



Council Ref:KH:KT ECM599188

25 August 2021

NSW Community Renewables (Glen Innes) Pty Ltd  
C/-KDC Pty Ltd  
Suite 2B, 125 Bull Street  
Newcastle West NSW 2302

Dear Sir/Madam,

**REGARDING: NOTICE OF DETERMINATION**

<b>Application:</b>	<b>DA 56/20-21</b>
<b>Panel Reference:</b>	<b>PPSNTH-93</b>
<b>Property Title:</b>	<b>Lot 32, 33, 34, 35 &amp; 36 DP1834 and Lot 1 DP251457</b>
<b>Property Address:</b>	<b>Tuttles Lane, Glen Innes</b>
<b>Proposal:</b>	<b>Construction and Operation of a 5MW Solar Farm and Associated Infrastructure.</b>

I wish to advise that Council has approved the above application subject to conditions as outlined in the attached prescribed Notice of Determination under the *Environmental Planning and Assessment Act 1979*.

Please read the Determination Notice carefully and observe / implement any conditions of consent as outlined in the Notice.

Failure to comply with the Determination Notice may render you liable to legal proceedings under the *Environmental Planning and Assessment Act 1979*.

For further information, please contact Council's Development, Planning & Regulatory Services Department on 6730 2350.

Yours faithfully,

  
**Craig Bennett**  
**GENERAL MANAGER**



# Glen Innes Severn Council

PO Box 61, GLEN INNES NSW 2370

Telephone: (02) 6730 2350

## NOTICE OF DETERMINATION

### Development Application

Issued under Section 4.18 of the *Environmental Planning and Assessment Act 1979*

**Development Application Number:** DA 56/20-21

**APPLICANT NAME:** NSW Community Renewables (Glen Innes) Pty Ltd C/-KDC Pty Ltd  
**APPLICANT ADDRESS:** Suite 2B, 125 Bull Street Newcastle West NSW 2302  
**OWNER NAME:** Lyle and Elvessa Jennene Perkins  
**OWNER ADDRESS:** 208 West Furracabad Road, Glen Innes

### LAND TO BE DEVELOPED

**Property Address:** Tuttle Lane, Glen Innes  
**Property Title:** Lot 32, 33, 34, 35 & 36 DP1834 and Lot 1 DP251457

### PROPOSED DEVELOPMENT

**Development Description:** Construction and Operation of a 5MW Solar Farm and Associated Infrastructure.

### DETERMINATION

- Consent granted unconditionally
- Consent granted subject to conditions described below
- Application refused

**CONSENT TO OPERATE FROM**  
(SEE Note 1)

1 August 2021

**CONSENT TO LAPSE ON**

1 August 2026

## PART A - GENERAL CONDITIONS

### 1. Development Description

Development consent is granted only to carrying out the development described in detail below:

- **Establishment and operation of a 5 MW Solar Photovoltaic electricity generation facility with associated infrastructure.**

*Reason: To accurately describe the development.*

### 2. Prescribed Conditions

The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of the *Environmental Planning and Assessment Regulation 2000* as are of relevance to this development.

*Reason: To meet statutory requirements.*

### 3. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Prepared by	Dated
10030- G- GAD- 01-1	C	Location Detail	Providence Asset Group	09/12/2021
10030- G- GAD- 02-01	D	General Arrangement Overview	Providence Asset Group	09/12/2021
10030- G- GAD- 02-02	D	System Detail	Providence Asset Group	09/12/2021
10030- C- DET- 01-01	A	Civil Detail	Providence Asset Group	10/12/2021
10030- C- DET- 06-01	A	Road Section Detail	Providence Asset Group	09/12/2021
10030- G- DET- 01-01	C	Site Elevation Detail	Providence Asset Group	09/12/2021
10030- C- DET- 02-01	C	Security Fencing Detail Typical	Providence Asset Group	09/12/2021
10030- E- DET- 01-01	D	PV Mounting Systems	Providence Asset Group	09/12/2021

10030-E-DET-02-01	C	Power Conversion Station Detail Sheet 1	Providence Asset Group	09/12/2021
10030-E-DET-02-02	C	Power Conversion Station Detail Sheet 2	Providence Asset Group	09/12/2021
10030-C-DET-	C	Shed Detail Typical	Providence Asset Group	09/12/2021
CIV01	B	Stormwater Management Plan	DRB Consulting Engineers	08/12/2021
CIV02	B	Proposed Basin Plan	DRB Consulting Engineers	08/12/2021
Page 22	V0. 3	Landscape Plan	Visual Assessment, Landscape Concept and Reflectivity Statement	July 2021

Document Title	Version/Ref No.	Prepared by	Dated
Visual Assessment, Landscape Concept and Reflectivity Statement	631.00000-20401-v0.3	SLR	July 2021
Statement of Environmental Effects - Establishment of Solar PV Power Generation Plant	20401	SLR	December 2020
Traffic Impact Assessment	20/190 Issue D	Intersect Traffic Pty Ltd	December 2020
Due Diligence Aboriginal Archaeological Assessment	4a	Virtus Heritage	4 December 2020
Noise Assessment	MAC201186-01RP1	Muller Acoustic Consulting	14 December 2020
Flora and Fauna Assessment Report	2	Kleinfelder	14 December 2020

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.

*Reason:* To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

- 3(b) Visual mitigation planting is to be provided to the northern boundary and this is to be shown on a revised landscape plan which is to be submitted to Council's Director of Planning for approval prior to the issue of any Construction Certificate.

*Reason:* To mitigate visual impact.

4. **Sensitive Area (Aboriginal cultural item/place)**

In accordance with the recommendations of the Due Diligence Aboriginal Archaeological Assessment, the project lease area boundary must be adjusted to exclude the small area of sensitive landform (creek terrace) in the north west corner of the survey area.

*Reason:* To reduce the risk of harm to Aboriginal cultural heritage items or places.

## PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. **Waste Management Plan**

Waste Management Plan is to be provided to and approved by Council Prior to Construction commencing. The Waste Management Plan must address the following matters:

- a. Minimise the waste generated by the development;
- b. Sort and separate all waste to optimise recycling of materials generated from the site;
- c. Classify all waste generated on site in accordance with the EPA's waste Classification Guidelines;
- d. Store and handle all waste on site in accordance with its classification;
- e. Not receive or dispose of any waste on site; and
- f. Remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

*Reason:* To maintain the amenity of the area.

6. **Construction Certificate**

No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

*Reason:* To meet statutory requirements.

7. **Construction Management Plan**

A Construction Management Plan (CMP) must be submitted to and approved by Council prior to the commencement of works. The plan must document the proposed method of work within the construction site boundaries with regard to the health and safety of the public and effect on the road reserve. If any part of the road reserve or public land is proposed for long term

(exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the CMP.

Reason: To maintain construction safety.

## 8. **Traffic Management Plan**

A Traffic Management Plan (TMP) must be submitted with the Construction Management Plan for approval by Council prior to the commencement of works. The Plan must:

- a) Show the proposals for reducing any impact of the construction site on the adjacent traffic network.
- b) Include traffic management of short term activities such as delivery of materials accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks; tradesmen work vehicles and the like.
- c) Incorporate traffic management measures to manage risk of rear-end crashes in the 100km/h speed environment in vehicles turning right from the Gwydir Highway into Tuttle Lane throughout the construction phase of the development.
- d) Limit access to the route identified in the Traffic Impact Assessment (TIA).
- e) Identify daily and peak hourly vehicle movements to ensure the demand generated by the development is consistent with the assessment provided in the TIA.
- f) Ensure no conflict between construction traffic and school bus services.
- g) Include temporary and ongoing measures to be implemented during the construction and operational phases of the development. The TMP, inclusive of any temporary traffic control measures, should be prepared by a suitably qualified person and include a Driver Code of Conduct (COC) and details of to be implemented during peak construction and/or periodic operational maintenance activities.
- h) Consultation with the National Heavy Vehicle Regulator (NHVR) regarding the use of Tuttle Lane by B-Doubles and evidence of approval from the NHVR is to be provided to Council's Traffic Engineering Manager (or equivalent) prior to the issue of any Construction Certificate.

Reason: To maintain traffic safety.

## 9. **Road and Access Design**

The proponent must submit to Council scale engineering plans of all proposed vehicle access, parking and manoeuvring areas demonstrating compliance with Australian Standard 2890: Off Street Parking, the Austroads Design Turning Path Templates and any other relevant Australian standards, for the types of vehicles expected to use the development.

Reason: To provide for the safety and convenience of traffic on Council roads and because it is in the public interest that the design of the proposed work may be assessed in detail before construction commences and that the development comply with appropriate construction standards..

## 10. **Developer Contributions**

In accordance with the provisions of Council's Section 7.12 plan, a contribution towards the provision, extension or augmentation of public amenities or services, is required to be paid prior to the issue of a Construction Certificate. The required contribution is **\$66,717.57** being 1% of the estimated cost of the development works.

Reason: To provide for augmentation of public amenities or services necessitated by the development.

11. **Low Reflective Materials**

Materials and their finishes/colours of any proposed or future buildings, security fencing or structures are to be selected to be of a natural colour palette where practicable and low reflectivity both where practicable. A schedule of finishes is to be provided to Council for approval prior to the release of the CC.

*Reason: To maintain the amenity of the area.*

12. **Lighting**

Lighting must comply with AS4282 *Control of Obtrusive Effects of Outdoor Lighting*.

*Reason: To maintain the amenity of the area.*

## PART C – BEFORE THE COMMENCEMENT OF CONSTRUCTION

13. **Vegetation Management**

A vegetation rehabilitation and management plan be prepared and approved by Council covering the south-eastern section of the site in the area identified as 'low wet area' on the Stormwater Management Plan by DRB Consulting Engineers, Drawing No CIV01 dated 8 December 2020.

*Reason: To maintain the amenity of the area.*

14. **Essential Energy**

Satisfactory ground clearance from high voltage overhead powerlines must be achieved at the entry into the solar farm as set out in AS/NZS 7000:2016.

*Reason: To manage potential safety risks.*

15. **Landscaping**

The landscaping is to be implemented generally as shown on the Landscape Plan within V3 of the Visual Analysis, Landscape Concept and Reflectivity Statement dated July 2021 and must include:

- A 3 to 4 metre wide landscaped buffer to the **Eastern, Southern and Western sides of the lease boundary**.
- To the Northern boundary appropriate planting to be provided to reduce the visual impact of the boundary fence.
- A water supply (tank water) to allow regular watering of the landscaped buffer. The water supply may be supplemented with tanker delivery as required.

*Reason: To mitigate visual impact.*

16. **Commencement of Construction**

No construction is to commence until a Construction Certificate is issued for the proposed public infrastructure works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.

*Reason: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards.*

17. **Intention to Commence Works**

The proponents for the development are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not

Council) at least two days before the proposed date of commencement, in accordance with cls 103, 103A and 104 of the *Environmental Planning and Assessment Regulation 2000*. Such notice is to be given using the form enclosed with this consent.

Reason: To ensure compliance with the provisions of the Environmental Planning and Regulation 2000.

## **PART D – WHILE CONSTRUCTION WORK IS BEING CARRIED OUT.**

### **18. Unexpected Finds – Aboriginal Heritage**

In the event that surface disturbance identified an Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information System (AHIMS) which is managed by DPIE and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and DPIE, to develop and implement management strategies for all projects/site.

Reason: To reduce the risk of harm to Aboriginal items, relics and places.

### **19. Erosion and Sediment Control**

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Reason: To protect the surrounding environment.

### **20. Stormwater**

All stormwater runoff from the developed area is to be conveyed to a natural drainage system or other approved receiving waters in a manner consistent with Aus-Spec #1. Alternatively, an on-site detention pond is to be constructed which will discharge up to a 1% Annual Exceedance Probability storm event at equivalent flow to undeveloped land.

Reason: To ensure that no nuisance is created from the disposal of stormwater runoff.

### **21. Vehicle Access - driveways**

The construction of vehicle access/driveways to the site, in a manner consistent with Council's "Property Access – Vehicle Crossings Policy" and "Driveway Guidelines".

Reason: This work is necessary to enable adequate means of vehicular access.

### **22. Hours of Work**

Construction and associated work shall be carried out only between the times stated as follows:

Mondays to Fridays	7.00 am to 6.00pm
Saturdays	8.00am to 1.00pm
<b>Sundays &amp; Public Holidays</b>	<b>No construction work to take place.</b>

**Note:** Prior written arrangement with Council is required for building work to take place outside these hours. Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

Reason: To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.



### 23. **Dust Control Measures**

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- All materials shall be stored or stockpiled at appropriate locations;
- The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
- All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
- Cleaning of footpaths and roadways shall be carried out regularly; and
- Rubble grids being installed at access points to the site.

*Reason: To maintain the amenity of the area.*

## **PART E – PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE.**

### 24. **Landscaping**

All landscaping identified in the Landscape Plan and as outlined in consent conditions shall be provided on the development site unless otherwise varied and agreed to by Council due to extenuating circumstances such as drought conditions.

*Reason: To ensure visual impacts are mitigated.*

### 25. **Landscaping Bond**

A Landscaping Bond of \$20,000 shall be paid to Council and held by Council for at least twelve (12) months following issue of the Occupation Certificate. The bond will be released following Council inspection and satisfaction that the landscaped buffer has been established appropriately.

*Reason: To ensure visual impacts are mitigated.*

### 26. **Road Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to occupation of the site. To provide a record of pre-development conditions, a dilapidation survey is to be undertaken and provided to Council prior to the issue of any Construction Certificate.

*Reason: To maintain public infrastructure.*

## **PART F – ONGOING USE**

### 27. **Vegetation Management**

Active weed control be undertaken across the whole site on a regular basis. The vegetation rehabilitation and management plan must be implemented and maintained on the south eastern section of the site.

*Reason: To maintain the amenity of the area and to manage weeds.*

28. **Glare**

When panels are left in a horizontal or near horizontal position when not in normal tracking mode (eg for maintenance), it is required that panels be set with an eastwards tilt of at least 5°.

Reason: To mitigate glare impact.

29. **Landscaped Buffer**

Any tree or shrub that fails to establish after the initial planting must be replaced as soon as practicable with the same or equivalent species. Pruning and weeding shall be undertaken to maintain the vegetation screen's amenity and effectiveness.

Reason: To maintain the amenity of the area.

30. **Decommissioning and Rehabilitation**

A decommissioning plan is to be provided to Council for approval prior to the commencement of use.

Within 18 months of the cessation of operations, unless Council agrees otherwise, the applicant shall rehabilitate the site to the satisfaction of Council. This rehabilitation must comply with the objectives below:

Feature	Objective
Development site (as a whole)	Safe, stable and non-polluting Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar Farm infrastructure	To be decommissioned and removed, unless the Council agrees otherwise
Land Use	Restore land capability to pre-existing agricultural use
Community	Ensure public safety

Reason: To maintain the amenity of the area and to manage waste sustainably.

31. **Noise**

Any noise generated from the operation of the solar farm must not be intrusive or offensive and must satisfy the EPA maximum noise criteria specified in the Noise Policy for Industry (2017) or any subsequent document.

Reason: To maintain the amenity of the area.

32. **Weed and Pest Management**

The property must be maintained to prevent the harbourage of pest and the risk of fire. The property must meet the obligations of the Biosecurity Act 2015 in manages declared pest animal and plant species and comply with the minimum standards of fire prevention maintenance as legislated by the *Local Government Act 1993*.

Reason: To comply with legislation.

## Public Notification

### Reasons for Conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

### Reasons for Approval

The development satisfies the relevant aims, objectives and provisions of both the *Glen Innes Severn LEP 2012* and *Glen Innes Severn DCP 2014*.

### Community Consultation

The application was required to be notified in accordance with Table 2.1 of the *Glen Innes Severn DCP 2014*.

## Advisory Note

- a) A separate approval under s138 of the NSW Roads Act will be required prior to the construction of vehicular entrances.
- b) **Essential Energy**
  - 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;
  - In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location 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*. A copy of this guideline can be located at [https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements\\_0.pdf](https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements_0.pdf) ;
  - 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
  - Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://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*.
- c) A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under State Environmental Planning Policy (Codes SEPP) 2008 for exempt development.
- d) **Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://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.

e) **Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

## Other Approvals

*Local Government Act 1993 Approvals granted under Section 78A(5)*

Nil

Integrated General Terms of Approvals as part of the consent.

Nil

## Right of Review

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979 ("EP&A Act"), an Applicant may request Council to review the determination that has been made in respect of a development application other than:

- a) a determination to issue or refuse to issue a complying development certificate, or
- b) a determination in respect of designated development, or
- c) a determination in respect of integrated development, or
- d) a determination made by the council under Division 4 in respect of an application by the Crown.

In requesting a review, the Applicant may make amendments to the development described in the original application, provided that the development, as amended, is substantially the same development as the development described in the original application.

Any request for review of the determination under the provisions of Section 8.2 of the EP&A Act would need to be made within 6 months after the date on which the Applicant received the Council's Notice of determination of the development application because the Council has no power to conduct a review after that time. The prescribed fee must be paid in connection with an application for a review.

## Right of Appeal

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months:

- a) after the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined

The Environmental Planning & Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development) either unconditionally or subject to conditions, the objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

**SIGNED:**



**Craig Bennett**

**GENERAL MANAGER**

On behalf of the consent authority

**Date: 25/8/2021**

*Note 1 Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

*Note 2 Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Sections 7.11-7.13 of the Environmental Planning and Assessment Act 1979 has been imposed.*