Plan	Low Impact Development Consulting	1		06/03/2025
Construction Environmental Management Plan	Green Gold Energy	-	GG-CEMP	undated
Biodiversity Assessment Report	OzArk	3	4371	06/08/2024

2. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

(3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the *Building Code of Australia*, Volume 1, Part B1 and NSW Part I5.

(4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date.

(5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

(6) This section does not apply—

(a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or

(b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

*Note: In this section **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.*

Condition reason:

To comply with the provisions of clause 69 of the Environmental Planning and Assessment Regulation 2021.

3. National Construction Code

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *National Construction Code / Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the propped building works.

Condition reason:

To ensure the building work complies with the National Construction Code.

4. Time limited consent

The use of the site for a solar farm and battery energy storage system is limited to a period of thirty (30) years from the release of an occupation certificate.

Condition reason:

To limit the period during which the approval may operate, in accordance with the provisions of section 4.17(d) of the Environmental Planning and Assessment Act 1979.

5. Decommissioning

Prior to the cessation of operations, the applicant must prepare and submit a Decommissioning and Rehabilitation Plan to Council for approval. The Plan must detail the method, timing and responsibilities for decommissioning the solar farm and rehabilitating the site.

Upon decommissioning of the development:

- All solar farm infrastructure, plant, equipment, footings, underground cabling (unless otherwise agreed by the landowner and Council), hardstand areas and associated works must be fully removed from the site.
- The land must be reinstated to its pre-existing condition, including the pre-existing land and soil capability class, where the land was previously used for agricultural purposes.

- Disturbed areas must be stabilised, re-vegetated and rehabilitated to a condition that supports the former land use and prevents erosion, sedimentation or land degradation.

Responsibility for decommissioning and rehabilitation rests with the solar energy project owner or operator, unless a legally binding agreement with the host landowner is provided to Council that clearly assigns alternate responsibilities.

Condition reason:

To ensure that plant is removed to avoid potentially hazardous chemical spills from the Bess systems, and the land is rehabilitated.

Requirements of Government Agencies (General Terms of Approval)

Essential Energy

6. Essential Energy requirements

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); and
- 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.

Condition reason:

To ensure compliance with the terms of approval and notations from Essential Energy and to maintain the safety of workers and others in and around the site, and, to protect electricity infrastructure.

Transport for NSW

7. Signage

A signage schedule identifying the location, type and placement of all proposed signs is to be prepared. The schedule is to be consistent with Drawing no 230729a-CTP-01 and designed in accordance with AS 1742 and TfNSW requirements. This schedule is to be submitted to Council for final approval by TfNSW as concurrence authority.

Condition reason:

To comply with the requirements of Transport for NSW.

8. Mitchel Highway intersection

The intersection of the Mitchell Highway with the proposed site access is to be upgraded to a BAR/BAL minimum design standard in accordance with Traffic Impact Assessment Strategic Concept design plans and the requirements of Transport for NSW.

A SISD of 341m is to be provided and maintained at all times.

Truck warning signs are to be displayed near the subject site access during the construction phase when heavy vehicles are entering the site. The following signs are to be displayed at a minimum:

- "Advance Truck" warnings signs (W5-22 Size B)
- Distance plate (W8-5 Size B) below the warning sign

The above signs are to be installed 250m in advance of the access on each of the Mitchell Highway advances.

Condition reason:

To provide appropriate and safe access to the site in accordance with the requirements of Transport for NSW.

9. Drain & Culvert

It is noted that the proposed intersection traverses an existing table drain and connects to land at a different reduced level. Detailed design to be submitted to the determining authority, is to include survey, drainage assessment and vertical design to confirm the final intersection arrangement. The requirement for a culvert or other drainage structure through the intersection will be assessed and, if required, designed in accordance with Austroads and TfNSW drainage standards. It is noted the works will require re-profiling of the existing table drains and the installation of a culvert beneath the proposed access road.

Condition reason:

To comply with the requirements of Transport for NSW.

10. Telecommunications Utilities

A utilities investigation and service location is to be undertaken. Any required protection, adjustment or relocation of utilities is to be addressed in consultation with the relevant utility authorities and TfNSW.

Condition reason:

To comply with the requirements of Transport for NSW.

11. Shoulder width

The shoulder width shown is indicative only. A detailed site survey is required to be undertaken to confirm the existing road formation. TfNSW preference is to widen the shoulders to 3m.

Condition reason:

To comply with the requirements of Transport for NSW.

12. Design plans

The final design plans are to include an updated Traffic Impact Assessment to address the requirements of TfNSW. The updated TIA is to be submitted to Council with the final designs.

Condition reason:

To comply with the requirements of Transport for NSW.

Prior to the release of the Construction Certificate

13. Construction Certificate

Prior to the commencement of any physical works on the site, including but not limited to road construction, access tracks, drainage works, earthworks, culvert installation, stormwater management structures, hardstands or site entry upgrades, a Construction Certificate (CC) must be obtained from the Certifier.

The CC must include and certify the following:

- Final engineering drawings for all civil and building works, prepared by suitably qualified civil engineers, demonstrating compliance with this consent, Council's engineering standards, Austroads Guides, Australian Rainfall and Runoff (ARR 2019), and relevant Australian Standards.
- Roads Act 1993 approval for any works within the public road reserve, including access upgrades, drainage tie-ins, sight distance improvements and utility relocations.
- Stormwater and drainage design, including culverts, table drains, overland flow paths, scour protection, energy dissipation, and erosion and sediment controls, sized for the 1% AEP event and consistent with the approved flood assessment.
- Building-related components, including but not limited to:
 - structural design and certification for inverter stations, switchrooms, control buildings, battery enclosures, shade structures, footings, platforms, retaining walls and any other building or structure defined under the NCC
 - fire safety measures applicable to buildings or enclosed structures
 - access, egress and compliance with relevant NCC performance requirements.
- Bushfire access requirements, including trafficable width, passing bays, turning heads and all-weather construction, consistent with the approved Bushfire Management & Emergency Response Plan.
- Erosion and Sediment Control Plan (ESCP) consistent with the Blue Book and staged to match construction sequencing.

- Certification of earthworks, including finished levels, batters, compaction, and any retaining or structural elements.
- Utility protection or relocation plans where civil works interact with existing services.

No works may commence until the CC is issued and all associated approvals are in place.

A Construction Certificate issued by a Private Certifier is to be submitted to Council at least 48 hours prior to the commencement of any works.

Condition reason:

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

14. Utilities

The Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

Condition reason:

To ensure utility modifications are carried out in accordance with the requirements of the relevant authority and that responsibility for cost is clear.

15. Payment of Security Deposits, Levies and Contributions

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 **\$13,786.41** 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.

16. Construction Environmental Management Plan updates

The Construction Environmental Management Plan (CEMP) is to be updated to include the requirements below and submitted to the Principal Certifier. The Plan must be implemented

during the construction of the solar electricity system and must include the range of measures as outlined in the approved SEE which include but are not limited to:

- a) Aboriginal Heritage Management (chance find procedures);
- b) Construction Traffic Management;
- c) Erosion and Sediment Control – actions to support objectives;
- f) Noise Management – actions to support objectives;
- g) Dust Management – actions to support objectives;
- h) Site Restoration;
- k) Weed Management and Biosecurity.

Condition reason:

To ensure the CEMP accurately reflects actions to be taken where management controls have been identified.

17. Construction Traffic Management Plan

Prior to the issue of any Construction Certificate, a Construction Traffic Management Plan (CTMP) must be prepared by a suitably qualified and experienced professional. The CTMP must be submitted to the relevant roads authority for review to ensure that all traffic and access impacts associated with the construction of the development have been adequately addressed.

The CTMP must identify all light and heavy vehicle movements to and from the site, assess the potential traffic, safety and road-condition impacts arising from construction activities, and specify the mitigation, management and monitoring measures to be implemented to ensure compliance throughout the construction phase.

The CTMP must address, at a minimum, the following matters:

- a) A safe construction access point, as detailed on drawing no. 230729a-CTP-01 (Trafficworks) with a minimum sealed entrance 20 metres in to the property access;
- b) A passing lane of a minimum of 3.0m along the Mitchell Highway past the intersection – BAR Treatment as per Austroads Guidelines.
- d) A bitumen seal holding lane for the exit from the Mitchell Highway into the property access and entry onto the Mitchell Highway from the property access.
- e) Road widths must show turning circles for the largest design vehicle expected to use the roadway.
- f) A minimum of 20 m to be sealed into the access road.
- g) All accesses to be designed as per Austroads Design Guide.
- h) Require that all vehicular access to the site be via the approved route using the approved construction access point.

i) Detailed design information of road construction works must be provided and approved by the roads authority in accordance with Austroads Guidelines and RMS QA Road works specifications for road construction and design.

j) Submit inspection and test plans (ITPs) to the roads authority for approval.

Condition reason:

To ensure access related matters are assessed prior to construction.

18. Section 138 Roads Act approval

Under Section 138 of the Roads Act 1993, any works on the verge, footpath, or public road reserve require a Section 138 Roads Act Approval. This will need to be obtained from the relevant roads authority – Council and/or Transport for NSW. In this regard, the applicant is to make a formal application to Council. The Section 138 Roads Act Application is to be submitted to, and approved by the roads authority prior to works commencing and is to include the provision of Works as Executed Drawings after the completion of road works.

Condition reason:

To require an approval under the Roads Act where necessary.

19. Bushfire management & access

The Bushfire Management & Emergency Response Plan is to be updated to reflect the new access arrangements from the Mitchell Highway to the solar farm. Any changes required to access arrangements from these changes are to be ratified by the consultant to be in compliance with the requirement of Planning for Bushfire Protection 2019.

Condition reason:

To ensure approved documents match the intended construction for the site.

20. Access provisions & carparking

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and *AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and signposted with a minimum of twenty (20) car parking spaces are to be provided. Details are to be provided with the Construction Certificate application.

Condition reason:

To ensure access and parking is provided in accordance with the relevant AS and the approved TIA.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

21. Easements for access

Proof of required additional easements (Section 88B instruments) for access, as registered on the title of the land under the Conveyancing Act 1919, and as identified in the TIA, are to be submitted to Council prior to works commencing on the access roads.

Condition reason:

To ensure legal access to the land is available prior to construction.

22. Dilapidation report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a pre-construction dilapidation report detailing the structural condition of roads and public land, to the satisfaction of the certifier.

Any damage caused to other properties during construction shall be rectified by the applicant. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to Council prior to the commencement of the demolition works. The insurance cover shall be a minimum of \$20 million.

Condition reason:

To ensure any damage caused by the development is documented prior to works commencing on the site.

Prior to the commencement of works

23. Roads inspection

Prior to the commencement of works, an inspection of the site access from the Mitchell Highway is to be carried out and any roadside vegetation is to be trimmed/removed where which restricts compliance with the applicable sight distance requirement of 324 metres. Where whole trees are to be removed, the Principal Certifier is to liaise with Council to first determine whether an REF is required.

Condition reason: To comply with the recommendations of the TIA as approved by Council.

24. Waste

Prior to the commencement of works, a proposed Waste Agreement is to be provided to and approved by Council, outlining the arrangements for the disposal of construction waste if it is to be disposed of at a Council owned facility.

Condition reason:

To ensure the receiving authority is able to accept the waste as outlined in the Construction Phase Waste Management Plan.

25. Erosion controls

Erosion and sediment controls must be in place before the disturbance of any soils on the site.

Condition reason:

To ensure soil and water management is controlled.

26. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the 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.

Condition reason:

Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

27. Toilet Facilities during Construction

Toilet facilities must be provided on the work site during construction 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) Connected to an on-site effluent disposal system approved by the council, or
- (b) A portable toilet.

Condition reason:

To provide appropriate on-site amenities during demolition and construction work.

28. Implementation of relevant construction plans

The following plans associated with construction phases are to be fully implemented in accordance with this consent:

- a) Construction Phase Waste Management Plan
- b) Bushfire Management & Emergency Response Plan
- c) Construction Environmental Management Plan

Condition reason:

To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

29. Traffic Control Plan

Prior to the commencement of any works that impact the public road reserve, road shoulder, verge, or trafficable areas, a Traffic Control Plan (TCP) must be prepared by a person holding current TfNSW Prepare a Work Zone Traffic Management Plan (PWZTMP) accreditation.

The TCP must:

- Be prepared in accordance with AS 1742.3 – Traffic Control for Works on Roads and all relevant TfNSW Traffic Control at Work Sites manuals.
- Identify all proposed traffic management measures, signage, delineation, vehicle movements, and safe access arrangements for adjoining properties.
- Demonstrate how the safety of road users and workers will be maintained for the duration of works.
- Include details of any required partial or full lane closures, speed reductions, or temporary traffic arrangements.

The approved TCP must be submitted to Council at least 10 working days prior to works commencing and must be implemented in full for the duration of works.

Condition reason:

To ensure safe access to and from the site during construction works.

30. Bushfire Water Supply

A minimum 20,000 litres of static water must be provided within the development site for bushfire protection purposes. The water supply must be installed and maintained in accordance with the following requirements:

- Water must be stored in above-ground metal or concrete tanks, or in underground tanks with a minimum 200 mm access hole and a hardened, all-weather surface extending 4 metres around the access point.
- Any raised tanks must be installed on protected, non-combustible stands.
- All external pipework, including taps, must be constructed of metal.
- Pumps must be shielded to ensure operability during a bushfire.
- A 65 mm Storz outlet fitted with a gate or ball valve must be provided to enable firefighting access to the water supply.

The bushfire water supply must be installed prior to the commencement of construction works and maintained for the life of the development.

Condition reason:

To ensure the infrastructure is protected with adequate fire fighting capabilities and water supply.

During Construction

31. Asset Protection and Internal Access

A defensible space managed as an Asset Protection Zone (APZ) must be established and maintained around the solar array within the fenced compound for the life of the development. Internal property access must comply with the requirements of Table 7.4a of Planning for Bush Fire Protection 2019, including:

- a minimum 4-metre carriageway width
- turning areas capable of accommodating a fire tanker with a minimum inner turning radius of 6 metres and outer turning radius of 12 metres
- a minimum 4-metre vertical clearance to any overhead obstructions
- curves with a minimum inner radius of 6 metres
- a minimum 6-metre separation between inner and outer curves
- a crossfall not exceeding 10 degrees
- maximum grades not exceeding 15 degrees (sealed) or 10 degrees (unsealed)
- road surfaces and any bridges capable of supporting a 23-tonne firefighting vehicle, with signage indicating load capacity
- suitable access for a Category 1 fire appliance to within 4 metres of the static water supply where no reticulated supply is available

Condition reason:

To comply with the requirements of Planning for Bushfire Protection 2019 and the Bushfire Management & Emergency Response Plan.

32. Hours of Construction

Construction work may only be undertaken during the following hours:

DAY	HOURS
Monday to Friday	7:00am to 8:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

NOTE: Outside these hours, delivery of plant, equipment and materials may occur to fit with delivery schedules and as requested by police or other authorities for safety reasons.

Condition reason:

To ensure the development does not unduly impact surrounding neighbours.

33. Dust Management

A water cart is required to be readily available to suppress dust during construction. During dry periods or high wind, construction works are to be delayed or postponed.

Condition reason:

To comply with the recommendations of the CEMP and reduce dust impacts.

34. Flood Protection

Any above-ground electrical infrastructure including the solar panels shall be set above 1:100 ARI (average recurrent interval) flood level.

Condition reason:

To ensure the infrastructure on site is flood-protected in the adopted design flood.

35. Waste Management

All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an authorised Waste Landfill/Recycling Depot at regular periods. The container shall be erected on the site and shall be maintained for the term of the construction to the completion of the project. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

Condition reason:

To ensure rubbish is contained and disposed of.

36. Demolition works

Demolition undertaken in the decommissioning of the site must be carried out in accordance with the provisions of AS2601-2001: The Demolition of Structures.

37. Hazardous Materials and Spill Containment

- a) All hazardous materials associated with the development, including but not limited to transformer insulating oils, battery electrolyte by-products, fire suppression agents, fuels and lubricants, must be stored, handled and managed to prevent soil or water contamination.
- b) Any transformer forming part of the Medium Voltage Power Station must be installed within a fully bunded and impervious containment system with a capacity not less than 110% of the total oil volume of the largest vessel within the bund. The bund must be designed to prevent infiltration to soil and must be fitted with controlled drainage or a pump-out point to allow removal of stormwater following inspection.
- c) A Safety Data Sheet (SDS) for all insulating oils, fire suppression agents and other hazardous substances must be included in the Construction Environmental Management Plan (CEMP) and kept on site at all times.
- d) Spill response equipment suitable for transformer oil, fuels and other hazardous liquids must be maintained at all work areas and at the MV Power Station. All personnel must be trained in spill response procedures.

Condition reason:

To ensure the MVPS is adequately banded if containing transformer oil.

38. Discovery of Aboriginal Objects

While excavation 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 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 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
- “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.

Condition reason:

To ensure the protection of objects of potential significance during works.

39. Critical Stage Inspections

Building work must be inspected on the occasions set out for critical stage inspections for building work under the *Environmental Planning and Assessment Regulation 2021*.

Condition reason:

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

40. Native Vegetation

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Condition reason:

To ensure vegetation is maintained on the site.

41. Clearing for Asset Protection Zones (APZ)

The applicant must ensure the clearing of vegetation to establish the APZ is confined to within the marked APZ boundary and is consistent with the Landscape Plan and bushfire Report, to the satisfaction of the principal certifier.

Condition reason:

To ensure vegetation clearance during construction is confined within the APZ.

42. Access width

The width of the internal access roads is to be a minimum of 6m for the length of the access to the development site in accordance with the recommendations of the approved Traffic Impact Assessment (TIA). Where upgrades to the internal access roads are required over lots owned by the Crown and other entities, written consent of the Crown and/or these entities is to be obtained prior to works taking place.

Condition reason:

To ensure adequate road widths are provided in accordance with the approved TIA.

Prior to Occupation/Use

43. Occupation Certificate

The applicant is to obtain an Occupation Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from the Principal Certifier.

Condition reason:

To ensure compliance with the Act.

44. Site Environmental Management Plan

A Site Environmental Management Plan (SEMP) shall be submitted to Council for endorsement prior to the issue of any Occupation Certificate. The SEMP shall address, at minimum, the following issues:

- a. Operation
- b. Bushfire management
- c. Noise management;
- d. Dust management;
- e. Weed and vermin management;
- f. Land management including vegetation management;
- g. Traffic Management;
- h. Flooding and debris issues; and
- i. Written notification to Council when decommissioning is to take place.

45. Completion of all Works

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.

Condition reason:

To ensure adequate arrangements have been made for the development.

Ongoing occupation and post-occupation

46. Vehicle Management

The premises shall be operated in accordance with the following vehicle management requirements:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site in a forward direction.
- (b) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.

Condition reason:

To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

47. Groundcover Vegetation and Topsoil Protection

Groundcover vegetation must be established and maintained across all disturbed areas of the site (with the exception of areas identified in the Bushfire Management and Emergency Response Plan to be vegetation-free) to prevent erosion and protect topsoil. Species used for groundcover must be drought-hardy, capable of providing persistent soil cover, and suitable for the local soil and climatic conditions identified in the Biodiversity Assessment Report.

Condition reason:

To ensure groundcover is maintained on site to minimise dust nuisance and retain topsoil.

48. Decommissioning

Within 18 months of the site being decommissioned, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with relevant landowners, unless the site is being retained for future development purposes.

All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Council, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator.

All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Council.

Condition reason:

To ensure the site is appropriately rehabilitated post-occupation to enable reuse as primary production land.

Advisory Notes

Other Approvals and Permits

- A. The Applicant is solely responsible for obtaining any necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

Responsibility for other Consents / Agreements

- B. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Disability Discrimination Act

- C. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the National Construction Code which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- D. The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister. This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Site Contamination issues During Construction

- E. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Covenants

- F. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.

Dial Before You Dig

- G. 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)

- H. 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.

General

- I. Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date except where a condition specifies a limit to the duration of the consent.