



3 September 2024

Attention: Cameron Ashe
Department of Planning, Housing and Infrastructure
4PSQ, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Sir/Madam,

**Re: Draft Instrument of Consent Consultation –
Amendments by Richmond Valley Council**

1. Visual Amenity

- a. Council requests consideration be given to ensuring the visual character of the existing landscape is retained in this location, and landscape screening of these facilities is provided as necessary to ensure the facilities are not visible from the public roadways. The development should not result in the removal of any existing vegetation that provides a screening of the development from private properties or public spaces, including roadways. Any required roadworks along Avenue Road are to ensure roadside vegetation is not required to be removed to facilitate the development.
- b. A landscaping plan and its implementation should be required by way of consent conditions.

2. Hazards

- a. Council is aware of emerging hazard and contamination issues associated with battery storage. It is requested consideration be given to the implications of fires in the battery storage area and the provision of measures such as bunding to ensure the spread of contamination from water running into the environment does not occur.
- b. The development should be designed and adjust operations including the provisions of mitigation measures, as best practice and any new guidelines are developed into the future.

3. *Waste*

- a. Whilst Council supports the safe storage of oils, fuels and chemicals and collection by licenced waste collection contractors, On-site sewage management pump out style systems are generally not supported.
- b. Council's preference would be that all wastewater generated from ablution units, the washdown of vehicles and the cleaning of equipment is dealt with satisfactorily on-site through an approved on-site sewage management system, designed in accordance with Council's On-sewage and Wastewater Management Strategy.
- c. Any proposed vehicle washdown facility should incorporate the design and pre-treatment requirements specified in section 5.3.3.1 of the NSW Liquid Trade Waste Management Guidelines – 2021.
- d. A S68 application for both the vehicle washdown and the on-site sewage management system should be submitted to Council and approved prior to commencement of work

4. *Biodiversity*

- a. Offsets - Council requests consideration be given to the offsets being located/obtained within the Richmond Valley area.
- b. Connectivity - Council requests the Department ensure fencing is to the minimum extent necessary so as to maximise opportunities for fauna movement and connectivity through the landscape.

5. *Rehabilitation, land capability, social and economic*

- a. The project is identified as being temporary in nature and accordingly the consent should be time limited to ensure the project commitments, impacts and objectives are satisfied. The proposal should be time limited consistent with the EIS indications excepting for rehabilitation works to continue post effective life and/or closure of the development. Regular reporting and monitoring of the rehabilitation works, including evaluation of their effectiveness is recommended.
- b. The EIS indicates the proponent is committed to rehabilitation of the site back to agricultural land use at the end of operations. Any rehabilitation strategy should ensure the land is fully decommissioned to ensure the full range of any future agricultural activities and any associated infrastructure is possible.
- c. Consideration of future uses should not be limited to grazing and the development should not compromise future land use opportunities, rather it should ensure productivity of the land, enable diversity in primary production and emergence of new farming systems and enterprise. In this regard Council requests rehabilitation outcomes include the removal of the below ground infrastructure.

- d. The rehabilitation strategy needs to consider actions required to ensure the land is decontaminated, in the event any contaminating activity or pollution event occurs during the construction, operation and decommissioning of the development.
- e. Council requests financial security of rehabilitation for example a rehabilitation bond be required as conditions of consent.

6. Contributions and benefits sharing

- a. Payments in accordance with Councils 7.12 contributions plan are applicable to the development. Should the development be approved Council requires a consent condition requiring the payment of levies in accordance with the Richmond Valley Council Section 7.12 Contributions Plan be included in any consent notice.
- b. The following consent condition is required,
 - a. Prior to commencing installation of photovoltaic panels or battery storage cells, or parts thereof, the Applicant must make payment to Richmond Valley Council of a levy in accordance with the schedule at Appendix 4, under Section 7.12 of the Environmental Planning and Assessment Act 1979, the Richmond Valley Council Revenue Policy, and the Richmond Valley Council Section 7.12 Contributions Plan. The levy is applied to all development over \$100,000.00 (with legislated exemptions). Such levies shall contribute towards the provision, extension or augmentation of public amenities or public services in accordance with the Richmond Valley Council Section 7.12 Contributions Plan (available on Council's website at www.richmondvalley.nsw.gov.au)
 - b. The applicant shall submit a Cost Summary Report, in accordance with Section 5 of the Richmond Valley Council Section 7.12 Contributions Plan, and shall include all private and proposed Council infrastructure, and include such items as: consultant fees; demolition works; excavation; site preparation; all buildings; power supply; telecommunications supply; water supply; sewerage pipelines/manholes; stormwater pipelines/pits; inter allotment drainage lines; stormwater treatment devices; driveways/roads; lighting; earthworks; retaining walls; preparing executing and registering plans of subdivision and covenants and easement; installations of equipment; etc. . Costs shall include GST (as per Section 208(4) of the Environmental Planning and Assessment Regulation 2021).

Contributions required by this condition will be levied in accordance with Appendix 4 which will be based upon the cost of development provided within the Cost Summary Report for the development, or any applicable stage. Contributions will be index by CPI from the date of the Cost Summary Report to the time of payment(s). Any deferred contributions provided for within Appendix 4 will be paid annually and indexed annually by CPI.

The recommended Appendix 4 detail is provided below.

In accordance with condition A<insert condition number>, the following Section 7.12 Contributions are levied towards community benefits.

Richmond Valley Council Section 7.12 Contributions Plan		
Environmental Planning and Assessment Act 1979	(Receipt Code)	
Levy area - full Richmond Valley Council	(S712DCPlan)	
Cost of Development: \$ <i>as per relevant Cost Summary Report for the development or relevant stage of the development</i> (<i>Cost of development must be adjusted by CPI from the time of submitting the Cost Summary Report for the development, or relevant stage of development, until payment is received</i>)	1% of total cost of development or relevant stage of	Contribution

When is the levy payable?

Pursuant to clause 1.11 of the Richmond Valley Council 7.12 Contributions Plan, contributions are payable as follows-

- Upfront payment of 7.12 Contributions equivalent to a minimum of 25% of the calculated contribution shall be paid prior to installation of solar equipment or batteries within the relevant stage of development.
- Annual payments of 7.12 Contributions, for the remaining calculated contribution, shall be made over a maximum period of 20 years from the time the relevant upfront payment is received by Richmond Valley Council. These annual payments shall be indexed annually to CPI from the time of calculating the contribution to the time of the periodic payment.

Where the development is undertaken in stages, the contributions payable shall be levied based upon the Cost Summary Report for that stage.

<<upgrade or equipment to be levied at the cost see condition <insert relevant condition number >>

7. Rural Road Numbering

a. Rural road numbering should be assigned to enable identification and location by Emergency Services, staff/visitors at the site. Rural Road numbering will be determined by Richmond Valley Councils once the final location of the entrance is confirmed.

b. Council requests a condition of consent providing that the proponent may make application to Council for allocation of a Rural Road number and that such numbering be displayed prominently at the property entrance prior to operations commencing.

8. Vegetation Management

The applicant shall prepare a vegetation management plan (may be incorporated into a Soil and Water Management Plan) that outlines how the applicant will manage ground cover vegetation (pasture management) for the duration of the development. This should include measures to maximising vegetation ground cover and reduce the use of herbicides.

9. Potential road upgrade for the site

The following conditions will be required for road upgrade for the site,

- a. Before any work commences, a Section 138 Roads Act application is to be submitted via ePlanning Portal and approval must be obtained from Richmond Valley Council for all activities within the road reserve of Summerland Way (a classified road that requires Transport for New South Wales concurrence under the Act).
- b. Before any work commences, a Section 138 Roads Act application is to be submitted via ePlanning Portal and approval must be obtained from Richmond Valley Council for all activities within the local road reserve of Main Camp Road and Avenue Road.
- c. Before any work commences, access permits for all heavy construction vehicles shall be obtained from the National Heavy Vehicle Regulator (NHVR) and submitted to the Council.
- d. A comprehensive traffic assessment report and Traffic Guidance Scheme (TGS) shall be prepared and submitted to the Council before upgrading the parts of Main Camp Road and Avenue Road, intersections, and entrance to the solar farm to accommodate heavy construction vehicle movements including B-Double trucks.

- e. As the nature of the major impact from the development is temporary (during construction) not sealing of the road would be considered. However, as both local roads are class B gravel roads, significant management of dust for such a major increase in traffic would be an expected minimum requirement. Sealing the road is recommended as dust from multi-axle heavy vehicles will be greater than single cars.

Summary

Best option would be construction to standards to enable the type and numbers of traffic to operate safely and an MOU with the construction company to maintain the roads during construction and then return to acceptable council standard once completed.

Please do not hesitate to contact Richmond Valley Council if further information is required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andy Edwards', with a stylized flourish at the end.

Andy Edwards
Manager Development & Certification