

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-100 – DA2021/0082
PROPOSAL	Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure
ADDRESS	LOT: 102 DP: 579423 [11498 Newell Highway, Narrabri NSW 2390]
APPLICANT	ITP Development
OWNER	Wayne Bates and Maree Ellen Wheeler
DA LODGEMENT DATE	12 April 2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 7 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> : Private infrastructure and community facilities over \$5 million
CIV	\$6,595,821
CLAUSE 4.6 REQUESTS	Not applicable
KEY SEPP/LEP	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Koala Habitat Protection) 2020 • State Environmental Planning Policy (Primary Production and Rural Development) 2019 • State Environmental Planning Policy (Infrastructure) 2007 • Narrabri Local Environmental Plan 2012 • Narrabri Shire Council Development Control Plans
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No Submissions received
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Annexure A - Development Plans including Design and Landscape Plan; • Annexure B – Recommended Conditions of Consent; • Annexure C – Internal and External Referral Responses; and, • Annexure D – Support Documents and Reports.

SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	No
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	25 November 2021
PREPARED BY	Mr. Günther Weidenmann - Development Planner, Narrabri Shire Council
DATE OF REPORT	20 October 2021

EXECUTIVE SUMMARY

Description of the Proposal

Development Application (DA) 2021/0082 seeks development consent for the establishment of a 5MW solar electricity generation facility with associated infrastructure on Lot 102 in DP 579423, known as 11498 Newell Highway, Narrabri NSW 2390. According to the Statement of Environmental Effects (SoEE) accompanying the subject application, the proposed development entails the following:

- 12,100 solar modules ranging in height from 1.5 metres to 2.75 metres installed in 140 rows;
- Two 3MW inverter stations each mounted on a 12.2 metre long skid;
- A temporary car parking and materials laydown area;
- A security fence; and,
- Perimeter landscaping on the outer side of the security fence.

During construction there is expected to be 50 personnel on site working from 7.00am – 4.00pm Monday to Friday. The construction is expected to take approximately three months. Should it be necessary to carry out work outside these hours then activities would be limited to those generating low noise emissions. Once operational the site will be unmanned. Maintenance is expected to be carried out quarterly by a crew of 2 to 3 people.

Site Description & Surrounding Land Uses

The land is legally known as Lot 102 in DP 579423 and is situated on the southern side of the Newell Highway.

The site is primarily flat and has previously been used for agricultural purposes including livestock grazing with historical improved pastures. The proposed development is located approximately 4.5 kilometres directly south-west of Narrabri township within the Narrabri Shire Council Local Government Area (LGA).

Land surrounding the development site is predominantly small acreages and large farm holdings zoned RU1 'Primary Production'. Industrial development is located to the north in zone IN1 'General Industrial' and north-east along the highways.

The subject lot is not classified as bush fire prone land, but is liable to inundation by flooding under the *Narrabri Local Environmental Plan 2012* (LEP). There are no items of environmental, cultural, scientific or scenic significance known to be located on the site.

Consultation

Notification and referral requirements have been complied with as a part of the assessment of DA 2021/0082. The DA was notified to adjoining landowners and advertised in “The Courier” and Council’s website for a period of fourteen (14) days, commencing 28 June 2021 and ending 12 July 2021. No submissions were received during the public consultation period.

The DA was also referred to Essential Energy, Transport for NSW, Local Land Services and Council’s Technical Officers for comment – all of which raised no objections to the proposal subject to the imposition of suitable conditions of development consent.

Recommendation

It is recommended that DA 2021/0082 be approved subject to the recommended conditions of consent contain in **Annexure B**.

1. THE SITE AND LOCALITY

The proposed development will be situated on Lot 102 in DP 579423, known as 11498 Newell Highway, Narrabri NSW 2390, comprising approx. 11.32 hectares (**Figure 1**).

The site is primarily flat and has previously been used for agricultural purposes including livestock grazing with historical improved pastures. The proposed development is located approximately 4.5 kilometres directly south-west of Narrabri township within the Narrabri Shire Council Local Government Area (LGA) (**Figure 2**).

Land surrounding the development site is predominantly small acreages and large farm holdings zoned RU1 'Primary Production'. Industrial development is located to the north-east in zone IN1 'General Industrial' along the highways (**Figure 3**).

According to the submitted Statement of Environmental Effects (SoEE), there are 11 residential dwellings within the visual catchment of the proposed development (**Figure 4**).

The subject lot is not classified as bush fire prone land, but is liable to inundation by flooding under the LEP. There are no items of environmental, cultural, scientific or scenic significance known to be located on the site.

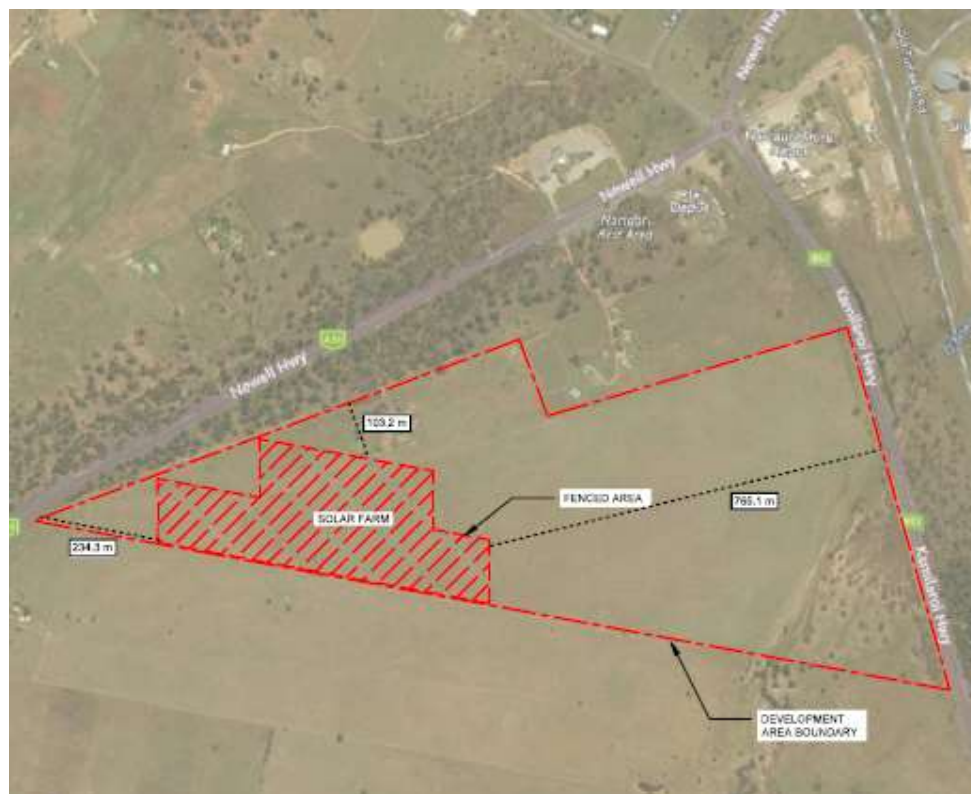
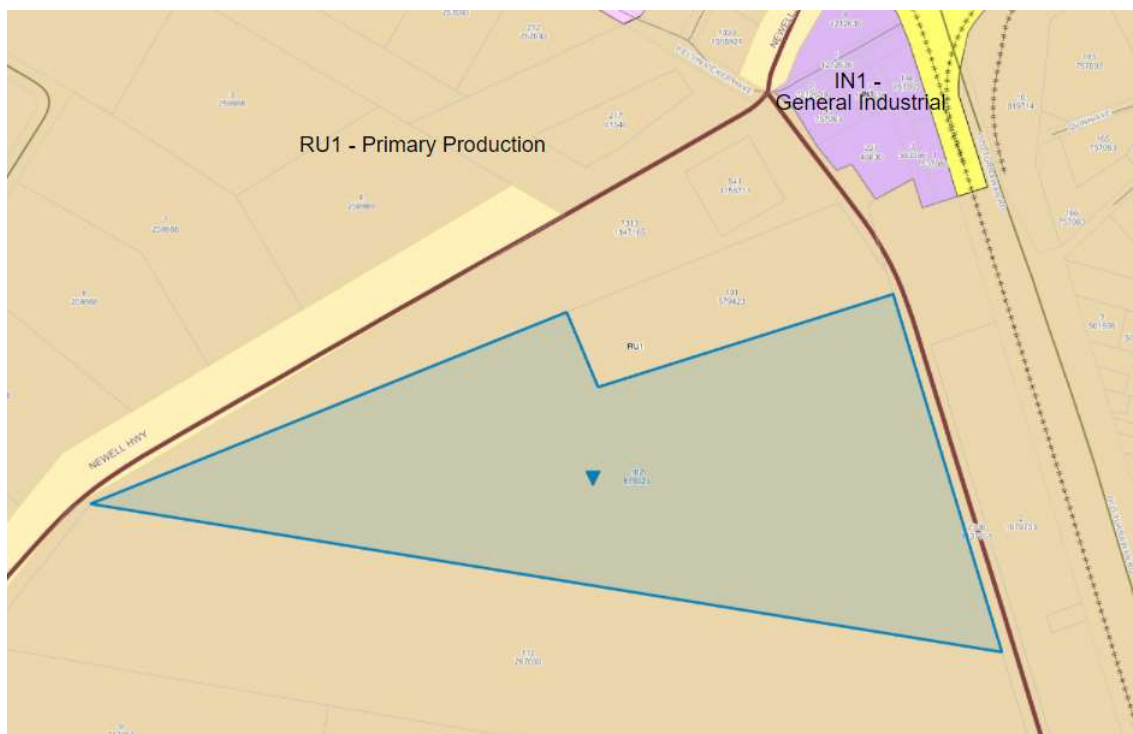
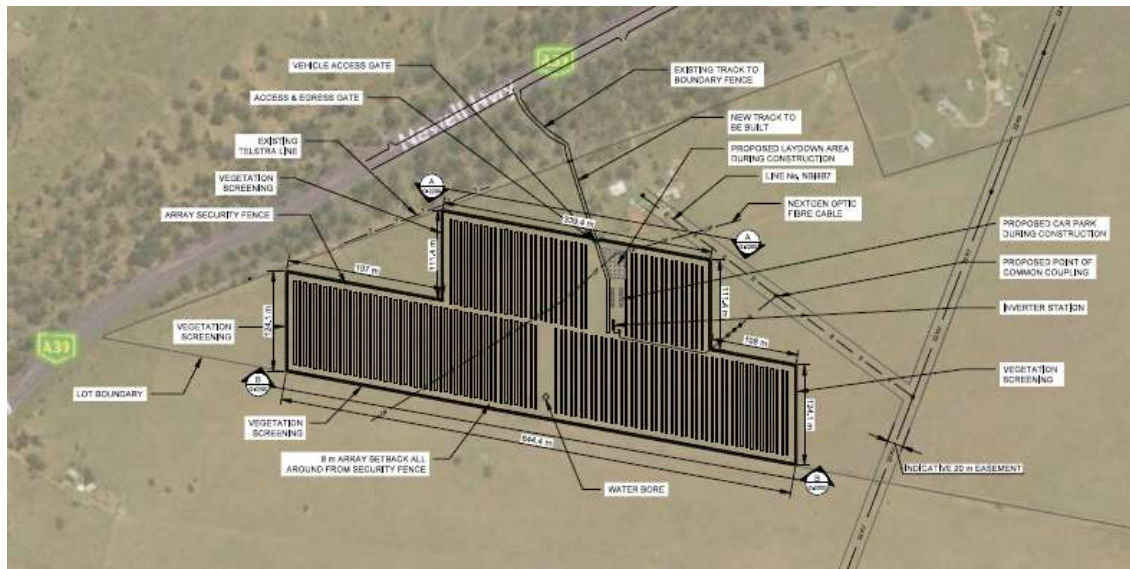


Figure 1: Location plan.



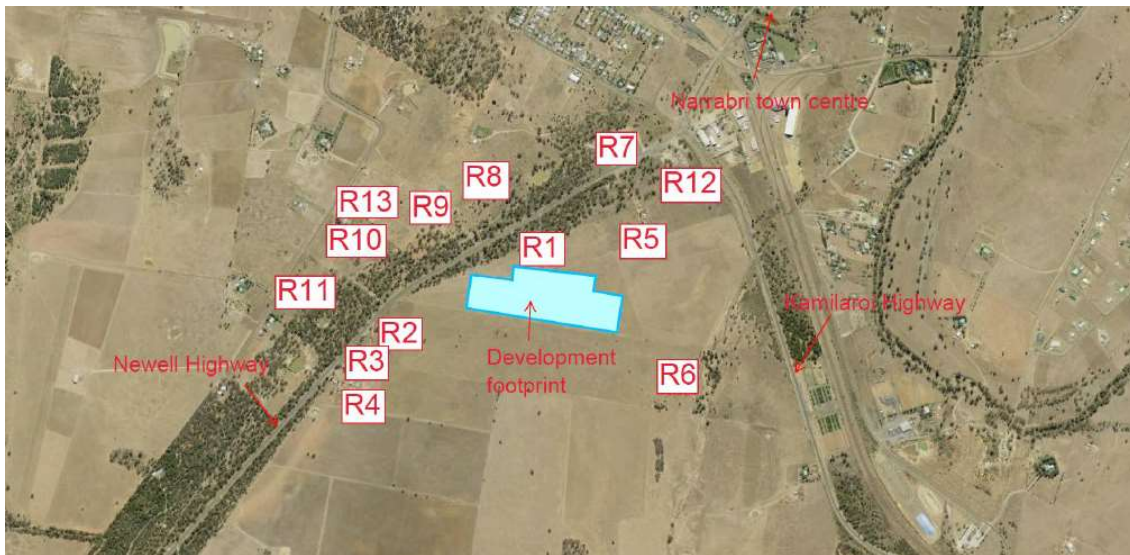


Figure 4: Location of closest residential dwellings.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Development Application (DA) 2021/0082 seeks development consent for the establishment of a 5MW solar electricity generation facility with associated infrastructure on Lot 102 in DP 579423, known as 11498 Newell Highway, Narrabri NSW 2390.

The proposed development entails the following (see **Annexure A** and **Figure 5**):

1. 12,100 solar modules ranging in height from 1.5 metres to 2.75 metres installed in 140 rows;

There are proposed to be 12,100 solar modules installed in 140 rows that are 103 metres long and 2 metres wide running east to west. There is approximately 6.25 metres spacing between each row. The array is proposed to be placed in the lower half of the property adjacent the southern boundary. Each row of PV modules will rotate to track the sun across the sky from east to west each day. The hub height of each tracker is 1.5 metres with the peak of the modules reaching an approximate height of 2.75 metres when the array is fully tilted to 60 degrees from horizontal, i.e. in the early morning and late evening. The layout of the solar farm is shown on the development plans (**Annexure A**)

2. Two 3MW inverter stations each mounted on a 12.2 metre long skid;

Two 3MW AC inverter stations and a transformer will be installed at the solar farm. These inverters are to be located within the centre of the array and are each mounted on a 12.2 metre long skid. Each of these inverter stations incorporate high and medium voltage switchgear. Each will connect by way of underground cables to a 22kV feeder to inject power to the electricity grid at the Essential Energy Narrabri 66 Zone Substation.

3. A temporary car parking and materials laydown area;

A temporary materials laydown and car parking are proposed as part of this application. It is expected that car parking for up to 40 small vehicles will be needed during the construction period.

4. A security fence; and,

The proposed fence is to be chain mesh steel topped with three rows of barbed wire giving a total height of 2.3 metres.

5. Perimeter landscaping on the outer side of the security fence.

It is proposed to plant a vegetated screen around the perimeter of the array on the outer side of the security fence. A mix of native shrubs and ground covers that grow to a maximum height of 3 metres have been selected to ensure that overshadowing of panels does not occur. The plants would be spaced 3 metres apart to provide a continuous screen upon maturity.

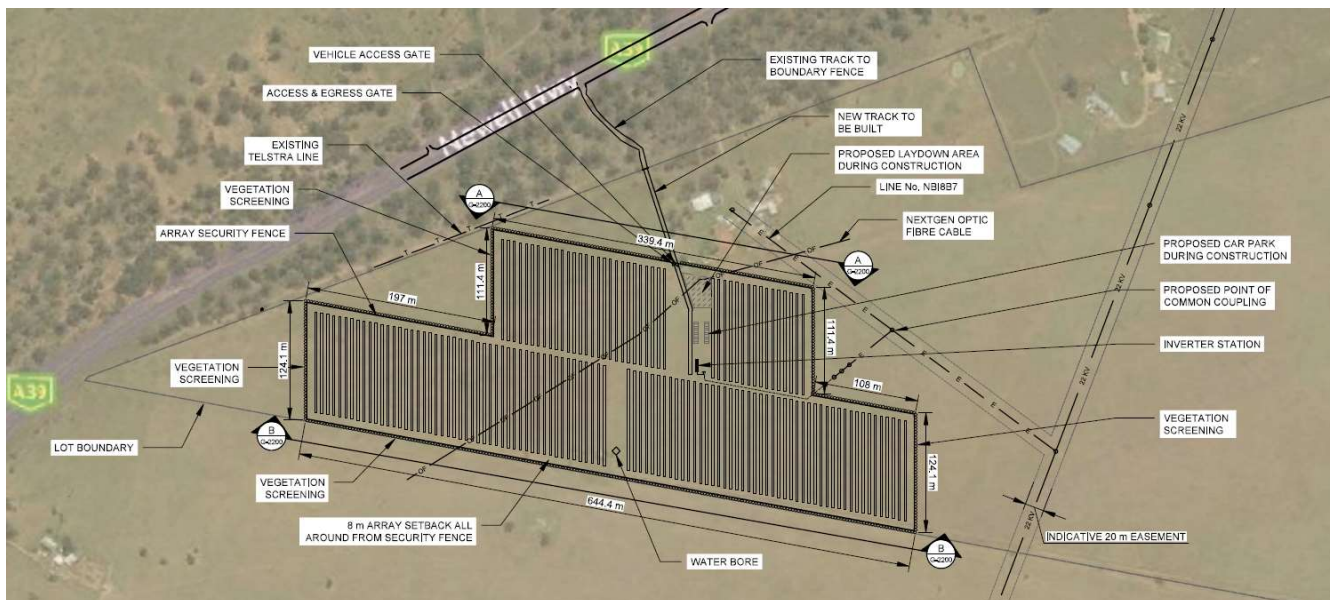


Figure 5: Site Plan for the Proposed Development.

3. STATUTORY CONSIDERATIONS

Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') outlines the matters which the consent authority must take into consideration when determining a development application. These matters are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy (Primary Production and Rural Development) 2019*;
- *State Environmental Planning Policy (Koala Habitat Protection) 2020*; and,
- *Narrabri Local Environmental Plan 2012*.

A summary of the key matters for consideration arising from these State Environmental Planning Policies (SEPP) are outlined in **Table 1** and considered in more detail below.

Table 1: Summary of Applicable State Environmental Planning Policies
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
SEPP - (State and Regional Development) 2011	• Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 5 of Schedule 7.	Y
SEPP - (Infrastructure) 2007	• Clause 45 (Determination of development applications— other development) – electricity transmission - the proposal is satisfactory subject to conditions.	Y
SEPP No. 55 - Remediation of Land	• Clause 7 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
SEPP - (Primary Production and Rural Development) 2019	• Clause 3 (Aims of Policy) - the proposal is consistent with the aims of this Policy.	Y
SEPP - (Koala Habitat Protection) 2020	• Clause 8 - the land is not a potential koala habitat.	Y
NLEP 2012	• Part 6 - Development is consistent with objectives and suitable conditions will be included where required.	Y

State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Clause 20(1) of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), the proposal is a regionally significant development as it satisfies the criteria in Clause 5(a) of Schedule 7 of the SRD SEPP as the proposal is development for '*electricity generating works*' with a Capital Investment Value (CIV) over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to cl.34(7) of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), development for the purpose of a solar energy system may be carried out by any person with consent on any land. Accordingly, the proposed solar farm (which is a photovoltaic electricity generating system) is permissible subject to development consent being issued.

Clause 45 – ‘Determination of development applications—other development’

The proposed development will require works to connect to the overhead electricity power lines and as a result constitutes works within 5m of powerlines. Due to the location and nature of the proposed development referral to the electricity supply authority, Essential Energy, was required during the assessment period. Essential Energy provided their response on 19 May 2021, which has been incorporated into the recommended terms of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

The objective of this Policy is to provide a state-wide planning approach to the remediation of contaminated land. The SEPP requires consideration of previous land uses and promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

In accordance with the provisions under Clause 7(1) of this Policy, it is considered that the development site is suitable for the proposed development and that no further investigation is required. The development site has been historically used for primary production (livestock grazing with historical improved pastures) and is currently used for the same purposes. A search of Council’s records has not produced any approvals for activities listed under Table 1 of *Planning Guidelines SEPP 55 – Remediation of Contaminated Land 1998*. There are no known previous investigations about contamination on the subject land or land use restrictions issued by the NSW Environmental Protection Authority (EPA). A site inspection did not reveal any visual indications of contamination.

State Environmental Planning Policy Primary Production and Rural Development (2019)

This Policy aims to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land, to identify State significant agricultural land and to encourage and protect aquaculture. This Policy applies to the State.

The proposed development is considered to be consistent with the aims of this Policy. Furthermore, the development site is not identified as being State significant agricultural land.

State Environmental Planning Policy (Koala Habitat Protection) (2020)

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. This Policy applies to each Local Government Area (LGA) listed in Schedule 1, which includes Narrabri Part 2 of this Policy applies as the land is:

- within a LGA listed under Schedule 1, being the Narrabri Shire Council LGA;
- subject to a DA; and,
- has an area of more than 1 Hectare.

In this regard, the provisions under Clause 8 require consideration and states that Council must be satisfied as to whether the land is potential koala habitat before granting consent. Additionally, Clause 8(2) specifies that Council may be satisfied as to whether the land is potential koala habitat only on information obtained by it; or, the applicant from a person who is qualified and experienced in tree identification.

A Biodiversity inspection report, prepared by Red-Gum Environmental Consulting has determined that there is no highly suitable koala habitat or core koala habitat present. This was based on the following:

- No Koalas, scats or other evidence of use of the development site were recorded.
- The site is a highly modified grazing paddock and an obvious history of pastoralism and or cultivation.
- There are numerous core vegetation areas surrounding the site which represent areas of viable Koala habitat.

Narrabri Local Environmental Plan 2012

The subject lands are zoned RU1 'Primary Production' pursuant to the provisions of the *Narrabri Local Environmental Plan 2012* (LEP). The objectives of the RU1 zone 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 allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.*

Under clause 2.3(2) of the LEP, the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. It is considered that the proposed Solar Farm is generally consistent with the objectives of the zone.

The proposed development is identified as being 'electricity generating works' which is defined under the LEP as follows:

electricity generating works means a building or place used for the purpose of—
(a) *making or generating electricity, or*
(b) *electricity storage.*

Although 'electricity generating works' are prohibited in the RU1 zone, the development is permissible by virtue of Clauses 34(1)(b) and 34(7) under the ISEPP, as discussed in an earlier section of this assessment report. Clause 8(1) ISEPP also clarifies as follows:

8 Relationship to other environmental planning instruments

Note— *This clause is subject to section 3.28(4) of the Act.*

- (1) *Except as provided by subclause (2), if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*

The following local provisions under Part 6 of the LEP are of relevance to the subject application:

- Clause 6.1 'Earthworks'

Minimal earthworks are expected to be carried out in conjunction with the proposed development. Only minor earthworks are required for the underground cabling and supporting infrastructure (access roads, stormwater management etc). Suitable conditions have been included in the recommended terms of consent to address any adverse impacts that may arise during construction works.

- Clause 6.2 'Flood Planning'

Clause 6.2 Flood Planning is applicable to the development, as the property is identified by LEP as being a flood planning area and as such the provisions of clause 6.2 shall be applied.

Clause 6.2 states that in assessing a development on a property, Council must consider the objectives of the clause, and be satisfied that the development;

- (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 land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

The proposed development is determined as being suitable for the proposed use and compliant with the provisions of Clause 6.2 'Flood Planning' of LEP. Conditions have been included in the recommended terms of consent to ensure that the development complies with Clause 6.2 of the LEP

- Clause 6.5 'Essential Services'

The proposed development is capable of being connected to the essential services listed under Clause 6.5. Suitable conditions have been included in the terms of consent in order to facilitate the arrangements for essential services.

Other Relevant Legislation

Biodiversity Conservation Act 2016 & Biodiversity Conservation Regulation 2017

The *Biodiversity Conservation Act 2016* (BC Act) aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development. A Biodiversity Development Assessment Report (BDAR) is required to accompany a DA if the proposal will 'significantly affect threatened species' and the Biodiversity Offset Scheme (BOS) will apply.

Under Section 7.2 of the BC Act, a development will 'significantly affect threatened species' if:

- a. It is likely to affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3; or,
- b. The development exceeds the BOS threshold if the BOS applies to the impacts of the development on biodiversity values; or,
- c. It is carried out in a declared area of outstanding biodiversity value.

Section 7.2(1)(b) of the BC Act and Clause 7.1 of the *Biodiversity Conservation Regulation 2017* (BC Regulation) sets-out the BOS threshold, being whether:

- a. The amount of native vegetation being cleared exceeds a threshold area;
- b. The development involves the clearing of native vegetation or prescribed impacts on an area mapped on the biodiversity values map.

A Biodiversity Inspection Report, prepared by Red-Gum Environmental Consulting, concludes the following:

- the project requires <1 ha clearance of native grass and zero remnant native trees.
- The project will not displace any rare or threatened species.
- The development site constitutes largely exotic species and pasture grasses, with many species commonly regarded as 'highly invasive'.
- No viable food sources are present in the development area.
- There are numerous core vegetation areas surrounding the site which represent areas of viable Koala habitat. The site is highly unlikely to be traversed or used by the species who are much more likely to stay within the connected canopy of the roadside vegetation corridor.

It is considered that the proposed development will not have a significant effect on any threatened species and ecological communities and/or their conservation. Therefore, a BDAR and entry into BOS is not required.

Conditions have been incorporated in the recommended term of consent to ensure that the mitigation measures, as recommended in the Biodiversity Inspection Report, are implemented for the proposed development.

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

At the time of submission of this Report, there were no draft environmental planning instruments that applied to the subject lands.

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

- *Development Control Plan – Industrial Development Code (DCP)*
The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with the assessment of DA 2021/0082.

4.3 Open Storage and Work Areas		
(a) Where any work or storage of materials is proposed to be undertaken outside the confines of a building, full details of those parts of the site to be used, and of the materials to be stored, are to be provided with the application.	Not Applicable. No open work or storage areas are proposed.	Y

(b) Approved open work and storage areas are to be located at the rear of industrial developments and screened from view by the use of landscaping and screen fencing. Such fencing is to be constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2.0 metres.	Not Applicable. No open work or storage areas are proposed.	Y
4.4 Security Fencing		
Security fencing should be visually unobtrusive and, wherever practicable, should be located behind the landscape setback area.	A 2.3m high security fence will be located around the site area.	Y
4.6 Building Setbacks		
4.6.1 Setbacks		
A front building setback of eight (8) metres from the property boundary should be provided. This eight (8) metre front setback is to be intensively landscaped.	An 8m front setback area is proposed from the existing fence onsite to the solar arrays.	Y
Side and rear setbacks will be determined by the requirements of Ordinance 70 under the Local Government Act, 1919.	An 8m side and rear setback area is proposed from the existing fence onsite to the solar arrays.	Y
4.7 Landscaped Treatment		
4.7.1 Areas required to be landscaped		
<p>The following areas should be landscaped:</p> <ul style="list-style-type: none"> (a) The front building setback; (b) Side and rear setbacks where visible from a public place or an adjoining residential area; (c) Areas adjacent to building entrances and pedestrian access points; (d) The perimeter of all approved open storage areas and staff/visitor parking areas. (See also Section 4.3 of this Code). Large car parking areas should be interspersed with internal planting bays to reduce the visual impact of large areas of paved surfaces. 	<p>It is proposed to plant a vegetated screen around the perimeter of the array on the outer side of the security fence. A mix of native shrubs and ground covers that grow to a maximum height of 3 metres have been selected to ensure that overshadowing of panels does not occur. The plants would be spaced 3 metres apart to provide a continuous screen upon maturity.</p> <p>A landscaping plan has been submitted as part of the application.</p>	Y
4.7.2 Landscape Guidelines		

<p>(a) Landscaped areas are to be an integral part of the site, and may, due to the size and scale of development proposed, require the incorporation of mounding to add visual relief to the development.</p> <p>(b) Landscaped areas should be planted and maintained with suitable trees, shrubs and ground cover in accordance with a landscape plan, which must be submitted for approval prior to the release of building plans.</p> <p>(c) Landscaping should be completed in accordance with the approved landscape plan prior to the occupation of the development and shall be suitably maintained throughout the life of the development.</p> <p>(d) Every effort should be made to preserve existing trees on proposed development sites. All existing trees should be shown on the plan submitted with the application, and those which are required to be removed should be clearly highlighted.</p> <p>(e) Trees shall be planted on the Council footpath, 900mm in from the kerb, along the entire frontage of the property, at intervals of approximately 10 metres (making allowance for the location of the driveways). The tree types that can be used are included in Annexure 1, and shall be approved by the Shire Engineer.</p>	<p>The following mitigation measures are proposed:</p> <ul style="list-style-type: none"> • Shrub planting (native species to 3m) outside of security fence and within the lease boundary on all sides of the solar farm to provide screening from sensitive receptors. <p>According to the Visual Impact Assessment (VIA), the implementation of some mitigation measures would be recommended on to be planted around all sides of the development.</p> <p>A Landscape Plan has been submitted as part of the VIA and no trees are proposed on the Council footpath.</p>	<p>Y</p>
<p>4.8 Access, Parking and Off Street Loading / Unloading Facilities</p>		
<p>4.8.1 General Requirements</p>		
<p>(a) The design, layout and construction of access, parking and service areas for all industrial development shall be in accordance with the requirements of the Narrabri Shire Parking Code.</p>	<p>The proposed development is not considered a 'traffic generating development' and due to the nature of the development, no prescribed parking rate is applicable.</p>	<p>Y</p>

<p>(b) Council is required to consult the NSW Traffic Authority to obtain advice on traffic and safety aspects for major traffic generating developments. This consultation is a statutory requirement prescribed by State Environmental Planning Policy No. 11. Additional information about the consultation procedure can be obtained by contacting Council's Environmental Services Section.</p>	<p>Not Applicable.</p> <p>The proposed development is not considered a 'traffic generating development'.</p> <p>According to Section 138(2) of the <i>Roads Act 1993</i>, consent may not be given with respect to a classified road except with the concurrence of TfNSW. Conditions in regards to traffic and access have been included in the terms of consent in line with the recommendation in the submitted TIA and the conditions received from TfNSW.</p>	<p>Y</p>
<p>(c) Industrial development should be designed to ensure that all vehicles can enter and leave the site in a forward direction. Details of vehicle size and manoeuvring areas should be submitted with the development application to enable an adequate assessment of these aspects.</p>	<p>The proposed access to the site will allow all vehicles to enter and exit the site in a forward direction.</p>	<p>Y</p>
<p>(d) Individual parking bays should be clearly delineated and have minimum dimensions of 2.6 metres x 5.5 metres, except where it is adjacent to a solid obstruction when a 3.0 metre width should be provided.</p>	<p>According to the submitted SoEE, temporary car parking is proposed as part of this application. It is expected that car parking for up to 40 small vehicles will be needed during the construction period.</p>	<p>Y</p>
<p>4.8.2 Access and Road Construction Requirements</p>		
<p>(a) The following road works are generally required in conjunction with industrial development:</p> <p>Industrial type vehicular gutter crossings;</p> <p>Construction of kerb, gutter and road shoulder between the lip of the gutter and the edge of the existing bitumen seal, footway formation and paving and associated road drainage for the fill frontage of the site.</p> <p>(b) Access drives to have a minimum width of six (6) metres;</p> <p><i>Note – major traffic generating developments may require a greater access width divided at the property line.</i></p>	<p>Proposed access to the development site is off an existing secondary entry to the property off the Newell Highway. The application has been referred to TfNSW for comments/conditions regarding access requirements off the Newell Highway (Federal Highway)</p> <p>The conditions have been included in the recommended terms of consent in line with the conditions received from TfNSW.</p>	<p>Y</p>

(c) The location of access driveways at intersections shall be in accordance with the Traffic Authority of NSW 'Policy, Guidelines and Procedures for Traffic Generating Developments', however the minimum distance shall be 6.0 metres from the intersecting boundaries;		
(d) Access driveways across the footpath should hard sealed, consisting of either concrete, two coat bitumen seal, asphaltic concrete, paving blocks or other approved material.		
(e) All driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suite design traffic, and are to be sealed with either bitumen asphaltic concrete, concrete or interlocking pavers. Full details should be indicated on the plans submitted with the Development Application.		
4.8.3 Parking Requirements		
(a) On-site car parking should be provided in accordance with Council's adopted Car Parking Code, copies of which are available from Council.	Due to the nature of the development, no prescribed parking rate is applicable. However, temporary car parking is proposed as part of this application during the construction period.	Y
4.8.4 Loading / Unloading Facilities		
(a) Adequate provision should be made on site for the loading and unloading of delivery vehicles within designated loading bays.	Not Applicable.	Y
(b) Loading and unloading facilities appropriate to the particular development are to be provided on site such that service vehicles are located wholly within the site and are not required to reverse to or from the street.	Not Applicable.	Y

4.10 Services and Drainage		
<p>(a) To ensure that services provided are adequate for the scale of the development proposed.</p> <p>(b) To ensure adequate drainage facilities are provided within the site to collect and carry stormwater to external drainage systems;</p> <p>(c) To reduce the hazard of flooding and the diversion or concentration of water onto adjoining properties.</p>	Mitigation measures regarding site drainage and water quality controls have been proposed in the submitted SoEE and will be included in the recommended Conditions of Consent.	Y
4.10.1 Water Supply		
All development shall be connected to Council's Water Supply. Details of flow pressure can be obtained from Council's Engineering Services Section.	Not Applicable.	Y
4.10.2 Sewer		
Where Council sewer is available, a Sewer Headworks Charge based on the size and type of Development may be charged.	Not Applicable.	Y
4.10.3 Trade Waste		
A Trade Waste Application will be required where liquid wastes other than sewerage are to be discharged to Council's sewerage system. Council levies a charge for the disposal of the Trade Waste to the sewer based on the volume and strength of the discharge.	No liquid waste is expected to be produced.	Y
4.10.4 Drainage		
<p>(a) Stormwater runoff from roofs and paved areas is to be collected and disposed of to the street drainage or direct to Council's underground system.</p> <p>(b) The Council will not permit the erection of buildings over drainage easements under its control.</p> <p>(c) A contribution towards Downstream Drainage may be required based on the increased run-off generated by the development.</p>	Mitigation measures regarding site drainage and water quality controls have been proposed in the submitted SoEE and will be included in the recommended Conditions of Consent.	Y

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCP's they are required to be considered):

- *Narrabri Shire Section 7.12 – Fixed Development Consent Levies Contributions Plan 2011*

Council may levy contributions for the proposed development in accordance with its adopted Section 7.12 Contributions Plan. According to the cost summary report by RPS (dated 21 January 2021), the cost of the development is \$6,595,821 and therefore a 1% levy will apply. A condition has been included in the recommended terms of consent requiring the Section 7.12 Contribution to be paid to Council prior to the issue of a Construction Certificate.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There is no planning agreement or draft planning agreement that has been entered into between the developer, relevant body or Council under Section 7.4 of the Act.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

The provisions under Clauses 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation 2000 do not apply to the proposed development.

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* prescribes that 'electricity generating stations' that supply or are capable of supplying more than 30 megawatts of electrical power from energy sources, including solar, is designated development. As the proposed solar farm will generate a maximum of 5 megawatts, it does not constitute designated development.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The following Table outlines the likely impacts of the proposed development that have been considered in connection with the assessment of DA 2021/0082.

Primary Matters	Comments
Context & Setting	<p>➤ Glint and Glare</p> <p>A Glint and Glare Assessment prepared by ITP Renewables has been submitted to support the proposed development. Visual receptors within 2 km of the site were considered including residences and road users. The Report advises that the proposal is unlikely to have significant glare impacts on the visual receptors.</p> <p>The Report states that:</p> <ul style="list-style-type: none"> • Existing roadside vegetation and structures are expected to provide a physical obstruction between the solar farm and road users on the major road to the west of the site (Newell Highway), further minimising the visual impact of the project. Road users approaching the solar farm along the other roads surrounding the site are also not expected to experience any glare.

	<p>➤ Views & vistas</p> <p>A Visual Impact Assessment (VIA) prepared by Zenith Town Planning has been submitted as part of the application to assess the potential visual amenity changes which may occur as a result of the proposed development.</p> <p>According to the VIA, the potential impacts of the proposed solar farm on views from both private property and the public domain affect only a minor proportion of the total landscape views. Impacts would be greatest during construction when there will be traffic movements into and out of the site and the temporary car parking and materials laydown areas are installed. Once operational, the proposed landscaping will provide effective screening of the fence, array and inverters over time as vegetation matures.</p> <p>The Landscape Plan submitted with the application, proposes shrub planting (native species to 3m) outside of security fence and within the lease boundary on all sides of the solar farm. This would assist in minimising visual impacts of the development on the surrounding rural landscapes and the adjoining residential properties.</p> <p>It is therefore considered that the proposed development is appropriate for the site and surrounding locality, subject to the implementation of measures to ameliorate visual impacts. Conditions have been included in the recommended terms of consent to this effect.</p>
Site Design & Internal Design	<p>The proposed development has been designed and located with consideration to the constraints of the site and potential environmental impacts, as discussed throughout this assessment report.</p>
Access, Transport & Traffic	<p>A Traffic Impact Assessment (TIA) has been prepared by Price Merret Consulting has been submitted to support the subject application.</p> <p>It is noted that, the majority of traffic movements associated with the development will occur during the construction of the solar farm (approximate 3-month period).</p> <p>The TIA provides rates of traffic likely to be generated from the proposed development (both during construction and once operational):</p> <ul style="list-style-type: none"> - 33 semi-articulated trucks and 12 B-Doubles, with an expected daily maximum likelihood of 4 trucks between 10am and 2pm - 50 construction workers are likely to generate peak number of vehicles entering the site in the morning between 6:30 to 8:00am and leaving at the afternoon peak around 4:00 to 5:00pm. <p>The development will propose a shuttle bus service and car-pooling which will reduce the number of vehicles to fewer than 20</p> <p>Conditions in regards to traffic and access have been included in the terms of consent in line with the recommendation in the submitted TIA and the conditions received from TfNSW.</p>
Public Domain	<p>The proposed development is expected to have negligible impact on the public domain in terms of public recreation opportunities, public spaces and pedestrian linkages.</p>

Utilities	It is considered that the proposed development is unlikely to have an adverse impact on the availability and capacity of utilities. Minimal utilities are expected to be required for the project as construction will be short-term and there will be no permanent staff on the site, nor any permanent buildings.
Heritage	<p><u>Indigenous Cultural Heritage</u></p> <p>Zenith Town Planning undertook an AHIMS basic search for the site to identify aboriginal heritage at the site and found that no known Aboriginal sites or Aboriginal Places are recorded on AHIMS in the project area. There are no landscape features located on site that would indicate the presence of Aboriginal objects.</p> <p>A condition has been included in the recommended terms of consent, requiring works to cease and Office of Environment and Heritage to be contacted should any items suspected of being Aboriginal in origin discovered during works.</p> <p><u>European Heritage</u></p> <p>The site does not contain any listed heritage items under Schedule 5 of the LEP, nor is it located within a heritage conservation area. No other heritage items are located in proximity to the site.</p>
Other Land Resources	The proposed development is not expected to have an adverse impact on the conservation and use of land resources, including productive agricultural land, mineral and extractive resources and water supply catchments.
Water	The development application has been referred to Council's Engineering Officer who did not have any comments/conditions relating to the proposed development. However, a condition is recommended to be included in the recommended Terms of Consent to ensure the suitable management of Stormwater.
Soils	The proposed development is not expected to have an adverse impact on soil conversation. Erosion and sediment controls will be required to be installed prior to the commencement of works and maintained for the duration of construction works. Conditions have been included in the recommended terms of consent to this effect.
Air & Microclimate	It is considered that the proposed development will not result in adverse air and microclimatic conditions. The SoEE and supporting technical studies identify a range of measures to mitigate any dust that may be generated during construction and operation of the proposed development. Conditions have been incorporated into the recommended terms of consent to ensure compliance in this regard.
Flora & Fauna	<p>The proposed development requires clearance of <1Ha native grass and zero remnant native trees.</p> <p>According to the submitted Biodiversity Inspection Report, the small amount of native grass that will be impacted by the development will not endanger or have a significant effect on any existing native vegetation, habitats within the site, or fauna species that may be using the site.</p>

	In addition, the report has identified a number of avoidance and mitigation measures to reduce potential biodiversity impacts. Conditions have been incorporated in the recommended term of consent to ensure that the identified mitigation measures are implemented for the proposed development.
Waste	A Waste Assessment Report, prepared by ITP Renewables, has been submitted with the subject application and identifies waste management measures for each stage of the development, including construction, operations and decommissioning. Conditions have been included in the recommended terms of consent to ensure that any waste generated by the development is appropriately managed.
Energy	The proposed development involves the establishment of renewable energy, being a 5MW photovoltaic electricity generating system and associated infrastructure.
Noise & Vibration	A Noise Impact Assessment (NIA) prepared by Muller Acoustic Consulting Pty Ltd has been submitted with the subject application. The NIA concludes that the noise generated during the construction of the proposed development will have the potential to exceed relevant construction Noise Management Levels at six (6) receivers in proximity to the project. Notwithstanding, the NIA has identified several mitigation measures that should be considered during the construction phase to reduce emissions to the surrounding community. The mitigation measures have been incorporated as a condition in the recommended terms of consent.
Natural Hazards	The subject lot is not classified as bush fire prone land, but is liable to inundation by flooding under the LEP. The proposed development is determined as being suitable for the proposed use and compliant with the provisions of Clause 6.2 'Flood Planning' of LEP. There are no other natural hazards known to affect the subject land.
Safety, Security & Crime Prevention	The proposed development is not expected to have an adverse impact on safety, security and crime prevention. The development site will be improved with security fencing.
Social and Economic impact	The proposed development has the potential to generate positive social and economic benefits to Narrabri Shire. The capital investment value of the development is \$6,595,821 and will generate employment opportunities during construction. The proposal assists to generate power to be distributed to the residents of NSW thereby promoting the social and economic welfare of the community in a manner that manages and conserves natural resources.
Construction	Conditions have been included in the recommended terms of consent to mitigate construction impacts. Such conditions relate to hours of work, parking and traffic management, waste, toilet facilities, noise and dust mitigation, and signage. An Environmental Management Plan is also required to be prepared and implemented as a recommended condition of consent.
Cumulative Impacts	Acceptable, as discussed throughout this assessment report and subject to conditional approval.

Other?	No other impacts have been identified.
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3.7 Section 4.15(1)(c) - Suitability of the site

The subject lands are considered to be suitable for the proposed development for the following reasons:

- The proposed development is not expected to result in deleterious impacts, subject to the imposition of suitable conditions of consent;
- The attributes of the subject lands are conducive for the purposes of the proposed development; and,
- The proposed development is permitted with development consent under Clause 34 of the ISEPP.

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

The DA was notified to adjoining landowners and advertised in "The Courier" and Council's website for a period of fourteen (14) days, commencing 28 June 2021 and ending 12 July 2021. No submissions were received during the public consultation period.

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

The proposed development has been assessed to be in the public interest as detailed throughout this Report, subject to the imposition of appropriate conditions of development consent. The proposed development is not expected to have a negative impact on the health and safety of the public.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 2**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed. The Internal and External Referral Responses are attached to this report (**Annexure C**)

Table 2: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Transport for NSW	Section 138(2) – Roads Act 1993 'A consent may not be given with respect to a classified road except with the concurrence of TfNSW'	• TfNSW's comments were received by Council on 26 October 2021 and will be incorporated as conditions in the recommended terms of consent.	N

Referral/Consultation Agencies			
Essential Energy	Clause 45(2) – ISEPP ‘Determination of development applications—other development’.	<ul style="list-style-type: none"> Essential Energy’s comments were received by Council on 19 May 2021 and will be incorporated as conditions and advice in the recommended terms of consent. 	Y
Local Land Services	Access is proposed from Newell Highway over a TSR road (Lot 7313 DP1147165)	<ul style="list-style-type: none"> Local Land Services’ comments were received by Council on 27 August 2021. According to comments received, Section 75 of the Local Land Services Act provides approval for access across a TSR to a holding. A condition has been included as per comments received, requiring the proponent to contact Ranger Fay Anderson prior to any construction or improvements as per part (4) of Section 75. 	
Integrated Development (S 4.46 of the EP&A Act)			
Not Applicable.			

The development application has been referred to various Council officers for technical review as outlined **Table 3**.

Table 3: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council’s Engineering Officer reviewed the submitted Water Assessment and Traffic Impact Assessment. Council’s Engineering Officer had no comments/conditions regarding the proposal.	Yes
Waste	Council’s Manager of Waste Services reviewed the submitted Waste Management Plan. Conditions will be included in the recommended terms of consent to ensure to that any waste generated by the development is appropriately managed.	Yes
Strategic Planning (In regard to flood)	Council’s Planning Officer reviewed the submitted Flood Impact Assessment. Conditions will be included in the recommended terms of consent to ensure that the development complies with Clause 6.2 of the Narrabri Local Environmental Plan 2012	Yes

4.2 Community Consultation

The proposal was notified in accordance with the Council’s Community Participation Plan from 28 June 2021 until 12 July 2021. No submissions were received during the notification period.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Visual impacts

A Visual Impact Assessment (VIA) prepared by Zenith Town Planning has been submitted with the subject application. The VIA has considered landscape character and scenic qualities in the locality, stakeholder values regarding visual amenity and potential impacts from public viewpoints.

11 residential premises, two commercial premises, and two arterial road routes were identified as potential visual receptors.

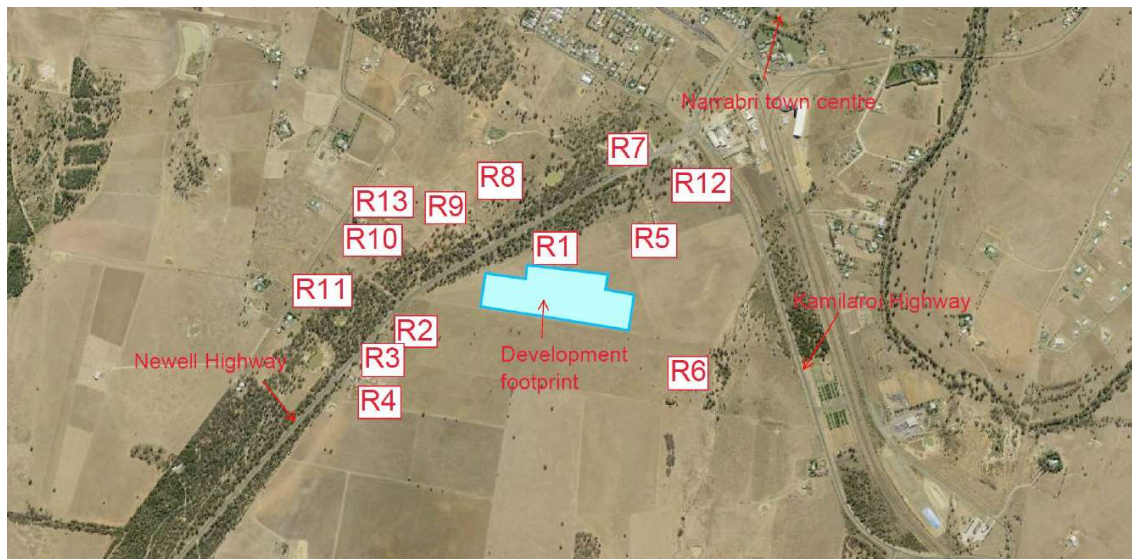


Figure 6: Potential visual receptors

According to the VIA, the potential impacts of the proposed solar farm on views from both private property and the public domain affect only a minor proportion of the total landscape views. Impacts would be greatest during construction when there will be traffic movements into and out of the site and the temporary car parking and materials laydown areas are installed. The VIA also concludes that the existing roadside vegetation and the proposed landscape screening on all sides of the proposed development are expected to provide a physical obstruction between the solar farm and road users of the Newell Highway and the Kamilaroi Highway.

It is proposed to plant a vegetated screen around the perimeter of the array on the outer side of the security fence. A mix of native shrubs and ground covers that grow to a maximum height of 3 metres have been selected to ensure that overshadowing of panels does not occur. The plants would be spaced 3 metres apart to provide a continuous screen upon maturity.

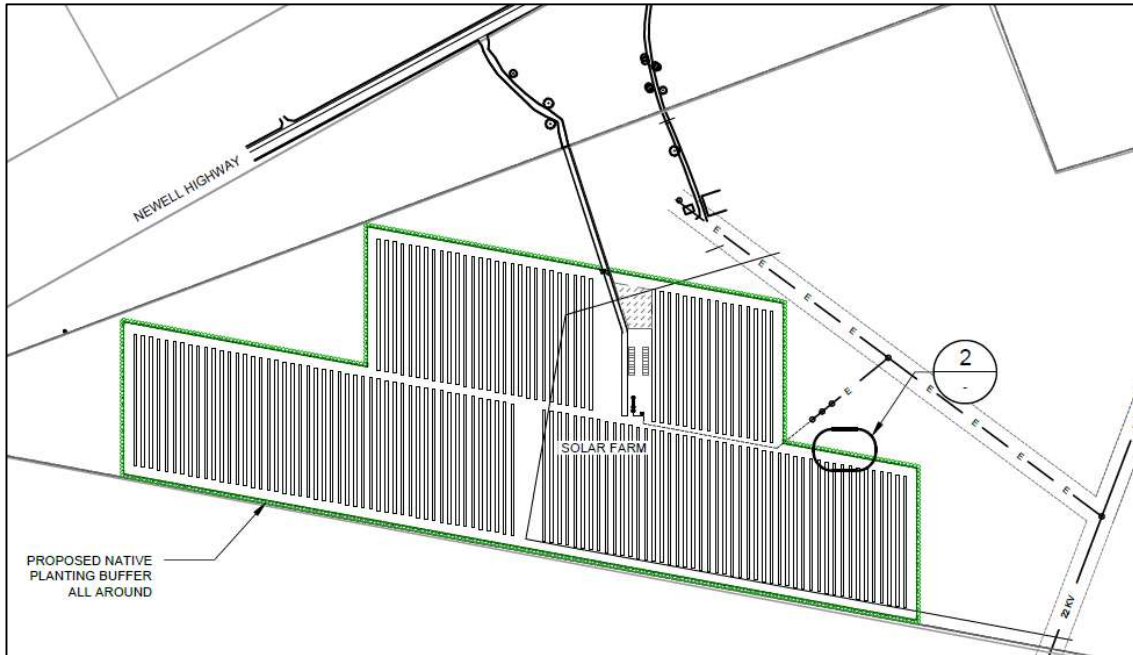


Figure 6: Indicative landscape layout for the proposed development.

Resolution: The issue has been resolved through recommended conditions of consent.

5.2 Decommissioning

According to the submitted Decommissioning assessment, the proposed solar farm will be operational for 35 years, at which point the solar farm will be decommissioned and the site returned to the original state. Conditions have been included in the recommended terms of consent to ensure to that any waste generated by the development is appropriately managed and that a Decommission Management Plan be submitted to Council prior to decommissioning occurring.

Resolution: The issue has been resolved through recommended conditions of consent.

5.3 Flood Diversion

The application was referred to Council's Strategic and Major Project Planner for comments regarding flood. Council's Strategic and Major Project Planner concluded that:

- the proposed solar farm is compatible with the existing flood hazard of the land; and,
- the proposed development will not detrimentally affect the future flood behaviour in the local catchment.

To mitigate the impact of the proposed development on flood behaviour, the following restrictions are proposed to be included in the recommended conditions of consent:

- the development is to be constructed to allow the free flow of flood water under and around all open structures; and,
- the site is to be kept tidy at all times and no moveable objects are to put on the site without the previous approval of Council.

Resolution: The issue has been resolved through recommended conditions of consent.

6. COSULTATION WITH APPLICANT

The Draft Recommended Conditions of Consent was sent to the applicant on 4 November 2021. The applicant revied the Draft Conditions and did not have any comments/issues regarding the recommended conditions.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, it is considered that the application can be supported.

8. RECOMMENDATION

That the Development Application 2021/0082 for the Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure at 11498 Newell Highway, Narrabri NSW 2390 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report as **Attachment B**.

The following attachments are provided:

- Annexure A - Development Plans including Design, Stormwater Plans and Landscape Plan;
- Annexure B – Recommended Conditions of Consent;
- Annexure C – Internal and External Referral Responses; and,
- Annexure D – Support Documents and Reports.