



DRAFT

**MINUTES
ORDINARY MEETING OF COUNCIL**

held on

WEDNESDAY, 14 APRIL 2021

PRESENT

Councillors Craig Davies (Mayor and Chair), Dawn Collins (Deputy Mayor), James Craft, Mark Munro, Colin Hamilton, Les Lambert, Lyn Jablonski, Rob McCutcheon and Mrs Jane Redden (General Manager), Mr Phil Johnston (Director Community & Economic Development), Mr André Pretorius (Director Infrastructure & Engineering Services), Mrs Marion Truscott (Director Governance) and Mrs Sally McDonnell (Minute Taker).

IN ATTENDANCE

Ms Emma Yule (Manager Planning)

WELCOME

The Chair welcomed those present and declared the meeting open at 5.30pm.

PRAYER

The Lord's Prayer was taken by those present.

ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement to Country was made by Cr Davies.

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Mr John Sevil (Director Finance & Corporate Strategy)

CONFIRMATION OF MINUTES

RESOLVED Crs Craft/Munro that the Minutes of the Ordinary Meeting held on 10 March 2021 be adopted.

2021/050

It was noted that there was a typographical error on page 5 of the minutes, Item No 7, "chardes" to be corrected to "charges".

DISCLOSURES OF INTERESTS

Cr Dawn Collins declared a Pecuniary Interest in item 2 – Reports to Council Community and Economic Development – Narromine LEP Health Check, as she is an owner of land under consideration.

Cr Dawn Collins declared a Pecuniary Interest in item 4 – Reports to Council Community and Economic Development – Narromine Shire Residential and Large Lot Residential (Land Use) Strategy, as she is an owner of land under consideration.

MAYORAL MINUTE

1. MAYORAL DIARY

RESOLVED Crs Collins/Jablonski that the information be noted.

2021/051

2. DEPUTY MAYORAL DIARY

RESOLVED Crs Collins/Jablonski that the information be noted.

2021/052

3. DELEGATES REPORT – TRANGIE ACTION GROUP MEETING

RESOLVED Crs Hamilton/Lambert that the information be noted.

2021/053

4. DELEGATES REPORT – BUSH FIRE MANAGEMENT COMMITTEE

RESOLVED Crs Hamilton/Craft that the information be noted.

2021/054

5. ORANA JOINT ORGANISATION OF COUNCILS

RESOLVED Crs Lambert/Collins that Council: -

1. Note the ongoing concerns about the financial sustainability of the Orana Joint Organisation;
2. Resign its membership of the Orana Joint Organisation;
3. Make the relevant representations to the Orana Joint Organisation seeking agreement from all member Councils on this issue;
4. Work with the Orana Joint Organisation to write to the Minister for Local Government seeking the relevant legislation be enacted to dissolve the Orana Joint Organisation.

2021/055

REPORTS OF COMMITTEES

1. REPORT OF INTERNAL AUDIT COMMITTEE

RESOLVED Crs Craft/Munro that the recommendations from the minutes of the Internal Audit Committee Meeting held on 8 March 2021 be adopted.

2021/056

2. REPORT OF THE RURAL FIRE SERVICE LIAISON COMMITTEE

RESOLVED Crs McCutcheon/Lambert that the recommendations from the minutes of the Rural Fire Service Liaison Committee Meeting held on 9 March 2021 be adopted.

2021/057

REPORTS OF COMMITTEES Cont'd

3. REPORT OF NARROMINE AUSTRALIA DAY COMMITTEE

RESOLVED Crs Lambert/Munro that the recommendations from the minutes of the Narromine Australia Day Committee Meeting held on 23 March 2021 be adopted.

2021/058

REPORTS TO COUNCIL - GENERAL MANAGER

1. REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS – CONSULTATION PAPER

RESOLVED Crs Craft/Jablonski that Council provide a written submission supporting the proposed changes to the Model Meeting Code.

2021/059

2. USE OF PUBLIC FOOTPATH – OUTDOOR DINING POLICY

RESOLVED Crs Collins/Munro that the revised Use of Public Footpath – Outdoor Dining Policy be placed on public exhibition for a period of 28 days.

2021/060

3. LEASE OF UNUSED ROADWAY

RESOLVED Crs Collins/Craft: -

1. That Council lease the unused roadway to the adjoining landholder for a 5-year period at a commencing rental of \$557.70 per annum (GST inclusive) with annual CPI increments to be applied thereafter.
2. That Council advertise in a local newspaper the notice of intention to enter into the lease and serve the notice on the owner of each parcel of land adjoining the length of the public road concerned.
3. That should no written submissions be received; the General Manager be delegated to enter into the lease agreement.

2021/061

REPORTS TO COUNCIL - GENERAL MANAGER Cont'd

4. TOMINGLEY GOLD OPERATIONS (TGO) – COMMUNITY FUND PANEL

RESOLVED Crs Lambert/Jablonski that Council approves the allocation of funds from the TGO Community Fund as follows:

- Narromine Clay Target Club Inc – Upgrade target release system to wireless units - \$2,085.
- Narromine Soccer Club – Increase presence and awareness of soccer club – \$1,000.
- Narromine Agricultural (Show) Society Inc – Sponsorship - \$3,000.
- Narromine Lions Club – Licola Camp - \$1,000
- Narromine CWA – Assistance with running Schools Public Speaking Competition 2021 - \$300.
- Tomingley Picnic Race Club Inc - \$5,000 – Tomingley Cup prize money, \$10,000 - Fencing, \$5,000 - Shade Structure – Total \$20,000

2021/062

REPORTS TO COUNCIL - FINANCE & CORPORATE STRATEGY

1. INVESTMENT REPORT AS AT 31 MARCH 2021

RESOLVED Crs Lambert/Craft that:

1. the report regarding Council's Investment Portfolio be received and noted;
2. the certification of the Responsible Accounting Officer is noted and the report adopted.

2021/063

REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT

1. DEVELOPMENT APPROVALS

RESOLVED Crs Lambert/Hamilton that the information be noted.

2021/064

Cr Collins declared a Pecuniary Interest in item 2 – Reports to Council Community and Economic Development – Narromine LEP Health Check, as she is an owner of land under consideration.

Cr Collins left the meeting room at 6.06pm

2. NARROMINE LEP HEALTH CHECK

RESOLVED Crs Lambert/Munro that Council: -

1. Receive the report by the Manager Planning on the LEP Health Check; and
2. Endorse the LEP Health Check and send to the Department of Planning Industry and Environment for consideration.

REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT Cont'd

3. Prepare a Planning Proposal for a General Amendment to the LEP to rectify minor mapping and descriptive errors identified.

2021/065

Cr Davies called for a division on the planning matter. The vote was unanimous.

Cr Collins returned to the meeting room at 6.15pm

3. SECONDARY DWELLING PROVISIONS FOR RURAL ZONES

RESOLVED Crs Lambert/Munro that Council: -

1. Respond to the Department of Planning, Industry and Environment in respect of the proposed Housing SEPP, and adopt the following parameters for inclusion in the controls relating to secondary dwellings on land in a rural zone:

5.5.(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(i) 100 square metres,

(ii) 70% of the total floor area of the principal dwelling, and

(b) the distance between the secondary dwelling and the principal dwelling must not exceed 400 metres.

2021/066

Cr Davies called for a division on the planning matter. The vote was unanimous.

Cr Dawn Collins declared a Pecuniary Interest in item 4 – Reports to Council Community and Economic Development – Narromine Shire Residential and Large Lot Residential (Land Use) Strategy, as she is an owner of land under consideration.

Cr Collins left the meeting room at 6.18pm

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY

RESOLVED Crs Lambert/Jablonski that Council:

1. Prepare a Planning Proposal to implement the recommendations of the Narromine Shire Residential and Large Lot Residential (Land Use) Strategy 2018; including: Short Term areas and include identified medium/longer term areas that are supported by land owners.
2. Prior to finalising a Planning Proposal staff contact all affected landowners and liaise directly in the process.
3. Council accept a Planning Proposal for consideration of the land in Ceres Siding Road subject to additional investigations supporting a future dwelling opportunity.

2021/067

Cr Davies called for a division on the planning matter. The vote was unanimous.

Cr Collins returned to the meeting room at 6.43pm

REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT Cont'd

5. MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM

It was moved Crs Lambert/Craft that Council:

1. Approve the modification to DA2019/47 subject to the following conditions:

A. ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The development shall be carried out in accordance with the approved plans and specifications as follows:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
NRM4A-G-0400	Location Plan/Site Plan	ITP Developments Pty Ltd	2	22/1/21
NRM4A-G-2000	Revised General Arrangement	ITP Developments Pty Ltd	2	22/1/21
NRM4A-G-2100	General Arrangement	ITP Developments Pty Ltd	5	22/1/21
NRM4A-C-2200	Site Elevation	ITP Developments Pty Ltd	2	22/1/21
NRM4A-C-4300	Inverter Station Footing Detail	ITP Developments Pty Ltd	2	13/01/21
NRM4A-C-5300	Typical Fencing Detail	ITP Developments Pty Ltd	2	22/01/21
NRM4A-C-5301	Gate Details	ITP Developments Pty Ltd	2	22/01/21
NRM4A-E-3400	Typical Array Detail	ITP Developments Pty Ltd	2	22/01/21
NRM4A-E-4300	Typical Inverter Station Detail	ITP Developments Pty Ltd	2	13/01/21
0820	Statement of Environmental Effects	Zenith Town Planning	Rev A	01/01/21
-	Bushfire Safety Assessment Report	South Coast Building Approvals & Inspections	Revision C	02/10/20
MAC18078102RP1V1	Noise Assessment Report	Muller Acoustic Consulting Pty Ltd	-	08/10/20
219256-02B-C001 Rev B 219256-02B-C002 Rev B	Traffic Impact Assessment Report	Premise	-	11/12/20
18105488-015Rev5 Wahroonga Water Assess	Water Assessment	Golder Associates Pty Ltd	-	21/10/20

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

202011GG02Rev02	Glare and Glint Assessment	The Local Renewable Energy Company	2	17/11/20
	Waste Assessment	ITP Developments Pty Ltd	1	11/09/20

The Development Application has been determined by granting of consent subject to and as amended by the conditions of development consent specified below:

2. Development consent is granted for use of the site as an electricity generating works as defined by the Narromine Local Environmental Plan 2011 including the following works/components:
 - a) Generation of no more than five (5) megawatts of power;
 - b) Construction of 12,100 photovoltaic (PV) solar panels;
 - c) Junction boxes and substation;
 - d) Above and underground electrical conduits and cabling;
 - e) Internal access driveway;
 - f) A temporary car parking area for 40 vehicles;
 - g) Security fencing;
 - h) Landscaping; and
 - i) Decommissioning of the solar energy system in the event of closure.

(Note: Condition 2(b). Amended by Modification DA2019/47.2).

Limits of Approval

3. The consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

B. PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate Required

4. Prior to commencement of any works, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any works. The developer is to provide detail designs and drawings for any works within the public road reserve for Council approval/endorsement prior to issue of a Construction Certificate.

(Note: Condition 4. Amended by Modification DA2019/47.2).

Utility Services

5. Prior to the commencement of work 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.

Construction Environmental Management Plan

6. A Construction Environmental Management Plan (CEMP) is to be prepared and submitted for approval by Council/Accredited 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;
 - b) Construction Traffic Management;
 - c) Bushfire Management;
 - d) Waste Management;
 - e) Erosion and Sediment Control;
 - f) Noise Management;
 - g) Dust Management;
 - h) Site Restoration;
 - i) Operation Hours;
 - j) Emergency, safety and security;
 - k) Weed Management and Biosecurity; and
 - l) Essential Energy comments

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Construction Traffic Management Plan

7. Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan is to be prepared by a suitably qualified professional. The Construction Traffic Management Plan shall be reviewed in consultation with Council as the relevant roads authority to ensure that key traffic related issues associated with the construction of the development have been addressed. The Plan shall address all light and heavy vehicle generation to the development site and detail the potential impacts associated with the construction of the development, the mitigation measures to be implemented, and procedures to monitor and ensure compliance. The Plan shall also address, but not necessarily be limited to the following:

Access

- a) A safe construction access point, ~~a minimum of 50m~~ as detailed on drawings no. 219256-02-C001 Rev B and 219256-02-C002 Rev B from the gateway with Eumungerie Road.
- b) The construction access road is to be realigned to be perpendicular with Euromedah Road and a holding lane for entry from access to Euromedah Road to ensure appropriate site distance.
- c) A passing lane of a minimum of 3.0m along Euromedah Road past the intersection – BAR Treatment as per Austroads Guidelines.
- d) A bitumen seal holding lane for the exit from Eumungerie Road onto Euromedah Road and entry onto Eumungerie Road from Euromedah Road.
- e) Appropriate traffic facilities must be designed at the intersection of Euromedah Road and new access intersection to ensure safe egress and ingress for road users.
- f) Road widths must show turning circles for the largest design vehicle expected to use the roadway.
- g) A minimum of 20 m to be sealed on the access road.
- h) All accesses to be designed as per Austroads Design Guide.
- i) Require that all vehicular access to the site be via the approved route using the approved construction access point.
- j) Detailed design information of road construction works must be provided and approved by Council in accordance with Austroads Guidelines and RMS QA Road works specifications for road construction and design.
- k) Submit inspection and test plans (ITPs) to Council for approval.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Road Drainage

- ~~l) Existing pipe to be relocated to the location of the new access road.~~
Provide adequate drainage at the new intersection with Euromedah Road and modified driveway location.

Pipe Backfill

- m) All pipe backfill designs and construction information shall be in accordance with AS/NZ 3725:2007.

(Note: Condition 7. Amended by Modification DA2019/47.2).

- 8. The Construction Traffic Management Plan shall form part of and be implemented as part of the CEMP for the site.

Section 138 Roads Act Approvals

- 9. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a Section 138 Roads Act Approval will need to be obtained from Council. 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 Council prior to works commencing and is to include the provision of Works as Executed Drawings after the completion of road works.

Bushfire Management

- 10. Prior to the issue of a Construction Certificate, a Bushfire Protection Plan indicating compliance with the recommendations of the Bushfire Assessment prepared by South Coast Building Approvals and Inspections and submitted with the Application must be submitted to Council for approval. The Plan shall form part of and be implemented as part of the Construction Environmental Management Plan and Site Environmental Management Plan for the site. The Bushfire Protection Plan is to also refer to the General Conditions recommended by NSW Rural Fire Service and provided in Section K.

(Note: Condition 10. Amended by Modification DA2019/47.2).

- 11. A 20m Asset Protection Zone must be provided around the solar energy system (wholly within the subject property) and implemented and maintained as part of the Construction Environmental Management Plan and Site Environmental Management Plan for the site.

Landscape Plan

- 12. Prior to the issue of a Construction Certificate, the Applicant shall provide landscape plans for approval by Council for the establishment of vegetation screening along the full length of the western boundary of the development site. The Plan shall form part of and be implemented as part of the Construction Environmental Management Plan.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)

13. The landscape area is to be a minimum of 3 m wide, consisting of species endemic to the area and growing to a mature height ranging from at least 2 metres.

Monetary Contributions

14. The monetary contributions set out in the following table are to be paid to Council prior to the issue of a Construction Certificate. The contribution rate is set at the date of this consent and is levied in accordance with the Narromine Shire Council Section 7.12 Contributions Plan 2019 ~~Section 94A Development Contributions Plan 2014~~. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment.

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
Section 94A Contribution	\$6.6 million	1.0%	\$66,000

(Note: Condition 14. Amended by Modification DA2019/47.2).

Long Service Levy

15. For work greater than \$25,000, a Long Service Levy shall be paid. The current levy rate is 0.35 % of the value of building and construction works costing \$25,000 or more (inclusive of GST). Evidence of payment is to be provided to Council or an Accredited Certifier prior to the issue of a Construction Certificate.

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
Long Service Levy	\$6.6 million	0.35%	\$23,100

C. PRIOR TO COMMENCEMENT OF WORKS

Construction Certificate

16. A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

The application MUST be one complete, concise package, addressing all the required conditions. Failure to provide the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Waste

17. 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.

Erosion and Sediment Control

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

D. REQUIREMENTS DURING WORKS

Hours of Construction

19. 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

Erosion and Sediment Control

20. The Applicant must maintain erosion and sediment controls during works and as long as necessary after completion to prevent sediment and turbid water from leaving the site and/or entering the surface water system outside of the site.

Noise Mitigation

21. Any noise generated from the operation of the development must not be intrusive or offensive as defined by the Protection of the Environment Operations Act 1997.

Dust Management

22. 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.

Flood Protection

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

For clarity, this condition does not relate to underground power reticulation where cables are housed in conduits.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Potential Contamination

24. Any dielectric fluid used must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environmental Protection Agency must also be notified in regards to a pollution event.
25. The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
- a) All relevant Australian Standards;
 - b) A minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) The EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management.

In the event of an inconsistency between requirements listed from a) to c), the most stringent requirement shall prevail to the extent of the inconsistency.

Site Management

26. The area of disturbance shall be in accordance with the approved plans and comply with the following:
- a) All works associated with construction shall be confined to the approved construction area and approved access corridor.
 - b) No works are permitted outside of the construction area and the approved access corridor unless associated with rehabilitation.
 - c) All materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction area and the approved access corridor.
27. There is to be no storage of materials, stockpiling of excavated material or parking of plant / machinery within the drip line of the crown of any retained trees.
28. Re-vegetation must be applied to disturbed areas as soon as practical after completion of construction works.

Rural Fire Service Shed

29. Access from Euromedah Road to the Rural Fire Service shed at the intersection of the site access and Euromedah Road is not to be impeded at any time during the construction of the solar farm.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Lighting

30. The Applicant must:

- a) minimise the off-site lighting impacts of the development so that no obtrusive light will be cast onto an adjoining property; and
- b) ensure that all external lighting associated with the development: complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.

Heritage

31. During construction, the development is to proceed with caution. If any Aboriginal objects or relics are found, works should stop and the NSW Office of Environment and Heritage and the Narromine Local Aboriginal Lands Council are to be contacted. All workers on the site are to be made aware of this condition.

Waste Management

32. 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 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.

Decommissioning

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

Workers Toilets

34. Adequate toilet facilities for workers must be provided at or in the vicinity of the development site.

Toilet facilities are to be provided at a rate of one (1) toilet for every twenty (20) persons employed at the site.

Damage to Public Assets

35. Any damage caused to footpaths, roadways, utility installations, trees and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

E. PRIOR TO THE COMMENCEMENT OF USE

Occupation Certificate

36. The Applicant is to obtain an Occupation Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from the Principal Certifying Authority.

Site Environmental Management Plan

37. 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.

Shade Cloth

38. Prior to the issue of an Occupation Certificate, the Applicant is to install a shade cloth for the full length of the western boundary of the site.

Register of Easement

39. The Applicant shall submit to Council documentary evidence that a right of carriageway burdening Lot A DP: 376726 and Lot: 52 DP: 661453 and benefitting Lots: 41 and 46 DP: 752581 is registered on title. The right of carriageway shall be a minimum of 4 metres in width for its entire length.

Address

40. The subject property has been allocated a rural number of 6 Euromedah Road. This number shall be reflective and permanently displayed in a prominent position that is clearly visible from the public road at all times

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Essential Energy

41. All relevant conditions and requirements of Essential Energy attached to this consent shall apply and shall be implemented as part of the Construction Environmental Management Plan.

F. OPERATIONAL REQUIREMENTS

Rural Fire Service Shed

42. Access from Euromedah Road to the Rural Fire Service shed at the intersection of the site access and Euromedah Road is not to be impeded at any time during the operation of the solar farm.

Condition

43. The site must be monitored and maintained to a satisfactory condition by maintenance staff for the management of grass and weeds growth, including maintenance of groundcover, and any indication of erosion.

Shade Cloth

44. The shade cloth along the western boundary fence of the solar farm shall be maintained until such time that the planted vegetation reaches a height of at least two metres. After this time, the shade cloth can be removed.

Glare

45. Glint and glare from the solar panels must not cause a nuisance, distraction or hazard to the travelling public. In the event of glint or glare from the solar farm being evident, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.

Access

46. Maintenance vehicles are to access the site via the new access point used during construction.

Asset Protection Zone

47. The area within and surrounding the development for a distance of 20 metres, is to be permanently maintained in accordance with the requirements of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's publication Standards for Asset Protection Zones.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Signage

48. Appropriate safety signage shall be displayed adjacent to the site entrance on Euromedah Road, advising of emergency contact details.

Upgrading of Solar Panels

49. Upgrading of solar panels and ancillary infrastructure. Over time, the applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant shall provide revised layout plans of the development to the Council incorporating the proposed upgrades.

G. COMPLETION OF THE USE OF THE LAND/DEVELOPMENT

50. 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.

H. PRESCRIBED CONDITIONS

51. Prescribed conditions of development consent in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 that must be fulfilled

52. Clause 98: Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

53. Clause 98A: Erection of signs

54. Clause 98B: Notification of Home Building Act 1989 requirements

55. Clause 98C: Conditions relating to entertainment venues

56. Clause 98D: Condition relating to maximum capacity signage

57. Clause 98E: Condition relating to shoring and adequacy of adjoining property

58. Please refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at <http://www.legislation.nsw.gov.au>.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

I. ESSENTIAL ENERGY COMMENTS

(Note: Comments updated with Modification DA2019/47.2)

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.

3. All proposed works/improvements/infrastructure must:

- a. remain clear of the 20.0 metre wide easement; and
- b. remain clear of any trafficable areas (e.g. poles and stays).

4. The proposed main vehicle access will pass under Essential Energy's existing overhead powerlines. If such access alters from the existing track, then minimum ground clearances as per Essential Energy's requirements for trafficable areas must be maintained at all times. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and refer the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

5. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.

6. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

7. 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).

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

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

J. TRANSPORT FOR NSW COMMENTS

(Note: Comments included with Modification DA2019/47.2).

- Safe Intersection Sight Distance (SISD) as outlined in Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements to Austroads is to be provided and maintained in both directions at the intersection of Eumungerie Rd and Euromedah Rd.
- During the construction period temporary installation of 'Advance truck warning signs' (W5-22 Size B) with distance plates (W8-5 Size B) under, 300m from the intersection on both approaches along Eumungerie Road. These are to be removed once construction has been completed.
- The developer should consider measures to limit impacts associated with peak traffic such as the provision of private buses for construction employees from a suitable park and meet location in Narromine, in consultation with Council.
- Prior to the commencement of construction works, the Construction Traffic Management Plan (TMP) should be revised to reflect the updated proposal, with consideration of incorporating a Driver Code of Conduct.

TMP Annexure:

Traffic Management Plan and Driver Code of Conduct

The Traffic Management Plan (TMP) and Driver Code of Conduct is to outline measures to manage traffic related issues associated with all phases of the development (e.g. deliveries, construction, operation, maintenance, decommissioning), any construction or excavated materials, machinery and personnel involved. The TMP is to detail the potential impacts associated with the development, the measures to be implemented, and the procedures to monitor and ensure compliance. The TMP is to address (but not be limited to):

a. Specific commitments for the provision and use of buses and car-pooling during construction to limit peak hourly traffic in accordance with the approved Environmental Impact Statement (EIS) and conditions of consent. Plans and measures to manage the impacts of personal vehicle parking at pickup points (e.g. in towns) are to be detailed.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

~~b. An enforceable policy for staff and contractors to use the designated commuter route in preference to back roads, where the journey is not unreasonably lengthened, as detailed in the approved EIS.~~

c. Details of origin, destination, quantity, size and frequency of vehicle movements associated with the development including those accessing and egressing the site.

d. Timings and staging of construction and operation of the development.

e. Existing and projected background traffic, peak hour volumes and types and their interaction with projected development related traffic.

f. Loads, weights, lengths and number of movements of haulage and construction related vehicles including Over Size Over Mass (OSOM) loads.

g. The management and coordination of construction and staff vehicle movements to the site and measures to limit disruption to other motorists, including special OSOM management measures.

h. Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours.

i. Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.

j. Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.

k. Consideration to minimise the route length for road transport, particularly for OSOM loads.

l. Any OSOM will be the subject of separate permits through the National Heavy Vehicle Regulator.

m. Mitigation of local climate conditions that may affect road safety for vehicles used during construction, operation and decommissioning of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).

n. Transport of hazardous materials in accordance with the relevant transport codes.

o. Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of on-site construction unless specifically approved otherwise by Council in writing or in the conditions of consent.

p. Consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.

q. Policies and procedures for addressing concerns raised by the community on project related matters.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

r. Dust suppression and mitigation measures on public roads and within the site boundaries.

s. Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.

t. Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.

u. Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.

(End of TMP Annexure)

K. NSW RURAL FIRE SERVICE - GENERAL CONDITIONS

(Note: Comments included with Modification DA2019/47.2).

General Conditions Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. A Bush Fire Emergency Management and Operations Plan should identify all relevant risks and mitigation measures associated with the construction and operation of the wind or solar farm. This should include:

- detailed measures to prevent or mitigate fires igniting;
- work that should not be carried out during total fire bans;
- availability of fire-suppression equipment, access and water;
- storage and maintenance of fuels and other flammable materials;
- notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
- appropriate bush fire emergency management planning.

Note: It is important to be aware of operations that may be carried out on days of Total Fire Ban and any prohibited activities or exemptions that are notified by the Commissioner of the NSW RFS under the Rural Fires Act s.99.

Asset Protection Zones Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the start of building works, the property around the building must be managed as an inner protection area (IPA) for a distance of at least 20 metres in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction shall be undertaken using non-combustible materials.

4. The existing building must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Access – Property Access Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. Property access roads must comply with the following requirements of Table 7.4a of Planning for Bush Fire Protection 2019:

- property access roads are two-wheel drive, all-weather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- at least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road;
- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

6. The provision of water, electricity and gas must comply the with following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

- A 20,000 litre static water supply tank must be provided on site;
- a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
- 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
- a hardened ground surface for truck access is supplied within 4m;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non-combustible material or bush fire resisting timber - (see Appendix F of AS 3959);
- unobstructed access can be provided at all times;
- underground tanks are clearly marked;
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas;
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

(End General NSW RFS Conditions).

Jane Redden (General Manager) declared a pecuniary conflict of interest as Councillors indicated they wished to discuss borrow pits.

Jane Redden (General Manager) left the meeting room at 6.44pm

The motion was put to the vote and CARRIED.

2021/068

Cr Davies called for a division on the planning matter. The vote was unanimous.

Jane Redden (General Manager) returned to the meeting room at 6.50pm

REPORTS TO COUNCIL - INFRASTRUCTURE & ENGINEERING SERVICES

1. WORKS REPORT

RESOLVED Crs Collins/Lambert that the information be noted.

2021/069

2. WATER PRICING

RESOLVED Crs Lambert/Collins:

1. That Council adopt the proposed water consumption price increases for inclusion in the IP&R documentation.

2021/070

Crs Craft and Jablonski recorded their vote against the motion.

REPORTS TO COUNCIL - INFRASTRUCTURE & ENGINEERING SERVICES Cont'd

3. NARROMINE POOL LINER

RESOLVED Crs Collins/Munro that Council determine a satisfactory result would not be achieved by inviting tenders for the supply and installation of waterproofing membrane in Narromine, because of the unavailability of competitive and specialised tenderers as demonstrated in the request for quotations process, and further the time constraints in the overall tender process, prior to the opening of the pool season.

2021/071

4. STREETLIGHTS – BULK LED UPGRADE

RESOLVED Crs Collins/Lambert that Council approves the expenditure of \$297,110.11 from unrestricted reserves for the Bulk LED upgrade of Streetlights in the townships within the Narromine LGA.

2021/072

5. NATURE STRIPS AND TREE POLICY

RESOLVED Crs Lambert/Munro that the Nature Strips and Tree Policy be accepted and placed on public exhibition for a period of 28 days.

2021/073

6. ACCEPTANCE OF TENDER FOR CONSULTANCY TO CARRY OUT AN INTEGRATED WATER CYCLE MANAGEMENT STRATEGY

RESOLVED Crs Lambert/Munro that Council:

1. consider and adopt the proposal to engage NSW-Public Works Advisory as the Consultant for the NSC Integrated Water Cycle Management Strategy under section 55(3)(b) of the Local Government Act 1993.
2. fund \$120,959 from the Water and Sewer Reserves, as its 25% contribution.

2021/074

CONFIDENTIAL MATTERS REPORT

- 1. CLASS ACTION**
- 2. REQUEST FOR ASSISTANCE**

RESOLVED Crs Lambert/Munro that Council moves into Closed Meeting under Sections 10A(2)(g) and 10A(2)(b) of the Local Government Act 1993 as the matters deal with the personal hardship of a ratepayer and contain information concerning potential litigation, and it is therefore not in the public interest to disclose.

2021/075

OPEN COUNCIL

The Motions adopted in Closed Meeting are as follows:

Item from the General Manager

1. CLASS ACTION

RESOLVED Crs Lambert/Munro that Council support the class action in this matter.

2021/076

Item from the Director Community and Economic Development

2. REQUEST FOR ASSISTANCE

RESOLVED Crs Lambert/McCutcheon that Council supports the request for a short term reduction in the rental fees payable by Babiwal Enterprises Pty Ltd of the Narromine dental surgery.

That these fees be reduced by:

2020/2021: 50% for the nine months from October 2020

2021/2022: 25% for the six months from July 2021 to December 31st 2021

2021/077

There being no further business the meeting closed at 7.42pm

The Minutes (pages 1 to 28) were confirmed at a meeting held on the day of _____ 2021, and are a full and accurate record of proceedings of the meeting held on 14 April 2021.

Chair