



Ordinary Meeting

Tuesday, 27 February 2024

ATTACHMENTS UNDER SEPARATE COVER

- CL01 DA 228/2023 - Electricity Generating Works - 4.9mW Solar Farm and Battery Storage System
- CL02 DA 240/2023 - Detached Dual Occupancy Development, construction of a new two (2) storey dwelling and retention of an existing two-storey dwelling, with a Community Title Subdivision



ATTACHMENTS UNDER SEPARATE COVER

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Objection to Development Application No. 228/2023 (1) proposed development on Lot 363 DP 751743, 394 Macedone Road Bilbul – Applicant - Atlas Renewables Pty Ltd

To the General Manager

We are strongly opposed to the proposed 4.95MW Electricity Generating Facility (Solar Farm) Development which includes the installation of an Inverter Station and 4 x 2.752 MWh Batteries

My wife and I purchased Farm 271, 330 Rossetto Road, Bilbul in the beginning of 2020. We chose to live here in this idyllic location, close to the city of Griffith, yet surrounded by vines, almond trees and plum trees. We operate a viable lucerne farm producing high quality hay. It is a beautiful spot with views of the Binya hills to the East and Scenic Hill and Collina to the West. The latter view will be severely impacted by solar panels if this project goes ahead.

Solar panels increase the ambient temperature by three to four degrees. Imagine a forty degree day, with a westerly wind blowing over the solar panels. This would be detrimental to any crops growing to the east and making life very unpleasant for the neighbours.

There will be increased noise due to the cooling systems required to control temperatures, as well as glare from the solar panels.

There is a potential for fire hazard due to the overheating of lithium batteries, which does happen, releasing toxic gases into the environment. Lithium batteries have a very bad record—just google them and you get this message straight away. Do the people of Griffith want this risk so close to the city? Are emergency services equipped to handle a lithium battery fire?

Scenic Hill and Hermit's Cave are iconic attractions of Griffith. The amazing view from the lookout will be marred by the installation of a solar farm in amongst the vineyards, trees and lucerne runs.

Atlas Renewable Energy—Who are they? Are they a responsible company that can be trusted to complete and maintain the project. Or when technology advances or problems occur will they just walk away and leave a huge eyesore.

The environmental report states that this land is non viable for farming. Just because someone does not choose to farm the land does not make that property non viable to farm. It has beautiful soil and is right next to the main channel, just look at the surrounding properties as testament to this fact.

The installation of a Solar farm will obviously devalue all surrounding properties—would you buy a property next to a solar farm, even if it was in close proximity to the city? Most likely NOT!

Why would you put a solar farm in this area when there are massive solar farms to the south of the city of Griffith and a proposed wind farm for the area west of Narrandera, where the farmers are all happy to host the sites and collect the supplementary income. The proposed Solar farm on Macedon Road is very small in comparison and the only advantage is its proximity to the Beelbanger substation.

We ask that Council seriously consider this proposal, as we believe that it is very short sighted with little to gain by all concerned

Regards

Greg Healy

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mark and Shiron Kirkman



To:

Brett Stonestreet
General Manager
Griffith City Council

Subject: DA No. 228/2023 (1) Objection to Proposed Solar Farm Development by Atlas Renewables Pty Ltd on Lot 363 DP 751743 394 Macedone Road, Bilbul, NSW

We are writing to you as an adjoining property owner of the proposed solar farm development by Atlas Renewables Pty Ltd at 394 Macedone Road, Bilbul, NSW. We would like to submit our objection to Development Application No. 228/2023 (1). The following points clearly outline our objections and the impacts of this development on our property and the surrounding area.

This DA No. 228/2023 (1) is for approximately 12,000 solar panels and four 2.752MWh batteries. The DA is under-researched, uses incorrect images, unsigned letters and lacks key unbiased data and research.

1. Proximity to Resident Properties

As per *image 1*, our residence is 137 metres from the development. The proposed site is alarmingly close to our residence raising concerns over noise, dust, and visual impacts during the construction and operational phases, which, as indicated in the DA, is a potential 30 years. The affected neighbouring properties are zoned RU1; however, they are also the primary residence of each property owner.

The presence of a large solar farm could detrimentally affect the value of our property and neighbouring properties due to altered views, increased noise, traffic, and potential apprehensions from future buyers. Preliminary discussions with Opteon Property Valuation show that properties within 1km of a solar farm could decrease value by up to 20 per cent.

Image 1



The use of a 1.8-metre vegetation is inadequate. As per the DA the angle height of the panels will be 2.2 metres (23/135586). The DA does not indicate if the proposed vegetation buffer will be constructed using established trees, to provide some shield to our property immediately. Otherwise, this could potentially take years of growth.

While DPIE's Large-Scale **Solar Energy Guidelines**, in particular **section 2.2.2**, is in reference to large-scale renewable developments, unless GCC can make written assurances that this isn't the first stage in a larger development, due to the company seeking economies of scale and further monetary reward, this DA could be part of a cumulative effect. Therefore, without a precedent, for the LGA, it requires careful consideration.

These concerns also go towards those raised in the submission stages of the Infrastructure SEPP and the **Renewable Energy Zones (REZ)** to mitigate the risks of land use conflicts within expanding regional areas. This includes the raised concerns of developments within 5km of residential areas and 10km of commercial areas in the vicinity of Key Regional Cities and the need for developed strategic plans for growth to be considered.

This is exasperated when noting Griffith City Council's Growth Strategy 2030, which includes submissions for rezoning farming land for residential development along Rankin Springs Road and Macedone Road, including 'lifestyle lots'.

The solar farm will change the rural/semi-rural outlook of the area into an industrial site. An industrial installation is incompatible with the scenic values rural tourists seek. Macedone and Rossetto Road are often used during events such as unWINEd in the Riverina and Festival of Gardens. Let's think for a minute about the iconic 'scenic hill' panoramic image used in many of Council's publications.

2. Acoustic Report

The Acoustic Report (23/133170) is misleading in stating that "nearest and most potentially affected sensitive receivers are several isolated rural dwellings." In the first instance, our property (392 Rossetto Road) is under 7km from the Griffith CBD and approximately 1km to the residential area of Collina, Griffith. Other sensitive receivers are even closer. Therefore, the use of the term 'isolated' is not applicable.

An additional concern is that of tonal noise. There is potential for the inverter station and battery containers to exhibit tonal noise, as well as the impact of vibration.

The construction phase could bring about considerable noise from heavy vehicle movements and civil works. Moreover, operational noises from batteries and maintenance activities might persist as a continuous disturbance. It has also been noted that the residence of 394 Macedone Road, Bilbul in which the proposed solar farm would be on, is not included in the Acoustic report.

3. Glare from Solar Panels

Glare is a significant concern with approximately 10,500 to 12,000 solar proposed panels. The solar glint and glare assessment (record 23/133174) is not an independent study, as it was conducted by Atlas Renewables. We would also like to draw your attention to the fact that the residence of 394 Macedone Road Bilbul was omitted from the report.

We feel the report is not adequate for aviation, particularly regarding crop spraying, which is still active in the area.

For our property, the main shed and back yard with elevated deck (you are invited to view this) faces the development and would be exposed to glare, affecting both quality of work and lifestyle and posing potential safety risks. Again, it is not detailed that the vegetation buffer would be constructed using established trees and is an inadequate 1.8 metres high.

4. Dust and Construction Traffic Impact:

The utilisation of Macedone Road, an unsealed gravel road, for construction traffic, including the 300 heavy vehicle movements, would further exacerbate the current dust issues and deteriorate road conditions even further. This raises concerns for air quality, resident health, and possible damage to nearby agricultural lands.

The influx of heavy vehicles on alternative routes, identified in the DA as Gorman Road, Bilbul Road and Macedone Road are not registered B-double access roads. The increased traffic during construction poses significant congestion and safety hazards on local roads, primarily used for agricultural purposes. This increased traffic would overburden the existing infrastructure.

5. Community Consultation and Engagement

We are of the understanding that it is a requirement that consultation with local residents, including ourselves, should have been conducted, ensuring community concerns are considered in all project phases. In the case of this development, Atlas Renewables has not contacted us or any of the sensitive receivers indicated. This development has the potential to be the precedent for further solar farms under 5km from residential properties and should therefore be surveyed against rigorous community consultation.

See; www.energy.nsw.gov.au/nsw-plans-and-progress/major-state-projects/shift-renewables/solar-energy

6. Environmental

We are concerned the solar farm will increase watershed, and with reduced ground cover (caused by diminished pasture, formed tracks, earthworks and tree clearing at the site), it will decrease water infiltration and increase run-off exacerbating any waterlogging, salinity issues or erosion to the landscape.

The surrounding farms are productive, including prunes, lucerne and wine-grapes crops (this is fact) and could potentially suffer in the operational phase due to hotter climate conditions, glare, plus dust and noise during construction.

The Land Suitability Report is based on a letter written by Nutrien Ag Solutions, Troy Millard, who has based his findings on an *image of the incorrect farm*. **His letter shows farm 617 Macedone Road** which is several kms from the proposed development.

7. Fire Hazard

There is also the raised concern around fire hazards and the devastating effects if this were to occur, including the release of toxic materials from burnt-out solar panels, batteries and other electrical equipment and potentially interrupting the power supply to the nearby communities. This could potentially raise insurance premiums for all neighbouring properties.

Explosions from lithium battery packs could have the potential to release toxic smoke, not only to the sensitive receivers but also Collina and Beelbanger. These types of fires cannot be extinguished, instead need to burn themselves out. See below for examples.

<https://www.abc.net.au/news/2023-09-27/tesla-battery-fire-at-queensland-renewable-energy-project/102905302>

<https://www.ctif.org/news/solar-farm-lithium-ion-battery-fire-took-four-days-extinguish>

8. Proximity to Primary Production

The current area is zoned RU1 Primary Production and is surrounded by grapes, prunes and lucerne working farms. As per the land suitability report, the Nutrien Ag letter is confusing, refers to spray drift, and includes an image that is not the proposed development site. The surrounding properties, if given additional adequate time are prepared to report on their primary production to further disapprove the land suitability report.

Lastly, we urge Council to rigorously assess the project's compliance with all relevant local and state regulations, particularly those concerning land use, environmental protection, and traffic management. There is no shortage of arid or industrial land within our LGA, making it imperative that solar panels be located on land that could not be used for agriculture or housing.

In conclusion, while we understand the importance of renewable energy projects, the potential adverse impacts on the local community, environment, and individual properties cannot be overlooked. I respectfully request the Griffith City Council to consider these concerns thoroughly before deciding on the proposed solar farm development.

Thank you for your attention to these matters.

Sincerely,

[Redacted Signature]

Shiron and Mark Kirkman

[Redacted Address]

[REDACTED]

From: James M Shelton [REDACTED]
Sent: Friday, 8 December 2023 1:13 PM
To: GCC Admin Mailbox
Cc: James Shelton
Subject: Objection to Development Application No. 228/2023 (1) Proposed Development on Lot 363 DP 751743 394 Macedone Road Bilbul - applicant - Atlas Renewables Pty Ltd
Attachments: [External] RE: Solar Farm Bilbul; img-231207171504-0001.pdf

To the General Manager,

Development Application No. 228/2023 (1) Proposed Development on Lot 363 DP 751743 394 Macedone Road Bilbul - applicant - Atlas Renewables Pty Ltd

I wish to object & complain to the above Development Application as follows:

1. This proposed development is not fit for purpose given it is approx 40 metres from my front door.
2. There has been no consultation until a letter dated the 20/11/23 was received in my PO Box.
3. The Noise report does not include the house on the actual Farm at 394 Macedone Road.
4. Land Suitability Report or Appendix D (Agronomy Report) is purely an opinion, and the writer accidentally left his name off the initial report. Zero Integrity. Refer attached email from the Writer (Cliff Schmidt) of the Environment report by PSA Consulting.
5. Land Suitability Report should not be used as substantial evidence as it is factually incorrect. The map on page 2 is for a farm located between Dinicola Road and Edwards Road. Its not even the farm for the proposed development for a Solar farm. Technical assessments – far from it.
6. The statement of Environmental effects reports also says under 1.3 Surrounding area that the nearest dwellings are located at 615 and 617 Macedone Road. This is factually incorrect.
7. The statement of Environmental effects reports also says Griffith Council will not look at residential development for at least 30 years. Complete hearsay.
8. The Solar Farm will reduce the value of my house.
9. The Solar farm will increase the temperature around and in my house.

I have many other objections to this poorly prepared Development Application but can't list them all due to lack of time.

I have many questions and concerns as follows:

1. Legal Liability. What if an event from my property causes damage to the Solar Farm? Will the Solar Farm be adequately insured?

2. Do I need to notify my current insurer that a rushed development application for a Solar Farm has been proposed?
3. Will I be compensated for loss of market value for my house? Studies have shown the value will decrease.
4. In the proposal it says there will be 4 Container sized batteries. What are the implications given I am due West of these Batteries, if they catch fire? My understanding from research is they take 7 days to extinguish the fire and the smoke is toxic. Will there be compensation?
5. Will the Winery that is 990 metres due West of the proposed solar farm be forced to close and evacuate if the Batteries catch on fire?
6. Will Griffith City Council complete an independent noise study?

I believe some of the Information provided is incorrect & not credible.

The land suitability report or technical assessment is a person's point of view or opinion & not an agronomist report and is factually incorrect.

The statement of Environmental effects is also in places factually incorrect .

Why should I believe any of the other reports or appendices provided?

Finally, I am requesting an extension in my submission to allow sufficient time to engage legal services.

I am not against renewables, but a Solar Farm right at my front door step is not acceptable.

Please find attached my disclosure statement regarding political donations and gifts. Nil return.

Please confirm receipt of this email and confirm if you require more information for this objection to the proposed solar farm.

Regards

James Shelton

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

James Shelton

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

■ [REDACTED]

Information Security Classification - INTERNAL

Information Security Classification - INTERNAL

To The Griffith General Manager,

Objection to DA No.228/2023 (1) Proposed Solar Farm Development on Lot 363DP

751743 394 Macedone Road Bilbul by Atlas Renewables PTY LTD

We strongly oppose to the proposed Solar Farm Development that has come forward to Griffith City Council. We will put forward our reasons for our objection and the impact that this proposed development will have on our lives and lifestyle and the residence that surround us.

We believe that there seems to be misinformation and statements made in the Statement of Environment Effects to be incorrect and also in the Transport Impact Assessment.

TRAFFIC ASSESMENT REPORT

Existing Traffic Survey (Pg 5)

Existing Traffic Volumes

A traffic survey of Macedone Rd was undertaken revealing that on average less than 5 vehicles per day use the road and are mainly farm related trips.

Specifically, the following traffic movements were observed.

- Macedone Road and Bilbul Road - 30 vehicles per week, local traffic only)

Local Haul and Access Routes (Pg 8)

Due to the type of operations proposed and based on the above information including the very low volumes of traffic that currently use Rossetto Road, Bilbul Road and Macedone Road this development will have little impact on the surrounding road network as far as traffic flow capacity is concerned.

These numbers are absolutely incorrect and we know this for many reasons we at Farm 611 (138 Bilbul Road) are on the boundary of both Bilbul and Macedone road with clear and unobstructed view from our house. We observe on a daily basis the numerous amounts of vehicles that use both Bilbul Road and Macedone Road. We have counted within a period of 2 hours from 6.30am- 8.30am on average 12-15 vehicles use both roads, and we have counted on top of that, during a stay home day to be well in excess of those numbers. For example, ourselves along with 6 households within proximity that have 2 vehicles per household, alone this far exceeds the figures used in the Traffic Impact Assessment that use these two roads every day. These figures of ours do not include additional traffic, machinery harvesters, school buses, friends and family visiting each household and add to this the traffic that comes from across Winery Road and Bilbul Road which continues over the railway crossing to Beelbanger Village, these residence also use Macedone Road to travel through to Mackay Avenue and Bridge Road. (CCTV Available on request for these numbers of Vehicles that we have provided.

To date Bilbul Road and Macedone Road are not designated B Double /Road Train Routes. The current roads are not maintained adequately for light vehicles at this time.

Having over 300 B Doubles as stated in the report will have catastrophic consequences on this road. In addition to this the added traffic numbers to the already high volume of local traffic is a recipe for disaster. Another factor that need to be take into consideration is the School bus Stop that is situated

at the intersection of Bilbul and Macedone Road as depicted in pictures on Pg 11 Figure 11 and Pg 12 Figure 13. In addition to this these two roads in wet weather it becomes almost impassable with light traffic. The use of these roads by over 300 Heavy Vehicles would certainly have a huge impact, and who will be responsible for cost of repairing the huge damage that will occur. In dry weather conditions the dust on these roads has a significant impact on our 7-Year-Old sons Asthma. At this time our son is on daily preventative medication and the added heavy vehicle traffic that is expected will have a huge impact on his health. Who is going to be responsible for the adverse risk to his health? The dust sits and hovers for an extended period of time and travels up to and past our house. We have been advised by our neighbours that they have contacted the Council about this problem on numerous occasions.

NUMBER 4. PAGE 7 TRAFFIC IMPACT ASSESMENT

It states that construction will cover a 7-to-10-month period but then it states in the Sound Report as follows-

Transportation of solar panels and prefabricated supports in heavy rigid trucks and 19 m semi-trailers. A total of approximately 300 heavy vehicle movements over a 3–6-month period would be expected.

These statements contradict each other, and no one has considered the impact of wet weather. The delays that would occur and the impact that this will have on our surrounding neighbourhood.

STATEMENT OF ENVIRONMENT EFFECTS INTRODUCTION

PAGE 1 POINT 1: The site has been carefully chosen based on a series of characteristics which make it an ideal location for construction

of the proposed solar farm. It has therefore been determined that there is a strong case for the support of a solar farm

on the site with consideration of the following factors:

- The site meets critical specific operational criteria for a sub 5MW solar farm including close proximity (within

300m) of the Beelbanger Substation. Cleared and available sites in close proximity to existing substations that

have suitable capacity for a solar farm are rare in Griffith. In this regard, it is unlikely that Council would receive

many viable solar farm applications of this scale within the RU1 Primary Production Zone.

This statement is because it is not practical or in the best interest of the Griffith City Council to approve of a Solar Farm in a RU1 Primary Production Zone or in the best interest of the surrounding residence that live so close to the proposed site.

PAGE 1 POINT 4: the report state the following factor in support of this site: The site is well separated from the sensitive receptors (dwelling houses) and will have minimal visibility from public vantage points.

This statement is incorrect in all aspects. We are the public and will see this eye sore every day for the next 40 Years and Griffith and surrounds Prides itself as a Tourist town that caters for many

visitors due to the beautiful surrounds that we have and one of the first things Visitors in Griffith do is drive up to Scenic Hill and take photos from our Lookout. WHAT an EYESORE that will be now.

Your Report states: *The nearest residential dwellings are located at 615 and 617 Macedone Road, the property adjacent to the subject site.* That is a false statement as those properties mentioned are approximately 2.2km from the proposed development. There are numerous residences much closer to the surrounding subject site and also our property is within 500 metres apart.

LOCAL ENVIRONMENT PLAN

The report states on page 16 that the proposal meets the objectives of the RU1 Zone:

DOT POINT 2

Sustainable agricultural production on the site is not a viable proposition for the site and the site has not been used for commercial agriculture for over a decade. As demonstrated in the agronomist report include as Appendix D, due to the small size of the site, and the proximity of small-scale vineyards which would impede the sites' ability to grow certain crops due to spray drift, use of the site is limited acreage dwellings and hobby farms.

The Original Agronomists report did not bear the signature of the testing Agronomist or details of the person that submitted the report who conducted the soil testing. The letterhead is Nutrien Ag Solutions, address is Docklands Victoria. This throws doubt on the validity of this report. This was later rectified and signed by Troy Millard which is the manager of Nutrien Ag Solutions Griffith.

What we would like to know is 1. Was he present at the location when soil tests were conducted?

2. Is he an accredited Agronomist that can sign off on such a report?

We ask these questions because we find it odd that the soil samples were reported by Nutrien Ag Solutions in Burwood some 6 hours from Griffith and then later signed off by a representative from Griffith.

The reason we say this is that recently we had soil tests conducted at our location on the 21/09/2023 with a Local Agent in town, the results were sent to us via our accredited Agronomist with multiple detailed graphs and tables outlining our soil structure and nutrient/element content. We find it interesting that the entire report was not included in their Submissions, which raises doubt of the validity of the results that they are claiming.

Why would 394 Macedone Road not be a viable proposition for Sustainable Agricultural Production as stated in the Nutrien Ag Solutions Report when there are so many properties of similar size within the neighbourhood that are viable and productive.

The comment IN DOT POINT 2: stating that the site has not been used for commercial agriculture for over the past decade

We believe this would have been the choice of the property owners for the past decade, not because it hasn't been a viable property for sustainable agricultural production.

The comment IN DOT POINT 3: The solar farm will not fragment or alienate resource lands and will not sterilise its long-term potential for agricultural use following decommissioning of the project which has a lifespan of around 30 years. After this time, the solar array can be easily removed, and the land returned for agriculture.

Is there anything in the plan that shows the disposal of the solar panels is environmentally friendly?

SOLAR GLINT AND GLARE ASSESSMENT

The increase in Temperature with such a large Solar Farm will greatly affect our conditions with the close proximity of our residence and many others.

The glare, as stated has taken into consideration the Griffith Airport, BUT has the Report taken into consideration the amount of low flying Crop Dusters that frequent this area and fly directly over our block 138 and 444.(Photos are available on request to see how low these Crop Dusters fly)

Has the report mentioned anything about the risk of Explosion or Fire from the Lithium Batteries. What effect would this have on all the nearby residence and the neighbouring residence in Beelbanger and Collina.

The noise of the batteries and Inverter will be constant, and the vibration will be heard especially in the still of the night. Out here at night everything is still, and you will definitely hear the constant murmur and vibration and we shouldn't be put in position to be living in an area as productive and peaceful as ours, to hear that noise pollution from a Solar Farm.

In brief this type of FARMING is not appropriate for our Primary Production Residential area. We understand that change happens but the potential of the Solar Farm to be a positive outcome for our area is just not there and the Tests and Reports do not appear to be clear cut, at times it has been contradicting, some statements have proven to be not true at all. To move forward with this Development would affect a lot of residence in a negative way and is only benefiting one Family that has been blindsided by the \$\$\$\$ sign. THIS IS NOT AN APPROPRIATE AREA FOR A SOLAR FARM.

Regards

Julie Dawson [REDACTED]

Tyrone Neale [REDACTED]

Farm 611/ 138 Bilbul Road Bilbul/Beelbanger NSW 2680

13.12.2023

**Objection to Development Application No. 228/2023 (1) proposed development on Lot 363
DP 751743, 394 Macedone Road Bilbul – Applicant - Atlas Renewables Pty Ltd**

To the General Manager

We are strongly opposed to the proposed DA 228/2023 (1) for an electricity generating facility (Solar Farm & Battery Storage System) and are submitting our objection. The points below clearly outline the reasons for our objection and the impact of this proposed development on our properties and the surrounding area. We own 3 lots, 413 Rossetto Road, Bilbul (Residential) which is less than 300m from proposed site, 391 Rossetto Road, Bilbul (Farmland – Irrigable) and 329 Rossetto Road, Bilbul (Farmland Irrigable).

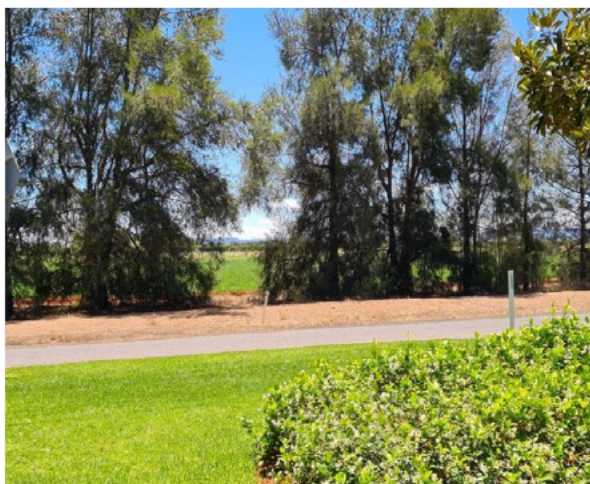
Statement of Environmental Effects Report

In the Statement of Environmental Effects Report, introduction (page 1) the reports state the following factor in support of this site:

The site is well separated from sensitive receptors (dwelling houses) and will have minimal visibility from public vantage points.

That statement cannot be further from the truth. The visual impact to this beautiful rural area that the solar panels and associated infrastructure will have with large arrays of solar panels covering a large parcel of land will be an eye sore. In the same report the proposed development will consist of approximately 12,000 single axis tracking panels. The panels will track the sun from East to West and will have a MAXIMUM HEIGHT of approximately 4m. How is that minimal visibility from public vantage points?

We will have a direct view of the Solar Farm from the front of our home and the loss of visual amenity to people who regularly commute along Rossetto and Macedone Roads will be down-right disturbing to say the least. We have lived in this idyllic rural setting for 28 years and a Solar Farm will change that setting into an industrial site. Imagine the view from Hermit's Cave lookout, an iconic site visited by many tourists to admire the beauty of Griffith's landscape with a huge Solar Farm visible.



Current view from the front of my home



Current view from Rossetto Road near T-intersection
Rossetto Road and Bosanquet Road

The application says it will plant 1.8m trees around the development. That height is not going to be adequate as the Solar Panels reach a height of 4m. The DA does not say whether it will be planting mature trees of that height so how long would it take to establish the screening? How will that screening be maintained and what happens when trees die? Who will enforce the developers to replant them?

Also, the report states:

'The nearest residential dwellings are located at 615 and 617 Macedone Road, the property adjacent to the subject site.'

That is a false statement as 615 and 617 Macedone Road are approximately 2.9km from the proposed development. Has this report been conducted on the wrong site?

We are positioned approximately 300m from the proposed placement of the storage batteries (using google maps). The image below shows the location of our residential dwelling (red pinpoint), and you can see the other properties with their residences are near the development as well. The closest residence is that of the landowner of the proposed site.



The report states on page 16 that the proposal meets one of the objectives of the RU1 Zone:

*'Sustainable agricultural production on the site is not a viable proposition for the site and the site has not been used for commercial agriculture for over a decade. As demonstrated in the **agronomist report** include as Appendix D, due to the small size of the site, and the proximity of small-scale vineyards which would impede the sites' ability to grow certain crops due to spray drift, use of the site is limited acreage dwellings and hobby farm'*

When I tried to view Appendix D, Land Suitability Report, it was not listed in the Documents on Griffith Council's website. I contacted Council staff for a copy and then it was uploaded. This document did not have the name, address, phone

number or email contact of the author of the report. When PSA Consulting, the author of the Statement of Environmental Effects Report was made aware of this error a new Land Suitability Report was uploaded on Council's website with the missing details. This report was written by Troy Millard, Branch Manager of Nutrien Ag Solutions, Griffith. The minutes of the pre-DA meeting with Griffith Council officers on 26 May 2023 refer to Appendix D. Was this report signed at this time of this meeting?

I ask that Council verify the details of this report as the first image in this report is not the proposed development site. The image is of 617 Macedone Road (Property 200) which is 2.9km from the proposed site. Is Mr Millard's assessment on 617 Macedone Road? Did he attend the proposed site or 617 Macedone Road? Should the letter not be accompanied by his detailed Agronomist report which substantiates his determination that the property is not commercially viable? Our property, 329 Rossetto Road is 12.67 hectares, and we are commercially viable and is used solely for production of agricultural.

Also, as the owners of a vineyard for 40 years, 28 years on Rossetto Road, we fail to understand the reference regarding spray drift impeding the site's ability to grow certain crops. The property across the road from us currently grows lucerne. Our neighbours adjacent to our property, either side, has grown pumpkins, watermelons, seed and pecan trees and they have never approached us with concerns of spray drift.

Noise and Vibration

Firstly, the noise during construction would be considerable especially as they will start at 7am to 6pm, weekdays and Saturdays 8am to 1pm. This is proposed to go on for 7 to 10 months. Nothing goes to plan so could be longer.

The Acoustic Report states that '*nearest and most potentially affected sensitive receivers are several isolated dwellings*'. They have only mapped 9 dwellings in the report which I feel is more than several and there are more dwellings in that mapping area that are not accounted for in the report. The most noticeable is the dwelling on the proposed site is not listed as a sensitive receiver yet it would be the most impacted.

One concern is the constant tonal drone noise and vibration emitting from the batteries and inverter as shown in the graph below. A major concern is 75 decibels is the maximum limit allowable which is the sound of a city car in traffic. However, the graph in the report, copy below, shows that the Inverter station, 24/7 will be 87 decibels, Battery Container, 24/7, 85 dBA which is between the sound of a truck and a hairdryer which clearly exceeds the allowable limit. Also, there is nothing in the report that details the impact of vibration.

Why is there no predicted noise level report for the residence on the development site? Is this an oversight or a deliberate omission as the property, as per the site plan is virtually adjacent to the noise offending batteries and inverters and would exceed the maximum decibel levels permitted. A report from the CDC (Central for Disease and

Control Prevention) states that noise above 70 decibels over a prolonged period may impair hearing.

Table 6-5 Operational Noise Sources and Sound Power Levels

Item	Activity	Quantity	SWL (dBA)	
			Per item	Total
Inverter station	24/7, constant	1	87	87 ¹
Battery container	24/7, constant	4	79	85 ¹
Panel tracking motor	Daytime only, ~1 minute operation each motor per 15-minutes	200	78	89

1. Includes +5dBA correction for tonality

There is potential for the inverter station and battery containers to exhibit tonal noise. In accordance with the NPfI, the SWL for these sources in **Table 6-5** include 5 dBA corrections to account for additional annoyance caused by tonal noise characteristics.

They put in this graph that they account for additional ANNOYANCE caused by TONAL NOISE characteristics. It is not just about the decibels but the type of noise which will be a constant sound.

Sleep studies say that interrupted sleep is detrimental to health and wellbeing. As this is an extremely quiet RURAL area, any sound (particularly at night) is very loud. Hence people in Collina have been complaining all over socials and to Council re a scaregun making their life miserable which goes off intermittently and is seasonal. Imagine having to live next door to a constant tonal drone sound coming from the development 24/7.

Fire Hazard

A most serious concern is the potential risk of fire or explosion of the battery packs. The developers may say it is minimal risk, but is it? There was such an event recently in Bouldercombe, Queensland on 27th September, 2023 where a single lithium battery pack exploded at Genex Solar Farm which caught fire causing residents to remain indoors for 3 days due to safety concerns. These types of fires cannot be extinguished and need to burn themselves out. Again, being an Asthma sufferer, toxic smoke from a fire would impact our health and neighbours considerably. With homes in Collina and Beelbangera being so close, they would all be impacted by the toxic smoke from such an event.

This is the link to one of the articles regarding the Genex Solar Farm incident:

<https://www.abc.net.au/news/2023-09-27/tesla-battery-fire-at-queensland-renewable-energy-project/102905302>

The smoke from a fire would taint the grapes in our vineyard which would mean that we would not be able to sell our grapes, resulting in a total loss of income which would result in financial hardship.

Also there is nothing in the reports indicating how they would manage this risk. The Solar Farm is to run remotely so what would happen in the event of a fire? What protocols will be in place?

Traffic Report

Excessive traffic movements during the construction phase would be very unwelcomed in the area, the roads are conditioned for the traffic they now have, any more would be dangerous and the roads would deteriorate quickly with increased heavy traffic.

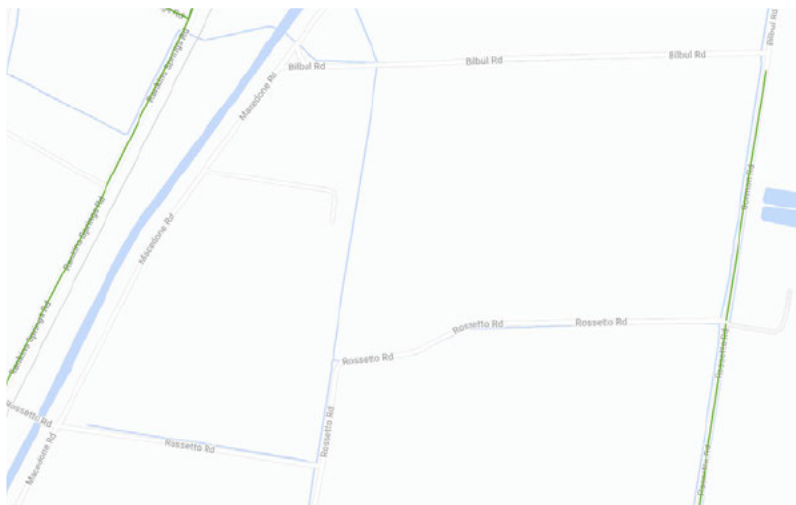
The Traffic Impact Assessment by Pavey Consulting states:

'A traffic survey of Macedone Rd was undertaken revealing that on average less than 5 vehicles per day use the road and are mainly farm related trips. Specifically, the following traffic movements were observed. • Macedone Road and Bilbul Road - 30 vehicles per week, local traffic only) • Rossetto Rd -200 per week, increase to 250 per week during harvest).'

This statement is incorrect, I have lived here for 28 years and there is more than that number of vehicles using the roads than stated in the report. Speaking to Dee Vine Estate, they have 30 to 40 vehicles travelling to and from work every day. Most employees go home for lunch therefore that one industry alone on Rossetto Road contradicts the traffic report statement.

The substantial increase in traffic along Macedone Road will increase dust. The dust poses a threat to health, especially sufferers of Asthma. It also increases the cost of production of our vineyard, as the dust creates an environment that requires costly treatments to mitigate.

The report fails to identify Gorman Road as one of the roads traffic will be using. Part of Gorman Road, Bilbul Road and Macedone Road that are identified on the route are NOT registered B-double access roads as per image below (green lines indicate the B-double route as per current NHVR mapping) clearly showing that those roads are not permitted.



Glint and Glare Assessment

With approximately 12,000 solar panels proposed, if there are not sufficient plantings surrounding the development of a 4.0 m height the glare and glint coming off the panels are of significant concern coming into our home, neighbours residences and passing traffic. West faces the main Rankins Springs Road, will consideration been given to glint and glare affecting the numerous vehicles that travel that road every day.

We believe that the development is under the flight path of Griffith Airport which is only 3.5km direct line away. The airport is the base for local crop-dusting companies flying regularly directly over the proposed site. Our concern is that the glare and glint may impact the pilot's vision.

The report has been conducted by Atlas Renewables Pty Ltd (the applicant) and not an independent assessor which brings into question the bias in favour of the applicant.

The residence on the proposed site again is also omitted from the report and they would be highly impacted by glare as

the house is positioned on the western side of the panels.

Planning Framework as per Department of Planning & Environment Solar Energy Guidelines

While the Planning Framework Large Scale Energy Guidelines reference larger scale developments, we feel Griffith Council must be satisfied that the development considers the guidelines recommendations below. Regardless of the size of the development the impacts on neighbouring properties and communities are the same. Clifton Boulevard, Collina is only 1.2km direct line and Noble Street, Beelbanger is 1km direct line, (using Google Maps) both are residential areas with Collina growing significantly.

2.2.2 Regional cities

The NSW Government's regional plans identify cities that are strategically important to the ongoing growth and development of regional NSW.

Over the next few decades, significant population growth is predicted in regional cities and investment in these cities is important as they represent major centres for housing, employment, commerce, tourism, education, health and other regional infrastructure and services.

For large-scale solar energy development to be approved near certain regional cities, the consent authority will need to be satisfied that any urban land conflicts, impacts on urban growth potential and important scenic values are not significant.

The Transport and Infrastructure SEPP provides for the specific consideration of renewable energy proposals in regional cities. The provisions apply to SSD development for solar energy generation located on mapped land for the regional cities of Albury, Armidale, Bathurst, Dubbo, Griffith, Orange, Tamworth and Wagga Wagga.

While these provisions do not prohibit solar development in these areas, a consent authority must not grant development consent unless it is satisfied that the development:

- is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development, and*
- is unlikely to have an adverse impact on the regional city's capacity for growth, or scenic quality and landscape character.*

In considering these matters, the consent authority must factor in any proposed measures to avoid or mitigate those conflicts and adverse impacts.

Increasing temperature

The solar panels can increase the ambient temperature in the surrounding area by up to 5%, which will affect native habitats, residences gardens but any climatic changes will affect the growth of the vines and grape bunches which will have a financial impact on our livelihood. As Griffith has a very hot Summer any increase in temperature, we feel would vastly affect our practices and affect our income.

Storm Water and Flood Mitigation

The development states in their report that there will be no impact as *'the site is generally flat with stormwater sheet flowing across the grassed paddock'* but once the panels are installed, they have just created a hard service which water will run off and then create small storm water runoff channels in the ground, which also creates soil erosion. Yes, the panels are installed 0.5 to 1.0m from the ground but the concern is if water was to reach the battery storage units. Lithium batteries when in contact with water can explode. In our experience, having lived here for 28 years the storm event of 2012 caused Main Drain J which is adjacent to the development site to rise and flood into adjoining properties.

Devaluation of our homes and property

Our property is located on the perimeter of the growing city of Griffith (7kms from GPO) and is of the highest quality, both in terms of its long-standing agricultural productivity, and its high residential value. A Solar Farm will devalue our property by up to 20%. This figure was obtained from a neighbour after their preliminary discussions with Opteon Property Valuations.

A project of this size and nature will no doubt cause a downturn in land prices in its immediate vicinity, nearby residents will most likely be unable to sell their properties for what they should be worth which will cause much angst and the mental health component should not be overlooked. Potential buyers may be deterred as they do not wish to reside near a Solar Power Plant which emits radiation, noise, glare and the potential risk of fire.

Community Consultation and Engagement

The first we heard of the proposed development was the letter we received from Council with only a handful of residents receiving this letter. Not all the residents listed as sensitive receivers in Table 2.1 were notified by letter by Council and were only made aware by concerned neighbours. Council have now re-issued new letters encompassing a radius of 300m. It is imperative that consultation with local residents be conducted to ensure community concerns are considered. Also the residents of Collina and Beelbangera should be consulted as they are in close proximity.

Impact to Mobile Services

The possibility that the Electric Magnetic Field generated by the solar farm will interfere with mobile phone communications which is already marginal in this area.

Impact to Wildlife

The effect that the solar farm will have on the area's wildlife, particularly birds and other flying species. Solar farms can disrupt natural habitats and ecosystems, potentially impacting local wildlife.

In conclusion, we ask that Griffith City Council assess this development thoroughly and consider all our concerns, objections and questions to ensure compliance with regulations. There are glaring discrepancies and conflicting details within the reports supplied with this DA application which need to be investigated meticulously.

We understand that renewable energy is important and are not opposed to Solar Farms. There are ample more suitable areas that would suit this proposal, with less population density and less ramifications. We believe that this site is not suitable due to the impact on the local residents, community and surrounding properties.

We ask that Council be diligent with this proposal. Council needs a strong, strategic plan before Solar Farms are approved as this development will set a precedent on the placement of these developments in Griffith.

Regards

Roberto and Viviana Bellato

[Redacted signature block]

Objection to DA No. 228/2023 (1) Proposed Solar Farm Development on Lot 363 DP 751743 394 Macedone Road Bilbul by Atlas Renewables Pty Ltd

We are strongly opposed to the proposed Solar Farm Development and the points below outline the reasons for our objection and the impact this proposed development will have.

Statement of Environmental Effects Report

In the Statement of Environmental Effects Report, introduction (page 1) the reports state the following factor in support of this site:

The site is well separated from sensitive receptors (dwelling houses) and will have minimal visibility from public vantage points.

That statement cannot be further from the truth. The visual impact to this beautiful rural area that the solar panels and associated infrastructure will have with large arrays of solar panels covering a large parcel of land will be an eye-sore. In the same report the proposed development will consist of approximately 12,000 single axis tracking panels. The panels will track the sun from East to West and will have a MAXIMUM HEIGHT of approximately 4m. How is that minimal visibility from public vantage points? The application says it will plant 1.8m trees around the development. That height is not going to be adequate. The DA does not say whether it will be planting mature trees of that height so how long would it take to establish the screening? How will that screening be maintain

The nearest residential dwellings are located at 615 and 617 Macedone Road, the property adjacent to the subject site. That is a false statement as 615 and 617 Macedone Road are approximately 2.2km from the proposed development. We are positioned approximately 700m from the proposed placement of the storage batteries. The proposed development in the image is the green fill site south of our residence. They also do not mention the residence that is on the property itself.

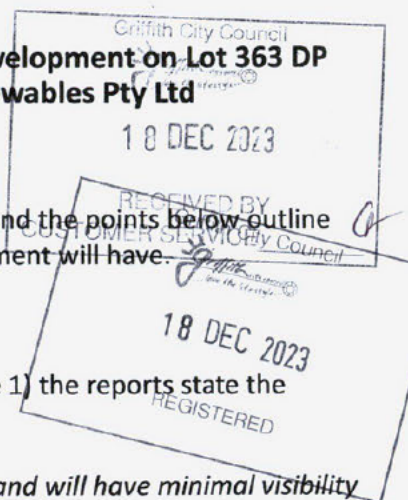
Sustainable agricultural production on the site is not a viable proposition for the site and the site has not been used for commercial agriculture for over a decade. As demonstrated in the agronomist report include as Appendix D, due to the small size of the site, and the proximity of small-scale vineyards which would impede the sites' ability to grow certain crops due to spray drift, use of the site is limited acreage dwellings and hobby farms.

The Agronomists report omits a signature and the details of the person that submitted the report. The letterhead is Nutrien Ag Solutions, address is Docklands Victoria. This throws doubt on the validity of this report. Why would they not use the Griffith based branch of Nutrien Ag which have a full understanding of the local area and industries.

I believe that the site is as viable as any agricultural farm surrounding the property. There are viable properties of similar size in the same area that are productive. As a Primary Producer for 57 years I fail to understand what they are referring to in regards to spray drift.

Planning Framework as per Department of Planning & Environment Solar Energy Guidelines

While the Planning Framework Large Scale Energy Guidelines reference larger scale developments, we feel Griffith Council must be satisfied that the development considers the guidelines recommendations.



Regardless of the size of the development the impacts on neighbouring properties and communities are the same. Clifton Boulevard, Collina is only 1.2km direct line and Noble Street, Beelbanger is 1km direct line, (using Google Maps) both are residential areas with Collina, in particular, growing significantly.

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In considering these matters, the consent authority must factor in any proposed measures to avoid or mitigate those conflicts and adverse impacts.

Increasing temperature

The solar panels can increase the ambient temperature in the surrounding area by up to 5%, which will affect native habitats, residences gardens but any climatic changes will affect the growth of the vine and grape bunches which will have a financial impact on farms in the area. As Griffith has a very hot Summer any increase in temperature, we feel would vastly affect our practices and ability to produce a viable income.

Storm Water and Flood Mitigation

The development states in their report that there will be no impact as *'the site is generally flat with stormwater sheet flowing across the grassed paddock'* but once the panels are installed, they have just created a hard service which water will run off and then create small storm water runoff channels in the ground, which also creates soil erosion. Yes, the panels are 0.5 to 1.0m from the ground but the concern is if water was to reach the battery storage units. Lithium batteries when in contact with water can explode.

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Fire Hazard

A most serious concern is the potential risk of fire or explosion of the battery packs. The developers may say it is minimal risk, but is it? There was such an event recently in Bouldercombe, Queensland on 27th September, 2023 where a single lithium battery pack exploded at Genex Solar Farm which caught fire causing residents to remain indoors for 3 days due to safety concerns. These types of fires cannot be extinguished and need to burn themselves out. Again, being an Asthma sufferer, toxic smoke from a fire would impact my health and neighbours considerably. With homes in Collina and Beelbangera being so close, they would all be impacted by the toxic smoke from such an event.

This is the link to one of the articles regarding the Genex Solar Farm incident: I have been in RFS for over 45years and would not like to go to a Solar farm battery fire.

Also there is nothing in the reports indicating how they would manage this risk. The Solar Farm is to run remotely so what would happen in the event of a fire? What protocols will be in place?

<https://www.abc.net.au/news/2023-09-27/tesla-battery-fire-at-queensland-renewable-energy-project/102905302>

Community Consultation and Engagement

Only a handful of residents received this letter. Not all the residents listed as sensitive receivers in Table 2.1 were notified by letter by Council and were only made aware by concerned neighbours.

It is important that consultation with local residents be conducted to ensure community concerns are considered. Also the residents of Collina and Beelbangera should be consulted as they are in close proximity.

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The effect that the solar farm will have on the area's wildlife. Solar farms can disrupt natural habitats and ecosystems, potentially impacting local wildlife.

Traffic Report

Excessive traffic movements during the construction phase would be very unwelcomed in the area, the roads are conditioned for the traffic they now have, any more would be dangerous and the roads would deteriorate quickly with increased heavy traffic.

The Traffic Impact Assessment by Pavey Consulting states:

A traffic survey of Macedone Rd was undertaken revealing that on average less than 5 vehicles per day use the road and are mainly farm related trips. Specifically, the following traffic movements were observed. • Macedone Road and Bilbul Road - 30 vehicles per week, local traffic only) • Rossetto Rd -200 per week, increase to 250 per week during harvest).

This statement is incorrect, I have lived here for 57 years and there is more than that number of vehicles using the roads than stated in the report. Speaking to Dee Vine Estate, they have 30 to 40 vehicles travelling to and from work every day. Most employees go home for lunch therefore that one industry alone on Rossetto Road contradicts the traffic report statement. Macedone Road is also used by the school bus .

The substantial increase in traffic along Macedone Road will increase dust. The dust poses a threat to health, especially sufferers of Asthma .

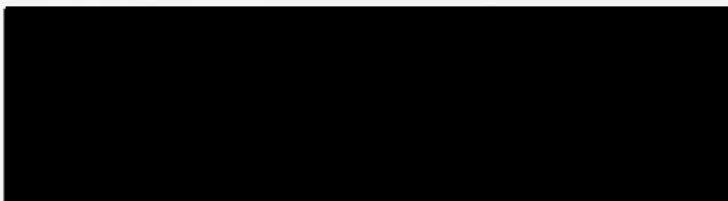
The report fails to identify Gorman Road as one of the roads traffic will be using. Part of Gorman Road, Bilbul Road and Macedone Road that are identified on the route are NOT registered B-double access roads as per image below (green lines indicate the B-double route as per current NHVR mapping) clearly showing that those roads are not permitted.

In conclusion, we ask that Griffith City Council assess this development thoroughly and consider all our concerns, objections and questions to ensure compliance with regulations. We understand that renewable energy is important and are not opposed to Solar Farms. There are ample more suitable areas that would suit this proposal, with less population density and less impact. We believe that this site is not suitable due to the impact on the local residents, community and environment.

We ask that Council be diligent with this proposal. Council needs a strong, strategic plan before Solar Farms are approved as this development will set a precedent on the placement of these developments in Griffith.

Regards

Tony & Pam Baggio



Objection to Development Application No> 228/2023 (1) propoer development on Lot 363

DP 751743, 394 Macedone Road Bilbul – Applicant – Atlas Renewables Pty Ltd

To the General Manager

We are strongly apposed to the proposed 4.95MW Electricity Generating Facility (Solar Farm) Development which includes the installation of an inverter Station and 4 x 2 MWH Batteries.

We own 371 Rossetto Road Bilbul NSW .

In the Statement of Environmental Effects report is states that the site is well separated from dwelling houses and minimal visibility from public vantage points. From the front of our property which is roughly 300 meters away from the proposed property it is visable to us and most properties on Rossetto and Macedone Road. 12,000 single axis tracking panels of approximately 4m in height are undoubtably an eye sore to what is currently a Rural Area. Also with Griffiths growth and Collina moving closer to Beelbangera I have no doubt this will also impact them on their view. My son lives on Holmes Crescent and standing in his living area he currently has a beautiful view of Collina and the farming area, we were recently admiring the view of our Canola from his home so how many more homes views will you destroy by proceeding with this development. Therefore if we are talking about minimal visibility whoever wrote the report needs to have a better look around as these panels will be obvious to a number of residence in this area and the Collina Area. The report mentions that there will be trees planted, who will be replanting them, when will this happen and who is responsible to replant them if they die and in what time frame. How many years will it take for the trees to grow tall enough to cover these panels?:

The image shown in the report is of Farm 617 Macedone Road to my knowledge is not the property of the proposed site, therefore I would be of the understanding that the report of the property not being commercially viable would be false as the proposed property is nearly 3km away. On our property which is 18Ha we have grape vines and also grow pumkins, watermelons and plants for seed for South Pacific seeds and canola, so I'm not sure where Mr Millards conclusion comes from that the property is not commercially viable.

The Acoustic Report states that there are several isolated dwellings looking at the map there are significantly more than several. The 24hour constant drone noise and vibration from the batteries and inverter will affect residence immensely and would be an impact to property prices. The reflection that 12000 panels will create on residence and vehicles driving past practically on Rankin Springs Road which is facing West of the Panels and is a high traffic area would not only be significant but dangerous.

On the 27th September 2023 in Queensland a single lithium battery pack exploded which caused residence to remain indoors for 3 days due to safety concerns if this was to happen how many people would this affect in the surrounding area of Beelbangera and Collina, not to mention there is a Primary school also in this area.

We live about 7ks from the Griffith Post Office being close to town and on a Rural Property which makes our property very attractive to potential buyers. Properties in the vicinity of the Solar Farm are likely to be devalued, we can't imagine anyone wanting to buy a Rural

Property near a Solar Plant which gives off radiation, noise and glare and not to mention the unattractive view.

We were very annoyed to hear about this proposal practically because we were informed by a neighbour who received the letter from Council. We are about 300 meters away from the proposed development and would think that we would of qualified as a sensitive receiver.

This Development not only affects the people in the Beelbanger area but also Collina and everyone should have been consulted. We believe that this Development will affect people and the land in this area and we strongly object to it going forward.

Regards

Stephen and Diana Cadorin



December 20, 2023

Griffith City Council
P.O. Box 485
Griffith 2680.

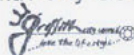
RE: OBJECTION - DA 228/2023 – 394 MACEDONE ROAD, YOOGALI

1. Allowing this solar development will set a precedent for many other applications from small farms entirely changing the unique agricultural nature of the town. This would not only affect horticultural production but also the great tourist attractions our small farms offer in the way of boutique enterprises.
2. Allowing this venture (and probably many others if the precedent has been set) would permanently change the irrigation structure network with no possibility of it ever returning to what it is now offering the opportunity of several different types of horticultural production.
- 3 The scenic attraction offered by Griffith would be seriously damaged by introduction of solar farms close to the city. In this case particularly from the Scenic Hill Lookout.
4. Solar farms are traditionally situated in areas with little housing this particular Application is in a quite densely populated area – especially noting the major Developments along the Rankins Springs road between Griffith and Beelbanger.

[REDACTED]
Signed: JOHN PHILIP HANCOCK – [REDACTED]

[REDACTED]
Signed: ELEANOR ANN HANCOCK – [REDACTED] 9,
[REDACTED]
[REDACTED]

Griffith City Council



20 DEC 2023

RECEIVED BY
INFORMATION MANAGEMENT

To The Griffith General Manager

Objection to DA No 228/2023 (1) Proposed Solar Farm Development on

Lot 363 DP 751743

394 Macedone Road Bilbul

Applicant-Atlas Renewables Pty Ltd



The proposed site for this Solar Farm and I share a common boundary, as I am Block 444 on your Council Notification map you provided, and therefore my residence is approximately 200 meters from solar farm. I reside here with my son and have done so for the past 33 years, and our fence line is within a few metres of the perimeter where you propose to put these 4 meter high Solar Panels.

We are farming our 25 Acre block with 23 Acres of Prunes and have approximately 3500 trees. This farming we do is our livelihood and we strongly object to this going forward because it will be detrimental to the production of our trees. It will cause damage to our trees with the extra heat that the Solar Panels will generate and that will cause our production to decrease and be less viable. Our Prune trees are approximately 5-6 metres and given that we are on the Northern side of the proposed Solar Farm, my farm would be directly affected by the extra heat that will be generated by the panels. So, this solely is enough reason to not let this proposal go through. It would not be ok allowing the Solar Farm which would greatly affect my current viable and sustainable farm which I have been successfully farming for all these Years.

The surrounding area are all farming and producing as we are living in a Primary Production RU1 area and this is the way it should stay. It is not suitable to put 12000 panels in our area where the surrounding properties are producing in a viable way that suits our current zoning. The Agricultural Report needs to show it findings and supply a full report of the soil testing, as what was presented in the Nutrien Ag Solutions report, it did not show any Soil Analysis at all, there was no Soil Test Summary and Forage Plan, it wasn't

originally signed by anyone at all, then it got amended with a signature after our residence bought it to attention. I had soil test done after the winter this year and it was not a one page summary at all. I can provide this if needed.

The comment about **neighbours haven't farmed in the 10 Years** has nothing to do with being viable or not, as farming has good seasons and bad ones. The comment about the **vineyards being close by and the spray drift affecting and impeding on the sites ability to grow certain crops** is untrue also, as my production has never been affected by it and to the best of my knowledge, I do not believe that any of my neighbours have been affected by this either.

The traffic report you supplied is 100% not true at all. Macedone Road and Bilbul Road are used very frequently by numerous amounts of cars, trucks, harvesters, motorbikes, school bus and also traffic that comes from the Beelbangera Village over the bridge and heads out to the Leeton Road through to Mackay Avenue and Bridge Road. Our road in the wet gets destroyed and very difficult to pass and council do not maintain it enough as it is for local traffic. The amount of B Double trucks that you expect to use Bilbul Road and Macedone Road will cause too much damage on these unsealed roads that are narrow and definitely not suited to this size of truck or amount that report states.

Sound Report

How can I not be included in this sound report when I am one of the closest residences and I share a common boundary fence. The excess sound from the Invertors would have to be heard from my residence, and this would have to be constant. This is not needed in this RU1 Area.

IF these Lithium batteries explode or catch fire that is going to be a residential disaster. It is **NOT** proven that it **isn't** a possibility. Lithium batteries are highly flammable and the risks include fire ,excess heat,radiation,the smoke that would come from it would affect Beelbangera and Griffith and this type of fire is not easy to put out.

I believe this Solar Farm would be too close to town and would be like an Eye Sore, seeing that Griffith relays on Tourism and Farming to attract visitors to the region.

Having this Solar Farm next door to me would greatly depreciate the value of my farm, nobody would want to live next to a solar farm where the chances of growing anything will be greatly affected by the Solar Panels.

Yours Faithfully

[REDACTED]
Rocco Phillip Romeo [REDACTED]

20 · 12 · 23

[REDACTED]

[REDACTED]

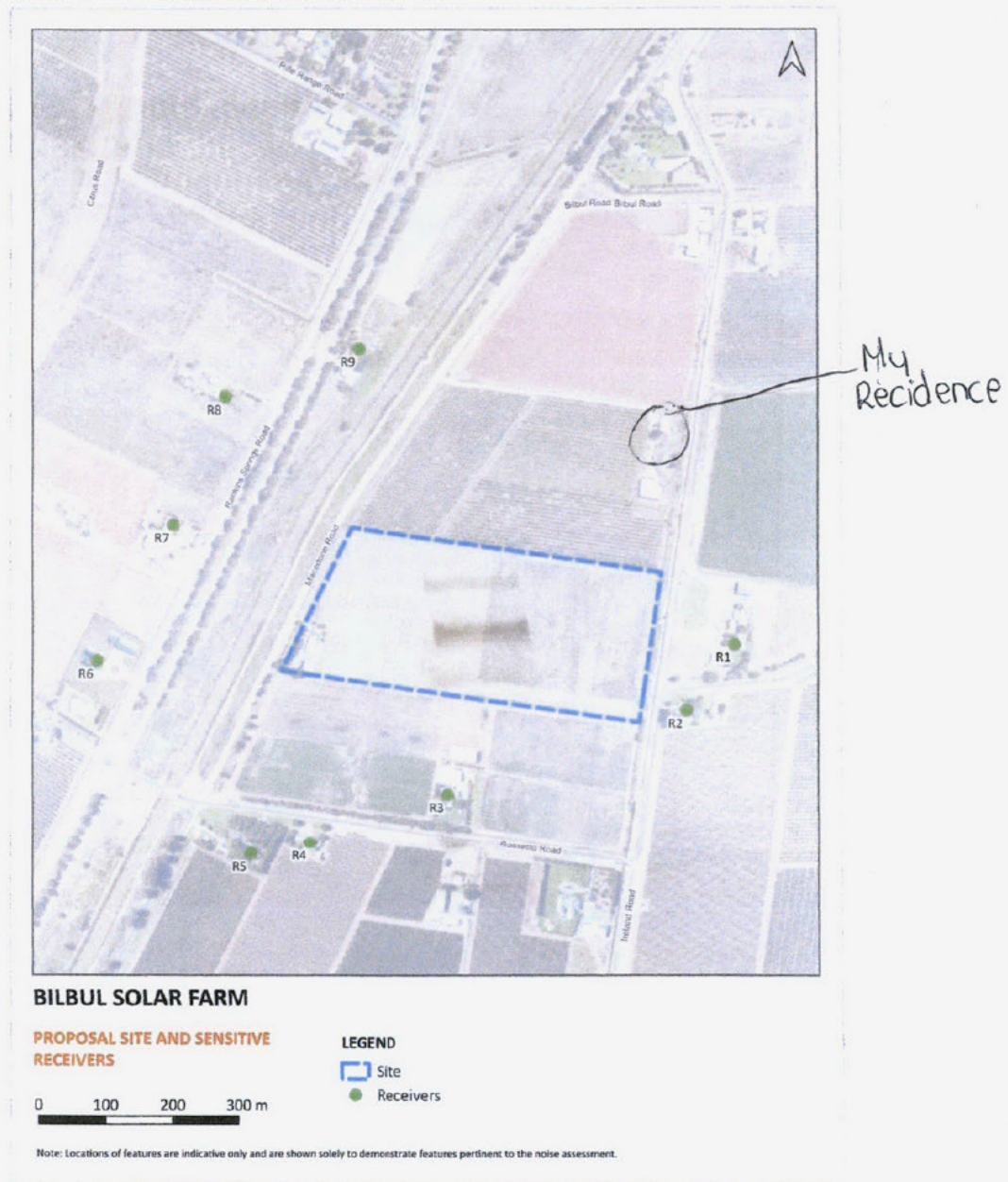
[REDACTED]

[REDACTED]

BILBUL SOLAR FARM
NOISE AND VIBRATION IMPACT ASSESSMENT

REPORT NO. 17240 VERSION 1.0

Figure 2-1 Proposal Site and Sensitive Receivers



2 THE PROPOSAL

2.1 The Site

The Site is located at 394 Macedone Road, Bilbul. It is approximately 5 km north east of the Griffith town centre. The Site location is shown in Figure 2-1.

2.2 Surrounding Land Use and Sensitive Receivers

The land use surrounding the Site is rural. The nearest and most potentially affected sensitive receivers are several isolated rural dwellings. Several receivers have been identified for assessment purposes, as identified in Table 2-1 and shown in Figure 2-1.

Table 2-1 Sensitive Receivers

Receiver ID	Address
R1	330 Rossetto Road, Bilbul
R2	333 Rossetto Road, Bilbul
R3	392 Rossetto Road, Bilbul
R4	413 Rossetto Road, Bilbul
R5	421 Rossetto Road, Bilbul
R6	1684 Rankins Springs Road, Beelbanger
R7	313 Rankins Springs Road, Beelbanger
R8	339 Rankins Springs Road, Beelbanger
R9	350 Rankins Springs Road, Beelbanger



PSA Consulting Pty Ltd ABN 83 109 835 197
T +61 7 3220 0288 F +61 7 3220 0388 W psaconsult.com.au
O Brisbane (Head Office) L11 / 270 Adelaide Street, Brisbane Qld 4000
P PO Box 10824, Adelaide Street, Brisbane Qld 4000

8 February 2024

Griffith City Council
Development Assessment
1 Benerambah Street
Griffith, NSW 2680

Attention: Kerry Rourke

Dear Kerry,

RE: DA 228/2023 RESPONSE TO PUBLIC SUBMISSION - PROPOSED SOLAR FARM (ELECTRICITY GENERATING WORKS) ON LAND AT 2553 MACEDONE ROAD, BEELBANGERA NSW 2680 (LOT 363 DP 751743)

PSA Consulting Australia Pty Ltd (PSA Consulting) on behalf of Atlas Renewables appreciates the opportunity to respond to the ten (10) public submissions received during the public exhibition period which closed on 21 December 2023.

Table 1 on the page that follows seeks to summarise and respond to the key issues raised within the submissions. The Applicant appreciates that a range of consistent concerns have been raised within local resident submissions. Our responses focus on relevant planning matters for Council's consideration and also provide references to attached supporting material where relevant.



Table 1 Response to issues raised in public submissions.

ISSUE	ISSUE SUMMARY	APPLICANT RESPONSE
Project Need in this location	Submitters referenced that whilst they are not opposed to renewable energy projects in general, they are concerned that the subject site is not an appropriate location for a solar farm and questioned the need for this particular project.	<ul style="list-style-type: none"> - The site meets critical operational criteria for a sub 5MW solar farm including close proximity of an existing substation (i.e. within 300m of the Beelbangera Substation) that has existing ability to receive and manage the input for a 5MW solar farm and charging / discharging of a 10MW battery. These factors are all considered as part of Essential Energy final connection agreement process. In addition, the site needs available for lease or purchase, and free from constraints that would preclude development. There are few properties within Griffith which meet these unique criteria which would enable this development. - Based on Essential Energy's Annual Planning Report, there are 5 zone substations within the Griffith Area (excluding the Transgrid substation at Yoogali) which would suggest one sub 5MW solar farm project per zone substation. Again, the potential for delivery of each of these projects would be subject to identification of a site free from development constraints, site acquisition, Essential Energy connection approvals, and development approvals all being obtained. - It is worth noting that a precedent was set for this scale of development in the RU1 Zone with the approval of a sub 5MW solar farm at 2773 Berecra Road, Tharbogang (93/2023). In that case, a sensitive receiver (dwelling house) was located approximately 75m from proposed solar farm. - Renewable energy projects, when approved by the electricity distribution network provider, provided more stability and quality in the local electricity network, particularly when a solar farm is coupled with a battery to provide additional supply during peak periods. In addition, the provider also leverages projects such as this to upgrade parts of the network, which avoids such costs being passed on to the customer.
Visual amenity impacts	Submitters are concerned that the proposed solar farm will adversely affect the visual amenity of the locality including scenic rural	<ul style="list-style-type: none"> - In response to this matter, a detailed Landscaping Plan has been prepared (see Attachment 1) which includes a species register and typical section of the buffer planting.

	values and that the proposed 1.8m high vegetation buffer planting is insufficient.	<ul style="list-style-type: none"> - As shown on the Landscaping Plan, the planting will consist of a minimum 5m wide buffer comprised of range of species with a maximum height of 3m. - As per the development conditions applied to the recently approved sub 5MW solar farm at 2779 Berecra Road, Tharbogang, Council can condition a mature vegetation buffer around the development to be at least 5 metres deep and comprising at least two rows of staggered trees. - The Griffith Solar Farm (36MW) is almost seven times larger than the proposed solar farm and is set amongst rural landholdings with residences. It demonstrates that a solar farm can be appropriately screened from view and integrate well into the surrounding rural landscape.
Property values	Submitters are concerned that property values will be adversely impacted in the immediate area by the proposed solar farm	<ul style="list-style-type: none"> - Property values can be affected (positively and negatively) by a range of variables and factors. Whilst this is not considered to be a valid planning consideration for assessment, it is unlikely that a small scale solar farm would detrimentally affect property prices in the locality. - As demonstrated in this submitted development application material and in the additional information provided in this response, the proposed development is not forecast to result in any unacceptable amenity or safety impacts and will be visually screened from public vantage points. Accordingly, the project is expected to operate in a manner consistent with the expectation for the RU1 Zone, and with less impact than other rural activities which could ordinarily be expected in a rural area.
Increased temperature	Submitters are concerned that the solar panels will increase the ambient air temperature of the surrounding area by up to 5% or three to four degrees which will impact surrounding farms, dwellings and gardens.	<ul style="list-style-type: none"> - Solar panels work by absorbing sunlight to generate electricity through the photovoltaic effect. While they may warm up slightly during operation, they are not designed to radiate heat into the surrounding environment. The heat generated by solar panels is generally dissipated through conduction and convection, not significantly affecting the air temperature. - Solar industry experts and engineers generally agree that the heat generated by solar panels is insignificant compared to the heat from other sources, such as buildings, roads, and natural sunlight. Solar

		<p>panels are designed to efficiently convert sunlight into electricity, not to produce heat.</p> <ul style="list-style-type: none"> - The National Renewable Energy laboratory (NREL), a U.S. government research laboratory, conducted a study on the thermal effects of large-scale photovoltaic (PV) systems (solar farms). They found that solar panels absorb sunlight to convert it into electricity but do not significantly contribute to local temperature increases. In some cases, solar panels can even have a cooling effect on the surrounding area due to shading and reflective properties. (https://www.nrel.gov/docs/fy13osti/56290.pdf) - Grassed areas will be maintained between the solar panel rows (5-6m spacing) which will assist in regulating the microclimate and maintain the opportunity for the landowner to run sheep on the site for grass/weed control.
Risk of battery fire	Submitters are concerned about the potential risk of fire or explosion of the battery storage units. There are concerns about potential risks to adjoining people and property as well as health risks from toxic smoke if a fire were to break out.	<ul style="list-style-type: none"> - Fires in Battery Energy Storage Systems are very rare and have a very low risk level due to the design of units and inbuilt protections. - Please refer to the attached excerpt from the Technical Specifications for the proposed Battery Energy Storage System (Attachment 2). As per Section 6.4 of the document, the proposal has an inbuilt, automatic fire protection system in place. This system uses water as an extinguishing medium to protect the energy storage unit of this project. It includes an open sprinkler head, pipe and water supply facilities. - The batteries will be constructed, installed and operated in accordance with all applicable Australian Standards to ensure they are safely functioning at all times. 24-7 monitoring and regular maintenance will also be undertaken to ensure all components of the solar farm are operating appropriately. - The site will also have a site manager on-call 24-7 with surveillance systems in place to pick up on any abnormalities.
Validity of Land Suitability Report	The validity of the Land Suitability Report has been called into question by submitters who believe it is an opinion and not factually correct. Submitters believe the land is viable as an agricultural farm.	<ul style="list-style-type: none"> - An addendum to the Land Suitability Report has been prepared by Nutrien Ag Solutions dated 31 January 2024 (see Attachment 3). - The constraints to the site for agricultural production are high. With the main factor being the size of the site for agricultural production. It would not be commercially viable or sustainable for the land to be used

		<p>solely for production of agricultural goods. It is also noted that the site has not been farmed for several years in response this situation.</p> <ul style="list-style-type: none"> - The property is also bounded by a number of small-scale vineyards which would impede the site's ability to grow certain crops due to the risk of spray drift.. - In addition, the site, once developed would have the ability to adopt to Agri Solar farming practices, namely grazing of small carcase animals (goats / sheep), which assists in maintaining grass cover.
Traffic impacts	<p>Submitters are concerned that the construction of the project will generate excessive traffic movements for the local road network. There are concerns that B Double traffic movements will cause damages to unsealed roads. Submitters have questioned the validity of the findings of the traffic survey with nearby residents asserting that there are significantly more traffic movements along Macedone Road in any given day.</p>	<ul style="list-style-type: none"> - Regardless of the current baseline of traffic movements on Macedone Road, the construction vehicle traffic (consisting of 20 cars per day and 300 trucks across a 3 – 6 month period will have negligible impacts on the operation of the local road network. will be negligible in the context of the usage of the road. - It is also noted that Macedone Road currently caters for farm vehicles and heavy machinery, beyond what is forecast during the construction phase of the project, particularly during harvest periods. With respect to any damage caused, Council can condition a pre-construction survey and road maintenance, and repair of damage be undertaken by the developer to ensure that the road is maintained in a trafficable state.
Construction and operational noise	<p>Submitters expressed concern regarding construction noise from heavy vehicle movements and civil works and operational tonal noise from the inverter station and battery containers. Submitters indicate that closer sensitive receivers were missed from the acoustic assessment</p>	<ul style="list-style-type: none"> - An amended Noise and Vibration Impact Assessment has been prepared by SoundIN to address the public submissions (see Attachment 4). - The residential dwelling to the north of the subject site that was missed in the original assessment has now been included as Receiver 10 in the amended assessment (refer to Figure 2-1 of the assessment). - In response to concerns expressed in submissions regarding tonal noise, the amended assessment has included operational noise sources and sound power levels associated with the inverter station, battery container and panel tracking motor. There is potential for the inverter station and battery container to exhibit tonal noise. In accordance with the NPfl, the SWL for these sources in Table 6-5 of the assessment include 5 dBA corrections to account for additional annoyance caused by tonal noise characteristics. The results of the updated assessment (Table 6-6) indicate that predicted noise levels at all nearby receivers will maintain compliance with the noise trigger levels at all times.

Glint and Glare	Submitters are concerned that the Glint and Glare Assessment is not an independent study as it was conducted by Atlas Renewables. Submitters are concerned about potential impacts to aviation traffic, especially crop spraying which is actively undertaken in the area. Submitters are also concerned about glare impacts to the dwelling house on the site.	<ul style="list-style-type: none"> - The original Glint and Glare Assessment prepared by Atlas Renewables and submitted with the application adequately demonstrates that the proposed PV system does not result in glare impacts on the surrounding residential dwellings, Griffith Airport operations or established flight paths. To provide additional comfort, it is recommended that Council impose a similar condition of approval to the recently approved solar farm in Tharbogang (93/2023) as follows: <p>54. Management of Glint and Glare from Solar Panels</p> <p>Glint and glare from the solar panels shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the solar plant being evident from a public road, 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.</p>
Dust	Submitters are concerns about dust impacts to human health as a result of increased construction traffic along Macedone Road.	<ul style="list-style-type: none"> - A Construction Management Plan will be prepared prior to the commencement of works which will include dust mitigation measures including covering of stockpiles, watering down of exposed areas, and maintenance of vehicle movement areas to minimise dust generation. This is a reasonable expectation and can be conditioned accordingly. - It is recommended that Council will likely impose a specific condition for dust control in line with the following included for the recently approved solar farm in Tharbogang (93/2023) as follows: <p>Dust Control</p> <p>Where dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation, construction and building works. If necessary, water sprays shall be used on the site during construction works to reduce the emission of dust.</p>
Stormwater and soil erosion impacts from runoff	Submitters are concerned about water reaching the battery storage units and are also concerned about soil erosion caused by concentrated solar panel stormwater runoff.	<ul style="list-style-type: none"> - The site is not located within Council's Flood Planning area. Regardless, the proposed battery cabinets will be appropriately bunded to prevent flooding of the battery units. - Due to the cleared and level nature of the development site, minimal earthworks are required to construct the solar farm and the solar arrays will be installed on metal footings with no change to the current ground level. As per the current situation and stormwater will continue to sheet flowing across the grassed paddock.

		<ul style="list-style-type: none">- As no significant change to the ground level or concentration of stormwater flows are required to construct the solar farm, negligible change to the existing stormwater flows across the site are expected.- Standard Erosion and sediment control measures will be adopted for the project during both the construction and operational phases, and can be conditioned accordingly by Council.
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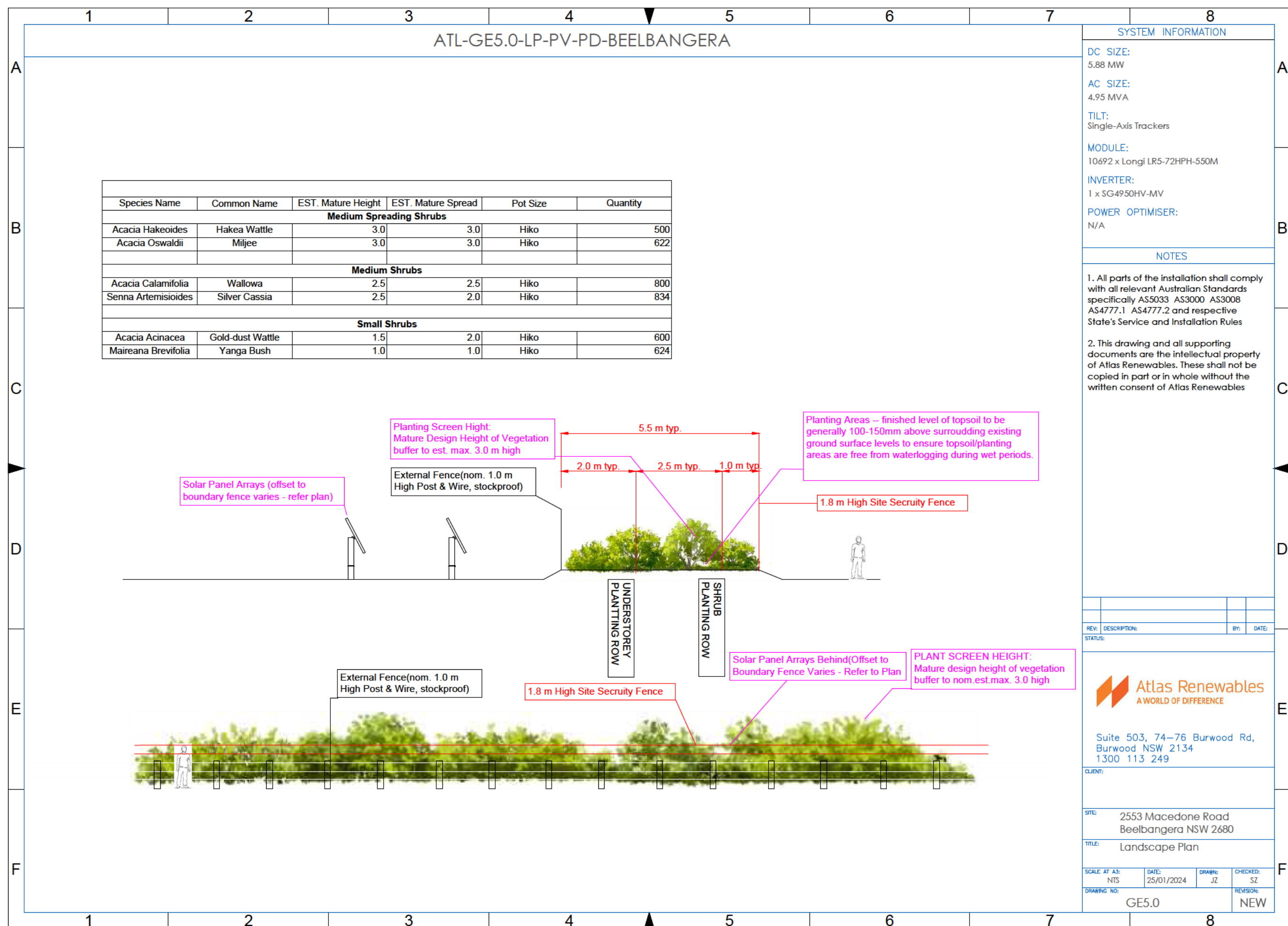
We trust that the information provided in the response table and attached to this letter adequately addresses the relevant planning matters raised and allows Griffith Council to proceed with its assessment of the application.

Kind regards,



Cliff Schmidt
Senior Town Planner
PSA Consulting Pty Ltd | PO Box 10824 Adelaide Street | Brisbane Qld 4000
t: 07 3220 0288 m: 0411 952 964 e: cliff.schmidt@psaconsult.com.au

Attachment 1 – Detailed Landscaping Plan



Attachment 2 - Technical Specifications of the proposed Battery System



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Cooling method	Natural cooling	
Relative humidity	0 ~ 95%	non-condensing
Max. Altitude	13123' / 4000m	
Dimensions (W × H × D)	440 × 44 × 241mm	
Weight	3kg	

6 System and Auxiliary Equipment Introduction

6.1 Specification of Container

Table 6-1: Specifications of System

Item	Specification
Dimensions of PCS unit (W * H * D)	6058*2896*2438 mm
Dimensions of battery unit (W * H * D)	9,300 * 2,620 * 1,700 mm
Weight of PCS unit	16,000 Kg
Weight of battery unit	26,100 Kg
Operating Temperature range	-30~50℃ (> 45℃ derating)
Relative humidity	0~95% (No-condensing)
Max. working Altitude	1000 m (standard) / >1000 M (optional)
Degree of protection	IP55
Degree of anti-corrosion	C3(standard)
Cooling concept of battery unit	Liquid cooling
Cooling concept of PCS unit	Temperature controlled forced air cooling

6.2 Internal Heat Insulating layer

Specification as below:

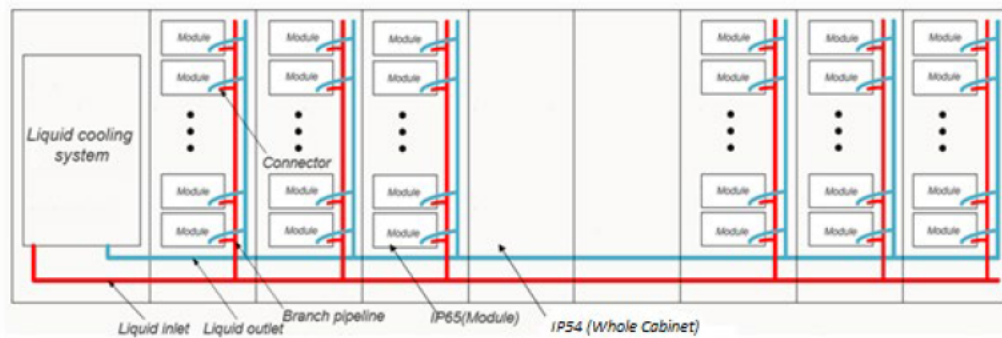
- Container ceiling & side wall: rock wool, thickness 50mm;
- Container Ground: rock wool, thickness 100mm;
- Inflaming retarding material, level A, with water-proof.

6.3 Liquid Cooling System

SUNGROW

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The system uses a liquid cooling system for heat dissipation, and can be used in an environment of -30 to 50°C. Liquid cooling is a technology that uses a liquid as a refrigerant to remove heat from the heated parts. It has good temperature



homogeneity and low power consumption. The liquid cooling system mainly consists of pipes, pumps, heat exchangers and compressors. The coolant of the system is ethylene glycol. The pipe layout is shown below:

Fig7.2-1 Liquid Cooling Design

6.3.1 Operating principle

The coolant is sent to the battery by the pump. After absorbing the heat generated by the battery it is returned to the reservoir.

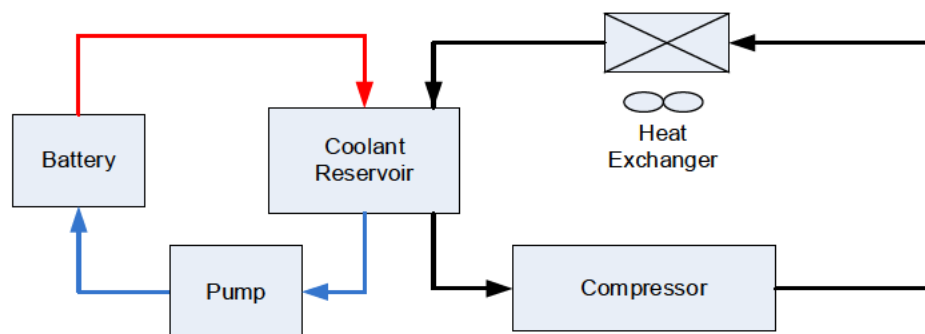


FIG. 6-1: Operating principle diagram

6.4 Automatic Fire Suppression System

6.4.1 Water fire suppression system

This system uses water as extinguishing medium to protect the energy storage unit of this project, it includes open sprinkler head, pipe and water supply facilities. The water inlet of the pipe is installed at the top of enclosure. According to the thread size of the enclosure pipe, the pipe from the enclosure to the fire hydrant can be configured on site and the water valve can be added to control the start and stop of the water fire suppression system. Under normal condition, the pipe is dry, can't be filled water, when fire occurs, water fire suppression system will be started to put out fire.

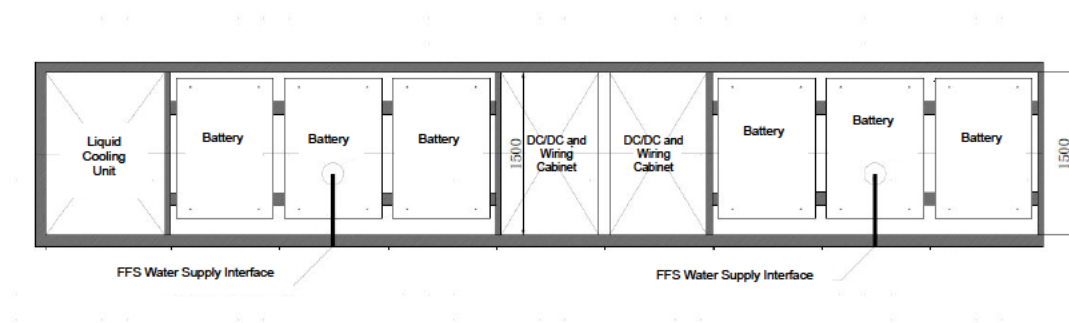


Fig. 7.3-1: FFS Water Supply Interface (Reference)

Selecting and reasonable layout pipe is important. The layout principle is that the horizontal layout spacing of sprinkler head should be determined by different fire hazard levels and design parameters. Rectangular layout is adopted in the layout. Only single-row sprinkler head is arranged in corridors or rooms with a width of less than 3.6. The general principles of sprinkler head are:

- (1) To meet the hydraulic characteristics and water distribution characteristics of sprinkler head, sprinkler head layout should not exceed its maximum protection area.
- (2) The sprinkler head should be placed under the roof or suspended ceiling where it is easy to contact the hot gas flow of fire and conducive to the uniform spraying of water. The barrier barrier should be prevented from hot gas flow and damage sprinkler distribution.
- (3) Sprinkler head should be arranged to spray water evenly and meet the requirements of design intensity of water spraying.
- (4) The arrangement of sprinkler head should not exceed its maximum protection area, and the maximum and minimum spacing of sprinkler head. The maximum area is generally determined by specification or certification, while the minimum area is generally determined by the minimum operating pressure and the minimum space.

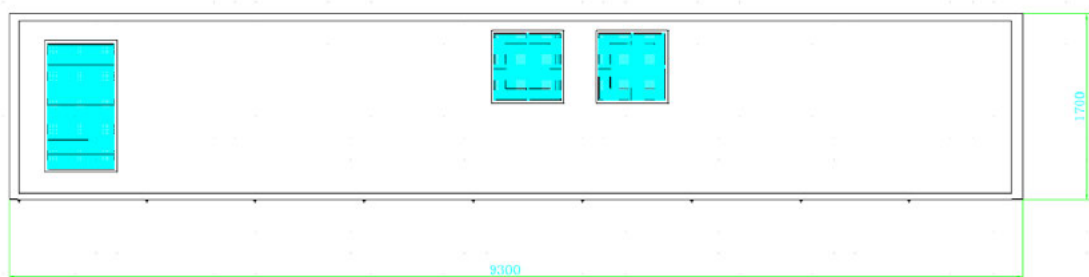
SUNGROW

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Noted: The battery cabinet is the external water supply and Sungrow only provides sprinkler head and pipes. Qualified companies should be employed to design the fire protection measures of the specific station. The above design scheme is only the reference from the Sungrow, cannot be the standard of the final actual design.

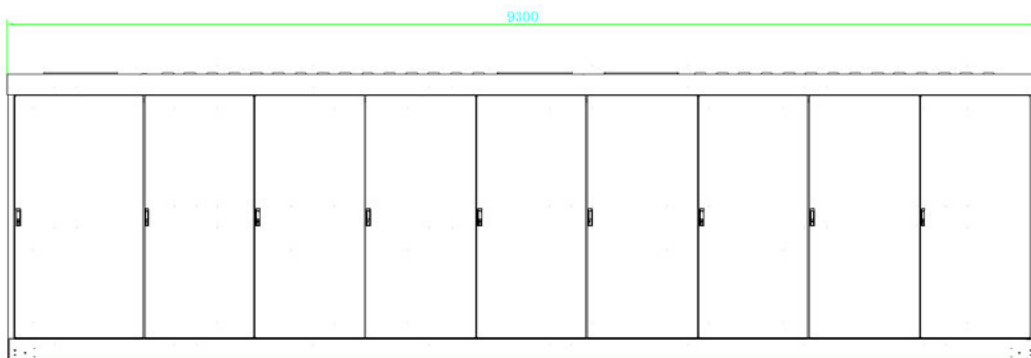
7 Drawing

7.1 Battery Container Drawing



Top view

Fig.7-1: BESS Layout (Top view)



Front view

Fig.7-2: BESS layout (Front view)

*The layout drawing is for reference. There may be partial adjustments in the detailed design;

Attachment 3 - Addendum to the Land Suitability Report



31st January 2024

Mr Paul Watson
General Manager, Atlas Renewables
Suite 1, 68-72 Railway Parade
Burwood NSW 2134

RE: Agricultural land use Report for 394 Macedone Road, Bilbul NSW 2680

Dear Paul,

We have inspected the site located at 394 Macedone Road, Bilbul NSW 2680 and compiled the below summary of the viability of certain land uses for the site.

The agricultural value of this site is purely the land size and the water/if any attached to this land. Such smaller holdings are highly sought after for hobby farms or acreage dwelling.

The Agricultural activities that may be undertaken on this site would include permanent plantings (grapes, citrus, nuts) or annual cropping (summer or winter crops) or livestock production.

The constraints to the site for agricultural production are high. With the main factor being the size of the site for agricultural production. It would not be commercially viable or sustainable for the land to be used solely for production of agricultural goods. It is also noted that the site has not been farmed for several years.

The property is also bounded by a number of small-scale vineyards which would impede the sites ability to grow certain crops due to the close proximity to neighbours (Spray Drift).

The site once developed would have the ability to adapt to Agri Solar farming practices, namely grazing of small carcase animals (goats / Sheep).

Please contact me should you have any further questions.

Regards,

Troy Millard
Troy.millard@nutrien.com.au
0407 238 249



Nutrien Ag Solutions Limited ABN 73 008 743 217
Level 10, 737 Bourke St, Docklands, VIC 3008, Australia

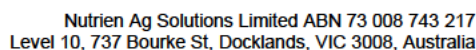
Subject Property - 394 Macedone Road, Bilbul NSW (Aerial Site Diagram)



* Source - SixMaps NSW Government



Nutrien Ag Solutions Limited ABN 73 008 743 217
Level 10, 737 Bourke St, Docklands, VIC 3008, Australia



Attachment 4- Amended Noise and Vibration Impact Assessment



BILBUL SOLAR FARM

NOISE AND VIBRATION IMPACT ASSESSMENT

REPORT NO. 17240

VERSION 1.1

JANUARY 2024

PREPARED FOR

ATLAS RENEWABLES
SUITE 1, 68-72 RAILWAY PARADE
BURWOOD NSW 2143



BILBUL SOLAR FARM
NOISE AND VIBRATION IMPACT ASSESSMENT

REPORT NO. 17240 VERSION 1.1

DOCUMENT CONTROL

Version	Notes	Status	Date	Prepared	Reviewed	Approved
0.1	-	Draft	09/10/2023	NH		NH
1.0	-	Final	09/10/2023	NH		NH
1.1	-	Final	18/01/2024	NH		NH



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BILBUL SOLAR FARM
NOISE AND VIBRATION IMPACT ASSESSMENT

REPORT NO. 17240 VERSION 1.1

7 CONCLUSION22



GLOSSARY OF ACOUSTIC TERMS

Most environments are affected by environmental noise which continuously varies. To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. The most common of these noise descriptors are defined below.

L_{Amax}	The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.
L_{A1}	The L_{A1} level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the L_{A1} level for 99% of the time.
L_{A10}	The L_{A10} level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the L_{A10} level for 90% of the time.
L_{A90}	The L_{A90} level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{A90} level for 10% of the time. This measure is commonly referred to as the background noise level.
L_{Aeq}	The equivalent continuous sound level (L_{Aeq}) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This descriptor is a common measure of environmental noise.
ABL	The Assessment Background Level is the single figure background level representing each assessment period (daytime, evening and night time) for each day.
RBL	The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night time.



1 INTRODUCTION

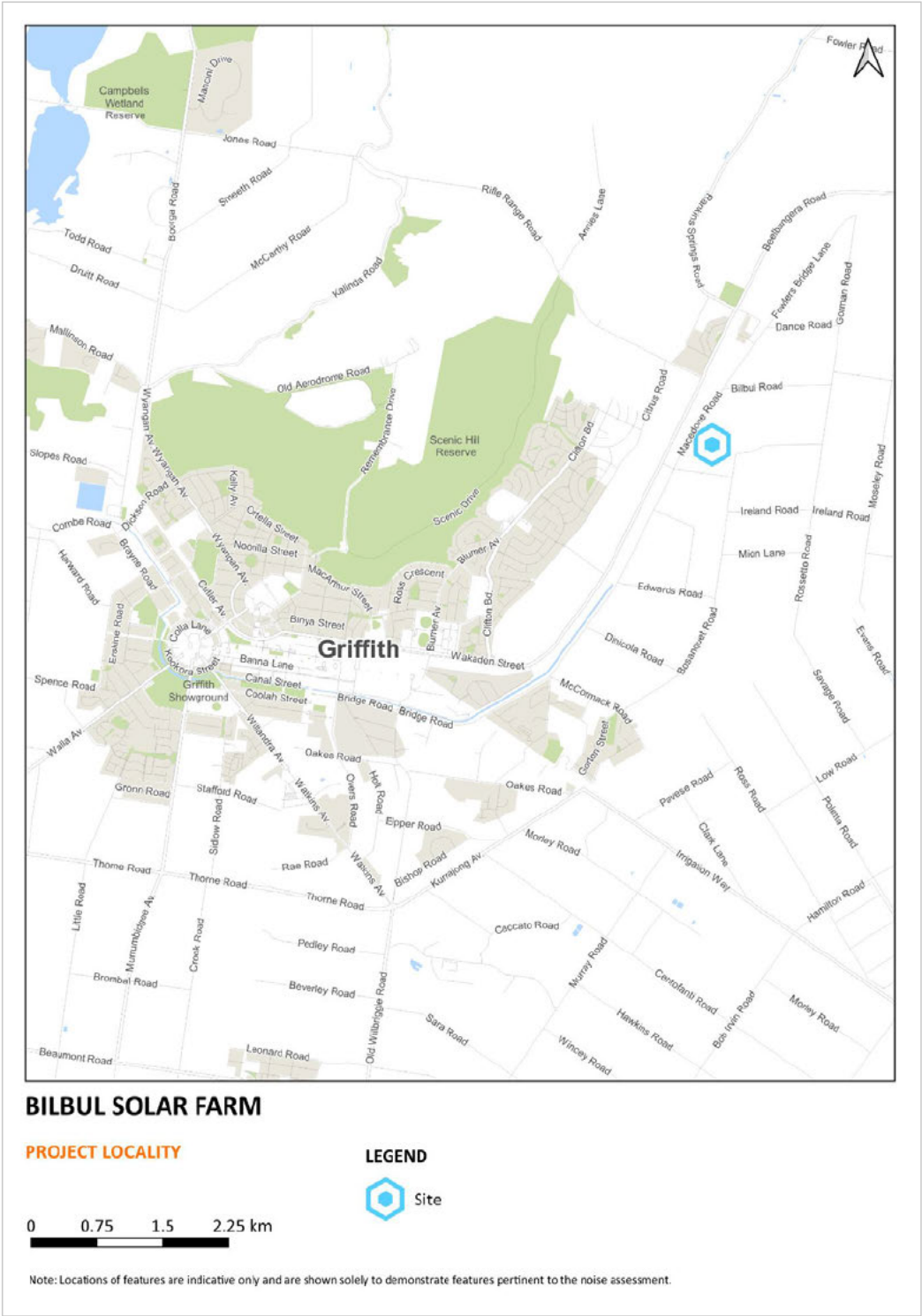
SoundIN Pty Ltd (SoundIN) has been engaged by Atlas Renewables to undertake a construction noise and vibration impact assessment for a proposed solar farm (the Proposal) on Macedone Road, Bilbul (the Site). The locality of the Proposal is shown in **Figure 1-1**.

This report presents an assessment of potential noise and vibration impacts associated with the construction and operation of the Proposal at nearby sensitive receivers. The assessment has been conducted in general accordance with the following NSW Government guidelines and policies:

- *Interim Construction Noise Guideline* (DECC, 2009)
- *Assessing Vibration: a technical guide* (DEC, 2006)
- *Noise Policy for Industry* (EPA, 2017)



Figure 1-1 Project Locality



2 THE PROPOSAL

2.1 The Site

The Site is located at 394 Macedone Road, Bilbul. It is approximately 5 km north east of the Griffith town centre. The Site location is shown in **Figure 2-1**.

2.2 Surrounding Land Use and Sensitive Receivers

The land use surrounding the Site is rural. The nearest and most potentially affected sensitive receivers are several isolated rural dwellings. Several receivers have been identified for assessment purposes, as identified in **Table 2-1** and shown in **Figure 2-1**.

Table 2-1 Sensitive Receivers

Receiver ID	Address
R1	330 Rossetto Road, Bilbul
R2	333 Rossetto Road, Bilbul
R3	392 Rossetto Road, Bilbul
R4	413 Rossetto Road, Bilbul
R5	421 Rossetto Road, Bilbul
R6	1684 Rankins Springs Road, Beelbangera
R7	313 Rankins Springs Road, Beelbangera
R8	339 Rankins Springs Road, Beelbangera
R9	350 Rankins Springs Road, Beelbangera
R10	444 Macedone Road, Bilbul



Figure 2-1 Proposal Site and Sensitive Receivers



2.3 Proposal Description

2.3.1 Proposal Overview

Atlas Renewables proposes the construction of a 4.99 MW (AC) 6.28 MW (DC) Solar Farm on an approximately 13 ha portion of the Site (see **Figure 2-1**). Atlas Renewables is an Australian company specialising in renewable energy including the development and operation of solar farms which feed electricity directly into the existing electricity network. The proposal would utilise a portion of the farms paddocks for a solar farm including four batteries. At the end of life of the solar farm (around 30 years), the site would be rehabilitated to its former state which would include the removal of the solar panels and associated infrastructure.

2.3.2 Proposal in Detail

The proposed development involves the following works:

- Geotechnical investigations to inform footing designs
- Site survey
- Site preparation and minor earthworks and land forming
- Construction of a new unsealed access road to the development area from Macedone Road.
- Hardstand for a construction lay down area and unloading of heavy vehicles
- Transportation of solar panels and prefabricated supports in heavy rigid trucks and 19 m semi-trailers. A total of approximately 300 heavy vehicle movements over a 3-6 month period would be expected
- Installation of solar panel arrays with single axis trackers allowing east to west tracking (approximately 12,000 panels)
- Installation of a power conversion station with inverters and transformers and associated plant
- Installation of a 4 x 2,752 MWh batteries.
- Connection to the Essential Energy Network.
- Construction of security fencing.

The construction period would take around 3-6 months and require 20-30 construction staff to be on site at any given time. Temporary parking facilities would be provided for construction workers and a moveable site office established. It is not expected that the proposed infrastructure would change the drainage patterns on the site. Maintenance contractors would be available when required. The Applicant's preference would be to utilise local contractors for maintenance during the operation of the solar farm.



2.3.3 Construction Hours

The works would be limited to standard construction hours, as follows:

- 7:00am – 6:00pm Monday to Friday
- 8:00am – 1:00pm Saturday
- No work on Sundays or Public Holidays.



3 CONSTRUCTION NOISE ASSESSMENT

3.1 Construction Noise Management Levels

The *Interim Construction Noise Guideline* (ICNG) (DECC, 2009) recommends noise management levels (NML) to reduce the likelihood of noise impacts arising from construction activities. The ICNG NML for residential receivers are presented in **Table 3-1**.

Table 3-1 Construction NML – Residential Receivers

Time of day	Management level – $L_{Aeq,15min}$ (dBA)	How to apply
Recommended standard hours: Monday to Friday 7am to 6pm Saturday 8am to 1pm No work on Sundays or Public Holidays	Noise affected RBL + 10dBA	<p>The noise affected level represents the point above which there may be some community reaction to noise.</p> <p>Where the predicted or measured $L_{Aeq,15min}$ is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to minimise noise.</p> <p>The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.</p>
	Highly noise affected 75dBA	<p>The highly noise affected level represents the point above which there may be strong community reaction to noise.</p> <p>Where noise is above this level, the proponent should consider very carefully if there is any other feasible and reasonable way to reduce noise to below this level.</p> <p>If no quieter work method is feasible and reasonable, and the works proceed, the proponent should communicate with the impacted residents by clearly explaining the duration and noise level of the works, and by describing any respite periods that will be provided.</p>
Outside recommended standard hours	Noise affected RBL + 5 dBA	<p>A strong justification would typically be required for works outside the recommended standard hours.</p> <p>The proponent should apply all feasible and reasonable work practices to meet the noise affected level.</p> <p>Where all feasible and reasonable practices have been applied and noise is more than 5dBA above the noise affected level, the proponent should negotiate with the community.</p> <p>For guidance on negotiating agreements see <i>ICNG</i> section 7.2.2.</p>

Noise monitoring has not been undertaken for the purpose of this assessment. Instead, a conservative approach has been taken whereby the minimum daytime RBL value of 35 dBA, as recommended in the *Noise Policy for Industry* (NPfI), has been adopted.

Project-specific construction NML for the most potentially affected receivers near the Site are presented in **Table 3-2**.

Table 3-2 Project-specific Construction NML

Receiver	Acceptable $L_{Aeq,15min}$ noise level (standard daytime hours) (dBA)	Highly affected noise level (dBA)
Nearby residences	45	75

3.2 Noise Modelling Methodology and Assumptions

Construction noise emissions from the Proposal have been modelled using SoundPLAN v8.2. The selected noise calculation method is International Standard ISO 9613-2:1996 *Acoustics – Attenuation of sound during propagation outdoors – Part 2: General Method of Calculation* (ISO 9613-2).

Factors accounted for by ISO 9613-2 are:

- Noise source sound power and locations
- Shielding from ground topography and structures
- Noise attenuation due to geometric spreading
- Ground absorption
- Atmospheric absorption.

ISO 9613-2 is a “downwind” model, which conservatively assumes that each receiver is downwind from all noise sources.

3.3 Construction Plant, Activities and Sound Power Levels

Sound levels of typical construction equipment are listed in **Table 3-3**. Equipment sound levels have been determined from Transport for NSW’s *Construction Noise Estimator* and the UK Department of Environment, Food and Rural Affairs’ (DEFRA) *Noise Database for Prediction of Noise on Construction and Open Sites*.

The table gives both Sound Power Level (SWL) and Sound Pressure Level (SPL) at seven metres from the equipment. SWL is independent of measurement position. Verification of plant noise is often done by measuring the SPL at seven metres.



Based on the information in **Table 3-3**, activity sound power levels for several key construction phases have been calculated and are presented in **Table 3-4**.

Table 3-4 presents typical worst-case construction source noise levels across a 15-minute period, considering the likely usage of plant during that time, termed the “activity sound power level”. The activity sound power is considered to represent the typical worst-case level in a given 15-minute period. It is important to note that this sound power level is unlikely to be sustained at such a level for the duration of the activity. As a result, many 15-minute periods will be at lower levels.

Typical construction noise levels at sensitive receivers are predicted by modelling the activity sound power level across the works area. Worst-case construction noise levels are predicted by modelling the noisiest plant item in each scenario as a “moving point source” across the works area.

Table 3-3 Typical Construction Plant Sound Levels

Equipment	Sound Power Level, L _{Aeq} (dBA)	Sound Pressure Level at 7m, L _{Aeq} (dBA)
Backhoe	110	85
Truck	103	78
Hand-held power tools	100	75
Piling rig	113	88
Generator	103	78
Welder	105	80
Telehandler	106	81
Mobile crane	98	73



Table 3-4 Construction Phase Activities and Associated Sound Power Levels

Code	Activity	Typical Equipment Used	Activity Sound Power Level (dBA)
TRE	Trenching and earthworks	Backhoe Truck	111
PIL	Piling	Piling rig Telehandler Truck	114
ASS	Assembly and fitout	Hand-held power tools Mobile crane Telehandler Generator Welder Truck	111

3.4 Predicted Construction Noise Levels

The predicted $L_{Aeq,15min}$ noise levels at sensitive receivers during the identified activities are presented in **Table 3-5**. Predicted noise levels exceeding the NML are highlighted in **bold** font.

The results indicate that:

- Noise levels are predicted to exceed the NML at most nearby receivers. The exceedances range from 1 to 19 dBA.
- Construction noise levels are predicted to be highest during piling works.
- Noise levels are not predicted to exceed the highly affected level of 75 dBA at any residential receivers.



Table 3-5 Predicted Construction Noise Levels

Receiver	Predicted Construction L _{Aeq,15min} Noise Levels (dBA)			NML	Exceedance (dBA)
	TRE	PIL	ASS		
R1	49-55	52-58	51-49	45	13
R2	51-61	54-64	57-51	45	19
R3	48-54	51-57	50-48	45	12
R4	44-48	47-51	44-44	45	6
R5	42-46	45-49	42-42	45	4
R6	37-40	40-43	36-37	45	-
R7	39-43	42-46	39-39	45	1
R8	39-43	42-46	39-39	45	1
R9	41-44	44-47	40-41	45	2
R10	45-49	48-52	45-45	45	7

Measures to manage construction noise levels down toward the NML are discussed in Section 5.

4 CONSTRUCTION VIBRATION ASSESSMENT

The following section presents an assessment of potential vibration impacts associated with the works. Piling would be the most likely potential source of vibration impacts associated with the works.

The recommended safe working distances for vibration intensive plant suggested in the Transport for New South Wales *Construction Noise Strategy* have been adopted in this assessment to evaluate the potential for vibration impacts from the proposed works. The safe working distances are conservative and vibration levels within these distances would be well below the criteria for cosmetic damage and human comfort.

Table 4-1 sets out the recommended safe working distances for piling.

Table 4-1 Recommended Safe Working Distances for Vibration Intensive Plant (Vibratory Rollers)

Item	Description	Safe working distance	
		Cosmetic damage	Human comfort
Vibratory pile driver	< 800 mm	2 m	20 m

Review of the information in **Table 4-1** indicates that the safe working distances for building damage and human comfort for the piling are 2 metres and 20 metres, respectively. The nearest and most potentially affected sensitive receivers are located well outside the safe working distances for piling. Therefore, vibration impacts during the works would be negligible.



5 MITIGATION MEASURES

Noise levels associated with the proposed works are predicted to exceed the NML at nearby receivers. Therefore, in accordance with the ICNG, all reasonable and feasible measures should be applied to manage construction noise emissions from the site down toward the NML.

A detailed Construction Noise and Vibration Management Plan (CNVMP) should be prepared and should include, but not be limited to, the following:

- Identification of nearby residences and other sensitive land uses
- Description of approved hours of work
- Description and identification of construction activities, including work areas, equipment and duration
- Description of what work practices (generic and specific) will be applied to minimise noise
- Consider the selection of plant and processes with reduced noise emissions
- A complaint handling process
- Noise monitoring procedures
- Induction and training will be provided to relevant staff and sub-contractors outlining their responsibilities with regard to noise.

Examples of typical construction noise mitigation measures are provided in **Table 5-1**, along with the likely reduction in noise levels. Where reasonable and feasible, these measures should be employed during the works to the extent that NML are achieved at sensitive receivers.

Table 5-1 Construction Noise Mitigation Measures and Indicative Noise Reductions

Mitigation measure	Anticipated noise reduction (dBA)
Administrative controls	
Operate during approved hours	N/A
Undertake regular noise monitoring to determine the impact of operating plant on sensitive receivers	N/A
Appropriate training of onsite staff	N/A
Undertake community consultation and respond to complaints in accordance with established project procedures	N/A



Mitigation measure	Anticipated noise reduction (dBA)
Turning off machinery when not in use	0-5
Respite periods for pile drivers and rock breakers	N/A
Undertake noisier activities during standard construction hours	N/A
Engineering controls	
Portable temporary screens	5-10
Screen or enclosure for stationary equipment	10-15
Maximising the offset distance between noisy plant items and sensitive receivers	3-6
Avoiding using noisy plant simultaneously and / or close together, adjacent to sensitive receivers	2-3
Orienting equipment away from sensitive receivers	3-5
Carrying out loading and unloading away from sensitive receivers	3-5
Using dampened tips on rock breakers	3-6
Using noise source controls, such as the use of residential class mufflers, to reduce noise from all plant and equipment including bulldozers, cranes, graders, excavators and trucks	5-10
Selecting site access points and roads as far as reasonably practicable away from sensitive receivers	3-6
Using spotters, closed circuit television monitors, "smart" reversing alarms, or "squawker" type reversing alarms in place of traditional reversing alarms	2-5
Employ non noise-generating structures such as site offices, storage sheds, stockpiles and tanks as noise barriers	5-10

It should be noted that, even with the application of all reasonable and feasible mitigation measures, noise levels at some sensitive receivers may exceed the NML. In accordance with the ICNG, this would be an acceptable outcome so long as all reasonable and feasible mitigation measures are in place.



6 OPERATIONAL NOISE ASSESSMENT

6.1 Operational Noise Trigger Levels

The *Noise Policy for Industry* (NPfI) (EPA, 2017) provides a framework for assessing environmental noise impacts from industrial premises and industrial development proposals in New South Wales.

The NPfI recommends the development of project noise trigger levels, which provide a benchmark for assessing a proposal or site. The project noise trigger levels should not be interpreted as mandatory noise criteria but, rather, as noise levels that, if exceeded, would indicate a potential noise impact on the community.

The project noise trigger level is the lower value of the project intrusiveness noise level and the project amenity noise level. The project intrusiveness noise level assesses the likelihood of noise being intrusive above the ambient noise level and is applied to residential receivers only. The project amenity noise level ensures the total industrial noise from all sources in the area does not rise above a maximum acceptable level.

The NPfI stipulates that project noise trigger levels are determined for the daytime (7am – 6pm), evening (6pm – 10pm) and night time (10pm – 7am) periods, as relevant. The determined trigger levels typically apply at the most affected point on or within the receiver property boundary.

6.1.1 Project Intrusiveness Noise Level

The intrusiveness noise level is the noise level 5 dBA above the rating background noise level (RBL) for each time period (daytime, evening or night time) of interest at a residential receiver. The RBL is derived from the measured L_{A90} noise levels.

The NPfI stipulates that project intrusiveness noise levels should not be set below 40 dBA during the daytime and 35 dBA in the evening and night time. Additionally, the NPfI recommends that the project intrusiveness noise level for evening is set at no greater than that for the daytime, and that the project intrusiveness level for night time is set at no greater than that for the evening and daytime.

A conservative approach has been adopted in this assessment whereby the minimum project intrusive noise levels recommended in the NPfI have been adopted. Intrusiveness noise levels for the project are summarised in **Table 6-1**.



Table 6-1 Project Intrusiveness Noise Levels

Receiver	Time of day ¹	RBL (dBA)	Project Intrusiveness noise level – $L_{Aeq,15min}$ (dBA)
R1 – R10	Day	35	40
	Evening	30	35
	Night	30	35

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

6.1.2 Project Amenity Noise Levels

Project amenity noise levels aim to set a limit on continuing increases in noise levels from all industrial noise sources affecting a variety of receiver types; that is, the ambient noise level in an area from all industrial noise sources remains below recommended amenity noise levels.

The amenity assessment is based on noise criteria specific to land use and associated activities. The criteria relate only to industrial-type noise and do not include transportation noise (when on public transport corridors), noise from motor sport, construction noise, community noise, blasting, shooting ranges, occupational workplace noise, wind farms, amplified music/patron noise.

The amenity noise level aims to limit continuing increases in noise levels which may occur if the intrusiveness level alone is applied to successive development within an area.

The recommended amenity noise level represents the objective for total industrial noise at a receiver location. The project amenity noise level represents the objective for noise from a single industrial development at a receiver location.

To prevent increases in industrial noise due to the cumulative effect of several developments, the project amenity noise level for each new source of industrial noise is set at 5dBA below the recommended amenity noise level.

The following exceptions apply to determining the project amenity noise level:

- For high-traffic areas the amenity criterion for industrial noise becomes the $L_{Aeq,period(traffic)}$ minus 15dBA.
- In proposed developments in major industrial clusters.
- If the resulting project amenity noise level is at least 10 dB lower than the existing industrial noise level, the project amenity noise level can be set at 10 dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.
- Where cumulative industrial noise is not a consideration because no other industries are present in, or likely to be introduced into the area, the relevant amenity noise level is assigned as the project amenity noise level for the development.



Amenity noise levels are not used directly as regulatory limits. They are used in combination with the project intrusiveness noise level to assess the potential impact of noise, assess mitigation options and determine achievable noise requirements.

The project amenity noise levels are calculated from the recommended amenity noise levels presented in **Table 6-2**.

Table 6-2 Recommended Amenity Noise Levels

Receiver	Noise amenity area	Time of day ¹	Recommended amenity noise level – L _{Aeq,period} (dBA)
Residential	Rural	Day	50
		Evening	45
		Night	40
	Urban	Day	55
		Evening	45
		Night	40
	Suburban	Day	60
		Evening	50
		Night	45
Hotels, motels, caretaker's quarters, holiday accommodation, permanent resident caravan parks	See column 4	See column 4	5 dBA above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day.
School classroom (internal)	All	Noisiest 1-hour period when in use	35
Hospital ward: Internal External	All	Noisiest 1-hour	35
	All	Noisiest 1-hour	50
Place of worship (internal)	All	When in use	40
Area specifically reserved for passive recreation (e.g., national park)	All	When in use	50



Receiver	Noise amenity area	Time of day ¹	Recommended amenity noise level – $L_{Aeq,period}$ (dBA)
Active recreation area (e.g., school playground, golf course)	All	When in use	55
Commercial premises	All	When in use	65
Industrial premises	All	When in use	70
Industrial interface (applicable only to residential noise amenity areas)	All	All	Add 5 dBA to recommended noise amenity area

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

Recommended amenity noise levels presented in **Table 6-2** represent the objective for total industrial noise at a receiver location. In the case of a single new noise source being proposed, the project amenity noise level represents the objective for noise from a single industrial development at the receiver location. This is typically calculated as the recommended amenity noise level minus 5 dBA.

Due to different averaging periods for the $L_{Aeq,15min}$ and $L_{Aeq,period}$ noise descriptors, the values of project intrusiveness and amenity noise levels cannot be compared directly when identifying noise trigger levels i.e. the most stringent values of each category. To make a comparison between descriptors, the NPfI assumes that the $L_{Aeq,15min}$ equivalent of an $L_{Aeq,period}$ noise level is equal to the $L_{Aeq,15min}$ level plus 3dB.

Residential receivers near the Proposal are classified as being in a “rural” noise amenity area.

The project amenity noise levels for the Proposal are presented in **Table 6-3**.

Table 6-3 Project Amenity Noise Levels

Receiver	Time of day ¹	Recommended amenity noise level – $L_{Aeq,period}$ (dBA)	Project amenity noise level – $L_{Aeq,15min}$ (dBA)
R1 – R10	Day	50	48
	Evening	45	43
	Night	40	38

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.



6.1.3 Project Noise Trigger Levels

The project intrusiveness noise levels and project amenity noise levels for sensitive receivers are summarised in **Table 6-4**. The project noise trigger levels (PNTL) – which are the lower values of the project intrusiveness noise levels and the project amenity noise levels – are highlighted in bold.

Table 6-4 Project Noise Trigger Levels

Receiver	Time of day ¹	Project intrusiveness noise level – $L_{Aeq,15min}$ (dBA)	Project amenity noise level – $L_{Aeq,15min}$ (dBA)
R1 – R10	Day	40	48
	Evening	35	43
	Night	35	38

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

6.2 Noise Modelling Methodology and Assumptions

Operational noise emissions from the Proposal have been modelled using SoundPLAN v8.2, using the CONCAWE prediction algorithm. The CONCAWE noise propagation model is used around the world and is widely accepted as an appropriate model for predicting noise over significant distances. Factors addressed in the noise modelling are:

- Equipment noise level emissions and locations
- Shielding from structures
- Noise attenuation due to geometric spreading
- Meteorological conditions
- Ground absorption
- Atmospheric absorption.

6.2.1 Meteorological Effects

At relatively large distances from a source, the resultant noise levels at receivers can be influenced by meteorological conditions, particularly temperature inversions and gradient winds. Where these factors are a feature of an area, their effect on resultant noise levels should be taken into account.

In accordance with the NPfI, the following default conditions have been modelled to account for potential noise-enhancing meteorology:

- Stability category F with 2.0 m/s source-to-receiver winds.



The SoundPLAN noise modelling software includes a feature that allows the model to be run with the “worst-case wind direction”. This option produces the highest noise level for each receiver due to noise-enhancing winds and has been used in the modelling.

6.3 Operational Noise Sources and Assessment Scenarios

6.3.1 Continuous Noise Sources

Significant continuous noise sources associated with the operation of the Proposal are as follows:

- The inverter station, which includes the inverters and a transformer.
- Liquid-cooled battery containers.
- PV panel tracker motors

Sound power levels (SWL) for the noise sources identified above have been adopted from manufacturer data, information from the client and previous measurements conducted by SoundIN. SWL for significant noise sources associated with the operation of the Proposal are summarised in **Table 6-5**.

Table 6-5 Operational Noise Sources and Sound Power Levels

Item	Activity	Quantity	SWL (dBA)	
			Per item	Total
Inverter station	24/7, constant	1	87	87 ¹
Battery container	24/7, constant	4	79	85 ¹
Panel tracking motor	Daytime only, ~1 minute operation each motor per 15-minutes	200	78	89

1. Includes +5dBA correction for tonality

There is potential for the inverter station and battery containers to exhibit tonal noise. In accordance with the NPfI, the SWL for these sources in **Table 6-5** include 5 dBA corrections to account for additional annoyance caused by tonal noise characteristics.



6.4 Predicted Noise Levels

6.4.1 Predicted $L_{Aeq,15min}$ Noise Levels

The predicted $L_{Aeq,15min}$ noise levels at nearby residential receivers associated with the scenario outlined above are presented in **Table 6-6**.

Table 6-6 Predicted $L_{Aeq,15min}$ Noise Levels

Receiver	Predicted $L_{Aeq,15min}$ noise level (dBA)			Project noise trigger level (dBA)			Complies?
	Day	Evening	Night	Day	Evening	Night	
R1	32	27	27	40	35	35	Yes
R2	34	29	29	40	35	35	Yes
R3	35	34	34	40	35	35	Yes
R4	32	31	31	40	35	35	Yes
R5	31	30	30	40	35	35	Yes
R6	31	30	30	40	35	35	Yes
R7	34	33	33	40	35	35	Yes
R8	32	32	32	40	35	35	Yes
R9	33	32	32	40	35	35	Yes
R10	30	28	28	40	35	35	Yes

The results in **Table 6-6** indicate that predicted noise levels at all nearby receivers comply with the noise trigger levels at all times.



7 CONCLUSION

SoundIN has been engaged by Atlas Renewables to undertake a noise and vibration impact assessment (NVIA) for the proposed solar farm at 394 Macedone Road, Griffith.

Noise impacts associated with the construction of the Proposal have been assessed in general accordance with the *Interim Construction Noise Guideline*.

Construction NML have been established for nearby residential receivers and recreation areas.

A computer noise model has been developed to predict noise levels associated with construction activities at nearby sensitive receivers.

The modelling results indicate that:

- Noise levels are predicted to exceed the NML at most nearby receivers. The exceedances range from 1 to 19 dBA.
- Construction noise levels are predicted to be highest during piling works.
- Noise levels are not predicted to exceed the highly affected level of 75 dBA at any residential receivers.

A Construction Noise and Vibration Management Plan (CNVMP) should be prepared for the works and should identify all reasonable and feasible measures that would be employed in an effort to achieve the NML at sensitive receivers.

Safe working distances for relevant vibration generating equipment have been established to ensure that off-site vibration levels do not result in either cosmetic damage to buildings or human comfort impacts.

Noise impacts associated with the operation of the Proposal have been assessed in general accordance with the NPfI. A computer noise model has been developed to predict operational noise levels at sensitive receivers. Noise modelling indicates that operational noise levels comply with the established noise trigger levels at all receivers.





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Development Assessment Report

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-210 (PAN-381175)
DA Number	228/2023(1)
LGA	Griffith City Council
Proposed Development	Electricity Generating Works – Proposed construction of a 4.95 MW Solar Farm
Street Address	Lot 363 DP751743 394 Macedone Road BILBUL 2680
Applicant/Owner	Applicant: Cliff Schmidt of PSA Consultants for ATLAS RENEWABLES PTY LTD Owners: <ul style="list-style-type: none"> • Rocco Fattore • Elizabeth Fattore
Date of DA lodgement	13 November 2023
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • Ten (10) individual submissions
Recommendation	Approval
Regional Development Criteria (Part 2.4, Clause 2.19 of the SEPP (Planning Systems) 2021	SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development 5 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes— (a) ..., electricity generating works, ... (b)
List of all relevant s4.15(1)(a) matters	i.e. any: <ul style="list-style-type: none"> • Griffith Local Environmental Plan, 2014 • Griffith Development Control Plan No 1 – Non-Urban Development • Griffith Development Control Plan No. 20: Off Street Parking (2011)
List all documents submitted with this report for the Panel's consideration	i.e. any: <ul style="list-style-type: none"> • Assessment Report • Draft Conditions of Consent
Clause 4.6 requests	<ul style="list-style-type: none"> • N/A
Summary of key submissions	Submitters were concerned about: <ul style="list-style-type: none"> • Solar farm need in this location; • Visual amenity impacts; • Property values being adversely impacted; • The potential of the solar farm increasing temperature in the area; • Risk of battery fire; • Validity of Land Suitability Report; • Traffic impacts;



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	<ul style="list-style-type: none"> • Construction and operational noise; • Solar Glint and Glare; • Dust; and • Stormwater and soil erosion impacts from runoff.
Report prepared by	Patterson Ngwira (Senior Development Assessment Planner)
Report date	15 February 2024

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized 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?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?

Not applicable

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

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment? **(will be provided prior to determination)**

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



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Development Assessment Report

PART A: GENERAL ADMINISTRATION

DA No:	DA 228/2023
Property Information:	Lot 363 in Deposited Plan (DP) 751743 – 394 Macedone Road, BILBUL
Proposed Development:	Electricity Generating Works
Brief Description of Proposal	Proposed 4.95 MW Solar Farm and 4 x 2,752 MWh batteries
Type of Development:	Regional Development
Lodgement Date:	13 th of November 2023
Statutory Timeframe:	60 Days
Value of Development:	\$6,800,104.08
Applicant's Details:	Cliff Schmidt of PSA Consulting for ATLAS RENEWABLES PTY Level 11 PO Box 10824, 270 Adelaide Street Brisbane QLD 4000
Land Owner's Details:	Rocco Fattore and Elizabeth Fattore 394 Macedone Road Bilbul NSW 2680
Report Author/s:	Patterson Ngwira, Senior Development Assessment Planner



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PART B: EXECUTIVE SUMMARY

- It is recommended that the *Electricity Generating Works* in the form of a 4.95 MW solar farm and 4 x 2,752 MWh batteries at 394 Macedone Road, Bilbul (Lot 363 DP 751743) application be approved based on the details contained in the report.
- The Project meets the criteria for regionally significant development as outlined in the *State Environmental Planning Policy (Planning Systems) 2021* under Section 2.19(1) and Schedule 6(5) therein. According to this section, development listed in Schedule 6 is considered regionally significant if it has a capital investment value (CIV) of more than \$5 million, and the Project's CIV is approximately \$6.8 million.
- The application has been referred to the Western Region Planning Panel on the basis of the requirements of *Environmental Planning and Assessment Act 1979* (the Act) and *Environmental Planning and Assessment Regulation 2021*. In this regard, all matters for consideration under section 4.15 of the Act have been addressed.

PART C: PROPOSAL

ATLAS RENEWABLES PTY (referred to as the applicant) intends to establish a solar farm with a capacity below 5 megawatts (MW) (known as the proposal) on the property located at 394 Macedone Road, Bilbul (Lot 363 DP 751743), hereafter referred to as the "subject property." The development site, covering approximately 11.8 hectares (ha) of land, will be the area dedicated to the proposal within the subject property – identified in green at **Figure 1** below in this report.

The proposed development involves the establishment of a new 4.95 MW solar farm and 4 x 2,752 MWh batteries. The Site Layout Plan is shown in Figure 1. The proposed solar farm will feed electricity to the public grid, which complements the Federal Government's desire to be net-zero by 2050. At the end of life of the solar farm (approximately 30 years), the solar panels and associated infrastructure can be easily removed, and the site would be rehabilitated to its current state. The proposed solar farm will consist of approximately 12,000 single axis tracking panels, configured in rows running north – south across the site at 4m spacings. The proposed solar panels will track the sun from east to west, maximising exposure and electricity generation throughout the day and will have a maximum height of approximately 4 m. The solar arrays will be installed on metal footings extending between 0.5 – 1.0 m underground and, as such, no change to the current ground levels is required to create an even building pad.

In summary the proposed development will consist of:

- Approximately 12,000 single axis tracking panels, configured in rows running north – south across the site at 4m spacings.
- The proposed solar panels will track the sun from east to west, maximising exposure and electricity generation throughout the day and will have a maximum height of approximately 4 m.
- The solar arrays will be installed on metal footings extending between 0.5 – 1.0 m underground and, as such, no change to the current ground levels is required to create an even building pad.
- Specifically, the proposed development includes the following components:
 - Installation of solar panel arrays with single axis trackers (approximately 12,000 panels).
 - Inverter station.
 - 4 x 2,752 MWh batteries.
 - Connection to the Essential Energy Network.
 - Construction of a new unsealed access track connecting to Macedone Road.
 - A Hardstand for a construction lay down area and unloading of heavy vehicles.
 - Security Fencing.



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➤ Landscape Buffer.

Refer to **Figures 2 and 3** for the layout and views of the Inverter and Battery. **Figure 4** shows the security fence, landscaped area and tracking system section view.

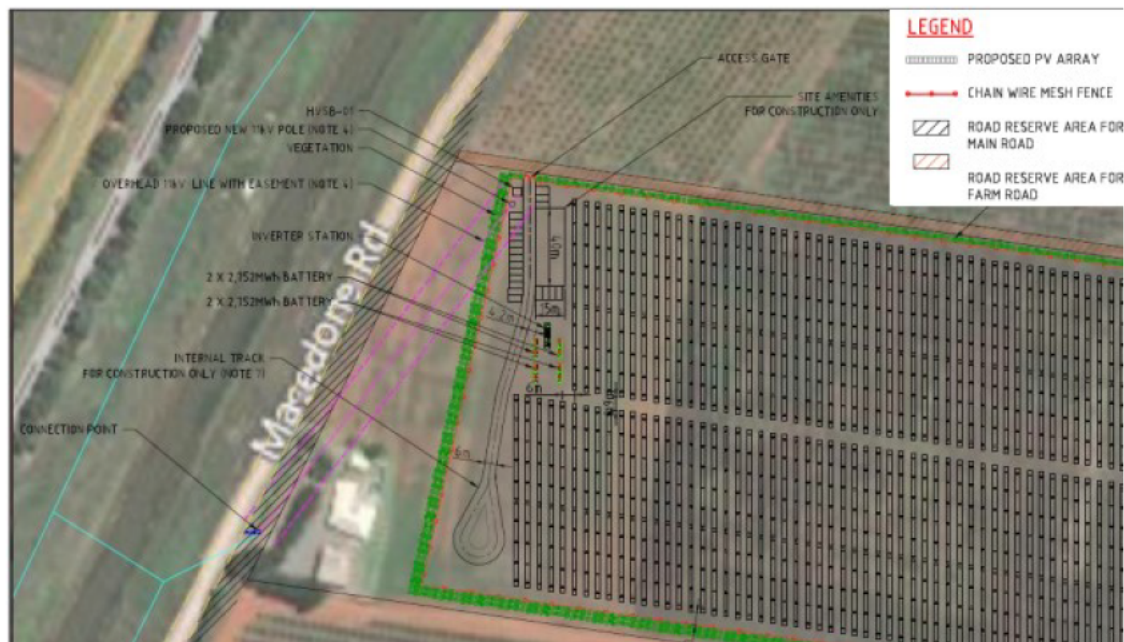
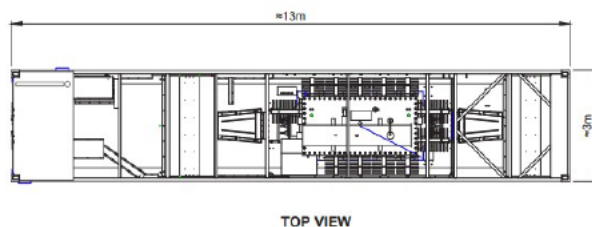


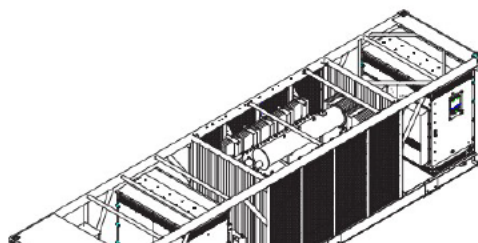
Figure 1 - Subject site and Development Area (illustrated in green) (Source: Application Common Material).

CENTRAL INVERTER LAYOUT



TOP VIEW

SIDE VIEW



TYPICAL CENTRAL



Figure 2 - Layout and View of the Inverter (Source: Application Common Material).



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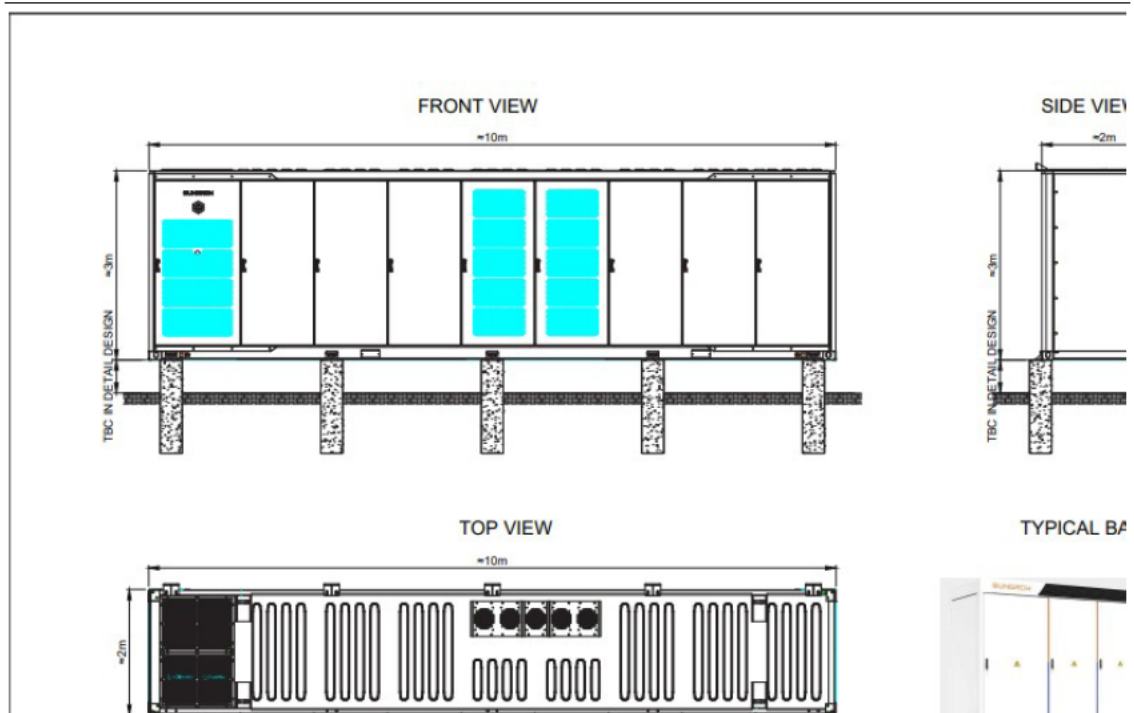
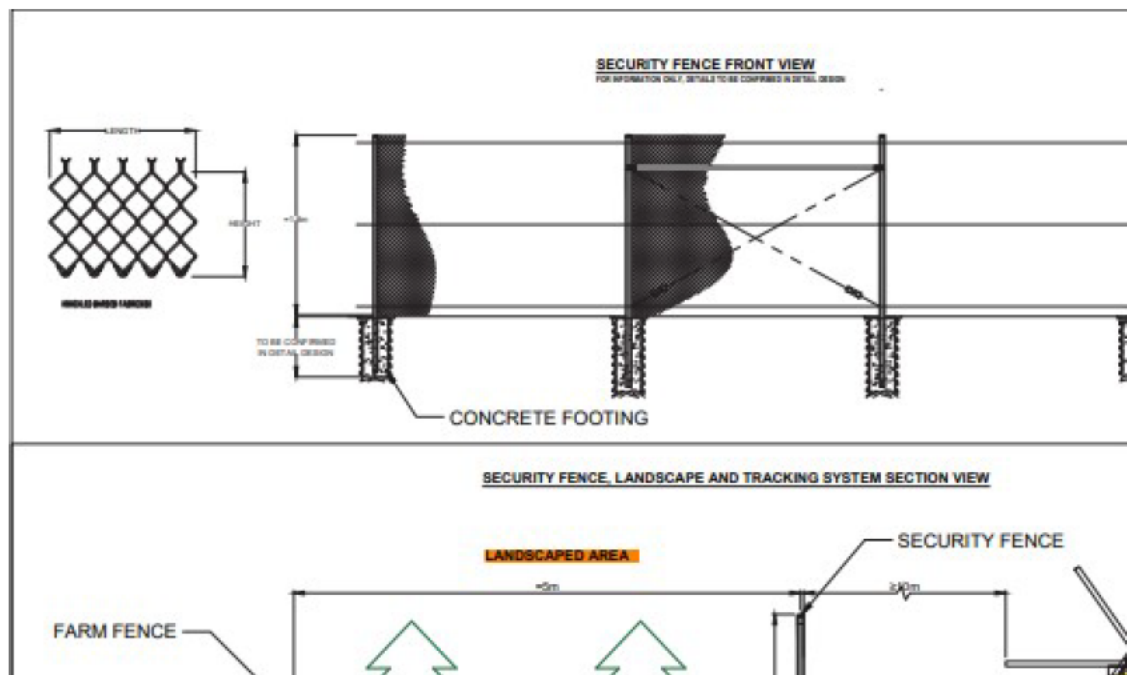


Figure 3 - Inverter and Battery Container (Source: Application Common Material).





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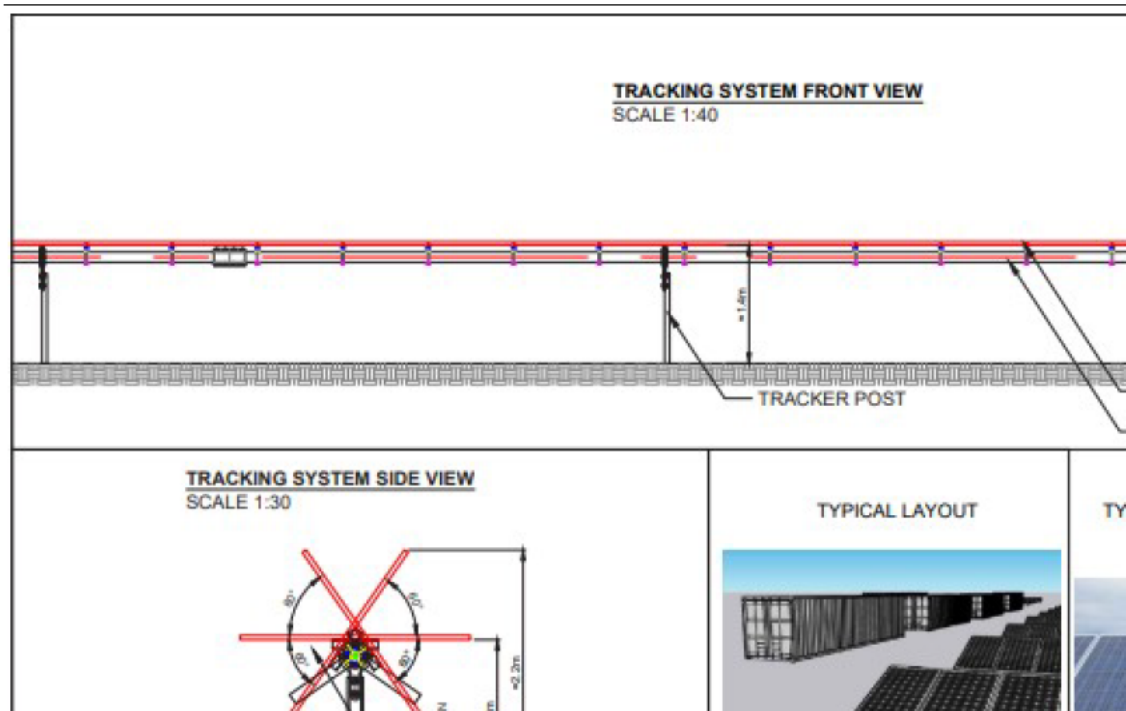


Figure 4 - Security fence, landscaped area and tracking system section view (Source: Application Common Material)

PART D: SITE DESCRIPTION AND LOCALITY

The Site

The subject property, known as 394 Macedone Road, Bilbul (Lot 363 DP 751743), encompasses an area of approximately 11.8 hectares (ha). The proposed project will utilise most of the subject property – illustrated in green at **Figure 1**. The site also contains a dwelling house with associated swimming pool and two (2) outbuildings.

Topographically, the subject site is generally flat and has frontage to Macedone Road along the western boundary. A portion of the eastern boundary also has frontage to Rossetto Road. Due to the use of the site for orcharding, it has historically been cleared and is considered Category 1 – excluded land for the purposes of the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016* (BC Act). No native vegetation would be impacted by the proposal.

The Locality

The subject property is situated in the rural area of the Griffith Local Government Area (LGA), approximately 6 km north-east of Griffith (refer to **Figures 5 and 6**). The surrounding locality is predominantly consisting of rural cropping activities including citrus orchards and grape vineyards. The Beelbangera Substation is located approximately 295m south-west of the site at 440 Rossetto Road. Essential Energy's overhead 11 kV powerlines run along Macedone Road, which the proposed project would connect to via underground cables.



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Figure 5 – Site Locality (Source: Council's Intramaps).



Figure 6 - Development Site (in red) and Surrounding Landuses (Source: Application Common Material)

PART E: BACKGROUND INFORMATION AND HISTORY OF THE SITE



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Pre-Lodgement

Prior to the application being lodged with Griffith City Council, the proponent for the development held a pre-lodgement discussion with Council Officers on the 26th of May 2023. During the pre-lodgement discussion, the following issues were raised verbally (or in writing):

- Permissibility of the proposed development to be based on its own merits and no in-principle support could be given.
- Traffic Impact assessment: Outlining traffic movements both during construction and operation of the solar farm.
- Glint and Glare Assessment.
- Aboriginal Cultural Heritage Assessment.
- Noise Impact Assessment: Factoring in impacts on surrounding sensitive receptors i.e., residential dwelling.
- Agronomist report.

Development Assessment Panel

The matter was considered at the Development Assessment Panel meeting on 4th of November 2023 and the following matters were raised during the preliminary assessment of the application which are potential issues or where further information from the applicant is required:

- Contaminated Land Assessment was required due to change of use of the land from likely irrigated land used for growing citrus in 2008 and vines in 2016 to the proposed non-agricultural use (i.e., solar farm) of arable land.
- Consideration should be given to pre-lodgement comments (as stated above).

Council had also sent a request on 9 January 2024 to the applicant to respond to the issues raised in the ten (10) submissions received through the notification period. The applicant's response to public submissions was received on 8 February 2024 and it has been assessed in Table 2 in Part G below in this report.

Development History of Site

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives. Based on the information available the following can be established:

- The land is located within the Murrumbidgee Irrigation Area and has been used for irrigation to citrus and vines.

PART F: STATUTORY REFERRALS

The following statutory referrals were considered as part of the assessment of the application:

AGENCY	LEGISLATION	APPLIES
DPI	Fisheries Management Act 1994 Mines Subsidence Compensation Act 1961 Mining Act 1992 Petroleum (Onshore) Act 1991	Yes/No
EE&S	National Parks, & Wildlife Act 1974 Protection of the Environment Operations Act 1997 Water Management Act 2000	Yes/No



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NSW Heritage	Heritage Act 1977	Yes/No
Transport for NSW	Roads Act 1993	Yes/No
RFS	Rural Fires Act 1997	Yes/No
Transport NSW	SEPP Infrastructure – Division 5 Subdivision 2	Yes/No

Referral	Date Sent	Date Received
Essential Energy (SEPP Transport & Infrastructure 2021)	17 November 2023	7 December 2023
Civil Aviation Safety Authority (CASA)	5 December 2023	6 December 2023

Submissions received in response to the abovementioned referrals are addressed in **Part G – Table 2.: Matters for Consideration, s4.15(1)(d)** – any Submissions Made in Accordance with the Act or Regulation.

PART G: SECTION 4.15 EVALUATION

In determining a development application, a consent authority is to take into consideration Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The following matters are of relevance to the development the subject of the development application.

SECTION 4.15(1)(a)(i) any environmental planning instrument.

Griffith Local Environmental Plan 2014

(a) Permissibility

The proposed development is for the establishment of a 4.95 megawatt (Mw) solar farm and installation of 4 x 2,752 MWh Battery Energy Storage System (BESS) and this falls under the definition of *Electricity Generating Works* in the Dictionary of *Griffith Local Environmental Plan 2014*, which is defined as:

Electricity Generating Works – Means a building or place used for the purpose of –

- a) Making or generating electricity, or
- b) Electricity storage.

The subject land is zoned RU1 Primary Production and under Part 2 Land Use Table of *Griffith Local Environmental Plan 2014* and *Electricity Generating Works* is not listed as a development that is permitted with the consent of the Council. Nonetheless, *Electricity Generating Works* is permitted within Part 2.3, Division 4 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

(b) Aims and Objectives

The proposed development has been considered with regard to the aims of *Griffith Local Environmental Plan 2014* as set down in Part 1, clause 1.2(2) which states:

- (a) to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,
- (b) to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,



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- (c) *to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) *to manage and protect areas of environmental significance,*
- (e) *to recognise the historical development of the area and to preserve heritage items associated with it.*

The objectives for Zone RU1 Primary Production set down in the Land Use Table are as follows:

- *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 permit a range of activities that support the agricultural industries being conducted on the land and limit development that may reduce the agricultural production potential of the land.*
- *To permit tourist facilities that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.*

The proposed solar farm complies with the objectives of the RU1 – Primary Production land zoning outlined in the *Griffith Local Environmental Plan 2014*. By harnessing renewable energy resources to generate electricity, the solar farm supports the promotion of sustainable primary industry production. This not only helps preserve and improve the natural resource base but also reduces reliance on fossil fuels, in accordance with the first objective.

Moreover, the proposed solar farm will feed electricity directly into the exiting electrical network and in particular, the Beelbanger Substation which is located approximately 300m away. The development of the solar farm has minimal impact on the surrounding resource lands and can coexist with existing agricultural practices. The solar farm development does not contravene the land use regulations in the neighbouring zones, and it does not compromise the agricultural production potential of the land. Overall, the solar farm's development application satisfies the objectives of the RU1 – Primary Production land zoning and represents an environmentally-friendly initiative for the region.

(b) Principal Development Standards & other LEP Provisions

Clause	Clause Requirement & Assessment Comment
5.21 Flood Planning	Assessment Comment: Addressed Below
7.1 Earthworks	Assessment Comment: Addressed Below.
7.3 Terrestrial Biodiversity	Assessment Comment: Addressed Below
7.10 Essential Services	Assessment Comment: Connecting power is the key essential service, which is addressed in the proposal.



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Clause	Clause Requirement & Assessment Comment

Clause 5.21 Flood Planning

- (1) *The objectives of this clause are as follows—*
- (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:**(2)(a)**

The Griffith Main Drain J & Mirrool Creek - Yenda Flood Mapping Update 2021 (Torrent Consulting) details that the subject allotment is flood prone for the 1% Annual Exceedance Probability (1 in 100 year event). Due to the nature of the subject development as a solar farm with no habitable buildings, Council's Engineers are satisfied that the development is compatible with land that is flood prone.

(2)(b)

The Griffith Main Drain J & Mirrool Creek - Yenda Flood Mapping Update 2021 (Torrent Consulting) details that the subject allotment is flood prone for the event larger than 1% Annual Exceedance Probability (1 in 100 year event). The proposed development is for the construction of a 4.95MW solar farm and 4 x 2,752 batteries. The installation includes 12,000 solar panels mounted on tracker posts, one high voltage kiosk, one central inverter, 4 Battery Energy Storage System containers and hardstand parking and loading areas. The tracker posts for the solar panel installation will have a small cross-sectional area. As such the solar panel installation will have a negligible effect on the flood behaviour of the land (refer **Figures 2, 3 & 4** above).

In Section 3.2 of the Statement of Environmental Effects, the applicant has stated that "*The site is not located within Council's Flood Planning area and there are no watercourses mapped on the State Government Hydro line database within 40m of the subject site.*" However, Council's Engineering Design Coordinator (the Engineer) has confirmed that the subject site is flood prone land for events larger than 1% AEP and that there is no flood indication for a 1% AEP event.



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The Engineer noted that floor levels are subject to Council's Flood Management Policy. The floor level for habitable room areas is to be 410mm above the existing natural ground level. Council does not have sufficient accurate ground level information. A registered surveyor may be able to assist in determining the required floor height. The applicant is advised to obtain a survey plan of the allotment.

Given that the development does not involve habitable buildings/structures it is considered that the additional stormwater discharge resulting from the development will be insignificant in relation to the overall catchment area for the site and given the size of the lot and surrounding farmland.

Stormwater is not permitted to cross property boundaries unless easements are created in accordance with Section 88B of the Conveyancing Act. Council is satisfied that the proposed development will not result in the detrimental increases in the potential flood affectation of other developments or properties.

(2)(c)

The proposed development does not include the construction of habitable rooms. As such Council is satisfied that the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.

(2)(d)

The proposed development does not include the construction of habitable rooms. As such Council is satisfied that there will be no increase in the potential risk to life from flooding onsite or downstream of the subject development.

(2)(e)

Construction works will be required for the installation of the solar panels and footings for the high voltage kiosk, central inverter, 4 Battery Energy Storage System containers, loading and parking area. As such conditions shall be imposed on the development to ensure erosion and sediment controls are implemented to Council's satisfaction prior to the issue of a Construction Certificate. This will ensure the proposed development does not cause avoidable erosion or siltation. The subject site is currently developed with dwelling and outbuilding and there is no riparian vegetation on the area of land to be developed. As such, through the conditions of consent, Council is satisfied that the proposed development will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

Section 4.6.3 of the Statement of Environmental Effects states that the '*... site has not been identified as flood prone land in any Council flood study or management plan. The proposal is compatible with the flood function of the land as it is an unmanned facility that is extremely*



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permeable in the event of a flood. However, Council's Engineering Design Coordinator has stated that according to the Griffith Main Drain J & Mirrool Creek Flood Study 2021 the subject site is Flood Prone Land for events larger than 1% AEP but there is no flood indication for a 1% AEP event. The applicant's assessment that the proposal involves an unmanned facility which is extremely permeable in the event of a flood is acceptable and supported in terms of Clause 5.21 of the *Griffith Local Environmental Plan 2014*, specifically regarding flood behaviour.

An advisory condition indicating the proposed development is on flood prone land (1% AEP) is recommended to ensure all electrical infrastructure which can be damaged due to flood water is to be installed above the 1% water level of 127.78m (Australian Height Datum). Taking into account the nature of the solar farm development, it is considered that the proposed development will not result in the detrimental increases in the potential flood affectation of other developments or properties. It is recommended that stormwater is not permitted to cross property boundaries unless easements are created in accordance with Section 88B of the *Conveyancing Act 1919* (as amended).

Clause 7.1 Earthworks

- (1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) *Development consent is required for earthworks unless—*
 - (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

Comment: Development consent is required.

- (3) *In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

Comment: The proposed development will require a Construction Certificate prior to commencement of any earthworks because it includes ancillary earthworks which are associated with the construction of the solar farm and the installation of the inverter, battery Container and tracking system. These works include.

- Construction of the new vehicle access from Macedone Road.
- Installation of the solar panels (approximately 12,000 panels) on metal footings extending between 0.5 – 1.0m underground.



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- Placement of footings for the tracking system, inverter and battery container.
- Installation of the security fence posts.
- Trenching for underground infrastructure.
- Landscape buffer.
- Hardstand for a construction lay down and unloading of heavy vehicles.

The earthworks shall be minimal and should not alter any existing drainage patterns or be detrimental to the soil stability in the area. Any potential erosion and sediment control concerns will be addressed as part of the construction works and as part of any conditional consent.

Clause 7.3 Terrestrial Biodiversity

- (1) *The objective of this clause is to maintain terrestrial biodiversity by—*
- (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*

Comment:

Clause 7.3 of Griffith Local Environmental Plan 2014 does not apply to the proposed development (refer Figure 7 below).



Figure 7 - Development Area (RED) and Terrestrial Biodiversity overlay (GREEN) (Source: Council's Intramaps)

- (3) *In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—*
- (a) *whether the development is likely to have—*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*



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- (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Clause 7.3 of Griffith Local Environmental Plan 2014 does not apply to the proposed development.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Clause 7.3 of Griffith Local Environmental Plan 2014 does not apply to the proposed development.

Clause 7.10 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

Comment:

This development neither requires a water supply nor connection to a sewer system. The applicant is to make their own arrangements with the service provider for an adequate connection to electricity for the proposed development. All costs are to be borne by the applicant.

Council's Traffic and Development Coordinator (Coordinator) has assessed the proposed development with regard to the Griffith Main Drain J & Mirrool Creek - Yenda Flood Mapping Update 2021 (Torrent Consulting) and confirmed that the subject allotment is flood prone for the 1% Annual Exceedance Probability (1 in 100-year event). The Engineer noted the insignificant change to the ground level or increase in the concentration of stormwater flows resulting from the construction of the development and as such negligible change to the existing stormwater flows across the site are expected.

The development site currently sustains a single dwelling and ancillary farm sheds in the south western corner of the lot. The remainder of the lot was previously used for agricultural purposes which (as per the submitted Statement of Environmental Effects) has not sustained agricultural productivity for at least a decade (however this length of time has not been confirmed). Access to the lot is currently gained by an existing 12m (approximately) wide gravel accessway on the south western corner adjacent to the dwelling (refer **Figure 8** below in this report). This accessway is situated approximately 230 metres north of the intersection of Macedone and Rossetto Roads. A new accessway is being proposed approximately 450 metres north of the Macedone Road and Rossetto Road intersection, and, approximately 220 metres north of the existing accessway to the lot. A suitable all-weather access track will be constructed off Macedone Road to facilitate all solar farm traffic during construction and for ongoing operations.



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The proposed development will generate peak traffic to the site of approximately 40 light vehicle trips per day over a 7-10 month construction period. In addition, there will be (at peak) 6 heavy vehicle trips per day across the 3-6 month delivery period. The largest vehicle proposed to access the site is a 19 metre B-double. Post construction, the development will attract 2-3 light vehicles per week for maintenance purposes. An internal unsealed road (which links via a gate to a road reserve area for the farm road) within the fenced boundary of the site is also being proposed. No details have been given in relation to the connection of the road reserve area to Macedone Road and as such it is recommended that a detailed accessway design is to be submitted to Council for assessment prior to the issue of a Construction Certification. The proposal will be conditioned that the accessway is to be an all-weather access and be constructed from 200mm of compacted road gravel including a concrete culvert with concrete headwalls and guideposts to delineate the accessway. An on-site access gate to be situated at the north western corner of the site approximately 40 metres east of Macedone Road will be installed and will provide ample storage space for a 19m B-double vehicle in the event where the gate is closed at the time of delivery. The proposal will be conditioned that the proposed gate be set back a minimum of 40 metres from the edge of Macedone Road and that access to the gate from Macedone Road must remain unrestricted.

The Coordinator has assessed the Safe Intersection Sight Distance (SISD) and concluded that sight distances to the north and south along Macedone Road from the proposed accessway site satisfies the SISD requirements for a 100km/h speed zone as specified in Austroads Guide to Road Design Part 4A provided road side vegetation is maintained. For this reason, it is recommended that the proposal be conditioned that the road reserve is to be maintained to provide safe sight distance for motorists entering and exiting the site and minimise conflict.

In summary, it is considered that through the conditions of consent suitable vehicular access will be available to the proposed development.

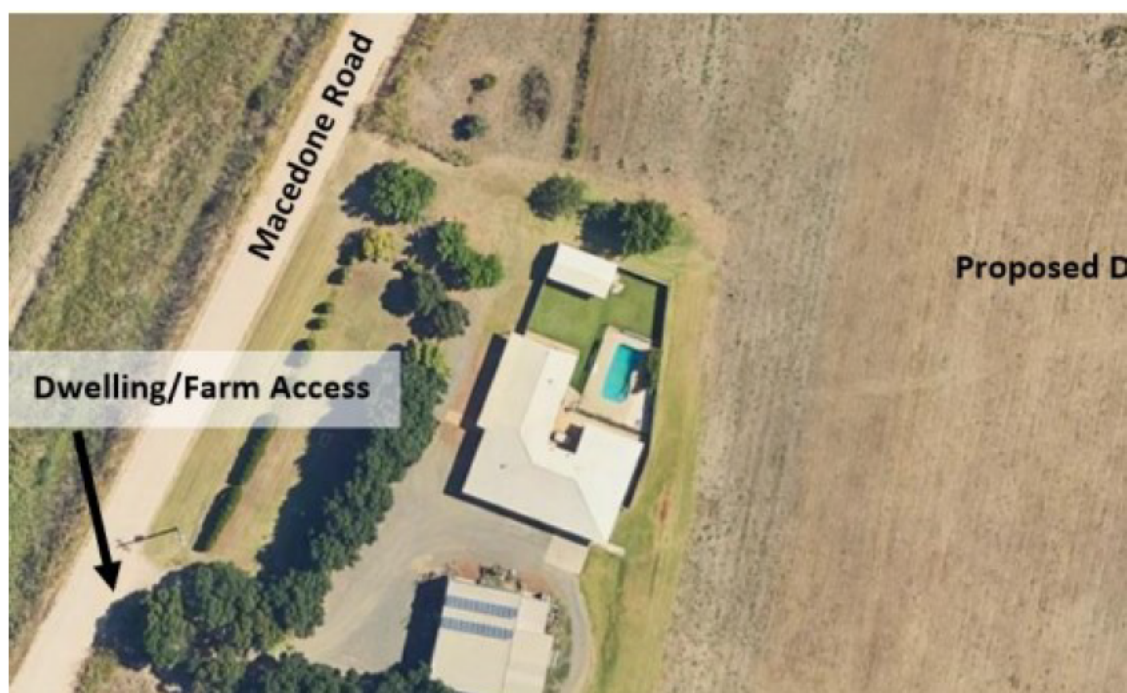


Figure 8 - Existing Accessway at 394 Macedone Road Bilbul (Source: Application Common Material).

State Environmental Planning Policies



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The following is a list of State Environmental Planning Policies that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

SEPP TITLE	APPLIES
Design Quality of Residential Apartment Developments	Yes /No
BASIX 2004	Yes /No
Exempt and Complying Codes 2008	Yes /No
Biodiversity and Conservation 2021	Yes /No
Housing 2021	Yes /No
Industry and Employment 2021	Yes /No
Planning Systems 2021	Yes /No
Primary Production	Yes /No
Resilience and Hazards 2021	Yes /No
Transport and Infrastructure 2021	Yes /No
Resources and Energy 2021	Yes /No

State Environmental Planning Policy – Planning Systems 2021

Clause 2.19 of SEPP – Planning Systems

2.19 Declaration of regionally significant development: section 4.5(b)

(1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.

- (2) However, the following development is not declared to be regionally significant development—***
- (a) complying development,***
 - (b) development for which development consent is not required,***
 - (c) development that is State significant development,***
 - (d) development for which a person or body other than a council is the consent authority,***
 - (e) development within the area of the City of Sydney.***

Schedule 6 of SEPP – Planning Systems

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

- (a) 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, childcare centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.***

Comment:

The Project meets the criteria for regionally significant development as outlined in the Planning Systems SEPP (PS SEPP) under Section 2.19(1). According to this section, development listed in Schedule 6 is considered regionally significant if it has a capital investment value (CIV) of more than \$5 million, and the Project's CIV is approximately \$6.2 Million (exclusive of GST).

State Environmental Planning Policy – Primary Production (Chapter 2 – Primary production and rural development)

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The aims of this Chapter are as follows—

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

Comment:

In Section 2.8, it is established that land is deemed State significant if it is included in Schedule 1. However, as of time of lodgement of the Development Application, Schedule 1 to this SEPP has yet to be finalised. Therefore, the development is not located on State significant agricultural land.

State Environmental Planning Policy – Transport and Infrastructure 2021

Part 2.3 Development Controls

Division 4 Electricity Generating Works and Solar Energy Systems

2.36 Development permitted with consent

- (1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—
 - (a) in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,
 - (b) in any other case—any land in a prescribed non-residential zone.

Comment:

The guidelines for the development of *electricity-generating works* and *solar energy systems* are outlined in Division 4 of Part 2.3. According to Section 2.35:

solar energy system -means any of the following systems—

- (a) a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—
 - (i) carried out on the land on which the system is located, or
 - (ii) carried out by the owner of the system on adjoining land,
- (b) a solar hot water system,
- (c) a solar air heating system.

electricity generating works means a building or place used for the following purposes, but does not include a solar energy system—

- (a) making or generating electricity,
- (b) electricity storage.



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As a result, the classification of "electricity generating works" is more appropriate for the project. The electricity generating works is also being undertaken on land zoned RU1 – Primary Production, which falls under the category of "prescribed not – residential zone" under Section 2.35 of the SEPP.

- (2) *Development for the purpose of a back-up electricity generating plant that operates for not more than 200 hours in any year may be carried out by any person with consent on any land [section 2.36(2)].*

Comment: Not applicable.

- (3) *Development for the purpose of the expansion of existing electricity generating works may be carried out by or on behalf of a public authority with consent on any land that is adjacent to the existing works.*

Comment: Not applicable.

- (4) *Consent is not required to carry out any such development on land if the development could, but for subsection (3), be carried out on that land without consent.*

Comment: Not applicable.

- (5) *Development for the purpose of, or resulting in, a change of fuel source of an existing coal or gas fired generating works by a proportion of more than 5 per cent in any 12 month period may only be carried out with consent.*

Comment: Not applicable.

- (6) *If, under any environmental planning instrument (including this Chapter), development for the purpose of—*
(a) *industry, or*
(b) *a waste or resource management facility,*
may be carried out on land with consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person with consent on that land.

Note—Thermal energy from waste development is regulated by Division 28.

Comment: Not applicable.

- (7) *Without limiting subsection (1), development for the purpose of a small wind turbine system may be carried out by any person with consent on any land.*

Comment: Not applicable.

- (8) *However, subsection (7) only applies in relation to land in a prescribed residential zone if—*
(a) *the small wind turbine system has the capacity to generate no more than 10kW, and*
(b) *the height of any ground-mounted small wind turbine in the system from ground level (existing) to the topmost point of the wind turbine is no more than 18m.*

Comment: Not applicable.

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

Comment: Not applicable.



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Division 5 Electricity Transmission and Distribution Networks

Part 2.3, Division 5 lists the general planning requirements for 'electricity transmission or distribution'. Section 2.43 to Division 5 defines an 'electricity transmission or distribution network' as including any of the following:

electricity transmission or distribution network includes the following components—

- (a) *above or below ground electricity transmission or distribution lines (including related bridges, cables, conductors, conduits, poles, towers, trenches, tunnels, access structures, access tracks and ventilation structures) and telecommunication facilities that are related to the functioning of the network,*
- (b) *above or below ground electricity switching stations or electricity substations, feeder pillars or transformer housing, substation yards or substation buildings,*
- (c) *systems for electricity storage associated with a component specified in paragraphs (a) and (b).*

Comment: The development includes the construction of underground hv cable that will connect the electricity generating works to the existing line in Macedone Road (refer **Figure 9** below).

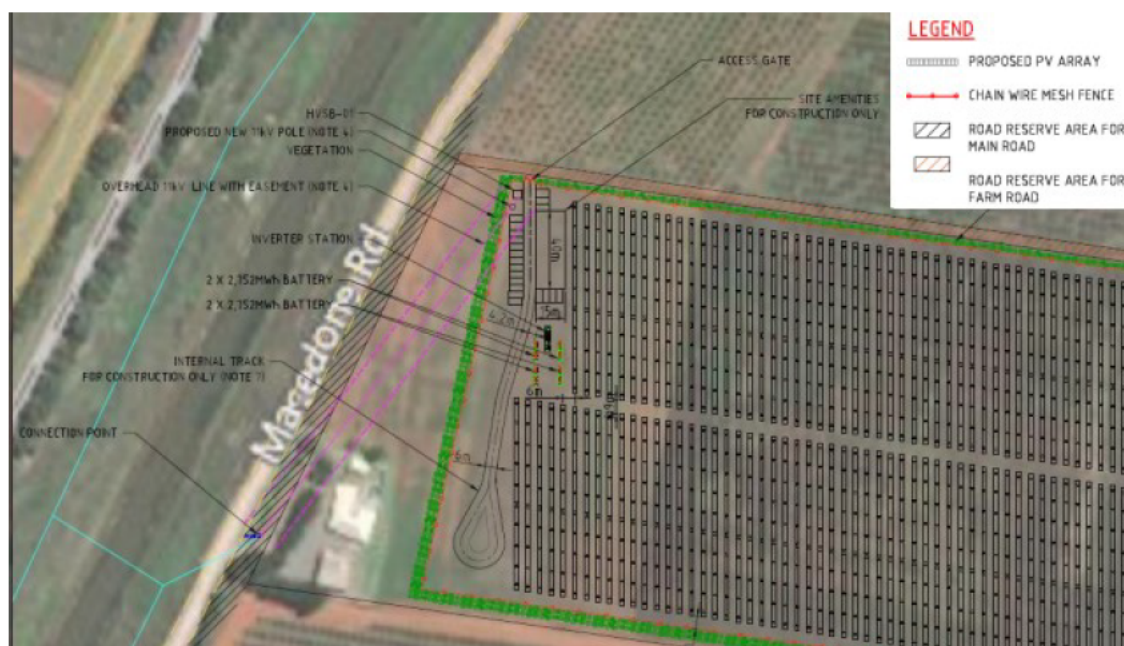


Figure 9 - Underground HV Work in Purple (Source: Application Common Material).

2.48 Determination of development application – other development

- (1) *This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—*
 - (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) *development carried out—*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*



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- (c) *installation of a swimming pool any part of which is—*
- (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

Comment: Section 2.48 further determines that the consent authority must 'give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given', when determining whether to approve a DA.

On 5 December 2023, Council notified Essential Energy of the Development Application. A response was received from Essential Energy on 6 December 2023 and has been included as **Attachment 1** in this report. The response does not object to the development and outlines certain safety risks.

- (2) *Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—*
- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

Comment: Council notified Essential Energy of the Development Application. A response was received from Essential Energy on the 6 December 2023. The response does not object to the development and outlines certain safety risks. Council also notified the Civil Aviation Safety Authority which had no concerns.

SECTION 4.15(1)(a)(ii) any draft environmental planning instrument.

There are no draft environmental planning instruments.

SECTION 4.15(1)(a)(iii) any development control plan.

The following is a list of development control plans that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

DCP No.	DCP TITLE	APPLIES
DCP No. 1	Non-Urban Development	Yes/No
DCP No. 3	Industrial Development	Yes/No
DCP No. 11	Urban Subdivision	Yes/No
DCP No. 19	Mixed Development	Yes/No
DCP No. 20	Off Street Parking Policy	Yes/No
DCP 2020	Residential Development Control Plan	Yes/No



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Table 1: DCP No.1 Non Urban Development

Design Element	Minimum Development Standard	Assessment
(a) Bulk, scale, setbacks and general amenity issues	- The structure is to be setback a minimum of ten (10) metres from the front boundary or setback a minimum of one hundred (100) meters from the front boundary where the lot has frontage to an "arterial road" or "proposed by-pass route". (Refer to DCP 28 – Land Use Buffer Controls)	The site front boundaries include Macedone Road (full length of western side) and Rossetto Road (partial south east side). The development sits more than 10m from these boundaries. The development does not sit adjacent to an arterial road. Note: The subject site was zoned 1(b) under the <i>Griffith Local Environmental Plan 2002</i>
b) Open space, additional buffer areas	- A minimum buffer distance (by way of an easement) of fifty (50) metres shall apply from natural watercourses.	N/A – there are no natural watercourses within the site's boundary.
	- A minimum buffer distance (by way of an easement) of twenty (20) metres shall apply over drainage lines and canals.	The indication is that the development is likely to be situated more than 20m from the canal running along the eastern boundary.
	- A minimum buffer distance (by way of an easement) of forty (40) metres shall apply from adjoining agricultural lands (Refer to DCP 28 - Land Use Buffer Controls).	N/A –
	- All buffer areas are to be planted out using tree species and shrubs that are suitable to the area. The above information shall be incorporated in the Management Plan to be submitted to Council.	In addition to the proposed landscaping, it is recommended that conditions requiring additional landscaping along all boundaries.
(c) Landscaping	- The required setback area in sub clause (a) to all boundaries is to be soft landscaped to a minimum of 90% of that part of the lot.	Added vegetation is proposed for certain buffer areas, to increase the environmental quality of these areas and to mitigate visual impacts. Notably the site does benefit



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Design Element	Minimum Development Standard	Assessment
		from existing native vegetation along the perimeter of the development area.
	<ul style="list-style-type: none"> - No more than 10% of the front yard is to be paved or sealed. Note: Soft landscaping can be trees, gardens, lawns and the like of the applicant/owners choice but does not include improvements such as driveways, parking areas, swimming pools (including coping decking and development ancillary to the pool) and ancillary dwelling structures/sheds/garages and the like. 	N/A
(d) Site access	<ul style="list-style-type: none"> - Where the access way connects to a sealed road, the access way and suitable tapers are to be bitumen sealed or equivalent hard surface between the property boundary and the road carriageway. - Where the access connects to a gravel road, the access way and suitable tapers are to be constructed to gravel road standard, between the property boundary and the road carriageway. - Concrete pipe culvert with standard headwalls is to be constructed at a suitable location relative to the table drain and clear of the edge of the road carriageway. Design and construction is to be to Council's standard. - Existing channel crossings are to be used to service all 	<p>The proposed vehicle access to Macedone Road will be implemented as an all-weather access road. The construction of this access will adhere to the standards required for gravel roads, extending from the proposed boundary to the road carriageway.</p> <p>There is lack of details regarding width and construction of the proposed accessway. For this reason, the proposed development will be conditioned to provide details of accessway and associated tapers connecting to the Macedone Road carriageway for approval.</p>



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Design Element	Minimum Development Standard	Assessment
	<p>existing and proposed structures on the allotment. Only one channel crossing per road frontage shall be permitted to be used to access allotments. Where additional channel crossings are proposed consent shall be obtained from Murrumbidgee Irrigation and Council prior to construction.</p> <ul style="list-style-type: none"> - In 1(a) Rural and 1(b) Rural Agricultural Protection zones, where the access connects to a sealed Council road (except arterial roads) and there is no change to the agricultural utilization and/or no additional access points to existing dwellings and the access ways are well constructed and maintained, bitumen sealing will not necessarily be imposed. (Note: Should the development change, then the situation should be reviewed.) Driveways shall be a minimum of six (6) metres wide between the edge of the road carriageway and the property boundary. Internal driveways shall be a minimum of three (3) metres wide. 	
(f)(i) Fire management – All structures where a fire threat has been Identified on Council's 'Environmental and Bushfire Threat' map	<ul style="list-style-type: none"> - Adequate provision is to be made for the access of fire fighting- and emergency service vehicles. - An adequate supply of water is to be made available for fire fighting purposes. A minimum supply of twenty thousand (20 000) litres of water shall be provided solely for fire fighting purposes. A suitable connection is to be made available for the purpose of the Rural Fire Service. 	The site has not been identified to be Bushfire Prone Land (refer Figure 10 below). In addition, the risk of a bushfire in the immediate area is low as a result of the existing land uses around the site and the land having maintained and low fuel loads.



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Design Element	Minimum Development Standard	Assessment
	<p>(Reference Planning NSW 'Planning for Bushfire Protection', 2001, Chapter 4: Bushfire Provisions – Development Stage, Chapter 5: Construction Standards for Bushfire Protection)</p> <ul style="list-style-type: none"> - Consultation required with the NSW Rural Fire Service. - Developments shall also incorporate measures to promote bushfire protection through site selection, building design and materials and garden vegetation management. - Rural residential design is encouraged to have a single asset protection zone. - Consideration should be given to grouping rural residential developments into clusters that allow for the establishment of Asset Protection Zones around a group of dwellings rather than having to ensure individual protection for a large number of scattered dwellings. • The provision of adequate and independent static water supplies where mains water is not available shall be made. 	
(f)(ii) Fire management – fire access trails and firebreaks are to be sensitively sited within the landscape especially in steep terrain	<p>Mowing and slashing is the preferred method of construction of firebreaks. Recommendations for this include:</p> <ul style="list-style-type: none"> - $\frac{3}{4}$ Mowing a strip up the back of the table drain will help to prevent fires. - $\frac{3}{4}$ Avoiding any rare or significant plants during firebreak construction. - $\frac{3}{4}$ Avoid construction of unnecessary firebreaks. - $\frac{3}{4}$ Avoiding areas where there are native shrubs and trees or revegetated zones when constructing firebreaks. 	N/A.



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Design Element	Minimum Development Standard	Assessment
	<ul style="list-style-type: none"> - $\frac{3}{4}$ Minimisation of damage to native vegetation. Consultation is required with the Rural Fire Services 	



Figure 10 - Development Site (in red) and Bush Fire Prone Land (in yellow) Overlay (Source: Council's Intramaps)

The majority of the subject land is not bush fire prone land except at the tip of the north eastern corner (refer to **Figure 10** above in this report) where it is affected by the Vegetation Buffer category. As such, this application has not been assessed under the provisions of Planning for Bushfire Protection.

SECTION 4.15(1)(a)(iiia) any planning agreement.

N/A at this stage.

SECTION 4.15(1)(a) (iv) the regulations.

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 61-63 of the *Environmental Planning and Assessment Regulation 2021*. No demolition or erection of buildings requiring fire safety measures are proposed.

SECTION 4.15(1)(b) the likely impacts of the development.

In taking into consideration section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* Council must evaluate the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality.

a) Impact on Built Environment

In terms of assessing and evaluating the impact on the built environment, the following matters have been taken into consideration:



Bulk, scale and character

The proposed solar farm project is located in Bilbul which forms part of the Griffith Local Government Area agricultural lands. In order to preserve the character of the area, great care has been taken in the design of the solar farm development to ensure its harmonious integration with the natural environment. The project has been strategically planned to maintain a considerable distance from neighbouring properties (refer to **Figure 6** above in this report), and extensive landscaping will be implemented to minimise any negative effects on the surroundings.

Additionally, the design of the solar farm takes into account the site's unique topography and the presence of any vegetation, both within the development area and its immediate surroundings. By capitalising on these existing natural features, the project aims to eliminate any potential disruptions to neighbouring properties or the wider area, thus preserving the overall amenity. Griffith is identified as a suitable location for solar development in the Department of Planning and Environment's *Draft Energy Policy Framework Overview (2023)*. It is therefore considered that the selection of the subject site as suitable location for solar energy development is supported.

Aboriginal Heritage

A Cultural Heritage Assessment Report by Australian Cultural Heritage Management (Victoria) Pty Ltd (refer **Application Common Material**) uncovered the following from the Desktop Study:

- A long history of Aboriginal settlement exists within the Activity Area and the wider surrounding landscape.
- Previous disturbances exist throughout the Activity Area in the form of potential laser levelling and historic agricultural and cropping practices.
- **It is likely that these significant previous disturbances have removed any likelihood for potential Aboriginal cultural heritage to be present.**
- **The Activity Area does not contain any previously recorded Aboriginal sites; however, 58 known sites have been recorded within a 10 km buffer zone. The closest recorded site is located 2.07 km west of the Activity Area.**
- The Activity Area does not contain any previously undisturbed archaeologically sensitive landforms, which have likely been removed through previous disturbances, including laser levelling, which is a common practice in this region.
- The results of the desktop assessment have determined there is no requirement for a pedestrian site inspection of the Activity Area as there is a low likelihood that unidentified Aboriginal cultural heritage will be present.
- The Unanticipated Finds Protocol for Aboriginal Heritage (Appendix B) should be followed throughout the project in that event that previously unidentified Aboriginal heritage is encountered.

European Heritage

The site does not accommodate any local or state heritage items nor is it part of a heritage conservation area. Notably, there are no heritage items located within close proximity to the site. Therefore, the development will not have any impact on any European Heritage items.

Transport and Traffic

During the 7- 10-month construction phase it is anticipated that 40 construction staff vehicles will access the site daily resulting in 20 light vehicle movements per day. In addition, it is anticipated



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that at the peak of the construction delivery period up to 3 heavy vehicles, being a 19m B-Doubles, will access the site per day.

Once operation, traffic to and from the solar farm is minimal and will consist of a maximum of 2 – 3 light vehicles per week, as well as maintenance staff accessing the site on an as needed basis. No heavy vehicles are expected to be required to access the site during the operational phase. Operational traffic will be generated from the following sources:

- Electricians and operators (as required).
- General delivery of replacement equipment and parts (as required).
- Labour for PV module cleaning (routine).
- Labour for general maintenance (routine).

The Traffic Impact Assessment (TIA) prepared by Pavey Consulting Services, dated 26 September 2023 states that during operation the solar energy facility will have remote monitoring, allowing for surveillance of the operation without the need for staff on site. As such, it is expected that up to 2 light vehicles will attend the site every 6 months for general maintenance of the facility.

The above traffic assessment identifies the local haul and access routes (refer **Figure 11** below in this report). The site is connected to the Kidman Way and Burley Griffin Way via Rossetto Road. The most logical haul route is to utilise existing 19m b-double routes until Bilbul Road as follows:

- Travel north via Kidman Way through Hanwood;
- Right turn Thorne Road;
- Continue on Kurrajong Avenue (3rd exit at roundabout);
- Continue straight Burley Griffin Way;
- Left turn Rossetto Road;
- Left turn Bilbul Road;
- Left turn Macedone Road.

All the heavy vehicle traffic will arrive at the subject site from Sydney or Melbourne and access the subject site via the designated route. Due to the type of operations proposed and based on the above information including the very low volumes of traffic that currently use Rossetto Road, Bilbul Road and Macedone Road this development will have little impact on the surrounding road network as far as traffic flow capacity is concerned. In peak construction delivery times, it may be advisable to provide some warning or directional signs along these access routes. This development will be conditioned to submit to Council for approval, the Construction Traffic Management Plan prior to site works commencing.

In relation to safe intersection sight distance, the Coordinator concluded that sight distances to the north and south along Macedone Road from the proposed accessway site satisfies the SISD requirements for a 100km/h speed zone as specified in Austroads Guide to Road Design Part 4A – provided roadside vegetation is maintained. The proposed development will be conditioned to maintain roadside vegetation. It is also considered that the location of the proposed accessway is satisfactory and that suitable vehicular access will be available to proposed development.

The TIA identifies that a total of 15 car parking spaces will be required during the 6-month construction period. Only 2 parking spaces will be required during the operational period of the solar farm. The site plans identify an area allocated for parking, but provides no further details of the size or number of parking spaces available.

It is considered that through the conditions of consent, the development will comply with the requirements of AS 2890:2004, Part 1: 'Off-street car parking' and Part 2: 'Off-street commercial vehicle facilities' and Council's Development Control Plan 20 Off-Street Parking 2011.



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b) Impact on Natural Environment

In terms of assessing and evaluating the impact on the natural environment, the following matters have been taken into consideration:

Soil

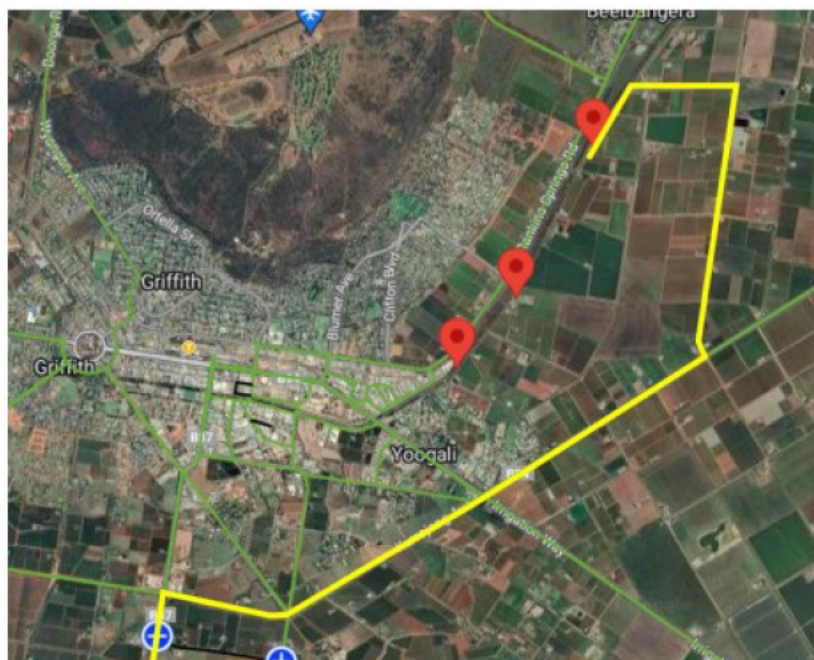
The Geotechnical Report prepared by GTS Geotechnical Testing Services and dated 15 January 2024 (refer **Application Common Material**) contains recommendations (especially sections 5 and 6.2) which will form part of the conditions if the proposed development is approved.

In addition, the Agricultural land use Report dated 28 September 2023 and prepared by Nutrien Ag Solutions the development site has agricultural value covering purely the land size and the water/if any attached to this land. Such smaller holdings are highly sought after for hobby farms or acreage dwelling. The above report states that agricultural activities that may be undertaken on this site would include permanent plantings (e.g., grapes, citrus, nuts) or annual cropping (e.g., summer or winter crops) or livestock production. The report also identified that the constraints to the site for agricultural production are high and particularly, the main factor being the size of the site for agricultural production.

The report assessed that it would not be commercially viable or sustainable for the land to be used solely for production of agricultural goods and noted that the site has not been farmed for several years. The property is also bounded by a number of small-scale vineyards which would impede the site's ability to grow certain crops due to the close proximity to neighbours which would be carrying out spray drift.

The report concludes that the site once developed would have the ability to adapt to Agri Solar farming practices, namely grazing of small carcase animals (e.g., goats / sheep).

Conditions have been added to the determination that are required to be upheld prior and during construction to manage soil and erosion of soils across the site.





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Figure 11 – Proposed Haul Route (Source: Application Common Material).**Air Quality**

Any temporary air quality issues that may arise during the construction phase including vehicles using the unsealed portion of Macedone Road, such as dust, can be effectively managed through the implementation of a Construction and Environment Management Plan. Measures have been included as specific conditions in the determination notice to ensure their implementation and to safeguard air quality throughout the project.

Biodiversity

The site does not contain any land that is mapped and identified as “Biodiversity” on the Terrestrial Biodiversity Map (refer **Figure 7** above). The Statement of Environmental Effects states that the solar farm is proposed to be located on a cleared land which has been historically used for orcharding and that the site is free from mapped environmental constraints which may inhibit development of a solar farm.

As the site was cleared of native vegetation as at 1 January 1990 and has been continually used for agriculture production since this time, the land is classified as Category 1 Exempt Land under the Biodiversity Assessment Method (BAM). In accordance with Section 6.8(3) of the *Biodiversity Conservation Act 2016*, the BAM is to exclude the clearing of vegetation on Category 1 Exempt Land and further assessment or the preparation of a BDAR is not required. Due to the location of the project within the Category 1 Exempt Land, the ongoing cultivation of the site, no substantive vegetation clearing is required and minimal impacts on significant flora and fauna are anticipated because of the development.

Waste

Waste materials during construction should be considered in the Construction Environmental Management Plan. All waste materials should be collected and disposed to an appropriate landfill site.

Bushfire

The risk of uncontrolled fire damaging the solar farm is not considered significant as a result of land in and around the solar farm being maintained with low fuel levels. Nonetheless, Asset Protection Zones will be established to further protect the development.

Acoustic

A Noise and Vibration Impact Assessment was prepared by SoundIN and identified potential sensitive receivers that may be affected by noise from and in particular during construction activities. A number of mitigation measures have been recommended and if implemented and will be included in the conditions of consent.

Visual

ATLAS RENEWABLES PTY LTD (the applicant) conducted a Sound Glint and Glare Assessment using the simulation process followed by the Federal Aviation Administration guideline due to the lack of Australian regulations.

The assessment determined that for the proposed PV array system:

- There was no glare of any kind on the ATCT of Griffith Airport.
- There was no glare of any kind on the surrounding residential dwellings.



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-
- The proposed PV array system had no green for after-image glare on flight paths.
 - The proposed PV array system has no yellow glare or red glare.

The applicant concluded that the PV panels are designed to absorb light hence the reflectivity of the surface of the solar panel is very low. Compared with the reflectivity of common objects found in the environment, the reflectivity of the panels is considerably low.

In addition, the Solar Glare Hazard Analysis Tool was utilised to determine the potential for glare occurrence and the resulting glare intensity. The glare receivers investigated by this research included two runway ends, and the flight paths originated from the existing main runway at the Griffith Airport.

Furthermore, it was identified that the proposed PV system does not result in any glare of any kind on any of the established flight paths, surrounding residential dwellings and the ATCT of the Griffith Airport. As such, the installation of this system is fully compliant with aviation policy for potential solar glare.

A Construction Environmental Management Plan should include detailed measures for managing and monitoring to prevent any impacts on receivers, as specified in the report prepared by the applicant and GTS Geotechnical Testing Services. As part of the project, landscaping will be implemented along the perimeter of the site, serving as a visual screen between the solar farm and the neighbouring rural dwellings and roads. This planting will contribute to further mitigating any potential visual impacts and ensuring the integration of the solar farm into the surrounding environment. Once the screen planting is sufficiently established to obstruct the line of sight to the solar farm, there will no longer be a need to monitor the potential glare hazard.

The development application was referred to CASA which responded by advising that *“Glint and Glare have proven to not be a hazard to aircraft on approach or departing an aerodrome. CASA’s concern lies with potential impact on any air traffic control tower (ATCT) and the ability of the controllers to conduct their work. As Griffith Airport does not have any ATCT facility, the solar farm as proposed will not be a hazard to aircraft operations and CASA has no objection to the proposal as presented”*.

The development Application was also referred to Essential Energy which advised that:

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*



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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”.

Energy

The proposed development involves a renewable source of power to support the energy requirements of Griffith which is considered a positive economic impact.

c) Social Impact in the Locality

The proposed development is unlikely to pose any significant social impact in the locality. The proposal is to generate additional electricity to the grid and support the electricity needs of homes within the Griffith Local Government Area.

d) Economic Impact in the Locality

The primary goal of the project is to introduce an additional renewable energy source to the Griffith area, thereby providing sustainable power to the local community. The proposed project has the capacity to generate electricity that can meet the needs of homes as it aims to promote affordable renewable energy solutions.

The project offers advantages to the landowner as well, allowing for diversification of income streams by utilising the land for renewable energy production. Furthermore, it brings economic benefits to the area through the creation of job opportunities during both the construction and operation phases. This not only supports local employment but also contributes to the growth of the local economy.

e) Cumulative Effects

The potential impacts of the development on both the built and natural environments, as well as the social and economic aspects of the local area, have been carefully considered, taking into account the cumulative effects that may arise. The design and location of the project have been strategically planned to specifically address any potential cumulative impacts. The project's small scale, remote location from vulnerable areas, and the absence of similar facilities in the region contribute to its limited capacity to generate significant cumulative effects.

Furthermore, the project's environmentally sensitive design, the ability to decommission it if needed, and its location further minimise the likelihood of cumulative impacts emerging. By implementing measures to prevent or mitigate any potential cumulative effects, the project aims to ensure that its development is sustainable and in harmony with the preservation of the natural environment and the overall well-being of the local community.

SECTION 4.15(1)(c) the suitability of the site.

The chosen site for the proposed 'electricity generating works' development has been carefully evaluated and deemed suitable for accommodating the intended project with its proximity to the existing Beelbanger Substation. The development has been meticulously planned with a design that is responsive to the unique characteristics of the location, such as its proximity to sensitive receptors, the topography, and the surrounding environmental conditions. This approach ensures that the development seamlessly integrates into the surrounding landscape and community, while also safeguarding the quality of life for residents in the area.



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The design of the development adheres to best practices in construction and operation, minimizing any potential adverse impacts on neighbouring land uses and transport infrastructure. Furthermore, the project has been economically assessed as viable and is expected to make a valuable contribution to the electricity requirements of the Griffith area.

Careful consideration has also been given to selecting a location for the development that has minimal environmental impact. Measures have been put in place to mitigate any potential negative effects, including the utilization of environmentally sensitive design principles, the incorporation of the development's removability, and the meticulous selection of its location. Additionally, the project has undergone a thorough assessment to ensure that it aligns with the objectives of the underlying RU1 Primary Production land zone and does not expose the development to unmanageable or unmitigated natural hazards.

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.

SECTION 4.15 (1) (d) any submissions made in accordance with the Act or the Regulation

The provisions of the *Environmental Planning and Assessment Act 1979* the *Environmental Planning and Assessment Regulation 2021* and *Community Participation Plan* set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

In addition to the statutory referral process identified in Part F of this report, the notification of the development included the following:

Notification Description	Required	Submission Period
Publication in Council Catchup and on Facebook	YES	24 th of November to the 21 th of December 2023
Letters to Neighbours	YES	24 th of November to the 21 th of December 2023

External Referrals	Date Sent	Date Received
Essential Energy	17 th of November 2023	6 th of December 2023
Civil Aviation SA	5 th of December 2023	6 th of December 2023

As a result of the public participation process, Council received ten (10) submissions in response to the notification of the development application. The applicant prepared a response to each of the concerns raised over the ten submissions. A summary of the concerns raised over the ten submissions have been detailed below in **Table 2** and how the applicant has addressed each of the concerns.

Table 2: Submission

ISSUE	Applicant's and Council Staff Assessment of Submissions
Project Need in this location	Submitters' Concerns: Submitters referenced that whilst they are not opposed to renewable energy projects in general, they are concerned that the subject site is



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ISSUE	Applicant's and Council Staff Assessment of Submissions
	<p>not an appropriate location for a solar farm and questioned the need for this particular project.</p> <p><u>Applicant's Response:</u></p> <ul style="list-style-type: none"> - The site meets critical operational criteria for a sub 5MW solar farm including close proximity of an existing substation (i.e., within 300m of the Beelbangera Substation) that has existing ability to receive and manage the input for a 5MW solar farm and charging / discharging of a 10MW battery. These factors are all considered as part of Essential Energy final connection agreement process. In addition, the site needs available for lease or purchase, and free from constraints that would preclude development. There are few properties within Griffith which meet these unique criteria which would enable this development. - Based on Essential Energy's Annual Planning Report, there are 5 zone substations within the Griffith Area (excluding the Transgrid substation at Yoogali) which would suggest one sub 5MW solar farm project per zone substation. Again, the potential for delivery of each of these projects would be subject to identification of a site free from development constraints, site acquisition, Essential Energy connection approvals, and development approvals all being obtained. - It is worth noting that a precedent was set for this scale of development in the RU1 Zone with the approval of a sub 5MW solar farm at 2773 Berecra Road, Tharbogang (93/2023). In that case, a sensitive receiver (dwelling house) was located approximately 75m from proposed solar farm. - Renewable energy projects, when approved by the electricity distribution network provider, provided more stability and quality in the local electricity network, particularly when a solar farm is coupled with a battery to provide additional supply during peak periods. In addition, the provider also leverages projects such as this to upgrade parts of the network, which avoids such costs being passed on to the customer. <p><u>Officer's Assessment:</u></p> <p>The development site has merit due to:</p> <ul style="list-style-type: none"> • its proximity to the existing Beelbangera Substation; • the design of the proposal is responsive to the unique characteristics of the location, such as its proximity to sensitive receptors, the topography, and the surrounding environmental conditions; • the development is designed to integrate into the surrounding landscape and community, while also safeguarding the quality of life for residents in the area; and • the proposed development will have minimal environmental impact.
Visual amenity impacts	<p>Submitters' Concerns:</p> <p>Submitters are concerned that the proposed solar farm will adversely affect the visual amenity of the locality including scenic rural - In response to this matter, a detailed Landscaping Plan has been prepared which includes a species register and typical section of the buffer planting. 8 February 2024, 3 values and that the proposed 1.8m high vegetation buffer planting is insufficient.</p> <p><u>Applicant's Response:</u></p> <p>- In response to this matter, a detailed Landscaping Plan has been prepared ... which includes a species register and typical section of the buffer planting. 8 February 2024 3 values and that the proposed 1.8m high vegetation buffer planting is insufficient.</p>



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ISSUE	Applicant's and Council Staff Assessment of Submissions
	<ul style="list-style-type: none"> - As shown on the Landscaping Plan, the planting will consist of a minimum 5m wide buffer comprised of range of species with a maximum height of 3m. - As per the development conditions applied to the recently approved sub 5MW solar farm at 2779 Berecree Road, Tharbogang, Council can condition a mature vegetation buffer around the development to be at least 5 metres deep and comprising at least two rows of staggered trees. - The Griffith Solar Farm (36MW) is almost seven times larger than the proposed solar farm and is set amongst rural landholdings with residences. It demonstrates that a solar farm can be appropriately screened from view and integrate well into the surrounding rural landscape. <p><u>Officer's Comments:</u> The proposal will be conditioned in relation to landscaping as indicated in Landscape Plan which is considered adequate to minimise adverse visual amenity impacts provided the conditions can be implemented accordingly.</p>
Property values	<p>Submitters' Concerns: Submitters are concerned that property values will be adversely impacted in the immediate area by the proposed solar farm.</p> <p><u>Applicant's Response:</u></p> <ul style="list-style-type: none"> - Property values can be affected (positively and negatively) by a range of variables and factors. Whilst this is not considered to be a valid planning consideration for assessment, it is unlikely that a small scale solar farm would detrimentally affect property prices in the locality. - As demonstrated in this submitted development application material and in the additional information provided in this response, the proposed development is not forecast to result in any unacceptable amenity or safety impacts and will be visually screened from public vantage points. Accordingly, the project is expected to operate in a manner consistent with the expectation for the RU1 Zone, and with less impact than other rural activities which could ordinarily be expected in a rural area. <p><u>Officer's Assessment:</u> Change in property values is not a valid planning consideration and as such is considered beyond the scope of this development application.</p>
Increased temperature	<p>Submitters' Concerns: Submitters are concerned that the solar panels will increase the ambient air temperature of the surrounding area by up to 5% or three to four degrees which will impact surrounding farms, dwellings and gardens.</p>
	<p><u>Applicant's Response:</u></p> <ul style="list-style-type: none"> - Solar panels work by absorbing sunlight to generate electricity through the photovoltaic effect. While they may warm up slightly during operation, they are not designed to radiate heat into the surrounding environment. The heat generated by solar panels is generally dissipated through conduction and convection, not significantly affecting the air temperature. - Solar industry experts and engineers generally agree that the heat generated by solar panels is insignificant compared to the heat from other sources, such as buildings, roads, and natural sunlight. Solar panels are designed to efficiently convert sunlight into electricity, not to produce heat. - The National Renewable Energy laboratory (NREL), a U.S. government



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	<p>research laboratory, conducted a study on the thermal effects of large-scale photovoltaic (PV) systems (solar farms). They found that solar panels absorb sunlight to convert it into electricity but do not significantly contribute to local temperature increases. In some cases, solar panels can even have a cooling effect on the surrounding area due to shading and reflective properties. (https://www.nrel.gov/docs/fy13osti/56290.pdf)</p> <ul style="list-style-type: none"> - Grassed areas will be maintained between the solar panel rows (5-6m spacing) which will assist in regulating the microclimate and maintain the opportunity for the landowner to run sheep on the site for grass/weed control
	<p>Officer's Assessment: On the basis of Atlas Renewables' conclusion the proposed PV system will not result in any glare on surrounding residential dwellings. This is also due to solar panels tend to absorb sunlight and not radiate heat into the surrounding environment but when they produce heat it is insignificant compared to heat from other sources.</p>
Risk of battery fire	<p>Submitters' Concerns: Submitters are concerned about the potential risk of fire or explosion of the battery storage units. There are concerns about potential risks to adjoining people and property as well as health risks from toxic smoke if a fire were to break out.</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> - Fires in Battery Energy Storage Systems are very rare and have a very low risk level due to the design of units and inbuilt protections. - Please refer to the attached excerpt from the Technical Specifications for the proposed Battery Energy Storage System (Attachment 2). As per Section 6.4 of the document, the proposal has an inbuilt, automatic fire protection system in place. This system uses water as an extinguishing medium to protect the energy storage unit of this project. It includes an open sprinkler head, pipe and water supply facilities. - The batteries will be constructed, installed and operated in accordance with all applicable Australian Standards to ensure they are safely functioning at all times. 24-7 monitoring and regular maintenance will also be undertaken to ensure all components of the solar farm are operating appropriately. - The site will also have a site manager on-call 24-7 with surveillance systems in place to pick up on any abnormalities. <p>Officer's Assessment: The applicant's response regarding proposed technical specifications especially the internal heat insulating layer, liquid cooling system and the automatic fire suppression system (to be monitored by the operator of the development) are considered adequate and will be conditioned accordingly.</p>
Validity of Land Suitability Report	<p>Submitters' Concerns: The validity of the Land Suitability Report has been called into question by submitters who believe it is an opinion and not factually correct. Submitters believe the land is viable as an agricultural farm.</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> - An addendum to the Land Suitability Report has been prepared by Nutrien Ag Solutions dated 31 January 2024 (see Attachment 3). - The constraints to the site for agricultural production are high. With the



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	<p><i>main factor being the size of the site for agricultural production. It would not be commercially viable or sustainable for the land to be used 8 February 2024 5 solely for production of agricultural goods. It is also noted that the site has not been farmed for several years in response this situation.</i></p> <ul style="list-style-type: none"> <i>- The property is also bounded by a number of small-scale vineyards which would impede the site's ability to grow certain crops due to the risk of spray drift.</i> <i>- In addition, the site, once developed would have the ability to adopt to Agri Solar farming practices, namely grazing of small carcase animals (goats / sheep), which assists in maintaining grass cover.</i> <p>Officer's Assessment: In its Addendum to the Land Suitability Report dated 31 January 2024, Nutrien Ag Solutions (refer Attachment 2 below in this report) identified that the small size of the site is a major constraint which limits agricultural production attributing to negatively to commercial and sustainable viability of the site.</p>
Traffic impacts	<p>Submitters' Concerns: Submitters are concerned that the construction of the project will generate excessive traffic movements for the local road network. There are concerns that B Double traffic movements will cause damages to unsealed roads. Submitters have questioned the validity of the findings of the traffic survey with nearby residents asserting that there are significantly more traffic movements along Macedone Road in any given day.</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> <i>- Regardless of the current baseline of traffic movements on Macedone Road, the construction vehicle traffic (consisting of 20 cars per day and 300 trucks across a 3 – 6 month period will have negligible impacts on the operation of the local road network. will be negligible in the context of the usage of the road.</i> <i>- It is also noted that Macedone Road currently caters for farm vehicles and heavy machinery, beyond what is forecast during the construction phase of the project, particularly during harvest periods. With respect to any damage caused, Council can condition a pre-construction survey and road maintenance, and repair of damage be undertaken by the developer to ensure that the road is maintained in a trafficable state</i> <p>Officer's Assessment: The Coordinator has reviewed the submissions and the applicant's response has assessed that:</p> <ul style="list-style-type: none"> • The proposal will have manageable traffic movements and that it will be conditioned with regard to any damage to property which would include unsealed roads; • the Construction Traffic Management Plan is required to be submitted to Council for approval prior to site works commencing; • a suitable all-weather access track will be constructed off Macedone Road to facilitate all solar farm traffic during construction and for ongoing operations; • the accessway is to be an all-weather access and be constructed from 200mm of compacted road gravel including a concrete culvert with concrete headwalls and guideposts to delineate the accessway; • the sight distances to the north and south along Macedone Road from



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	<p>the proposed accessway site satisfies the SISD requirements for a 100km/h speed zone as specified in Austroads Guide to Road Design Part 4A – provided roadside vegetation is maintained;</p> <ul style="list-style-type: none"> the proposed development will be conditioned to maintain roadside vegetation; and the location of the proposed accessway is satisfactory and that suitable vehicular access will be available to proposed development.
Construction and operational noise	<p>Submitters' Concerns: Submitters expressed concern regarding construction noise from heavy vehicle movements and civil works and operational tonal noise from the inverter station and battery containers. Submitters indicate that closer sensitive receivers were missed from the acoustic assessment</p>
	<p><u>Applicant's Response:</u></p> <ul style="list-style-type: none"> - An amended Noise and Vibration Impact Assessment has been prepared by SoundIN to address the public submissions (see Attachment 4). - The residential dwelling to the north of the subject site that was missed in the original assessment has now been included as Receiver 10 in the amended assessment (refer to Figure 2-1 of the assessment). - In response to concerns expressed in submissions regarding tonal noise, the amended assessment has included operational noise sources and sound power levels associated with the inverter station, battery container and panel tracking motor. There is potential for the inverter station and battery container to exhibit tonal noise. In accordance with the NPfI, the SWL for these sources in Table 6-5 of the assessment include 5 dBA corrections to account for additional annoyance caused by tonal noise characteristics. The results of the updated assessment (Table 6-6) indicate that predicted noise levels at all nearby receivers will maintain compliance with the noise trigger levels at all times. <p><u>Officer's Assessment:</u> The measures and recommendations contained within and particularly in Part 7 of the Noise and Vibration Impact Assessment prepared by SoundIN Pty Ltd and dated January 2024 (refer Attachment 3 to this report) will be placed on the consent if the development is approved. The longest period for construction work will be 6 months with standard construction hours being limited to 7.00am – 6.00pm Monday to Friday and 8.00am - 1.00pm on Saturday. There will be no construction work on Sundays or Public Holidays. A Construction Noise and Vibration Management Plan (covering noise and vibration from the construction and operational works) will identify all reasonable and feasible measures which are considered adequate to reduce and or avoid excessive noise levels at the sensitive receivers which have been identified in Figure 12 below in this report.</p>
Glint and Glare	<p>Submitters' Concerns: Submitters are concerned that the Glint and Glare Assessment is not an independent study as it was conducted by Atlas Renewables. Submitters are concerned about potential impacts to aviation traffic, especially crop spraying which is actively undertaken in the area. Submitters are also concerned about glare impacts to the dwelling house on the site.</p> <p><u>Applicant's Response:</u></p> <ul style="list-style-type: none"> - The original Glint and Glare Assessment prepared by Atlas Renewables



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	<p><i>and submitted with the application adequately demonstrates that the proposed PV system does not result in glare impacts on the surrounding residential dwellings, Griffith Airport operations or established flight paths. To provide additional comfort, it is recommended that Council impose a similar condition of approval to the recently approved solar</i></p> <p>Officer's Assessment: The proposed development will be conditioned in relation to recommendations in the Solar Glint and Glare Assessment report (see Attachment 4 to this report) which are considered to be sufficient to reduce and or avoid adverse impacts from glint and glare on the surrounding environment. Furthermore, the conditions which were placed on a similar Development Application DA 93/2023 of a solar farm by the applicant have been imposed on this proposal.</p>
Dust	<p>Submitters' Concerns: Submitters are concerned about dust impacts to human health as a result of increased construction traffic along Macedone Road</p>
	<p>Applicant's Response: - A Construction Management Plan will be prepared prior to the commencement of works which will include dust mitigation measures including covering of stockpiles, watering down of exposed areas, and maintenance of vehicle movement areas to minimise dust generation. This is a reasonable expectation and can be conditioned accordingly. - It is recommended that Council will likely impose a specific condition for dust control in line with the following included for the recently approved solar farm in Tharbogang (93/2023) as follows:</p>
	<p>Officer's Assessment: The proposed development will be conditioned adequately.</p>
Stormwater and soil erosion impacts from runoff	<p>Submitters' Concerns: Submitters are concerned about water reaching the battery storage units and are also concerned about soil erosion caused by concentrated solar panel stormwater runoff.</p>
	<p>Applicant's Response: - The site is not located within Council's Flood Planning area. Regardless, the proposed battery cabinets will be appropriately bunded to prevent flooding of the battery units. - Due to the cleared and level nature of the development site, minimal earthworks are required to construct the solar farm and the solar arrays will be installed on metal footings with no change to the current ground level. As per the current situation and stormwater will continue to sheet flow across the grassed paddock. - As no significant change to the ground level or concentration of stormwater flows are required to construct the solar farm, negligible change to the existing stormwater flows across the site are expected. - Standard Erosion and sediment control measures will be adopted for the project during both the construction and operational phases, and can be conditioned accordingly by Council</p>
	<p>Officer's Assessment: The proposed development will be conditioned adequately.</p>



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It is noted that several objections were already addressed in the submitted documentation. Furthermore, several submissions and issues raised have not been specifically addressed in the above table as they are not a head of consideration under the *Environmental Planning and Assessment Act 1979* or the *Environmental Planning and Assessment Regulations 2021*.

SECTION 4.15 (1) (e) the public interest

The provisions of section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* provides an overarching requirement to take into account the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

On the basis of a thorough review and analysis of the proposed development plan, it has been determined that the plan is in alignment with various crucial planning policies and instruments that govern land use and development in the Griffith region. Specifically, the proposed development is consistent with the aims and objectives of *Griffith Land Use Strategy: Beyond 2030*, *Griffith Local Environmental Plan 2014*, and other relevant environmental planning instruments, development control plans, or policies.

In light of this comprehensive assessment, it can be concluded that the proposed development is unlikely to give rise to any issues within the jurisdiction of the *Environmental Planning and Assessment Act 1979* that are contrary to the public interest. The development plan adheres to the highest standards of responsible land use and development, and as such, it is expected to benefit the community by providing necessary infrastructure and services while preserving the natural environment.



Figure 12 – Distance of Sensitive Receivers to the Subject Site (Source: Mapping from Council's Intramaps)



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PART H: MONETARY CONTRIBUTIONS

Section 7.12 Contributions (Environmental Planning & Assessment Act 1979)

Section 7.12 of the Environmental Planning and Assessment Act 1979 states that if a consent authority is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area, it may grant the development consent subject to a condition requiring the payment of a monetary contribution in accordance with an approved contributions plan.

The proposed development involves (describe the development in terms of the requirement of the s7.12 triggers) and is within the (insert details) precinct.

The calculations associated with the section 7.12 contributions payable at 1% of the cost of works being \$6,800,104.08 (excluding consultant fees) - \$68,001.04.

Section 64 Contributions (Local Government Act, 1993)

The effect of section 64 of the Local Government Act 1993 is to give the functions of the Water Management Act 2000 to Council in the same way it applies to a water supply authority. Section 306(2) of the Water Management Act 2000 enables a water supply authority to require the applicant to do either or both of the following:

- (a) *to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
- (b) *to construct water management works to serve the development.*

This land does not benefit from water or sewage supply – these contributions are not levied on this application.

PART I: INTERNAL REFERRALS

As part of the assessment process, the following internal referrals were also undertaken.

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	See attached Building assessment	21 November 2023
Engineering	See attached Engineering assessment	24 January 2024
Environment	No comments	
Health	No comments	
Heritage	No comments	
Urban Design	No comments	
Street/Rural No	No comments	

The comments received in response to the internal referral place have been addressed in the assessment of the application and where applicable incorporated into the recommendation.



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PART J: CONCLUSION AND RECOMMENDATION

Conclusion

The development application has been analysed and evaluated with regard to the matters for consideration listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The assessment has identified that:

- The proposed development is permissible within the zone under SEPP – Transport and Infrastructure 2021 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- That where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, or has been addressed by way of a condition of consent.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development.
- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of amended plans or conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

On this basis it is considered that the proposal has merit and can be supported.

Recommendation

- a) That Western Regional Planning Panel as the consent authority pursuant to section 4.16 of the *Environmental Planning & Assessment Act 1979* grant consent to Development Application No: 228/2023(1) for Sub- 4.95MW at 394 Macedone Road, Bilbul (Lot 363 in DP 751743).

ASSESSING OFFICER

Name: Patterson Ngwira
Position: Senior Development
Assessment Planner
Signature:

Date

15/02/2024

REVIEWING OFFICER

Name: Carel Potgieter
Position: Planning and Environment
Manager
Signature:



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Attachment 1: Essential Energy Response

(23/162799)

Attachment 2: Agricultural Land Use Report

(23/161996)

Attachment 3: Noise and Vibration Impact Assessment

(It is Attachment 4 in 24/14860)

Attachment 4: Solar Glint and Glare Assessment

(23/133174)

Attachment A – Draft Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

1. Approved Development

Development consent has been granted for dual occupancy (detached) development, carport & Community Title Subdivision at Lot 1 Section 180 DP 758476, No. 59 Clifton Boulevard GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a dual occupancy (detached) development, which is defined as:

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

The development must be implemented in accordance with Development Application No. 240/2023(1) accepted by Council on 9 November 2023 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
Site Plan & Proposed Floor Plan	9 November 2023	MJM Consulting Engineers
Elevations	9 November 2023	MJM Consulting Engineers

Document	Date Accepted by Council	Prepared or Drawn By
Basix Certificate 1426485S	9 November 2023	MJM Consulting Engineers

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

2. Construction Certificate (Building Works)

In accordance with the provisions of Part 6, Divisions 6.2 and 6.3 of the Environmental Planning and Assessment Act, 1979 a person must not carry out building works, including associated excavation works (as applicable) until such time as:

- (a) A *Construction Certificate* has been obtained from either Griffith City Council or an *Accredited Certifier* holding the appropriate accreditation under the Building Professions Act, 2005;
- (b) A *Principal Certifier* has been appointed; and
- (c) The person with the benefit of the development consent has given at least two (2) days notice to Griffith City Council and the *Principal Certifier* of the person's intention to commence the erection of the building.

Note 1: Griffith City Council can issue your *Construction Certificate* and be appointed as your *Principal Certifier* for the development to undertake inspections and ensure compliance with development consent and relevant building regulations. For further details contact Council on 1300 176 077.

Note 2: Should the plans submitted with the Construction Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent will be required to be made to Council.

3. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

4. Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

5. Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

6. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

7. Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

8. Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.

2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

9. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

10. Property Number

The proposed dwellings have been allocated the following street numbers:

Proposed Lot 1 – Clifton Boulevard – (Community Title)
Proposed Lot 2 – 1, 59 Clifton Boulevard – Existing Dwelling
Proposed Lot 3 – 2, 59 Clifton Boulevard – New Dwelling

These numbers are to be prominently displayed at the street frontage or any other position which is clearly visible from the street during construction and at completion.

11. Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the building works. The Construction Certificate can be issued either by Council or a private certifier.

12. National Construction Code

All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

13. Section 7.12 Development Contributions

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website www.griffith.nsw.gov.au.

Total payment shall be **\$3,590.00** (1% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment.

The contribution is to be paid **prior to the issue of the Construction Certificate**, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

14. Section 64 Water Supply, Sewerage and Drainage Contributions

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of issue of this consent is set out in the table below.

Table of Contributions Required – Water, Sewerage & Drainage

Type of contribution	Location	Amount per tenement	Number of tenements	Amount to be paid
Water supply	Griffith	\$ 8,695.00	1 ET	\$8,695.00
Sewerage	Griffith	\$ 6,093.00	1 ET	\$6,093.00
Total				\$14,788.00

The total amount payable will be subject to review in accordance with Council's Revenue Policy current at the time of payment.

The contribution is to be paid **prior to the issue of the Construction Certificate** unless other arrangements acceptable to Council are made.

The contribution is exclusive of the fees for the connection of water services to the individual allotments. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

Reason: Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, the applicant is required to apply to Council for a Compliance Certificate under the provisions of S305 of the *Water Management Act 2000*.

15. Payment of building and construction industry long service levy

Prior to the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the long service levy 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.

16. S138 Roads Act

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application, including payment of fees, shall be lodged with Griffith City Council, as the Roads Authority for any works required within a public road. These works may include but are not limited to:

- a). Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b). Road opening for utilities and stormwater (including stormwater connection to Council Infrastructure).
- c). Road Occupancy or road closures

All works shall be carried out with the Roads Act approval, the development consent including the stamped plans and Griffith City Council specifications.

Note 1: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Note 2: The application is to be made prior to the issue of the Construction Certificate but does not have to be approved by the Roads Authority prior to the issue of that certificate.

17. Section 68 Activity Approval (Local Government Act)

Prior to the issue of a Construction Certificate, a Section 68 application for any water supply, sewerage and stormwater drainage work, or other matter specified in that Section of the Act relevant to the application, shall be lodged with Griffith City Council for approval.

Note: The application is to be made prior to the issue of the Construction Certificate but does not have to be approved by Council prior to the issue of that certificate but works cannot commence until the application is approved.

18. Stormwater runoff

All stormwater runoff shall be directed to Council's street system via the onsite detention system for disposal. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. All works shall be carried out in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards* and Council's *Stormwater Drainage & Disposal Policy (CS-CP-310)*.

19. Onsite detention

Stormwater detention is to be created onsite for all events up to and including the 1% AEP event. The maximum developed discharge is to be 65 litres per second per hectare for the proposed development as approved by this Development Application. Design and details in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards*, Council's *Onsite Detention Policy (CS-CP-404)* and Council's *Stormwater*

Drainage & Disposal Policy (CS-CP-310) are to be submitted to Council for approval **prior to the issue of a Construction Certificate.**

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

20. Opaque Glass

The windows on the northern elevation (e.g. W07) shall consist of opaque glass or similar to maintain privacy with the adjacent residence. The changes in this regard shall be reflected as amended plans to be submitted to Council **prior to the issue of a Construction Certificate.**

21. Floor Levels

Floor levels of habitable rooms are subject to Council's Buildings - Floor Heights Policy. Design drawings with details of floor levels are to be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

22. Landscape Plan

Prior to the issue of the Construction Certificate a detailed landscaping plan shall be designed for the proposed development, submitted to the Principal Certifier for approval.

The landscaping plan shall be drawn to scale (minimum 1:200) by a suitably qualified person and include:

- (a) Identification of all trees to be retained, removed or transplanted
- (b) The location of all existing and proposed tree and shrub species
- (c) Height and spread of selected species at maturity
- (d) Elevation of landscaped areas
- (e) Irrigation measures
- (f) The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development (not to be planted with shrubs that will impact pedestrian movement or vehicular sight distances).

Landscaping to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance for pedestrians and motorists entering and exiting the site.

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

23. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

24. Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) if not carrying out the work as an owner-builder, has:
 - i appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii notified the principal certifying authority of any such appointment, and
 - iii unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

25. 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.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

26. Home Building Act requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —

- (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

27. Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

28. Accessway levels

Driveway construction is subject to Council's *Engineering Guidelines - Subdivisions and Development Standards* and is to be construction perpendicular to the road reserve of Clifton Boulevard.

The finished level of the driveway at the property boundary shall be 130mm above the top of kerb. Upon completion of the formwork and string lines for the driveway, the applicant shall arrange for Council's Surveyors to inspect these works **prior to the pouring of concrete for the driveway**. In the event that this level is unachievable, documentary evidence, including a detailed design is to be submitted to Council for approval **prior to the commencement of driveway construction**.

Failure to construct to the given levels or without Council approval will render the owner liable for any necessary reconstruction costs to alter work not in conformity with such levels.

29. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works; and
- (b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

30. Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Internal / External sanitary drainage (including sanitary plumbing) prior to covering.
- (b) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting a Notice of Works form.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

31. No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

32. Shoring and adequacy of adjoining property (if applicable)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

33. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

34. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning prior to the commencement of work. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

35. SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

36. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

37. Access location

The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: stormwater pits, electricity poles, service pits, etc.), and a minimum of one (1) metre away from neighbouring property boundaries and it is to be perpendicular to the road reserve of Clifton Boulevard.

38. Kerb Adaptors

Where required, kerb outlets for stormwater to be saw cut with suitably approved kerb adaptors to be installed using 20 MPa concrete.

39. Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be undertaken prior to work proceeding past the completion of footings and before concrete is poured. A copy of this report shall be submitted to Council prior to the issue of the **Occupation Certificate**.

40. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of a building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

41. BASIX

Prior to the issue of the Occupation Certificate the applicant is to demonstrate to the Principal Certifier compliance with all required Basix Certificate commitments.

42. Internal driveways

Prior to the issue of an Occupation Certificate the internal driveway to the proposed dual occupancy is to be constructed of concrete in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and *Council's Development Control Plan 21 – Residential Development Policy*.

43. Submission of Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be submitted to Council prior to the issue of the **Occupation Certificate**.

44. Drainage Diagram

Where development includes the installation of sanitary plumbing and drainage works between the building and Council's sewer, the applicant is required to submit to Council a drainage diagram. This diagram shall be prepared and submitted to Council prior to the issue of the **Occupation Certificate**. The diagram shall be drawn to scale at a ratio of 1:100 showing the location of the buildings and fittings and all pipelines, junctions, inspection openings and the like. Alternatively, Council can be requested to carry out the work upon payment of the fee listed in Council's current Revenue Policy

45. S138 Roads Act Approval

Prior to the issue of an Occupation Certificate, the Principle Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Griffith City Council.

46. Glazing for privacy in wet areas

All bathroom, ensuite and toilet windows shall be installed with opaque glazing for privacy purposes.

47. Separate water meters

Prior to the issue of an Occupation Certificate, separate water meters are to be connected to each of the proposed units a minimum distance of 1 metre from the driveway. A separate application is to be submitted to Council for additional connections to Council's potable water main.

Where the connection is 25mm or greater to serve the needs of the development, the application shall be supported with hydraulic calculations prepared by an appropriate consultant, including reference to a water pressure and flow rate test of the adjacent mains.

48. Landscaping

Prior to the issue of the Occupation Certificate, the landscaping area shown on the approved landscape plan submitted with the application shall be landscaped and maintained to the satisfaction of Council at all times.

Prior to the issue of the Subdivision Certificate

Before Council will release the subdivision plan, you will need to demonstrate compliance with the following conditions. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

49. Subdivision Certificate

A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the Land Property Information Office. An application for a Subdivision Certificate is required upon completion of all conditions of consent. The application is to be lodged with the Principal Certifier via the NSW Planning Portal.

50. Compliance with Conditions of Consent

The applicant is to ensure that all conditions of Development Application 240/2023 are to be completed and an Occupation Certificate issued prior to issue of the Subdivision Certificate.

51. Notice of Arrangement for Electricity Provision

Prior to the issue of the Subdivision Certificate, a copy of the Notice of Arrangement (NOA) from Essential Energy which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development is provided to Council.

Demolition Management

Demolition must be carried out in accordance with the following conditions.

52. Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*, and with the *Code of Practice: Demolition Work* by SafeWork NSW. The code is available for download from the SafeWork NSW website.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

53. Accessible water meter

The water meter servicing the subject allotment is to be kept free of any obstructions and is to be located outside the fenced area to ensure that the meter is accessible to Council officers at all times.

54. Letter Boxes

Separate letter boxes, which meet the requirements of Australia Post are to be provided for each unit adjacent to the street frontage.

55. Clothes Drying Areas

An area is to be set aside for and equipped to enable clothes to be dried in the open air. This clothes drying areas is to be screened by a fence or landscaped on the boundary adjoining public areas.

56. Ongoing access to site

The following conditions will apply for the lifetime of the subject development:

- (a) All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety.

Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Essential Energy

- a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- b) Essential Energy's records indicate there is electricity infrastructure located within the vicinity of 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. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. <https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>
- c) 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).
- d) 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.

Attachment D – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil

59 CLIFTON BOULEVARD,
GRIFFITH NSW 2680
FOR: BRENDON AUGUSTUS

DRAWING SCHEDULE	
DRAWING No.	DRAWING TITLE
0001-230039	EXISTING SITE PLAN, EXISTING FLOOR PLAN / DEMOLITION PLAN, PROPOSED SUBDIVISION PLAN
0002-230039	PROPOSED SITE PLAN, PROPOSED FLOOR PLANS, 3D PERSPECTIVES
0003-230039	SHADOW DIAGRAMS - 9AM
0004-230039	SHADOW DIAGRAMS - 12PM
0005-230039	SHADOW DIAGRAMS - 3PM
0006-230039	TURNING PATHS IN & OUT, LANDSCAPING PLAN, BASIC CERTIFICATE, SET OUT
0007-230039	ELEVATIONS
0008-230039	SECTIONS

GENERAL NOTES

INTERNAL WALLS ARE 90mm CLAD FRAME.

INTERIOR WALLS ARE 90mm TIMBER STUD FRAME IN ACCORDANCE WITH AS1518.4. LINED IN ACCORDANCE WITH BCA REQUIREMENTS.

ALL DIMENSIONS ARE TO BE CHECKED BY BUILDING SURVEYOR PRIOR TO COMMENCEMENT OF BUILDING WORKS.

DO NOT SCALE OFF DRAWINGS.

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH RELEVANT STANDARDS AND THE BCA REQUIREMENTS.

THESE DRAWINGS ARE TO BE USED IN CONJUNCTION WITH SPECIFICATIONS AND "BASIC" CERTIFICATE.

WINDOW AND DOOR SIZES DETAILD ARE NOMINAL ONLY. CONTRACTOR TO BE ADVISED OF ANY DISCREPANCY WITH MANUFACTURERS DETAILS.

WINDOW AND DOOR FRAME ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS DETAILS AND THE BCA REQUIREMENTS.

SMOKE DETECTORS TO BE LOCATED AND INSTALLED IN ACCORDANCE WITH RELEVANT STANDARDS AND THE BCA REQUIREMENTS.

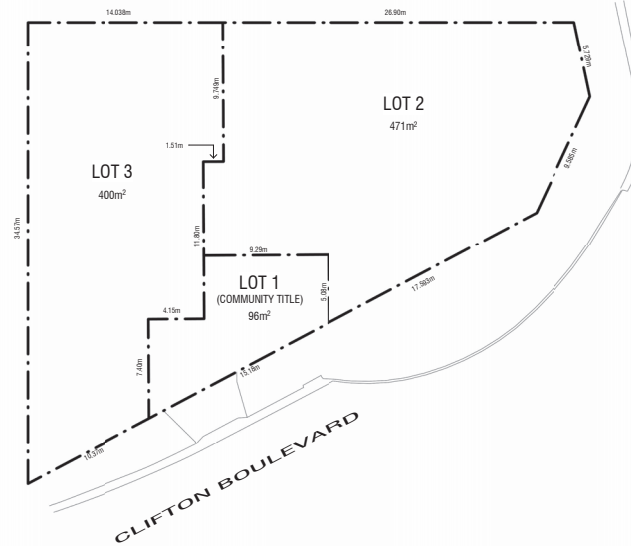
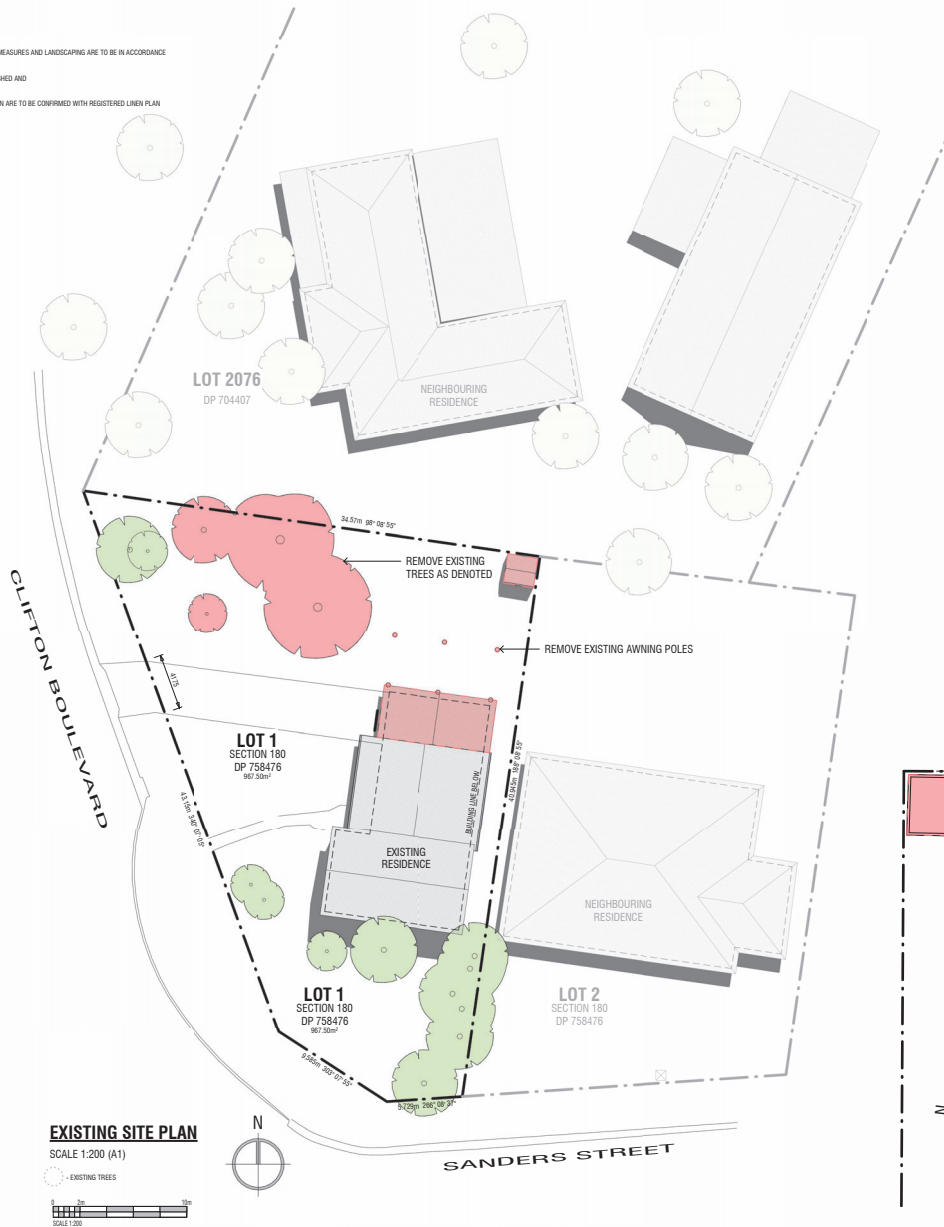
WATERPROOFING, FLASHING, DRAIN PROOF COURSES AND OTHER SPECIAL INSTRUCTIONS TO BE PROVIDED AND INSTALLED IN ACCORDANCE WITH BCA REQUIREMENTS.

SITE NOTES

OVERALL SITE DRAINAGE, EROSION CONTROL MEASURES AND LANDSCAPING ARE TO BE IN ACCORDANCE WITH LOCAL COUNCIL REQUIREMENTS.

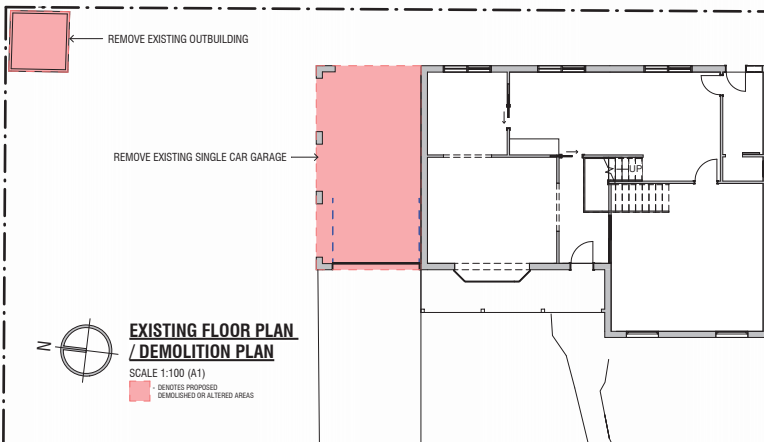
SITE SETOUT DIMENSIONS ARE TO BE ESTABLISHED AND CONFIRMED BY A REGISTERED SURVEYOR.

BOUNDARY DIMENSIONS AND BEARINGS SHOWN ARE TO BE CONFIRMED WITH REGISTERED LINEN PLAN



PROPOSED SUBDIVISION PLAN

INDICATIVE PLAN ONLY (TO BE CONFIRMED
BY REGISTERED SURVEYOR)
SCALE 1:200 (A1)



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<p>Wagga Wagga Level 1, 37 Johnson Street (02) 6921 8333</p> <p>admin@mjgm-solutions.com www.mjgm-solutions.com</p> <p>Bowtrot Pty. Ltd., trading as MJM Consulting Engineers ABN 16 107 158 350</p>	<p>Griffith Level 1, 130 Banna Avenue (02) 6962 9922</p> <p>ACN 107 158 350</p>
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BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

No.	DATE	AMENDMENTS	BY
A	6/10/2023	ISSUED FOR APPROVAL	RC
B	25/10/2023	EMAIL 24/10/2023	RC

Filename: BD 230039 Working 1

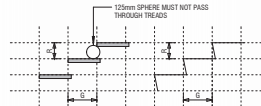
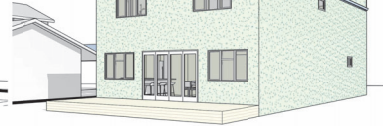
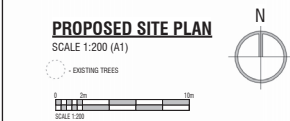
PROJECT
PROPOSED NEW DWELLING

59 CLIFTON BOULEVARD,
GRIFFITH NSW 2680

SHEET SUBJECT
EXISTING SITE PLAN, EXISTING
FLOOR PLAN / DEMOLITION PLAN,
PROPOSED SUBDIVISION PLAN

CLIENT
BRENDON AUGUSTUS

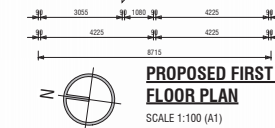
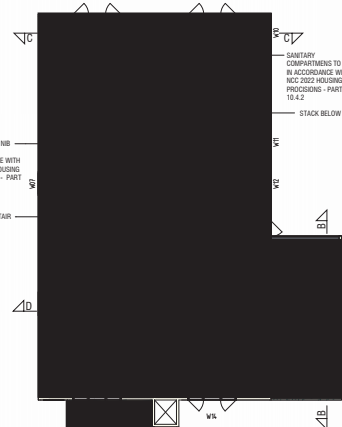
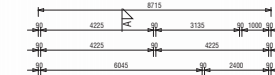
PROJECT NO. 230039	SHEET NO. BD01	ISSUE B	DATE APR 2023
DESIGNED RC	CHECKED <i>3/1/24</i>	DRAWN RC	CHECKED <i>3/1/24</i>



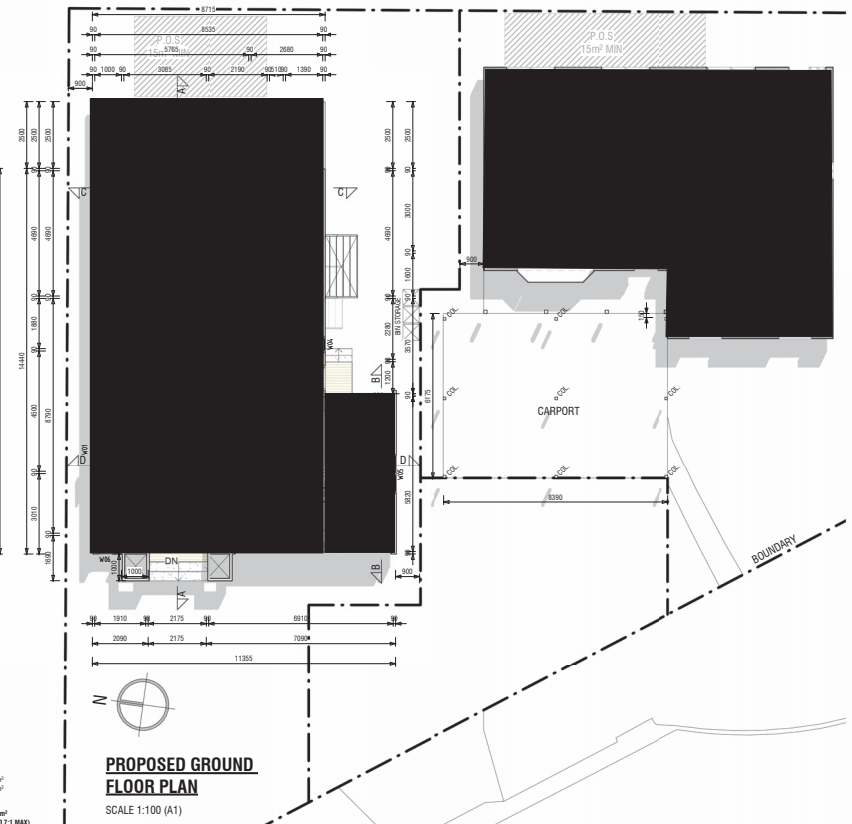
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W02	1200	1200	2100	ALUMINUM SINGLE CLEAR ANIRING
W03	1200	1800	2100	ALUMINUM SINGLE CLEAR ANIRING
W04	900	1800	2100	ALUMINUM SINGLE CLEAR ANIRING
W05	1000	1500	2100	ALUMINUM SINGLE CLEAR SLIDING
W06	2100	600	900	ALUMINUM SINGLE CLEAR ANIRING
W07	600	900	2100	ALUMINUM SINGLE CLEAR ANIRING
W08	1200	1800	2100	ALUMINUM SINGLE CLEAR ANIRING
W09	1200	1800	2100	ALUMINUM SINGLE CLEAR ANIRING
W10	900	600	2100	ALUMINUM SINGLE CLEAR ANIRING
W11	600	1800	2100	ALUMINUM SINGLE CLEAR FIXED
W12	900	600	2100	ALUMINUM SINGLE CLEAR ANIRING
W13	1200	1800	2100	ALUMINUM SINGLE CLEAR ANIRING
W14	1200	1800	2100	ALUMINUM SINGLE CLEAR ANIRING
W15	1200	1800	2100	ALUMINUM SINGLE CLEAR ANIRING

NO.	HEIGHT	WIDTH	HEAD	TYPE
D01	2100	820	2100	ALUMINIUM, FT 820 DOOR, SINGLE, CLEAR, HINGED
D02	2100	900	2100	ALUMINIUM, DOUBLE, CLEAR, STACKING

REFER TO BASIX CERTIFICATE INFORMATION FOR FURTHER GLAZING DETAILS AND REQUIREMENTS



215.434ml



SCALE 1:100 (A1)

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH RELEVANT STANDARDS AND THE BCA REQUIREMENTS.



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Bowtrot Pty. Ltd. trading as MJM Consulting Engineers



No.	DATE	AMENDMENTS	
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B	25/10/2023	EMAIL 24/10/2023	

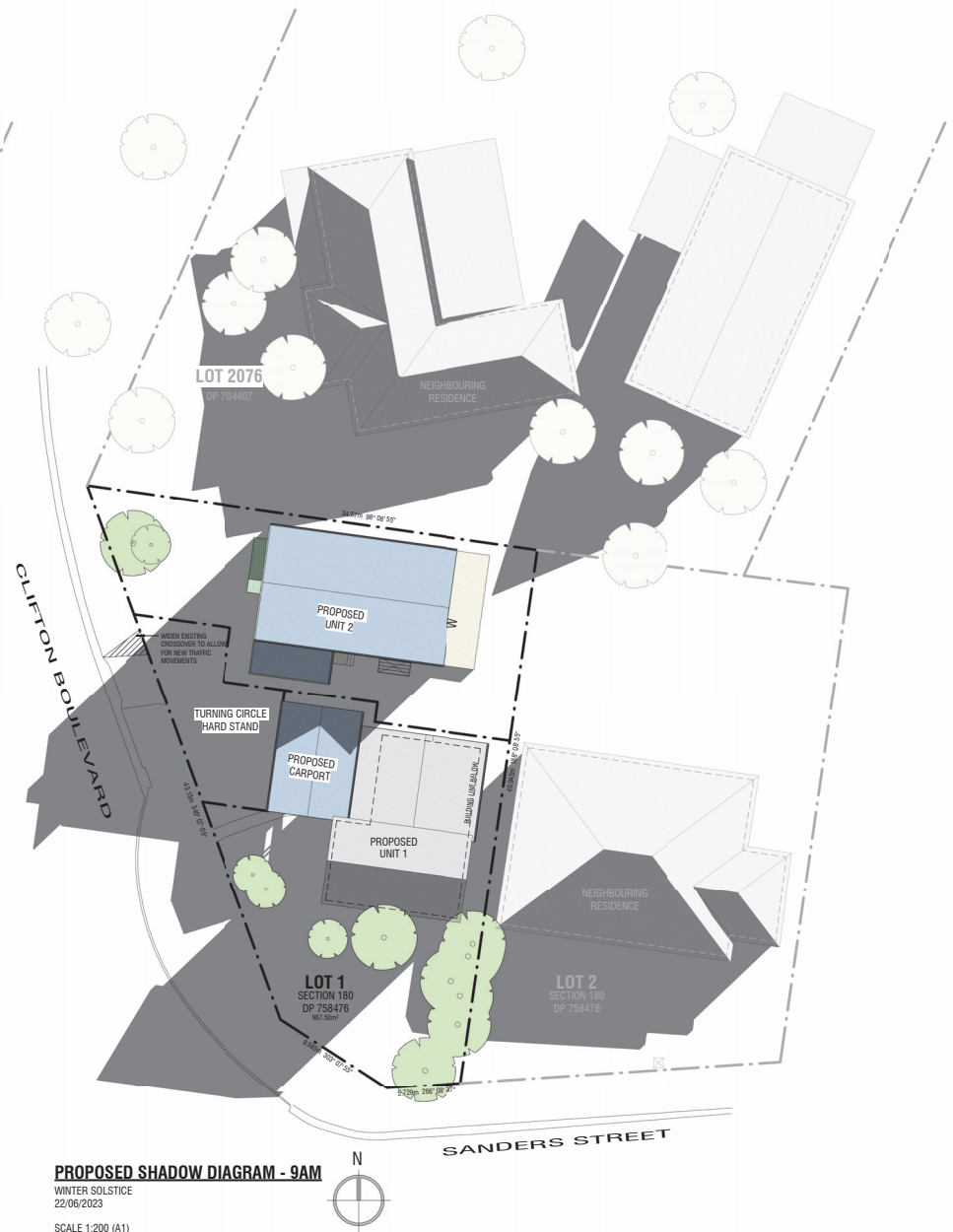
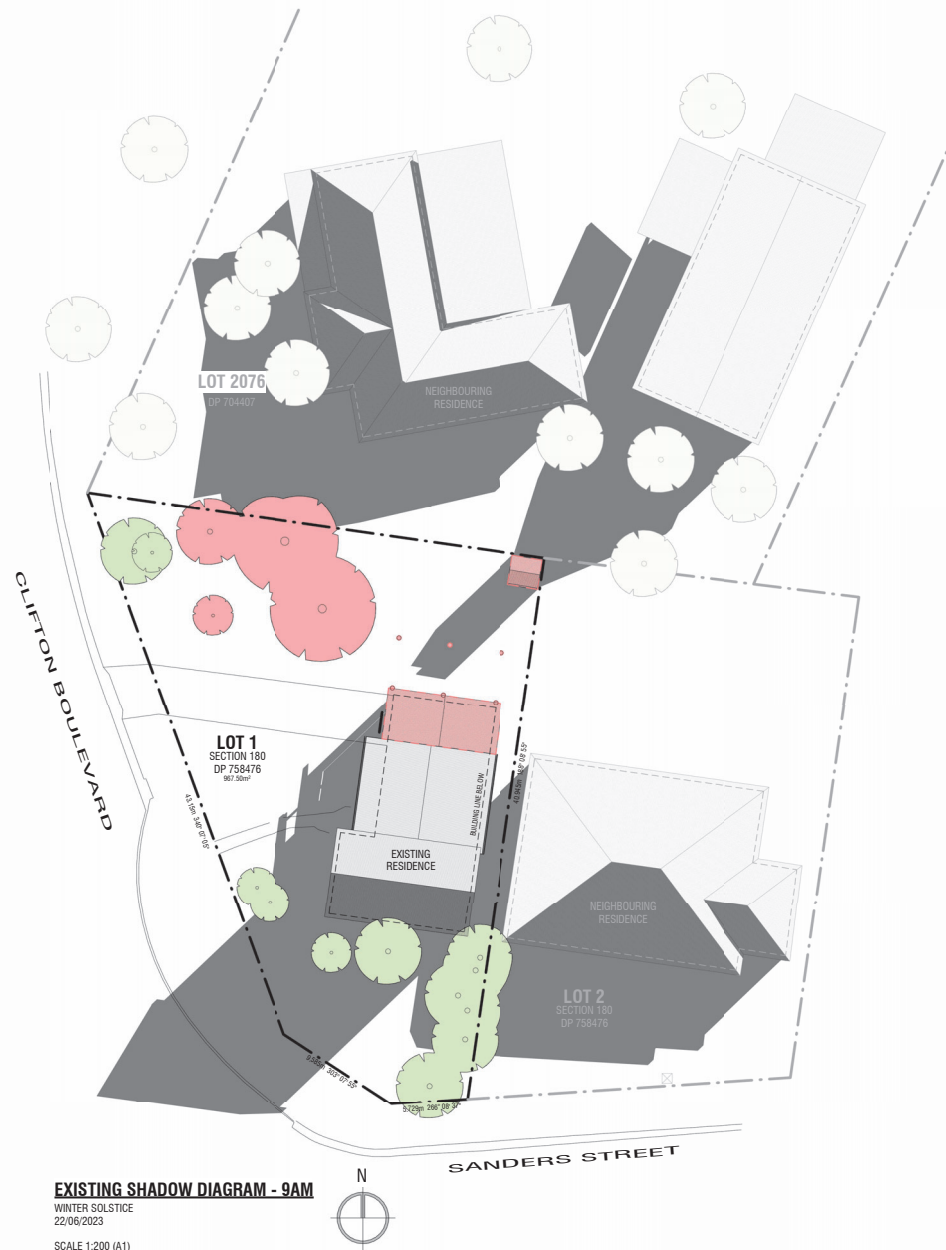
Filename: BD_230039_Working_1

59 CLIFTON BOULEVARD,
GRIFFITH NSW 2680

SHEET SUBJECT
PROPOSED SITE PLAN,
PROPOSED FLOOR PLANS, 3D
PERSPECTIVES

CLIENT
BRENDON AUGUSTUS

PROJECT NO. 230039	SHEET NO. BD02	ISSUE B	DATE APR 2023
DESIGNED RC	CHECKED <i>3/1/24</i>	DRAWN RC	CHECKED <i>3/1/24</i>



DIMENSIONS ARE TO BE CHECKED BY BUILDING CONTRACTOR PRIOR TO COMMENCEMENT OF BUILDING WORKS.

DO NOT SCALE OFF DRAWINGS.

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MJM
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bdqa
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

No.	DATE	AMENDMENTS	BY
A	6/10/2023	ISSUED FOR APPROVAL	RC
B	25/10/2023	EMAIL 24/10/2023	RC

PROJECT
PROPOSED NEW DWELLING

59 CLIFTON BOULEVARD,
GRIFFITH NSW 2680

SHEET SUBJECT
SHADOW DIAGRAMS - 9AM

PROJECT NO.	SHEET NO.	ISSUE	DATE
230039	BD03	B	APR 2023
DESIGNED	CHECKED	DRAWN	CHECKED
RC	31/11	RC	31/11

CLIENT
BRENDON AUGUSTUS

Filename: BD_230039_Working_1



EXISTING SHADOW DIAGRAM - 12PM

WINTER SOLSTICE
22/06/2023

SCALE 1:200 (A1)



PROPOSED SHADOW DIAGRAM - 12PM

WINTER SOLSTICE
22/06/2023

SCALE 1:200 (A1)

DIMENSIONS ARE TO BE CHECKED BY BUILDING CONTRACTOR PRIOR TO COMMENCEMENT OF BUILDING WORKS.

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ASSOCIATION OF AUSTRALIA

No.	DATE	AMENDMENTS	BY
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B	25/10/2023	EMAIL 24/10/2023	RC

Filename: BD_230039_Working_1

PROJECT
PROPOSED NEW DWELLING

59 CLIFTON BOULEVARD,
GRIFFITH NSW 2680

SHEET SUBJECT
SHADOW DIAGRAMS - 12PM

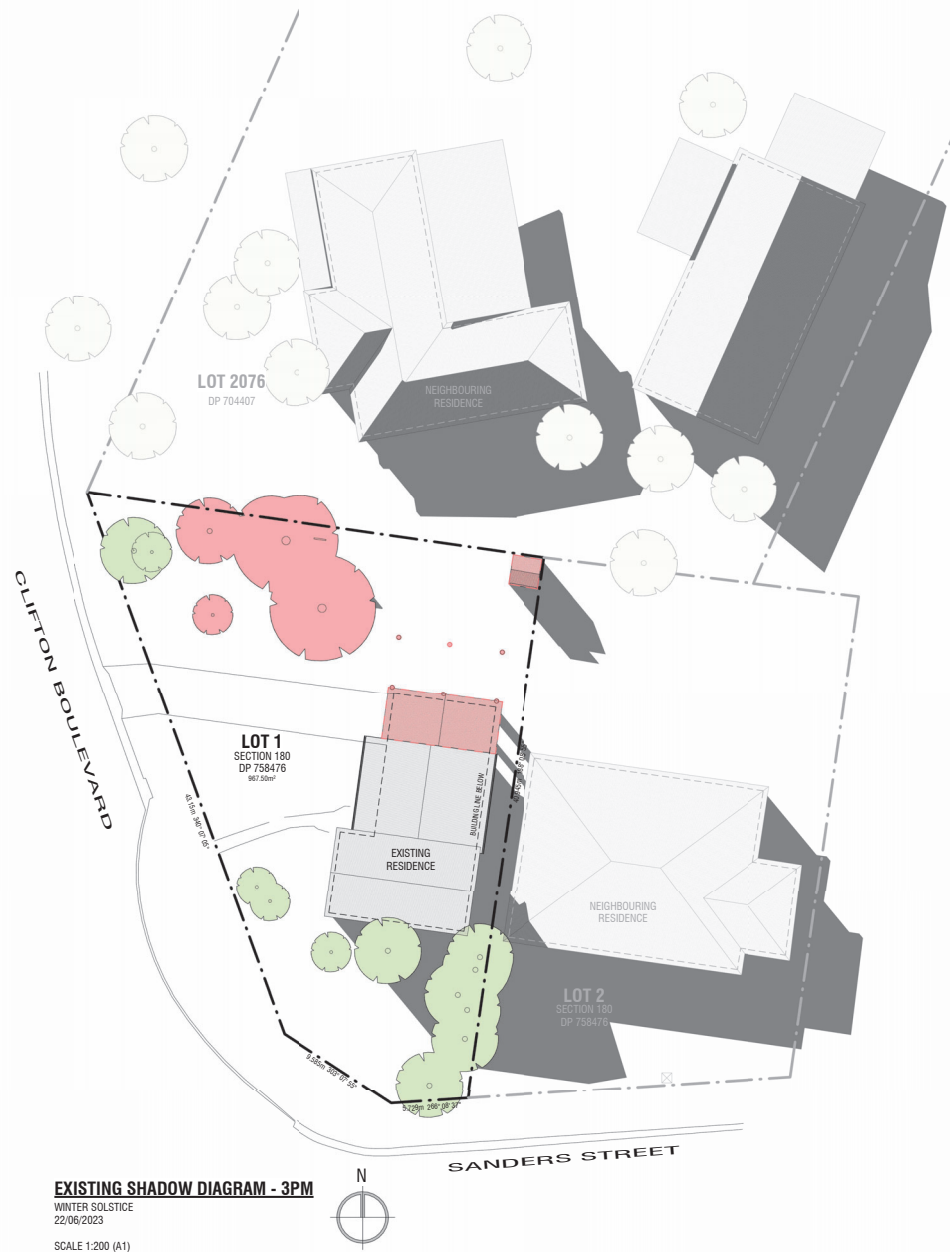
PROJECT NO.
230039

SHEET NO.
BD04

ISSUE
B

DATE
APR 2023

CLIENT
BRENDON AUGUSTUS



DIMENSIONS ARE TO BE CHECKED BY BUILDING CONTRACTOR PRIOR TO COMMENCEMENT OF BUILDING WORKS.

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Filename: BD_230039_Working_1

PROJECT
PROPOSED NEW DWELLING

59 CLIFTON BOULEVARD,
GRIFFITH NSW 2680

SHEET SUBJECT
SHADOW DIAGRAMS - 3PM

PROJECT NO.
230039

SHEET NO.
BD05

ISSUE
B

DATE
APR 2023

CLIENT
BRENDON AUGUSTUS

DESIGNED
RC

CHECKED
RC

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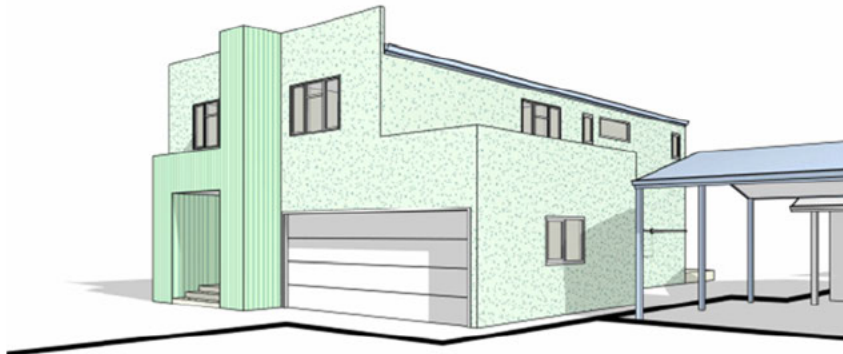
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Statement of Environmental Effects
Additional Dwelling, Carport & Subdivision
59 Clifton Boulevard, Griffith
Lot 1 Section 180 DP 758476



Title: Additional Dwelling, Carport and Subdivision, 59 Clifton Boulevard, Griffith, Lot 1 Section
180 DP 758476

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Appendix 1 Request for a Variation to a Development Control		

1 Summary

This Statement of Environmental Effects has been prepared to accompany a development application for the construction of an additional dwelling, carport and community title subdivision of the site, 59 Clifton Boulevard, Griffith (Lot 1 Section 180 DP 758476).

The subject site is located on the corner of Clifton Boulevard and Sanders Street, and is located in the Old Collina Precinct. Existing development on the site includes a double storey brick dwelling with attached enclosed carport. The site has an area of 967.5 m² and is fully serviced by all essential services.

A request for a variation to a development control for concessions relating to carport location, and side boundary setback as specified in the *Griffith Residential Development Control Plan 2020* are sought. The proposal is considered to be compatible with the precinct, locality and existing established land uses, and proposes suitable residential infill development.

The statement of Environmental Effects has been made with reference to the following documents:

Document	Prepared by
Detail Survey	PHL Surveyors
Drawing Set	MJM Consulting Engineers
Basix Certificates	MJM Consulting Engineers
Cost Estimate	Brendon Augustus, Owner Builder

1.1 Need & Justification

The Griffith Housing Strategy 2019 has identified a need for smaller, well-located dwellings to meet a projected need for residential accommodation in Griffith, and to match Griffith's higher than average job growth. Although the proposal is not aimed to provide low-income housing, the proposal will provide an additional dwelling by infill development which is well-located and of a high-quality design.

2 The Site & Locality

The subject site is known as 59 Clifton Boulevard, Griffith, and legally Lot 1 Section 180 DP 758476. The site is a corner lot which has an area of 967.5m² and contains a double storey brick dwelling. The property is located with frontage to Clifton Boulevard and Sanders Street. There does not appear to be any registered easements on the property, although a Council owned sewer manhole is located on the northern rear boundary shared with 7 Sanders Street. Underground power is located in the road reserve of Clifton Boulevard and Sanders Street.



Figure 1: View of existing dwelling from Clifton Boulevard.



Figure 2: Subject site and immediate locality.

2.1 Surrounding Land Uses

The site is located in the Old Collina Precinct, a residential zone, and adjoins E1 Local Centre zoned land (Driver Shopping Centre) which includes a grocery store, health consulting rooms, café, hairdressers and other shops and services. Adjacent to the subject site to the west on the corner of Sanders Street and Clifton Boulevard are 4 Community Title dwellings. To the south of the site are 27 freestanding strata units over 5 strata lots at Clifton Boulevard, Sanders Street and Hoad Street. Murrumbidgee Regional High School (Wade Site) is located further south-west of the site, a childcare center and pre-school is located further west of the site. To the east and north of the site is the residential area of New Collina.



Figure 3: Locality map. (Source: Google Maps).

3 Proposed Development

The development application is seeking approval for the construction of an additional dwelling, carport, and Community Title subdivision of the site, 59 Clifton Boulevard, Griffith (Lot 1 Section 180 DP 758476).

Demolition & Tree Removal

The proposal also seeks consent for the removal of the existing attached single car carport (partially enclosed), a small outbuilding, and a number of trees, as indicated on the existing site plan.



Figure 4: Existing site, demolition and tree removal plan.



Figure 5: Trees to be removed.

Construction of a Double-Storey Dwelling & Free-Standing Carport

Consent is sought for the construction of a new double storey dwelling (referred to as Proposed Unit 2). The proposed dwelling has a total floor area of 285.43m² and the ground floor includes an attached double garage, sitting room, storage, bathroom, laundry, open plan kitchen, living, dining, with walk in pantry, and deck. The first floor includes 4 bedrooms including master bedroom with ensuite and walk-in-robe, and bathroom and toilet. The proposal includes alteration to the existing driveway to widen the crossover and internal driveway area to allow sufficient hardstand areas for onsite vehicle manoeuvring. Consent is also sought for a free-standing double carport to service the existing dwelling and to meet onsite covered parking requirements.

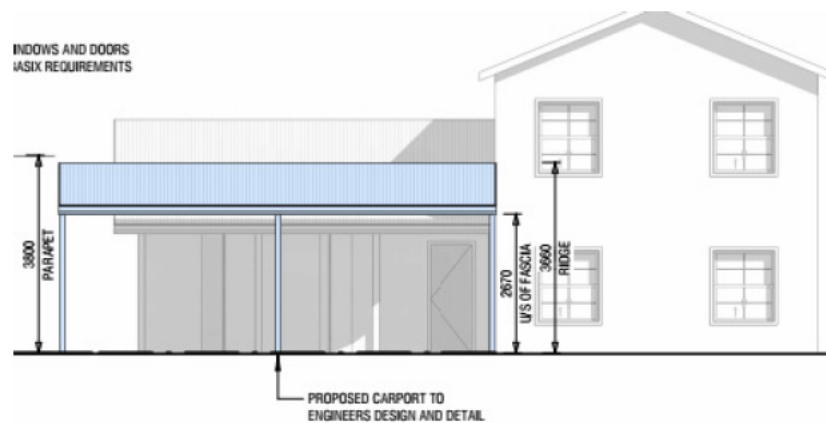


Figure 6: Proposed carport elevation.



Figure 7: Proposed site plan.

Community Title Subdivision

The development includes the three lot Community Title subdivision of the site. Lot 1 will be the Community lot for shared driveway access (96m² in area), Lot 2 will contain the existing dwelling and proposed carport (471m²), and proposed Lot 3 will contain the new dwelling and will have a lot area of 400m².

It would be the owner's preference if the Subdivision Certificate could be issued earlier than the issue of the Occupation Certificate; it is requested that Council does not impose a conditioning requiring the issue of the Occupation Certificate prior to issuing the Subdivision certificate.

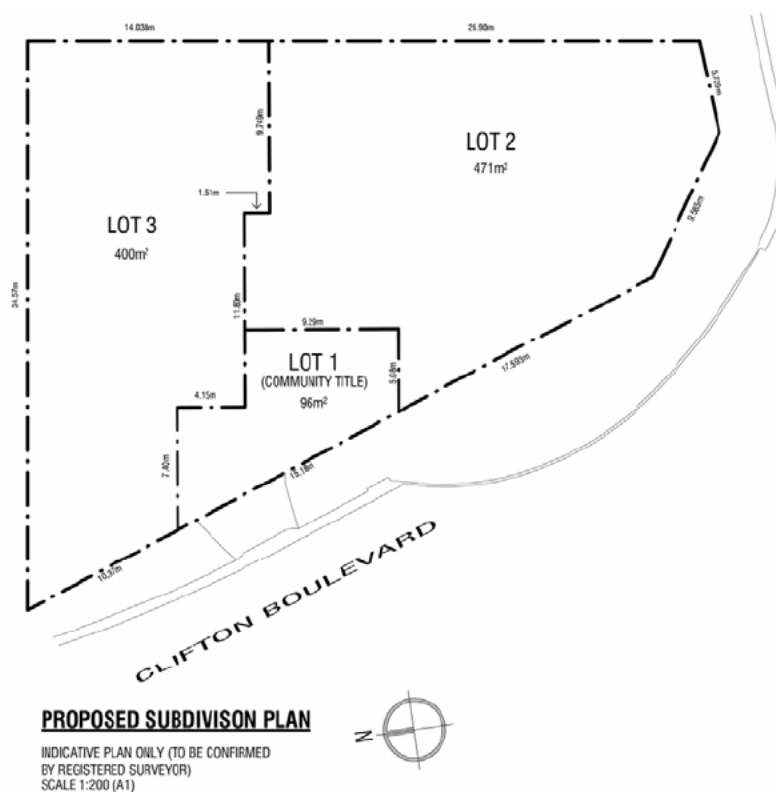


Figure 8: Proposed plan of Community Title subdivision.

3.1 Pre-Lodgement Discussions

It is preference that the site be subdivided by Torrens title subdivision as the lot areas would allow subdivision of this type. However, Council's engineers advised that a sewer main extension is not possible due to the shallow depth of the existing sewer TMS, and minimum cover and fall would not be met.

Council staff also advised that an additional accessway would not be allowed due to the proximity to the intersection of Clifton Boulevard and Sanders Street. Also, Council would not allow additional reversing movements created as part of an additional dwelling onto Clifton Boulevard, due to the geometry of the road, and sight distance issues.

4 Statutory Framework

This section provides an assessment of the proposal against the relevant planning legislation as prescribed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

4.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 1.3 – Objects of the Act

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Commentary: The proposal is not contrary to the objectives of the EP&A Act.

4.2 Griffith Local Environmental Plan 2014

A thorough review of the Griffith Local Environmental Plan 2014 has been undertaken. An assessment of the proposal for compliance with the requirements of the relevant parts of the LEP has been provided below.

Land use zoning: The subject land is zoned *R1 General Residential* under the provisions of the *GLEP2014*.



Figure 9: GLEP2014 zoning map.

Objectives

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To facilitate development of social and community infrastructure to meet the needs of future residents.
- To allow people to carry out a reasonable range of activities from their homes, if such activities do not adversely affect the living environment of neighbours.

Comment: The development meets the objectives of the R1 zone by providing increased housing supply to meet the needs of the community, particularly smaller sized, medium density dwellings in a suitable location with good access to services.

Permissibility

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified item 2 or 4

Comment: The proposal is seeking consent for a *dual occupancy*, specifically a detached dual occupancy and is defined as: *dual occupancy means a dual occupancy (attached) or a dual occupancy (detached). dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.* Once the subdivision is finalised, the proposal will result in a single *dwelling house* on each lot. Dual occupancies and dwelling houses are permitted with development consent in the R1 zone.

Clause 1.2 – Aims of the Plan

(1) This Plan aims to make local environmental planning provisions for land in Griffith in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

- (a) to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
- (b) to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
- (c) to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) to manage and protect areas of environmental significance,*
- (e) to recognise the historical development of the area and to preserve heritage items associated with it.*

Comment: The proposal is not contradictory to the aims of the GLEP2014. The proposal is considered to promote (c) specifically by providing a variety of housing options to meet the needs of the community, particularly an identified need for increased numbers of well-located residential dwellings.

Clause 2.6 Subdivision – consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Comment: The proposal seeks consent for subdivision as part of this application.

Part 4 Principal Development Standards**Clause 4.1 Minimum subdivision lot size**

(1) The objectives of this clause are as follows—

- (a) to provide a minimum lot size for the subdivision of land,*
- (b) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area and will not lead to fragmentation of natural areas,*
- (c) to protect the productive capacity of agricultural land,*
- (d) to prevent the fragmentation of rural lands,*
- (e) to encourage a diversity of lot sizes, housing forms and densities in residential zones.*

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) Despite subclause (3), the size of each lot resulting from the subdivision of land identified as “Area A”, “Area B” or “Area C” on the Lot Size Map, if the lot is connected to a reticulated sewer or the consent authority is satisfied that it will be connected to a reticulated sewer, must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant area.

Column 1	Column 2
Area A	700 square metres
Area B	600 square metres
Area C	3,000 square metres

(4) This clause does not apply in relation to the subdivision of any land—

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
- (b) by any kind of subdivision under the Community Land Development Act 2021.*

Comment: The minimum lot size for the precinct 700m². Consent for the subdivision is sought via community title subdivision.

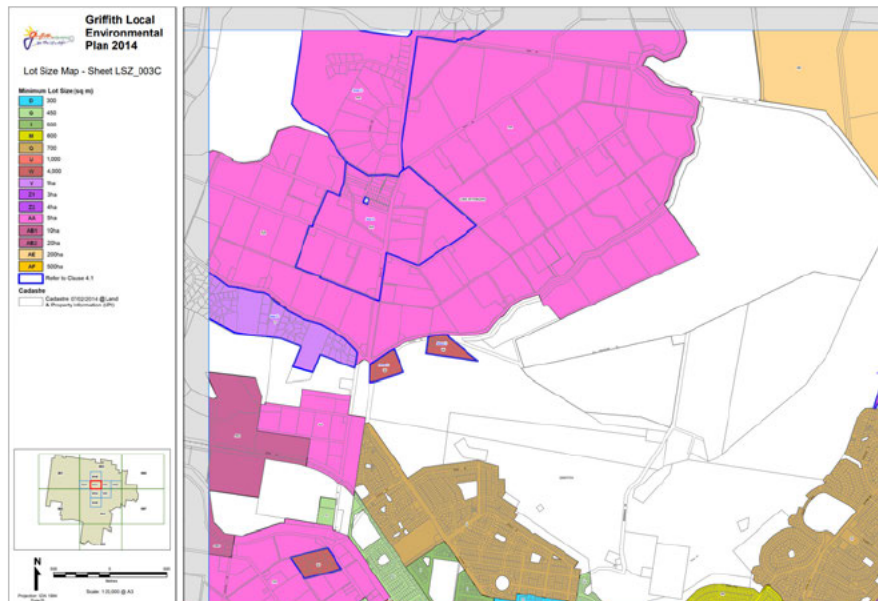


Figure 10: GLEP2014 Lot Size Map.

4.1A Exceptions to minimum subdivision lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in Zone R1 General Residential.
- (3) Development consent may be granted to the subdivision of land to which this clause applies on which is lawfully erected multi dwelling housing or a dual occupancy if—
 - (a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and
 - (b) the size of each lot resulting from the subdivision is equal to or greater than—
 - (i) for a semi-detached dwelling or an attached dwelling—300 square metres, or
 - (ii) for a dwelling house—400 square metres.
- (4) Development consent may be granted to a single development application for the erection of multi dwelling housing or a dual occupancy on land to which this clause applies and the subdivision of that land into 2 or more lots if—
 - (a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and
 - (b) the size of each lot resulting from the subdivision is equal to or greater than—
 - (i) for a semi-detached dwelling or an attached dwelling—300 square metres, or
 - (ii) for a dwelling house—400 square metres.

Comment: Although the proposal achieves compliance with the minimum lot size provisions of this clause, consent is sought for Community Title subdivision due to sewer servicing requirements.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

(1) Objectives The objectives of this clause are as follows -

- (a) to conserve the environmental heritage of Griffith,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment: The site is not listed as a heritage item, in a conservation area, nor in close proximity to a listed item.

Clause 5.21 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,*
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

Comment: After reviewing mapping included in the Griffith Main Drain J Catchment Flood Mapping it does not appear that the site is subject to flood planning area controls for the 1% AEP flood event.

Part 7 Additional local provisions

Clause 7.1 – Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless—*
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

Comment: The proposal includes ancillary earthworks limited to site preparation, installation of infrastructure and construction works only, and does not require consent under this clause.

Clause 7.3 – Terrestrial Biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by—*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*

Comment: The site is not identified as having biodiversity significance as per the terrestrial biodiversity maps.

Clause 7.10 – Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment:

- a. *the supply of water:* Potable water is available to the site presently from Sanders Street. An additional water metre will be installed to ensure separate water connection to each dwelling.
- b. *the supply of electricity:* Electricity is presently connected to the site. Underground electricity is located in the road reserve of Clifton Boulevard.
- c. *the disposal and management of sewage:* Sewerage is presently connected to the site at the rear.
- d. *stormwater drainage or on-site conservation:* Drainage is available for collection in the street system at Clifton Boulevard.
- e. *suitable vehicular access:* The location of the existing driveway is to continue to be used to service the proposed and existing dwellings.

4.3 State Environmental Planning Policies (SEPP's)

4.3.1 State Environmental Planning Policy (Transport & Infrastructure) 2021

Part 3 Development Controls, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution network

The proposal will not involve penetration of ground within 2m of an underground electricity power line, apart from driveway widening works.

4.3.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid Basix Certificate has been completed for the development which indicates that the dwellings are designed to achieve all set targets for water, energy and thermal comfort. It is noted that this certificate was issued prior to the commencement of *State Environmental Planning Policy (Sustainable Buildings) 2022* as per the savings and transitional provisions.

4.4 Griffith Community Participation Plan

It is noted that dual occupancies are required to be notified to adjoining and adjacent landowners. If any submissions are received in regards to the development, it is requested that the applicant be provided with an opportunity to address any concerns which may be raised.

4.5 Council Policies

4.5.1 Onsite Detention Policy

The subject site is located in Sub Catchment E – Clifton Blvd. A concept OSD design has been included with this application.

4.6 Development Control Plans (DCP)

4.6.1 Griffith Residential Development Control Plan 2020

The Griffith Residential Development Control Plan 2020 applies to this proposal. An assessment of the proposed development and design requirements of the GRDCP2020 follows.

Precinct Statement: The subject site is located in the Old Collina Precinct, adjacent to the New Collina Precinct. The existing character of the area is described as follows: *Old Collina is located in the north-east of Griffith's residential area which was developed in the late 70's and early 80's. The planning layout is informal in style consisting of curved loop roads with a series of cul-de-sacs coming off these. The Precinct is centred around Ted Scobie Oval in the north and Driver Shopping Complex in the south. Scenic Hill forms the Precinct's backdrop with large rocks, remnant Eucalyptus, White Cyprus Pine trees and grasses. The local roads are wide mainly feeding into Clifton Boulevard and Blumer Avenue which act as collector roads.*

Future Character: *The projected future character of the Precinct is to remain as a low-density neighbourhood. Where appropriate secondary dwellings on lots could be supported.*

Comment: Although the projected future character of the overall Old Collina Precinct is to remain as a low-density neighbourhood, the subject site is situated in a neighbourhood with many existing examples of medium density residential dwellings which are Strata or Community titled on adjacent sites on Clifton Boulevard and Sanders Street. The proposed development is compliant with FSR,

parking and height controls specified for the precinct and is suitable in its location, with adjacent multi-dwelling developments and commercial zoned land, *E1 Local Centre*. The proposal is consistent with existing nearby development in the precinct and would not cause the precinct to significantly increase in density.

Precinct Specific Controls

Max. FSR	Max. Height	Parking	
0.5:1	9 m	1 Bedroom Unit	1 space
Corner		2 Bedroom Unit	1.5 space
Lot		3+ Bedroom Unit	2 spaces
0.7:1		Visitors	1 space per 4 units

The specific controls and design criteria specified in GRDCP2020 for dual occupancies and subdivision are outlined and assessed in the table below.

Control Type	Clause	Control	Proposal	Compliance?
Floor Space Ratio	N/A	<i>Has an FSR calculation been provided for the site in accordance with section 5.3? Does the FSR meet the maximum allowed in the precinct statement?</i>	The FSR for corner lots in the precinct is 0.7:1. The proposed development is within the allowable FSR, estimated at 0.4:1 for the existing dwelling, and 0.65:1 for the proposed new dwelling, with calculations based off the new community title lot areas and excluding the driveway lot.	Yes
Maximum Height	N/A	<i>Is the dwelling below the maximum height level for the precinct?</i>	The height restriction for the precinct is 9m. The proposed new dwelling is double storey in height with an overall height to the roof ridge of 6.1m.	Yes
Parking	N/A	<i>Has parking been provided in accordance with the rates in the precinct statement? 2 bedroom unit = 1.5 spaces 3+ bedroom unit = 2 spaces + 1 visitor space per 4 units</i>	The proposal is for 1 additional dwelling (4-bedrooms), and an existing 3-bedroom dwelling, requiring 2 spaces each. The proposal provides an attached double car garage for the new dwelling, and a new double carport for the existing dwelling. Visitor spaces are not required in this instance. The proposed development provides the required onsite parking spaces.	Yes
Precinct Statement	N/A	<i>Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement?</i>	The proposal is justified to be compatible with the locality and desired outcomes for the precinct, remaining as low-density development.	Yes
Site Analysis Plan	4.2	<i>Has a Site Analysis Plan been submitted with the DA?</i>	In designing the proposal, a site analysis has been undertaken of the site and surrounds and determined that the site is mostly unconstrained and favourable	Yes

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Control Type	Clause	Control	Proposal	Compliance?
			to a dual occupancy and subdivision development. The submitted plans address the surrounds and adjoining properties.	
Streetscape	4 3(a)	<i>If the dwelling is on a corner block, does it address both street frontages?</i>	The new dwelling fronts only Clifton Boulevard and addresses that street frontage.	Yes
	4 3(b)	<i>The primary street façade of a dwelling should address the street and incorporate at least two of the design features:</i> <ul style="list-style-type: none"> • entry feature or porch; • awnings or other features over windows; • recessing or projecting architectural elements; • open verandah; or • bay windows or similar features 	The proposed dwelling has been designed to incorporate a projecting architectural entry feature, including a square parapet feature.	Yes
	4 3 (c)	<i>Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development goals of the precinct as described in the Precinct Statement?</i>	The proposal is consistent in scale of existing development on site and lower density than existing development in the immediate locality.	Yes
	4 3 (e)	<i>Does a window to a habitable room face the street?</i>	Windows facing the street include a sitting room at ground level and a bedroom at the first floor.	Yes
Building Design	4.4(a)	<i>Is the design generally in accordance with the precinct statement?</i>	The design achieves outcomes consistent with the precinct statement.	Yes
	4.4(b)	<i>Are blank front walls spanning 5 m without a physical change avoided?</i>	Front walls do not exceed 5m without a physical change.	Yes
	4.4(c)	<i>Do the side walls visible from the street have a length of 10 m without a physical change?</i>	Side walls which would be visible from the street do not exceed 10m without a physical change.	Yes

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Control Type	Clause	Control	Proposal	Compliance?
	4.4(d)	<i>Are windows facing the street provided in a balanced manner?</i>	Street facing windows are balanced and respond to the orientation of the site and internal uses.	Yes
	4.4(e)	<i>Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?</i>	There are no consistent existing housing materials or design in the locality. Materials shown on plans are concrete fibre cement sheeting, James Hardie fine texture external cladding, colourbond fascia and gutters, James Hardie Axon cladding to façade, aluminium framed windows and doors.	Yes
	4.4(f)	<i>Will the proposal overshadow adjacent private open spaces or habitable rooms?</i>	The proposed new dwelling is double storey in height. Due to the proposed location and orientation, it will not significantly impact on adjoining properties in terms of overshadowing.	Yes
	5.5(j)-(m)	<i>Do dwellings have the following minimum internal floor areas:</i> <ul style="list-style-type: none"> • 3+ bed – 90 m² • Bedrooms 8 m² excluding wardrobe space. • Combined living and dining rooms have a minimum area of 28 m² • storage with a minimum dimension of 500 mm & 10 m³ 	The proposed new dwelling has a floor area of 285.43m ² with living & dining area greater than 28m ² and includes adequate storage.	Yes
Sustainability	4.5(a)	<i>Has a BASIX certificate been submitted?</i>	See included with the application.	Yes
	4.5(b)	<i>Does the dwelling adopt general sustainable building practices?</i>	The development has been designed to achieve this.	Yes
Height	4.6(a)	<i>Is the dwelling height less than 9 m?</i>	Yes, 6.1m to ridge.	Yes
	4.6(b)	<i>Does the height of the dwelling suit the streetscape?</i>	The height is similar to the existing dwelling located onsite, slightly shorter.	Yes

Control Type	Clause	Control	Proposal	Compliance?
	4.6(d)	<i>Are the proposed tree heights consistent with dwelling scale?</i>	Landscaping schedule to be finalised.	Yes
Solar Access And Energy Efficiency	4.7(a)	<i>Solar access must be available between the hours of 9 am and 5 pm for a minimum duration of 3 hours to any living area on the 22nd of June for each respective dwelling.</i>	The proposal complies with recommendations and requirements for solar access and energy efficiency.	Yes
	4.7(b-c)	<i>Where possible, buildings should be oriented on a north-south, east-west axis to maximise solar access to living areas. Windows should be located and shaded so as to reduce summer heat load and to permit entry of winter sunlight.</i>	The building has been designed to maximise solar access to living areas to achieve optimum winter sun and summer shading for the lot orientation.	Yes
	4.7(d)	<i>Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?</i>	Outdoor clothes drying areas have been provided for, with access to sunlight.	Yes
Setbacks	4.8.1(a-b)	<i>Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater) + 5.5m for garages</i>	<p>The proposed dwelling and attached garage are to be setback 6.7m from the front boundary facing Clifton Boulevard.</p> <p>The existing dwelling onsite is setback 5m at the closest point to Clifton Boulevard. The adjoining dwelling at 61 Clifton Boulevard is setback 6m. The adjacent strata units 5m at 46 & 48 Clinton Boulevard are setback 5m to Clifton Boulevard. The average setback of these dwellings is 5.5m. due to the lot being a triangular shaped corner lot, the proposed setback is suitable for the site.</p>	Yes

Control Type	Clause	Control	Proposal	Compliance?
Visual And Acoustic Privacy	4 8.2	<i>Building articulation permitted in front setbacks</i>	Noted and not proposed.	n/a
	4 8.3	<i>Side Setbacks – Two storey dwellings: The minimum setback of the upper storey is 1.5 m with the eaves (overhang) setback a minimum of 900mm.</i>	The proposed dwelling is setback 900mm from the northern side boundary for the ground and upper storey. A concession of 600mm to the upper storey is requested.	Concession sought to side setback.
	4 8.4	<i>Rear Setbacks Ground level: minimum setback is 2m Upper storeys: minimum setback is 3m</i>	Rear setback proposed is 5.9m.	Yes
	4 9(a-b)	<i>Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?</i>	The location of windows and consideration of privacy has been incorporated into the design to preserve privacy of adjoining sites and within the proposed development. Minimal windows are proposed on the northern boundary on both levels, as well as the east elevation at the upper floor. No balconies have been proposed.	Yes
	4 9(c)	<i>Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?</i>	Noise generating equipment such as air-conditioning units can be adequately positioned on the site to minimise noise disturbances to occupants and neighbours.	Yes
	4 9(d)	<i>Does the dwelling include a balcony, if so has overlooking been considered?</i>	No balconies have been proposed.	n/a
Private Open Space	4.10(a)	<i>Has a minimum of 15 m² of PPOS been provided in a location that will receive a good amount of sunlight and with a width of a minimum of 3 m and is directly accessible from a communal living area?</i>	Each dwelling has a POS area which exceeds the 15m ² area requirement. These areas will obtain morning sun to proposed Unit 2, and afternoon sun to the existing dwelling. The PPOS to the new dwelling is accessible from the living area.	Yes

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Control Type	Clause	Control	Proposal	Compliance?
	4.10(b)	<i>Is the PPOS within a 4 m or greater setback area?</i>	The PPOS is within setbacks greater than 4m for the proposed dwelling. The PPOS for the existing dwelling will be in the side setback on the corner of Sanders Street and Clifton Boulevard.	Yes
	4.10(c)	<i>Is the PPOS visible from neighbouring sites, if so has it been screened?</i>	The PPOS for the existing dwelling will be visible from the street. The proposed landscaping will include screening to create privacy for this area.	Yes
Landscape Area Controls	5 5(p)	<i>Do the plans show that 20% of the site can be landscaped? A preliminary Landscape Plan must include the nature strip and a combination of tree planting, for shade, mid height shrubs, lawn and ground covers; 50% of the overall number of trees and shrubs should be species native to the region; a reticulated sprinkler system should be provided; and an ongoing maintenance plan.</i>	The plans indicate that areas for landscaping are available which exceeds 20% (approximately 33% of the total site area). A preliminary landscape plan has been included which shows landscaped areas. A full landscaping plan can be provided post-determination.	Yes
	4.11(b-c)	<i>Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?</i>	The proposed landscaping areas can achieve the DCP requirements. A full landscaping schedule will be developed and appropriate species native and drought tolerant species will be selected.	Yes
Street Trees	4.12(a-f)	<i>Have street trees been proposed in accordance with 4.12 (a-f)?</i>	Street trees can be planted at the frontage of the property if required by Council, however the location may not be suitable due to being a corner lot, narrow road reserve width and location of existing services.	Yes
Vehicle Access And Parking	5 5(b)	<i>Has at least one undercover parking space been provided in a carport or a garage?</i>	Each dwelling has 2 covered car spaces each.	Yes
	5 5(c)	<i>Internal driveways must be a minimum of 3.5 m wide.</i>	The internal driveway will exceed 3.5 m width.	Yes

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Control Type	Clause	Control	Proposal	Compliance?
	5.d(d)	<i>Shared accessways must be prioritised for non-corner lots.</i>	The lot is a corner lot, however as discussed as a pre-lodgement matter, no additional accessways will be approved.	Yes
	5 5(e)	<i>Driveways must be designed to allow vehicles to enter and leave the site in a forward direction for frontages on busy roads or where driveway lengths are greater than 30 m.</i>	The driveway enables vehicles to leave the site in a forward direction with reversing areas provided on site. This has also been discussed as a pre-lodgement matter.	Yes
	5 5(g)	<i>The minimum separation between detached dual occupancies must be 1.8 m</i>	The dwellings will be separated by 1.8m distance from the external walls.	
	5 5(h)	<i>Garages must be setback a minimum of 5.5 m from the front boundary and 3.5 m from a secondary street frontage.</i>	The garage is setback in excess of 5 5m.	Yes
	5 5(i)	<i>Garages must be a maximum of 6 m wide.</i>	The garage is 7m wide internally, with a 5.8m wide panel lift door visible from the site frontage.	Yes
Parking Design	Appendix 1 3.1	<i>Access Does the proposed access comply with part 3.1 (a – g) minimum designs standards for single dwellings and dual occupancies?</i>	a) Off-street parking is provided in an enclosed garage and carport b) The existing driveways is proposed to be widened to 6.1m. c) The width of garage exceeds 3.0m with 2.75m unobstructed width d) The access is located more than 1m from the side boundaries. e) Access to & from the site would not cause interference to vehicular and pedestrian traffic on Clifton Boulevard.	Yes
	3.2 3	<i>Vehicle Stacking (Tandem Parking)</i>	Not proposed.	n/a

Control Type	Clause	Control	Proposal	Compliance?
Parking Construction	4.0	<i>Gradients: No access way, driveway, or turning area must have a longitudinal gradient exceeding 10%.</i>	The proposal can achieve compliance with the gradient requirements.	Yes
	4.1			
	4.2	<i>Materials and standards for construction: All areas used for standing and manoeuvring of vehicles must be designed in accordance with Council's Engineering Standards: Subdivision and Development.</i>	The access and parking areas will be constructed of a hardstand finish.	Yes
Rainwater Tanks	4.15 (a-f)	<i>Are rainwater tanks proposed, if so, do they meet the requirements of 4.15(a-f)? Are all BASIX requirements for rainwater tanks shown on the plans?</i>	The Basix commitments do not require a rainwater tank for this development.	n/a
Fencing	4.16 (a-b)	<i>Front Fences b) Front fences higher than 1.2 m will be considered in certain instances. :</i>	Front fencing is existing and will remain.	Yes
	4.16l	<i>Side and Rear Fences: location and height of side and rear fences on the plans, generally be a maximum of 1.8 m tall.</i>	Side and rear fences are existing.	Yes
Outbuildings, Garages And Carports	4.17	<i>Outbuildings include gazebos, patios, cubby houses, sheds, carports, garden sheds and the like: Carport controls</i> <ul style="list-style-type: none"> <i>Materials for carports must be sympathetic to the character of the street and design of the dwelling;</i> <i>Carports must be setback behind the building line and must not dominate the primary elevation of the dwelling. However, carports that are</i> 	The proposed carport is located in front of the existing dwelling with a 4.5m front setback.	Concession sought.

Control Type	Clause	Control	Proposal	Compliance?
		<i>integrated into the original design of the dwelling may be built to the building line</i>		
Stormwater	4.18	<i>Are draft plans for the proposed and existing stormwater system in accordance with Council's Engineering Standards: Subdivision and Development included? Is onsite detention required in accordance with Council's Onsite Detention Policy (CS-CP-404)?</i>	A stormwater design has been indicated on the site plans, discharging to for collection via the street system. Onsite detention has been included in the design.	Yes
Swimming Pools	4.19	<i>Refer to separate checklist</i>	Swimming pool not proposed.	n/a
Essential Services	4 20(a)	<i>Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?</i>	Electrical infrastructure is not located within close proximity of the development.	Yes
	4 20(b)	<i>Are underground electrical lines proposed to the dwelling?</i>	The existing electricity infrastructure in the locality is underground.	Yes
	4 20(i)	<i>Have connections to Council's water and sewer infrastructure been shown on plans?</i>	Connection to these services has been indicated on the DA plans.	Yes
Bushfire Risk	4 21	<i>Check if the site is considered bushfire prone land.</i>	The site is not bushfire prone land.	n/a
Frost Control Fans	4 22	<i>Check if any frost control fans within 1000 m of the site.</i>	There are no frost control fans within 1000 m of the site.	n/a
Subdivision: General Controls	Appendix 2	<i>Does the proposed subdivision comply with appendix 2, 2.2 General controls (a – h) for Infill subdivision?</i>	This proposal includes subdivision of the development by Community Title subdivision and is categorised as "infill subdivision.	Yes
Lot Size & Layout		<i>Does the proposed subdivision comply with appendix 2, 2.3(a) – (f) for Infill subdivision? Have a minimum lot width measured at the building line for GLEP area Q – min lot size 700 – min lot width 18m.</i>	Lot size and layout provisions do not apply to community title subdivision.	n/a

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Control Type	Clause	Control	Proposal	Compliance?
Access & Pedestrian Movement		<i>Does the proposed subdivision comply with appendix 2, 2.3 (a) – (c) access & pedestrian movement?</i>	Access upgrades complies with Council's Engineering Standards.	Yes
Essential Services		<i>Does the proposed subdivision comply with appendix 2, 2.4 (a) – (f) Essential Services?</i>	The design and installation of sewerage and water will be in accordance with Council's Engineering Standards. Connection to sewer is from the rear and The water metres can be located 1m from the driveway. Electricity is to be provided underground.	Yes
Stormwater		<i>Does the proposed subdivision comply with appendix 2, 2.5 (a) – (b) Stormwater?</i>	Stormwater details have been provided on the concept drainage and sewer plans and include an OSD system.	Yes

5 Impact Assessment

This section provides an assessment of the potential impact arising from the proposal. The impact assessment is based on the matters for consideration listed in Section 4.15 of the EP&A Act.

5.1 Context and Setting

Locality

The subject site is situated in the Old Collina residential precinct in eastern Griffith. The immediate locality is a mixture of single and multi-dwelling residential uses, and E1 Local Centre zoned neighbourhood shopping complex. The proposed development, being for residential purposes is considered to be suitably located and compatible with the existing established residential land uses.

Visual Impacts

The proposal is a double storey dwelling which has been designed considerate of adjoining properties. The proposal has limited opportunities for a loss of privacy of adjoining properties. The upper level has one small window (W07) on the north elevation shared with 61 Clifton Boulevard (600mm x 900mm, sill height of 1.5 – 2.1m). The east elevation proposed two windows, one in the master and another in the ensuite (W08 & W09, 1200mm x 1800 with 900mm – 2100mm height). The proposal will not block any views, nor will it cause a loss of privacy of adjoining dwellings or their private open spaces.

Sunlight Access

The proposed new dwelling will not significantly impact on sunlight access to adjoining properties. The shadow diagrams show that minor shadows will only be cast after noon, with the 3pm diagram showing some shadowing cast on a small portion of the western rear yard at 7 Sanders Street. Solar access will be available between the hours of 9 am and 3 pm exceeding the minimum duration of 3 hours at 21 June.

5.2 Traffic and Parking

The subject site has primary frontage and access to Clifton Boulevard. The development provides adequate onsite parking for residents. Each dwelling has an exclusive entitlement to two undercover spaces and shared single vehicle accessway. A public bus stop is located within walking distance, adjacent to 51 Clifton Blvd.

The development will result in a temporary increase in traffic to the site during the construction phase. The traffic generated by the development once operational is not expected to be unreasonable for a residential area. Using the TfNSW (former RTA s) Guide to Traffic Generating Developments policy for residential development of dwellings, the proposal is likely to generate an expected additional number of vehicle movements at the site in the range of 9 per day to the site overall. The existing street and surrounding road network is adequate to cater for this small increase in traffic.

5.3 Noise Impacts

The development will generate some degree of noise during the construction phase, however this will be limited to the regulated hours specified by Council. Once occupied, the noise generated at the site is expected to be that of typical residential dwellings and is not anticipated to be unreasonable for a residential area.

5.4 Environmentally sensitive land

After a review of the maps associated with the Griffith Local Environmental Plan 2014, the subject site is not identified on the groundwater vulnerability, riparian lands, watercourses, wetlands or terrestrial biodiversity maps.

5.5 Suitability of the Site

The subject site is considered suitable for this development for the following reasons:

- The proposal is not contradictory to the planning framework, including the EP&A Act 1979, and the relevant state environmental planning policies.
- The development has demonstrated the ability to achieve compliance with the objectives and intent of Council planning policies and strategies.
- The site is suitably zoned and the proposal encourages the zone objectives of R1 Residential land zone.
- The development achieves desired outcomes recommended in the Griffith Housing Strategy 2019 by providing additional infill residential housing in Griffith.
- The site contains all services required to support the development.
- The site is not constrained by hazards such as bushfire, floods, heritage, or biodiversity significance.
- The proposal is unlikely to have an unreasonable impact on the environment.

6 Conclusion

This development application seeks consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15 of the same Act. As demonstrated by the detailed assessed of the proposed development in this SEE, the proposal satisfies the intent and requirements of the relevant legislation including the EP&A Act. Although some minor concessions are sought to development controls in the GRDCP2020, the proposal is compatible with the locality and existing established land uses, and proposes suitable residential infill development.

OBJECTION TO :-

DEVELOPMENT APP, NO 240/2023

— WHEN THERE WAS ONE HOUSE THE
PARKING (OUT FRONT OF GATEWAY) WAS
AND IS NO LAWN / SPRINKLERS ETC
NOW 2 HOUSES SAME
GATE.

ONE BIG 2 STOREY, WINDOWS
OVERLOOKING OUR BEDROOM



SOME PROGRESS + DEVELOPMENT

~~QUICK~~ QUICK PROFIT AND
ON TO THE NEXT,

P.S. BEEN HERE OVER 30YRS

IN THE OLDEST HOUSE IN STREET





Subject: Dev't Applic'n No.240/2023 of 59 Clifton Blvd.

Kerry Rourke
Acting Dev't Assessment Coordinator

Dear Ms.Rourke

We, residents of [REDACTED] new owner of 59 Clifton, Mr B F Augustus, oppose the new building to be built if there is/are Windows OVERLOOKING our property as we have our daughters' windows located on that side of our house. We LOSE PRIVACY. He should put his Window/s facing the road or facing the front of his property. If he wants ventilation, he can put exhaust Fans etc.

As it is, he DOES NOT have enough Parking. That house's Tenants park on our lawn and has already damaged our Sprinklers and our front lawn area. He also does not have enough walkway. With one house there, is bad enough. Having two houses will double the problem.

We have been in our property for more than 30yrs, and we value the peace and quiet. As he is building more rooms, it is possible, it becomes a rental place and will attract more problems for us. As he mentioned, he will not live there but is developing it for re-sale, make good money and he goes back to Sydney. We will be the ones to put up with the problem. It's not good.

Thank you for your attention.



[Sent from Yahoo Mail on Android](#)



The General Manager
Griffith City Council
1 Benerembah Street
GRIFFITH NSW 2680

18 December 2023

ATTN: Kerry Rourke

Dear Kerry

Development Application DA 240/2023, Lot 1 Section 180 DP 758476, 59 Clifton Boulevard GRIFFITH –
response to objections

Please see following a response on behalf of the applicant and landowner Mr Brendon Augustus to the submissions raising concerns with the proposed development at 59 Clifton Boulevard Griffith. We thank Griffith City Council staff for allowing us the opportunity to address the concerns which have been raised. We provide the following information.

Concern: Insufficient parking

Response: Onsite parking has been provided in accordance with precinct specific parking controls for the Old Collina Precinct as specified in the GRDCP 2020. Based off the precinct specific controls, 2 onsite spaces per dwelling is required. It is noted that the current dwelling has a single carport only, and the proposal is increasing onsite parking from 1 space to 4 spaces, 2 per dwelling. Visitor parking is not proposed as it is only required for 4 dwellings or more. The existing driveway is proposed to be widened to 6.1m.

Concern: Loss of privacy to neighbours bedrooms

Response: The submissions from neighbours raise concerns that privacy to their bedrooms would be impacted. Although it is unclear which neighbours are concerned, we have addressed the two properties which share a common boundary with the subject site; 61 Clifton Boulevard, and 7 Sanders Street.

The proposed design has been mindful to balance window size, location and numbers with sunlight access and ventilation requirements, and the privacy of adjoining properties. The proposal presents

1

limited opportunities for a loss of privacy of adjoining properties, and no balconies have been incorporated into the design.

There are a total of 3 windows on the first floor facing the adjoining properties:

- One window on the northern aspect (adjoining 61 Clifton Blvd); and
- Two on the eastern elevation (adjoining 7 Sanders St).

The northern elevation: The north elevation (opposite 61 Clifton Boulevard) has one small window on upper level at the top of the stairs in the landing area (Window W07). Window W07 is proposed to be 600mm length x 900mm width, an area of 0.54m², and sill height of 1.5m above floor level, to a head height of 2.1m above the floor level. This window is small, single clear glass awning window and would not cause a loss of privacy to the adjoining property. This window is necessary for sunlight access and ventilation for compliance with the National Construction Code of Australia. Please see figure 1 and 2 for images of this window.

The eastern elevation: The east elevation (opposite 7 Sanders Street) proposes two windows on the first floor. One window in the master bedroom (W08) and another in the ensuite (W09). Both windows propose a 1200mm length x 1800 width, with 900mm to 2100mm height above the floor level. Given that this is the master bedroom and ensuite, with window 9 opposite the shower and basin, the privacy of the occupants is likely desired to be protected. Please see figure 1 and 3 for images of these windows. It is also noted that the proposed dwelling is not directly inline with the dwelling at 7 Sanders Street, so views into windows of this dwelling would not be direct.

It is noted that the NSW Planning Principles for privacy give higher importance to maintaining privacy to living areas and kitchens, rather than bedrooms, and overlooking from bedrooms is of less significance. None of the proposed windows are situated in living rooms or kitchens; they include a small window in the landing, which will act as a hallway, and a window in the bedroom and ensuite of which will include curtains, blinds or other window fittings to protect the privacy of the future occupants.

We understand that the neighbours are concerned with change in their neighbourhood, however we are of the opinion that the proposal would provide minimal opportunities for views from the proposed windows, and negligible privacy would be lost as a result of this proposed dwelling, due to minimal windows proposed in the design. The location of windows and consideration of privacy has been incorporated into the design to preserve privacy of adjoining sites and within the proposed development and no balconies have been proposed. Adequate parking is proposed which complies with Councils specified development controls.

We trust that this information is useful and clarifies the concerns regarding this proposal. If you have any enquiries, please contact me on 0438 422 768 or linden@miaplan.com.au

Kind Regards,

Linden Favero
MiaPlan

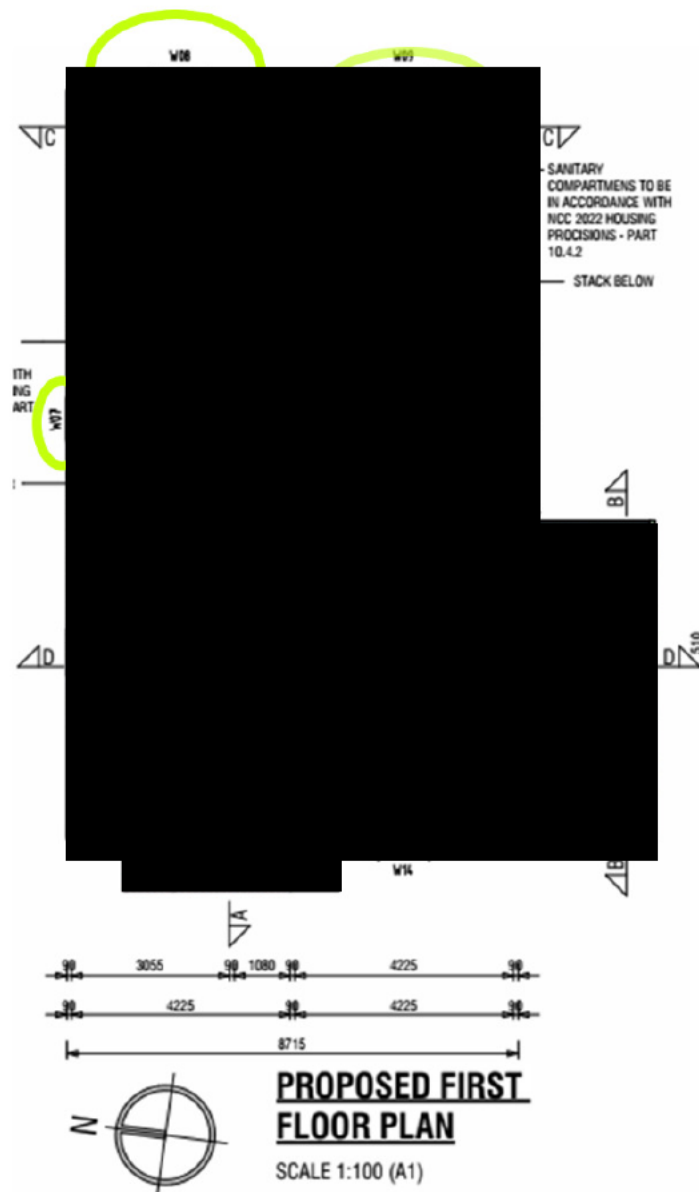


Figure 1: First Floor, floor plan. Windows adjoining neighbouring properties circled in neon green.

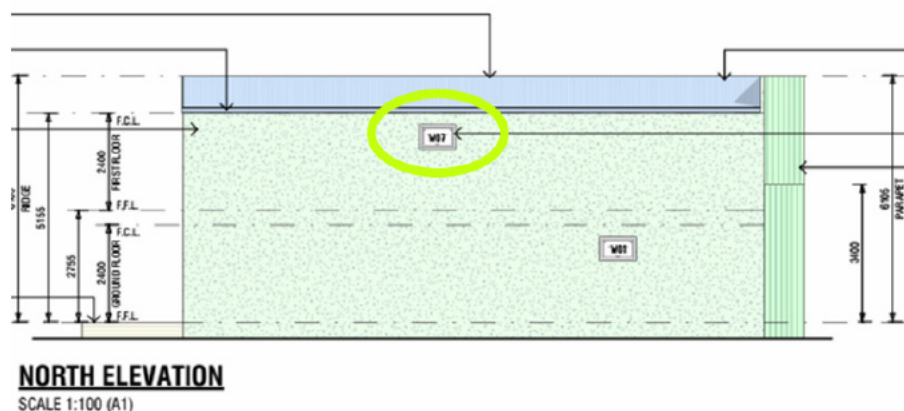


Figure 2: Northern Elevation. Windows on the first floor adjoining neighbouring properties circled in neon green. Window No. W07 located at the landing.

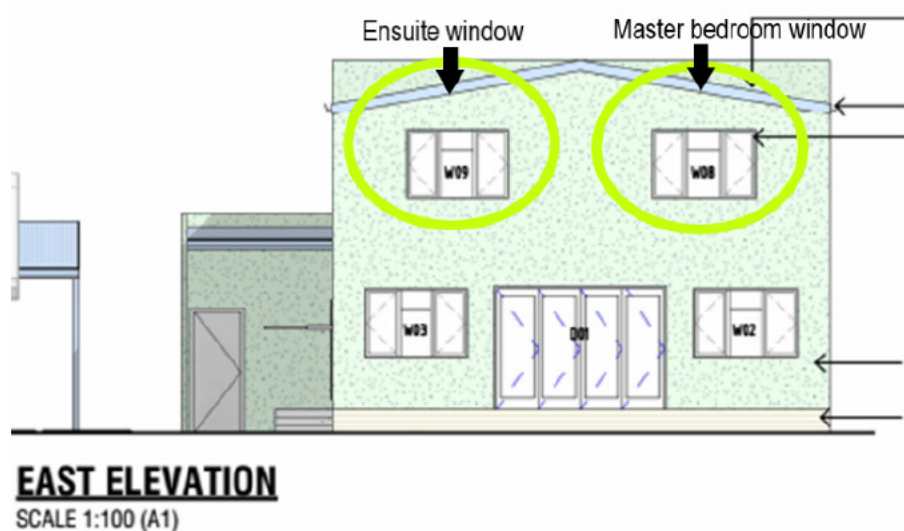


Figure 3: Eastern Elevation. Windows on the first floor adjoining neighbouring properties circled in neon green. Window No. W08 master bedroom & W09 ensuite.



Figure 4: proposed site plan and approximate location of windows on the first floor in relation to adjoining properties.



Development Assessment Report

PART ONE: GENERAL ADMINISTRATION

DA No:	240/2023(1)
Property description:	LOT: 1 SEC: 180 DP: 758476 59 Clifton Boulevard GRIFFITH
Description of proposed development:	Dual Occupancy Development, Carport & Community Title Subdivision
Type of development:	Local
DCP Variation – Clause & %:	Variation to Side Setback (40% deficiency) at 900mm and Carport Siting (18.2%) at 4.5m
Applicant's details:	Mr B F Augustus 59 Clifton Boulevard GRIFFITH NSW 2680
Landowner's details:	Mr B F Augustus 59 Clifton Boulevard GRIFFITH NSW 2680
Landowner's consent:	All landowners have provided consent
Cost of works:	\$359,000.00

PART TWO: SITE HISTORY

Site description & current land uses	The subject site is located on the north eastern corner of Clifton Boulevard and Sanders Street, Griffith. The site is currently improved by a two storey dwelling and established vegetation.
Previous applications	There are no recent applications at this property.
Previous subdivisions & related properties	N/A
Restrictions on the title of land	N/A
Easement or infrastructure affecting the land	N/A
Existing & proposed development on adjoining land	The site is adjoined by other single and two storey dwellings with multi dwelling housing on the opposite side of Clifton Boulevard.
Pre-lodgement discussions	Yes
Any previous compliance or enforcement actions	No

PART THREE: MATTERS FOR CONSIDERATION

Development Assessment Panel (DAP) meeting held on 14 November 2023.

Issues identified:

- Demolition Conditions
- Landscape Plan to comply with Clause 5.5 of DCP 2020
- Will sewer connection be allowed to the dual occupancy or is one connection sufficient (Clause 4.1A of LEP 2014)
- No justification for carport located forward of the building line (Clause 1.5 of the DCP 2020)
- All traffic to leave in forward direction
- Turning path not complaint
- Proposed driveway to be perpendicular to Clifton Boulevard
- Water metres to be 1m away from accessway
- Streetscape and visual amenity with new carport forward of dwelling
- Stormwater to street & kerb adapters & OSD 65l/h/s
- Confirm depth of sewer for compliance with cover and fall

Additional information

Date requested:	27 November 2023
Details of request:	An information request was issued requesting the following information: <ul style="list-style-type: none"> - Detailed landscaping plan - Commentary on boundary and fence location - Vehicle manoeuvring plans
Date received:	18 December 2023

SECTION 4.15 Evaluation

Griffith Local Environmental Plan 2014	
Zoning	The subject land is zoned R1 General Residential
Zone objectives	The proposed development is consistent with zone objectives
Landuse definition	<i>Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.</i> And <i>Alterations/additions to an existing dwelling house means a building containing only one dwelling.</i>
Permissibility	The proposed development is permissible in the zone
Applicable clauses of the GLEP2014 that relate to the application:	
Clause 7.1 Earthworks	Complies. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposed development will require minor earthworks to facilitate the construction of the structures which will not have a detrimental impact on any of the items identified in Clause 7.1.
Clause 7.10 Essential services	Complies. The development will be provided with all necessary urban services. The site is connected to the reticulated potable water network, sewer and drainage network. Underground Essential Energy infrastructure is provided and will service the development. Stormwater will be directed to Clifton Boulevard. Vehicular access will be via Clifton Boulevard.

State Environmental Planning Policies

The following SEPPs apply to this development:

State Environmental Planning Policies	Assessment
BASIX 2004	A Basix certificate provided as required under the SEPP. Development complies with the energy efficiency provisions.

Draft Environmental Planning Instruments:

At the Griffith City Council Ordinary Council meeting held on 24 January 2023, Council resolved to place Planning Proposal – PP 2022-3697 on public exhibition for a period of 28 days and seek public submissions. The Planning Proposal proposes to amend the Griffith Local Environmental Plan 2014.

The draft environmental planning instrument is not relevant to this development application.

Development Control Plans

The following development control plans are applicable to the proposed development:

GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – SINGLE DWELLING CONTROLS

Provision / Clause	Control	Variation Request Assessment / Compliance?
Floor Space Ratio	Has an FSR calculation been provided for the site in accordance with section 5.3? Does the FSR meet the maximum allowed in the precinct statement?	Complies A FSR has been provided. The proposed development's FSR of 0.4:1 for the existing dwelling and 0.65:1 for the proposed new dwelling meets the maximum of 0.7:1 in the precinct for corner lots.
Maximum Height	Is the dwelling below the maximum height level for the precinct? Has this been shown on the plans in accordance with clause 4.6?	Complies The proposed new dwelling with an overall height to the roof ridge of 6.1m complies with the height restriction for the precinct of 9m.
Parking	Has parking been provided in accordance with the rates in the precinct statement?	Complies The proposed development provides the required number of onsite parking spaces. The proposed development involves an existing dwelling and a proposed new dwelling, each requiring 2 spaces. The proposal provides a new double carport for the existing dwelling and attached double car garage for the new dwelling. No visitor spaces are required in this instance. Hence, the proposed development provides the required number of onsite parking spaces.
Precinct Statement	Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?	Complies: The site is subject to the old Collina precinct. The future character of the area is to support low density and infill development.
Site analysis plan		
4.2	Has a Site Analysis Plan been submitted with the DA?	Complies A site analysis has been undertaken of the site and

Provision / Clause	Control	Variation Request Assessment / Compliance?
		surrounds. The site analysis plan determined that the site is mostly unconstrained and favourable to a dual occupancy and subdivision development.
Streetscape		
4.3(a)	If the dwelling is on a corner block, does it address both street frontages?	Complies The new dwelling only has a frontage to Clifton Boulevard, which it addresses.
4.3(b)	Does the dwelling's primary street façade incorporate design features?	Complies The proposed dwelling's primary street façade incorporates a projecting architectural entry feature, including a square parapet feature.
4.3 (c)	Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development goals of the precinct as described in the Precinct Statement?	Complies The proposal fits in with the scale or character of surrounding development, as the proposal is consistent with existing development on site and is of a lower density than existing development in the immediate locality.
4.3(d)	Is the garage a maximum of 50% of the buildings front elevation?	Complies – Garage is less than 50% of front elevation
4.3 (e)	Does a window to a habitable room face the street?	Complies – there are windows to habitable rooms facing Clifton Boulevard and Sanders Street
Building Design		
4.4(a)	Is the design generally in accordance with the precinct statement?	Complies The design achieves outcomes generally in accordance with the precinct statement
4.4(b)	Are blank front walls spanning 5 m without a physical change avoided?	Complies Front walls do not exceed 5m without a physical change.
4.4(c)	Do the side walls visible from the street have a length of 10 m without a physical change?	Complies Side walls which would be visible from the street do not exceed 10m without a physical change.
4.4(d)	Are windows facing the street provided in a balanced manner?	Complies Windows facing the street are provided in a balanced manner and respond to the orientation of the site and internal uses.
4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	Complies There are no consistent existing housing materials or design in the locality. The proposed development's plans show concrete fibre cement sheeting, James Hardie fine texture external cladding, Colorbond® fascia and gutters, James Hardie Axon cladding to façade, aluminium framed windows and doors.
4.4(f)	Will the proposal overshadow adjacent private open spaces or	Complies The proposed new dwelling is two storeys in height, but due

Provision / Clause	Control	Variation Request Assessment / Compliance?
	habitable rooms? (development applications for two storey dwellings should include shadow diagrams or solar study)	to the proposed location and orientation, will not significantly overshadow adjoining properties.
4.4(g)	Does the dwelling meet the minimum floor area: 1 bedroom – 55 m ² , 2 bedroom – 75 m ² , 3 bedroom – 90 m ²	Complies The proposed new dwelling has a floor area of 285.43m ² , greater than 90m ² .
4.4(h)	Are the proposed bedrooms a minimum of 8 m ² ?	Complies The proposed bedrooms are greater than 8m ²
4.4(i)	Combined living and dining room area should be – 1 and 2 bedrooms – 24 m ² or 3 bedroom – 28 m ²	Complies The living and dining area is greater than 28m ²
Sustainability		
4.5(a)	Has a BASIX certificate been submitted?	Complies A BASIX certificate has been submitted
4.5(b)	Does the dwelling adopt general sustainable building practices?	Complies The development has been designed to adopt general sustainable building practices.
Height		
4.6(a)	Is the dwelling height less than 9 m?	Complies The dwelling height is 6.1m to ridge.
4.6(b)	Does the height of the dwelling suit the streetscape?	Complies The height of the proposed dwelling is similar to the existing dwelling located onsite, slightly shorter.
4.6(c)	If the dwelling is two storeys the elevation plans should show RL's	Complies The proposed Unit 2 is two storeys and the elevation plans show RL's
4.6(d)	Are the proposed tree heights consistent with dwelling scale?	Complies The landscaping schedule will be conditioned as part of the development consent.
Solar Access and Energy Efficiency		
4.7(a-c)	Has solar access been considered in the design of the dwelling?	Complies The proposed development complies with recommendations and requirements for solar access and energy efficiency.
4.7(d)	Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?	Complies The location of outdoor clothes drying areas has been provided for with access to sunlight.
4.7(e)	If the dwelling is two storeys, shadow diagrams or a solar study should be	Complies Shadow diagrams provided which shows compliance with the

Provision / Clause	Control	Variation Request Assessment / Compliance?
	provided.	controls.
Setbacks		
4.8.1(a-b)	Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater)	Complies The average setback of the dwellings is 5.5m. The lot is a triangular shaped corner lot; therefore the proposed setback is suitable for the site. The proposed dwelling and attached garage are to be setback 6.7m from the front boundary facing Clifton Boulevard. The existing dwelling onsite is setback 5m at the closest point to Clifton Boulevard. The adjoining dwelling at 61 Clifton Boulevard is setback 6m. The adjacent strata units at 46 & 48 Clifton Boulevard are setback 5m.
4.8.1(d)	Front Setbacks – Corner Lots – Primary (narrowest frontage): dwelling – 4 m and garages 5.5, Secondary: dwelling 2.5 m and garages 3.5 m	Complies The proposed dwelling and attached garage are to be setback 6.7m from the front boundary facing Clifton Boulevard.
4.8.2	Building articulation permitted in front setbacks	Not Applicable Noted and not proposed.
4.8.3	Side Setbacks – single storey = 0.9 m with an eaves setback of 450mm Side Setbacks – two storey = 1.5 m with an eaves setback of 900mm	Variation - A variation of 600mm to the upper storey is requested. The proposed dwelling is setback 900mm from the northern side boundary for the ground and upper storey. Suitable justification and design to ensure privacy is not impacted has been provided. This is a 40% variation on the DCP control.
4.8.4	Rear Setbacks – ground level = 2m and upper storeys = 3 m	Complies The rear setback of 5.9m complies with the prescribed rear setbacks of 2m at ground level and 3m at upper storeys.
Visual and Acoustic Privacy		
4.9(a-b)	Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?	Complies The development considers the location of windows and private open space of adjacent dwellings. Minimal windows are proposed on the northern boundary on both levels, as well as the east elevation at the upper floor. No balconies have been proposed.
4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	Complies Noise generating equipment on the site such as air conditioning units can be adequately positioned on the site to minimise noise disturbances to occupants and neighbours.
4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	NA No balconies have been proposed
Private Open		

Provision / Clause	Control	Variation Request Assessment / Compliance?
Space		
4.10(a)	Has a minimum of 15 m ² of PPOS been provided in a location that will receive a good amount of sunlight?	Complies More than 15m ² has been provided for each dwelling's POS area. The area for proposed Unit 2 will obtain morning sun and the existing dwelling's area will obtain afternoon sun.
4.10(b)	Is the PPOS within a 4 m or greater setback area?	Complies The PPOS is within a setback greater than 4m for the proposed dwelling. The PPOS for the existing dwelling will be in the side setback on the corner of Sanders Street and Clifton Boulevard.
4.10(c)	Is the PPOS visible from neighbouring sites, if so has it been screened?	Complies The PPOS for the existing dwelling will be visible from the street. The proposed landscaping will include screening to create privacy for this area.
Landscape Area Controls		
4.11(a)	Do the plans show that 25% of the site can be landscaped in accordance with figure 18?	Complies The plans show that 33% of the total site area can be landscaped. A preliminary landscape plan has been included which shows these landscapes areas. A full landscaping can plan can be provided post-determination.
4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	Complies The landscaping areas can achieve the DCP requirements. A full landscaping schedule will be developed and will select appropriate species native and drought tolerant species.
Street Trees		
4.12(a-f)	For new dwellings, has a street tree been proposed in accordance with 4.12 (a-f)? If not, can one be conditioned?	Complies Street trees can be planted at the frontage of the property if required by Council, however the location may not be suitable due to being a corner lot, narrow road reserve width and location of existing services.
Vehicle access and parking		
4.13(a)	Has at least one undercover parking space been provided in a carport or a garage?	Complies The proposed development is increasing onsite parking from 1 space to 4 spaces, 2 per dwelling.
4.13(b-d)	Refer to the precinct statement for parking rates and Appendix 1 and Council's <i>Engineering Standards: Subdivision and Development</i> (as amended) for design requirements.	Complies The development proposes 4 parking spaces in total as both units are 3+ bedrooms which require 2 spaces each. As only 2 units are provided no additional visitor spaces are required.
4.13(e)	Are the internal driveways a minimum of 3.5 m wide.	Complies The existing driveway is proposed to be widened to 6.1m.
Site Facilities		

Provision / Clause	Control	Variation Request Assessment / Compliance?
4.14(a-c)	Is there a suitable location to store waste and recycling bins, install an open air clothes drying facility and a mailbox?	Complies The design of the proposed development allows space for an open air clothes drying facility, mailbox and store waste and recycling bins.
Rainwater Tanks		
4.15 (a-f)	Are rainwater tanks proposed, if so, do they meet the requirements of 4.15(a-f)? Are all BASIX requirements for rainwater tanks shown on the plans?	Not Applicable No rainwater tank is required for this development according to Basix commitments.
Fencing		
4.16 (a-b)	FRONT FENCES Has a front fence been proposed? If so, review front fence requirements and ensure suitable plans including elevations have been provided.	Complies Front fencing is existing and will remain.
4.16(c)	SIDE AND REAR FENCES <ul style="list-style-type: none"> New dwellings should show the location and height of side and rear fences on the plans if they are not existing already. Fences should generally be a maximum of 1.8 m tall with a 300 lattice above if proposed, unless adjacent to a park, reserve, laneway and channels then a height of 2.2 m is permitted. Fencing on corner lots should be in accordance with Figure 22. 	Complies Side and rear fences are existing.
Outbuildings, garages and carports		
4.17	Refer to separate checklist	Variation The proposed carport is located in front of the existing dwelling with a 4.5m front setback – discussed further in the following table relating to outbuildings.
Stormwater		
4.18	<ul style="list-style-type: none"> Is onsite detention required in accordance with Council's Onsite Detention Policy (CS-CP-404)? Has the detention system been shown on the plans, if not can this be conditioned? Has the stormwater lines discharging to the legal point of discharge been provided on the 	Complies A stormwater design has been indicated on the site plans, discharging to for collection via the street system. Onsite detention has been included in the design.

Provision / Clause	Control	Variation Request Assessment / Compliance?
	plans?	
Swimming Pools		
4.19	Refer to separate checklist	Not Applicable The proposed development does not involve swimming pools.
Essential Services		
4.20(a)	Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?	Complies Electrical infrastructure is not located within close proximity to the site.
4.20(b)	Are underground electrical lines proposed to the dwelling?	Complies The existing electricity infrastructure in the locality is underground.
4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	Complies Connection to Council's water and sewer services has been shown on the DA plans.
Bushfire Risk		
4.21	Check if the site is considered bushfire prone land.	Not Applicable The site is not bushfire prone land.
Frost Control Fans		
4.22	Check if any frost control fans within 1000 m of the site.	Not Applicable There are no frost control fans within 1000m of the site.

GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – OUTBUILDING CONTROLS

Control Type/ Clause	Control	Proposal / Compliance?
GENERAL		
Potential use as a dwelling		
4.17a	Outbuilding or garages cannot be fitted out with all the amenities of a dwelling. Only a toilet, washbasin and shower are permitted within the outbuilding	Complies Garages are not fitted out with all the amenities of a dwelling.
Visibility		
4.17a	Will the outbuilding or garage be visible from a public place? If so, has the structure been designed to integrate with the character of the dwelling when viewed from the public place (street, park etc.)?	Complies The garage will be visible from a public place. The structure has been designed to integrate with the character of the dwelling when viewed from the street.
GARAGES – attached to the dwelling		
Setbacks		
4.17b	Is the garage setback 5.5 m from the primary boundary?	Complies The proposed dwelling and attached garage are to be setback 6.7m from the front boundary facing

Control Type/ Clause	Control	Proposal / Compliance?
		Clifton Boulevard.
	Is the garage setback 3.5 m from the secondary boundary?	Complies The garage is setback more than 3.5m from the secondary boundary.
CARPORTS		
Materials		
4.17c	Are the materials sympathetic to the character of the street and design of the dwelling?	Complies
Setbacks		
4.17c	Is the carport setback behind the building line and sited to not dominate the primary street frontage (ie. a width greater than 50% of the lot width)	Variation The proposed carport is provided forward of the dwelling towards Clifton Boulevard. The proposal includes the removal of a single garage to support the new dwelling and a carport. The carport is proposed to achieve compliance for undercover parking. the proposed carport will not dominate the street frontage as it is stepped back from the street frontage supporting articulation and behind the building line of the proposed dwelling.
4.17c	If the carport is integrated into the design of the dwelling, it may be located in front of the building line if justified in a variation statement.	Complies Variation statement with suitable justification has been provided.

GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – DUAL OCCUPANCY

Control Clause	Control	Proposal / Compliance?
Floor Space Ratio	Has an FSR calculation been provided for the site in accordance with section 5.3? Does the FSR meet the maximum allowed in the precinct statement?	Complies A FSR has been provided. The proposed development's FSR of 0.4:1 for the existing dwelling and 0.65:1 for the proposed new dwelling meets the maximum of 0.7:1 in the precinct for corner lots.
Maximum Height	Are the structures below the maximum height level for the precinct? Has this been shown on the plans in accordance with clause 4.6?	Complies The proposed new dwelling with an overall height to the roof ridge of 6.1m complies with the height restriction for the precinct of 9m.
Parking	Has parking been provided in accordance with the rates in the precinct statement?	Complies The proposed development provides the required onsite parking spaces. The proposed development involves an existing dwelling and a proposed new dwelling, each requiring 2 spaces. The proposal provides a new double carport for the existing dwelling and attached double car garage for the new dwelling. No visitor spaces are required in this instance. Hence, the proposed development provides the required onsite parking spaces.
Precinct Statement	Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?	Complies: The site is subject to the old Collina precinct. The future character of the area is to support low density and infill development. The proposed infill development to support a dual occupancy development is consistent with the

Control Clause	Control	Proposal / Compliance?
		intent of the precinct and the continued development of the area.
Site analysis plan		
4.2	Has a Site Analysis Plan been submitted with the DA?	Complies A site analysis has been undertaken of the site and surrounds. The site analysis plan determined that the site is mostly unconstrained and favourable to a dual occupancy and subdivision development.
Streetscape		
4.3(b)	Does the front dwelling's primary street façade incorporate design features?	Complies Articulation is provided in the design of the new dwelling
4.3 (c)	Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development goals of the precinct as described in the Precinct Statement?	Complies The proposal fits in with the scale or character of surrounding development, as the proposal is consistent with existing development on site and is of a lower density than existing development in the immediate locality.
4.3(d)	Are the garages a maximum of 50% of the buildings front elevation?	Complies – Garage is less than 50% of front elevation
4.3(e)	Does a window to a habitable room face the street?	Complies There are windows to habitable rooms facing Clifton Boulevard and Sanders Street
5.5(f)	If on a corner lot, does the proposal have one dwelling facing each street?	Complies The existing dwelling is located closes to the secondary road frontage and no changes are proposed to the existing dwelling.;
5.5(g)	Have the dual occupancies been separated by 1.8 m?	Complies The proposed new unit is 1.8 from the existing dwelling carport.
5.5(h)	Are garages setback 5.5 m from the front boundary and 3.5 m from a secondary street?	Complies The garage is to be setback 6.7m from the front boundary facing Clifton Boulevard and more than 3.5m from Sanders Street.
Building Design / Design Criteria		
4.4(a)	Is the design generally in accordance with the precinct statement?	Complies The design and its outcomes are generally in accordance with the precinct statement.
4.4(b)	Are blank front walls spanning 5 m without a physical change avoided?	Complies Front walls do not exceed 5m without a physical change.
4.4(c)	Do the side walls visible from the street have a length of 10 m without a physical change?	Complies Side walls which would be visible from the street do not exceed 10m without a physical change.
4.4(d)	Are windows facing the street provided in a balanced manner?	Complies Windows facing the street are provided in a balanced manner and respond to the orientation of the site and internal uses.
4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	Complies There are no consistent existing housing materials or design in the locality. The proposed development's plans show concrete fibre cement sheeting, James Hardie fine texture external cladding, Colorbond® fascia and gutters, James

Control Clause	Control	Proposal / Compliance?
		Hardie Axon cladding to façade, aluminium framed windows and doors.
4.4(f)	Will the proposal overshadow adjacent private open spaces or habitable rooms? (development applications for two storey dwellings should include shadow diagrams or solar study)	Complies The proposed new dwelling is two storeys in height, but due to the proposed location and orientation, will not significantly overshadow adjoining properties.
5.5(j)	Does each dwelling meet the minimum floor area: 1 bedroom – 55 m ² , 2 bedroom – 75 m ² , 3 bedroom – 90 m ²	Complies The proposed new dwelling has a floor area of 285.43m ² , greater than 90m ² .
5.5(k)	Are the proposed bedrooms a minimum of 8 m ² ?	Complies The proposed bedrooms are greater than 8m ²
5.5(l)	Combined living and dining room area should be – 1 and 2 bedrooms – 24 m ² or 3 bedroom – 28 m ²	Complies The living and dining area is greater than 28m ²
5.5(m)	Has adequate storage space been provided in areas other than a kitchen or a bedroom: 1 bedroom – 6m ³ , 2 bedroom – 8m ³ , 3 bedroom – 10 m ³	Complies The proposed new dwelling includes adequate storage.
Sustainability		
4.5(a)	Has a BASIX certificate been submitted for both dwellings?	Complies a BASIX certificate has been submitted for both dwellings
4.5(b)	Does the dwelling adopt general sustainable building practices?	Complies The dwelling has been designed to adopt general sustainable building practices.
Height		
4.6(a)	Is the height of the dual occupancy less than 9 m?	Complies The height of the dual occupancy is less than 9m
4.6(b)	Does the height of the dual occupancy suit the streetscape?	Complies The height of the dual occupancy is similar (slightly shorter) to the existing dwelling and therefore suits the existing streetscape.
4.6(c)	If the dual occupancy is two storeys the elevation plans should show RL's	Complies The proposed Unit 2 is two storeys and the elevation plans show RL's
4.6(d)	Are the proposed tree heights consistent with dwelling scale?	Complies The landscaping schedule is to be finalised.
Solar Access and Energy Efficiency		
4.7(a-c)	Has solar access been considered in the design of the dwelling?	Complies The proposed development complies with recommendations and requirements for solar access and energy efficiency.
4.7(d)	Has the location of outdoor clothes drying areas been provided with	Complies Outdoor clothes drying areas have been provided for, with

Control Clause	Control	Proposal / Compliance?
	access to sunlight? Or is there a suitable location for such facilities?	access to sunlight.
4.7(e)	If the dwelling is two storeys, shadow diagrams or a solar study should be provided.	Complies Shadow plans are provided which confirms compliance with the controls.
Setbacks		
4.8.1(a-b)	Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater)	Complies The average setback of the dwellings is 5.5m. The lot is a triangular shaped corner lot; therefore the proposed setback is suitable for the site. The proposed dwelling and attached garage are to be setback 6.7m from the front boundary facing Clifton Boulevard. The existing dwelling onsite is setback 5m at the closest point to Clifton Boulevard. The adjoining dwelling at 61 Clifton Boulevard is setback 6m. The adjacent strata units at 46 & 48 Clifton Boulevard are setback 5m.
4.8.1(d)	Front Setbacks – Corner Lots – Primary (narrowest frontage): dwelling – 4 m and garages 5.5, Secondary: dwelling 2.5 m and garages 3.5 m	Variation – 4.5m proposed to the new carport for the existing house as discussed in the previous table.
4.8.2	Building articulation permitted in front setbacks	Complies There are articulation elements in the front façade.
4.8.3	Side Setbacks – single storey = 0.9 m with an eaves setback of 450mm Side Setbacks – two storey = 1.5 m with an eaves setback of 900mm	Variation sought to side setback. A Concession of 600mm to the upper storey is requested. The proposed dwelling is setback 900mm from the northern side boundary for the ground and upper storey.
4.8.4	Rear Setbacks – ground level = 2m and upper storeys = 3 m	Complies The rear setback proposed is 5.9m.
Visual and Acoustic Privacy		
4.9(a-b)	Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?	Complies The development considers the location of windows and private open space of adjacent dwellings. Minimal windows are proposed on the northern boundary on both levels, as well as the east elevation at the upper floor. No balconies have been proposed.
4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	Complies Noise generating equipment on the site such as air conditioning units can be adequately positioned on the site to minimise noise disturbances to occupants and neighbours.
4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	NA No balconies have been proposed
Private Open Space		
5.5(n)(o)	Has a minimum of 15 m ² of Principal Private Open Space (PPOS) been	Complies

Control Clause	Control	Proposal / Compliance?
	provided in a location that will receive a good amount of sunlight for each dwelling? Note: balconies can be used.	More than 15m ² has been provided for each dwelling's Private Open Space (POS) area. The area for proposed Unit 2 will obtain morning sun and the existing dwelling's area will obtain afternoon sun.
4.10(b)	Is the PPOS within a 4 m or greater setback area?	Complies The PPOS is within a setback greater than 4m for the proposed dwelling. The PPOS for the existing dwelling will be in the side setback on the corner of Sanders Street and Clifton Boulevard.
4.10(c)	Is the PPOS visible from neighbouring sites, if so has it been screened?	Complies The PPOS for the existing dwelling will be visible from the street. The proposed landscaping will include screening to create privacy for this area.
Landscape Area Controls		
5.5(p)	Do the plans show that 20% of the site can be landscaped in accordance with figure 18?	Complies The plans show that 33% of the total site area can be landscaped. A preliminary landscape plan has been included which shows these landscapes areas. A full landscaping can plan can be provided post-determination.
4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	Complies The landscaping areas can achieve the DCP requirements. A full landscaping schedule will be developed and will select appropriate species native and drought tolerant species.
5.5(q)	Has a preliminary landscape plan been provided in accordance with the clause?	Complies A preliminary landscape plan has been provided.
Street Trees		
4.12(a-f)	For new dwellings, has a street tree been proposed in accordance with 4.12 (a-f)? If not, can one be conditioned?	Complies Street trees can be planted at the frontage of the property if required by Council, however the location may not be suitable due to being a corner lot, narrow road reserve width and location of existing services.
Vehicle access and parking		
5.5(b)	Has at least one undercover parking space been provided in a carport or a garage for each dwelling?	Complies The proposed development is increasing onsite parking from 1 space to 4 spaces, 2 per dwelling.
5.5(c)	Are internal driveways a minimum of 3.5 m wide. Note: This would not apply for dual occupancies which face separate roads.	Complies The existing driveway is proposed to be widened to 6.1m.
5.5(d)	Shared driveways must be prioritised for non-corner lot dual occupancies.	Not Applicable The proposed dual occupancy is on a corner lot but due to the layout of the existing dwelling and shape of the lot a shared driveway will be utilised.

Control Clause	Control	Proposal / Compliance?
5.5(e)	If the driveway is greater than 30 m long or on a busy road, a turning bay or area should be provided to ensure a vehicle can exit in a forward direction.	Not Applicable Driveway is not greater than 30m long nor on a busy road.
4.13(b-d)	Refer to the precinct statement for parking rates and Appendix 1 and Council's <i>Engineering Standards: Subdivision and Development</i> (as amended) for design requirements.	Complies The development provides 4 parking spaces as required under the precinct parking rates and ensures that all vehicles an exit in forward gear.
Site Facilities		
4.14(a-c)	Is there a suitable location to store waste and recycling bins, install an open air clothes drying facility and a mailbox?	Complies Plans provide suitable areas for both waste storage, clothe drying areas and mailbox.
Rainwater Tanks		
4.15 (a-f)	Are rainwater tanks proposed, if so, do they meet the requirements of 4.15(a-f)? Are all BASIX requirements for rainwater tanks shown on the plans?	Not Applicable No rainwater tanks proposed
Fencing		
4.16 (a-b)	Front Fences Has a front fence been proposed? If so, review front fence requirements and ensure suitable plans including elevations have been provided.	Not Applicable Front fencing is existing and will remain
4.16(c)	Side And Rear Fences <ul style="list-style-type: none"> New dwellings should show the location and height of side and rear fences on the plans if they are not existing already. Fences should generally be a maximum of 1.8 m tall with a 300 lattice above if proposed, unless adjacent to a park, reserve, laneway and channels then a height of 2.2 m is permitted. Fencing on corner lots should be in accordance with Figure 22. 	Complies Side and rear fences are existing.
Outbuildings, garages and carports		
4.17	Refer to separate checklist	Variation sought. The proposed carport is located in front of the existing dwelling with a 4.5m front setback.
Stormwater		
4.18	<ul style="list-style-type: none"> Is onsite detention required in accordance with Council's Onsite Detention Policy (CS-CP-404)? Has the detention system been shown on the plans, if not can this be conditioned? 	Complies A stormwater design has been indicated on the site plans, discharging to for collection via the street system. Onsite detention has been included in the design.

Control Clause	Control	Proposal / Compliance?
	<ul style="list-style-type: none"> Has the stormwater lines discharging to the legal point of discharge been provided on the plans? 	
Essential Services		
4.20(a)	Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?	Complies Electrical infrastructure is not located within close proximity to the site.
4.20(b)	Are underground electrical lines proposed to the dwelling?	Complies The existing electricity infrastructure in the locality is underground.
4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	Complies Connection to Council's water and sewer services has been shown on the DA plans.
Bushfire Risk		
4.21	Check if the site is considered bushfire prone land.	Not Applicable The site is not bushfire prone land.

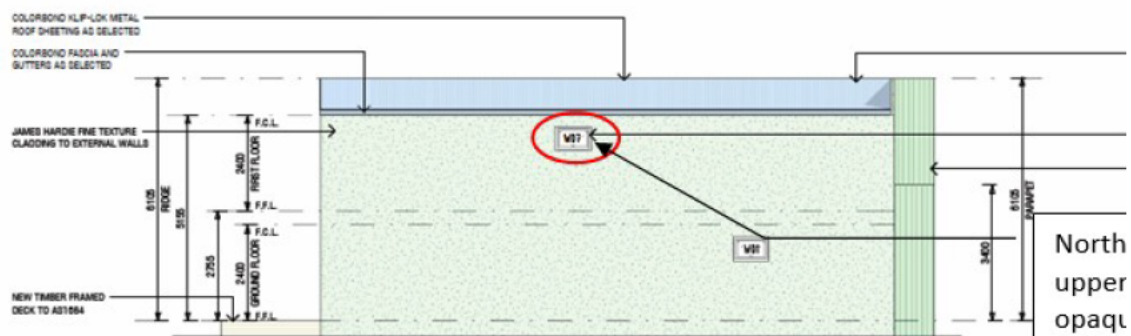
GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – RESIDENTIAL SUBDIVISION

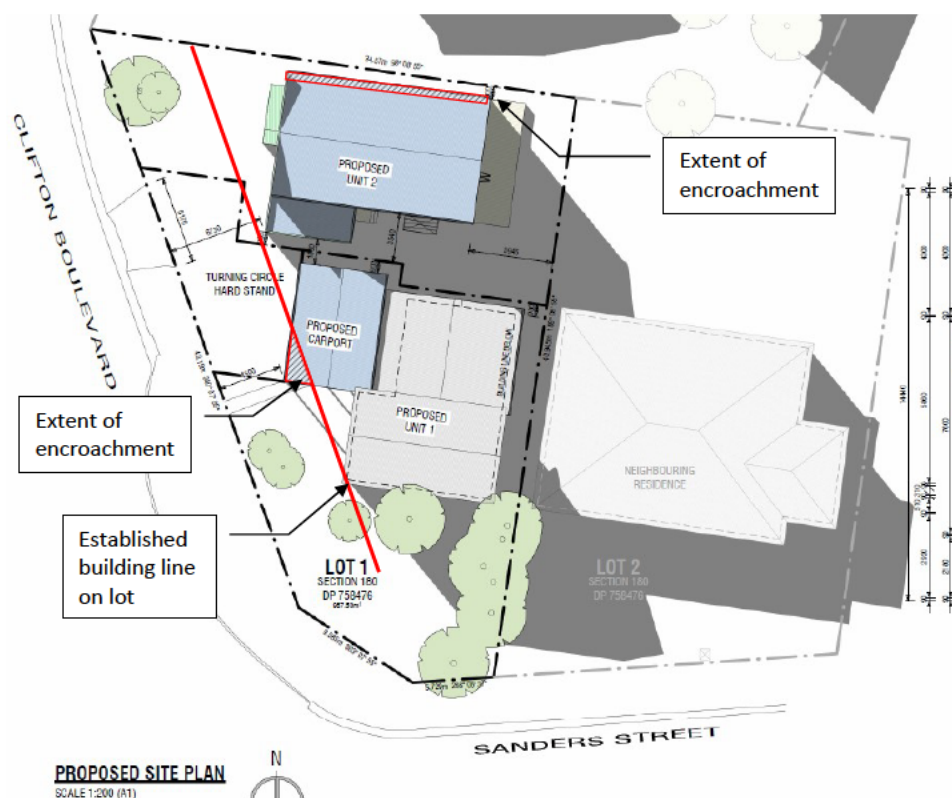
Control Clause	Control	Proposal / Compliance?
Infill Subdivision		
2.2a	The size of any lot subdivided must be in accordance with the relevant clauses in the GLEP.	Complies The development proposes Community Title subdivision and is not subject to minimum lot size under the GLEP
2.2b	Subdivision must be consistent with the localities Precinct Statement in Section 3 of the DCP	Complies The proposed Community Title subdivision will continue to support the precinct intent and the continued low density infill development.
2.2c	The density of lots should maintain and promote the residential character of the area.	Complies The development proposes Community Title subdivision of the proposed dual occupancy promoting the residential character of the area.
2.2d	Subdivision must not compromise any significant features of the locality, including streetscape character, landscape features or trees.	Complies The development proposes Community Title subdivision and will not compromise the features of the site or locality.
2.2e	Development applications for subdivision must demonstrate that future development of vacant lots can comply with all sections of the DCP (ie. setbacks, parking and private open space).	Not Applicable The development proposes Community Title subdivision to support the dual occupancy.
2.2f	Development applications must demonstrate the following has been considered: i. topography and other natural and physical site	Not Applicable The development proposes Community Title subdivision to support the dual occupancy.

Control Clause	Control	Proposal / Compliance?
	<ul style="list-style-type: none"> features; ii. existing services; iii. existing vegetation; iv. existing easements and the need for new easements; v. vehicle access; vi. flood affectation and stormwater management requirements ; vii. contamination (refer to Council's Contaminated Land Management Policy (EH-CP-2013); viii. existing buildings and structures; and ix. fencing. 	
2.2g	<p>Subdivision must not result in the creation a new lot which contains significant site features that would render the land unable to be developed because of:</p> <ul style="list-style-type: none"> i. easements; ii. flooding; iii. contamination; iv. significant trees; v. lot size or shape not conducive to development; and vi. lack of frontage or access to a road 	<p>Not Applicable</p> <p>The development proposes Community Title subdivision to support the dual occupancy.</p>
2.2h	<p>Development applications must demonstrate the subdivision meets the requirements of Council's <i>Engineering Standards: Subdivision and Development</i> (as amended)</p>	<p>Not Applicable</p> <p>The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy.</p>
Lot Size & Layout		
2.3a	<p>Proposed lots must be of a size and have a shape and dimensions to enable the siting of a dwelling and ancillary structures that:</p> <ul style="list-style-type: none"> i. minimise impacts on adjoining lots including access to sunlight, privacy and views; ii. provide usable principal private open space; iii. provide vehicle access; and iv. protect or replace significant trees. 	<p>Complies</p> <p>The proposed dwelling minimises impacts on adjoining lots including access to sunlight, privacy and views through siting and orientation decisions in design, as well as by not including any balconies.</p>
2.3b	<p>If an existing dwelling is to be retained, the proposed lot should be of sufficient size and design so that the dwelling complies with section 4 of the DCP.</p>	<p>Complies</p> <p>The development proposes Community Title subdivision to support the dual occupancy. All services for each unit will be located within each respected lot.</p>
2.3c	<p>Lot design should maintain a minimum lot width that is compatible with the subdivision pattern, measured at the building line adjacent to the primary frontage as detailed in the following:</p> <p>D – 300m² – 10m G – 450m² – 12m I – 500m² – 15m M – 600m² – 16m</p>	<p>Not Applicable</p> <p>The development proposes Community Title subdivision to support the dual occupancy. The Community Title subdivision is for function of the dual occupancy and is not subject to the minimum lot sizes.</p>

Control Clause	Control	Proposal / Compliance?
	Q – 700m ² – 18m U – 1000m ² – 20m	
2.3d	Lots with a north-south axis should be prioritised.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy.
2.3e	Rectangular shaped lots should be prioritised.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy.
2.3f	Provision must be made for the collection of garbage and recycling.	Complies The development proposes Community Title subdivision to support the dual occupancy. All services for each unit will be located within each respected lot.
Access & Pedestrian Movement		
2.3a	The subdivision design must ensure an accessway can be constructed to access each lot which meets the requirements of Council's <i>Engineering Standards: Subdivision and Development</i> (as amended).	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy including suitable access to each unit.
2.3b	Vehicle access on a classified or arterial road should be avoided if another means of access is available (side street or rear lane).	Not Applicable The site of the proposed development is not on a classified or arterial road.
2.3c	c) In accordance with <i>Griffith's Pedestrian & Bicycle Strategy</i> , the subdivision design should provide for footpath and cycleways where required.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy.
Essential Services		
2.4a	The design and installation of sewerage and water must be in accordance with Council's <i>Engineering Standards: Subdivision and Development</i> (as amended).	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy.
2.4b	The subdivision must be designed to ensure that a suitable location for a water meter can be provided at least 1 m from a driveway.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy and will be located on the respected lots.
2.4c	Electricity should be provided via underground trenching in accordance with Essential Energy's requirements at the front of the lot.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy and will be located on the respected lots.

Control Clause	Control	Proposal / Compliance?
2.4d	Common trenching, or the location of compatible utility services in the same trench should be prioritised.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy.
2.4e	Easements over essential services must be provided to the satisfaction of the service provider.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy and will be located on the respected lots.
2.4f	The design of the subdivision must meet the requirements of Fire and Rescue NSW – Fire Safety Guideline – Fire Hydrants for Minor Residential Development.	Not Applicable The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy and will be located on the respected lots.
Stormwater		
2.5a	The subdivision must be designed in accordance with Council's <i>Engineering Standards: Subdivision and Development</i> (as amended) and Council's <i>On-Site Detention Policy</i> (CS-CP-404)	Complies The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy and will be located on the respected lots.
2.5b	Easements to drain stormwater must be provided over all pipeline, inter-allotment drainage and any overland flow paths.	Complies The development proposes Community Title subdivision to support the dual occupancy. All services will be conditioned as part of the dual occupancy and will be located on the respected lots.





Council Policies

Community Participation Plan	Issue 1: Insufficient Parking
	<p>Applicant's Response: Onsite parking has been provided in accordance with precinct specific parking controls for the Old Collina Precinct as specified in the GRDCP 2020 which requires 2 onsite spaces per dwelling. It is noted that the current dwelling has a single carport only, and the proposal is increasing onsite parking from 1 space to 4 spaces, 2 per dwelling. Visitor parking is not proposed as it is only required for 4 dwellings or more. The existing driveway is proposed to be widened to 6.1m.</p> <p>Council's Assessment: The proposed development has been designed in response to the development controls, objectives and intent of Council's policies. The development as proposed reflects the character and intent of the precinct supporting the low density character.</p> <p>Council accepts the applicant's response to the submitter issues raised.</p>
	Issue 2: Privacy
	<p>Applicant's Response: The submissions from neighbours raise concerns that privacy to their bedrooms would be impacted. Although it is unclear which neighbours are concerned, we have addressed the two properties which share a common boundary with the subject site; 61 Clifton Boulevard, and 7 Sanders Street.</p> <p>The proposed design has been mindful to balance window size, location and numbers with sunlight access and ventilation requirements, and the privacy of</p>

	<p>adjoining properties. The proposal presents limited opportunities for a loss of privacy of adjoining properties, and no balconies have been incorporated into the design.</p> <p>There are a total of 3 windows on the first floor facing the adjoining properties:</p> <ul style="list-style-type: none"> • One window on the northern aspect (adjoining 61 Clifton Blvd); and • Two on the eastern elevation (adjoining 7 Sanders St). <p>The northern elevation: The north elevation (opposite 61 Clifton Boulevard) has one small window on upper level at the top of the stairs in the landing area (Window W07). Window W07 is proposed to be 600mm length x 900mm width, an area of 0.54m², and sill height of 1.5m above floor level, to a head height of 2.1m above the floor level. This window is small, single clear glass awning window and would not cause a loss of privacy to the adjoining property. This window is necessary for sunlight access and ventilation for compliance with the National Construction Code of Australia. Please see figure 1 and 2 for images of this window.</p> <p>The eastern elevation: The east elevation (opposite 7 Sanders Street) proposes two windows on the first floor. One window in the master bedroom (W08) and another in the ensuite (W09). Both windows propose a 1200mm length x 1800 width, with 900mm to 2100mm height above the floor level. Given that this is the master bedroom and ensuite, with window 9 opposite the shower and basin, the privacy of the occupants is likely desired to be protected. Please see figure 1 and 3 for images of these windows. It is also noted that the proposed dwelling is not directly in line with the dwelling at 7 Sanders Street, so views into windows of this dwelling would not be direct.</p> <p>It is noted that the NSW Planning Principles for privacy give higher importance to maintaining privacy to living areas and kitchens, rather than bedrooms, and overlooking from bedrooms is of less significance. None of the proposed windows are situated in living rooms or kitchens; they include a small window in the landing, which will act as a hallway, and a window in the bedroom and ensuite of which will include curtains, blinds or other window fittings to protect the privacy of the future occupants.</p> <p>We understand that the neighbours are concerned with change in their neighbourhood, however we are of the opinion that the proposal would provide minimal opportunities for views from the proposed windows, and negligible privacy would be lost as a result of this proposed dwelling, due to minimal windows proposed in the design. The location of windows and consideration of privacy has been incorporated into the design and no balconies have been proposed.</p> <p>Council's Assessment: Further assessment and justification provided by the applicant has demonstrated that the development complies with the controls of setbacks and privacy and in turn has demonstrated compliance with the objectives.</p> <p>The applicant has demonstrated that north facing window W07 has been designed to protect privacy between the adjoining property to the north. Windows from the master bedroom towards the east is also offset from the neighbouring principal private open space. As designed, the proposed new dual occupancy unit will not result in negative privacy impact to the neighbour.</p> <p>Council accepts the applicant's response to the submitter issues raised.</p>
Section 7.12 (94A) Contributions Plan	A contribution of is payable \$3,590.00 representing 1% of cost of work.
Engineering	The proposed development complies with, or has been conditioned to comply

Guidelines: Subdivision and Development Standards	with the relevant standards.
Onsite Detention Policy	<input type="checkbox"/> The development falls within OSD affected land the development does / does not exceed 100m ² <input type="checkbox"/> standard OSD conditions to be applied

Matters prescribed by the regulations

The regulations Sections 61 (demolition), 62 (fire safety), 63 (temporary structures) and 64 (upgrade of buildings) have been considered as part of this development.

The likely impacts of the development

Consideration	Assessment
Built Environment	The proposed development is consistent with the R1 General Residential Zone objectives as it will contribute to a mix of housing types and densities in the area. The proposed development is also consistent with the intent of the Old Collina Precinct Intent.
Context and Setting	The proposed dual occupancy development is appropriate in the context of the low density residential setting.
Solar access, privacy and views	The strata subdivision and dual occupancies will not impact on the solar access, privacy or views of other dwellings.
Compatibility	The proposed Community Title Subdivision and dual occupancies are compatible with the character and land uses surrounding the site.
Access Transport and Traffic	<input type="checkbox"/> Upgrade existing driveway access to concrete between road and boundary <input type="checkbox"/> Internal concrete access to be provided with manoeuvring area sufficient for vehicles to exit the site in a forward direction <input type="checkbox"/> Existing access way satisfactory
Heritage	No known heritage significance of the site or adjoining properties. The site is not within a heritage conservation area.
Site design and internal design	<p>The site design and internal configuration is adequate in the context of the lot dimensions. A variation to the DCP requirements has been requested for the side setback for the dual occupancy unit and location of the carport. The encroachment in both instances minimal and will not result in unacceptable amenity impacts. Accordingly, the design is considered to reasonably accord with the objectives of the DCP.</p> <p>In relation to the setback of the first floor, there is only one small window on that elevation and any overlooking from that window can be mitigated by the use of opaque glass.</p>
Stormwater management	<input type="checkbox"/> Stormwater is to connect to the existing system. <input type="checkbox"/> Stormwater to be directed away from building. <input type="checkbox"/> Stormwater not to cross property boundaries without easement. <input type="checkbox"/> Stormwater from building to be directed to street via existing system or new line. <input type="checkbox"/> Stormwater from building and site to be directed existing approved onsite detention system <input type="checkbox"/> Onsite detention required. Pre and post hydraulic calculations required prior to issue of CC. <input type="checkbox"/> Pre and post hydraulic calculations required prior to issue of CC

The suitability of the site

The subject site is zoned R1 General Residential and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development. Based on the assessment under this and other sections within this report it is considered that the site suitable for the proposed development.

The public interest

The Public Interest	COMMENTS
Federal, State, Local Government interests and community interests	The health and safety of the public will not be adversely affected by the proposal. The proposal is not contrary to any Government policy.

Other applicable legislation i.e. Biodiversity Conservation Act, Local Land Services Act – there are no issues under this legislation as no remnant native vegetation is proposed to be removed.

PART FOUR: DETERMINATION

It is recommended that Development application 240/2023(1) be determined as **APPROVED**, subject to conditions of consent set out in Attachment B.

<u>Responsible Officer / Delegated Officer</u> Name: Consultant Title: Outsourced Consultant Date:	Signature:
<u>Peer Reviewing Officer / Delegated Officer</u> Name: Kerry Rourke Title: Acting DA Coordinator Date: 08 February 2024	