

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-128 – DA2021/35
PROPOSAL	5MW grid-connected solar PV installation
ADDRESS	Amaroo Drive, Moree Lot 392 DP 751780
APPLICANT	NSW Community Renewables (Moree) Pty Ltd C/- SLR Consulting
OWNER	Estate of GH Ritter
DA LODGEMENT DATE	12 August 2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5 <i>Private infrastructure and community facilities over \$5 million</i> in Schedule 7 of the State & Regional Development SEPP
CIV	\$6,931,837 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	Moree Plains LEP 2011, Infrastructure SEPP.
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	0
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects including specialist reports
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	16 December 2021
PLAN VERSION	20 May 2021 Version No: v0.5

PREPARED BY	Murray Amos
DATE OF REPORT	3 December 2021

EXECUTIVE SUMMARY

The proposed development includes:

- Establishment of a grid-connected solar photovoltaic (PV) plant including associated electrical generation, supplying no greater than 5 megawatts (MW);
- Construction of unsealed access road from existing gravel access off Amaroo Drive to the development area;
- Earthworks for construction lay-down area, hardstand areas and internal roads;
- High chain link security fencing 2.3m high; and
- Associated site improvements.

The land is legally known as Lot 392 DP751780 and is situated at the western end of Amaroo Drive, Moree NSW, being approximately 2km south-west of Moree's town centre. The land is currently rural pasture and has historically been utilised for agricultural cropping. In terms of topography, the development site is relatively flat and has no trees or significant vegetation.

The proposed lot in which the development site is situated has a total area of approximately 67.52 hectares. The proposed development would utilise approximately 15 hectares of this land.

The proposed access to the site is via Amaroo Drive, approximately 1km west of the Newell Highway.

Surrounding lands to the north, south and west are similar to the investigation area consisting of agricultural land with rural dwellings, sheds, dams, and scattered remnant vegetation. The closest residential dwellings to the proposed development site are situated to the east of the site, with the closest being Lot 32 DP261302 approximately 395m north-east.

The proposal includes a no larger than 5MW grid-connected solar PV installation. The solar farm will be connected to the existing Moree 66/22kV Zone Substation at 75 Tycannah Street, Moree which is approximately 2.53km east of the proposed development site.

The proposed development aims to erect an estimated 13,524 solar PV panels with a nameplate rating of 540W. Other electrical generation infrastructure is proposed on the site including a Power Conversion Station (PCS) consisting of inverters, transformer switchgear and auxiliary plant. Due to the capacity of the inverter system, the proposed development will produce less than 5MW. Most of the infrastructure would be prefabricated off-site, delivered and assembled on-site.

The PV arrangement will consist of 161 ground mounted single axis trackers. The solar PV panels measuring approximately 2.3m by 1.1m with 600mm clearance above the existing ground surface. The panels will be positioned on single axis-trackers oriented north-south with a spacing of 6.4m. The PV mounting structure will comprise steel posts driven to approximately 1.5m below ground using a small pile driver. Additional support structures will be attached to the piles, which would then support the PV panels.

The proposed development will not require the entire removal of vegetation within the development area, it is noted that the site has had extensive land clearing for agricultural purposes (cropping) and remnant native ground cover on the site is negligible. The proposal

will not involve clearing of native vegetation that exceeds the Biodiversity Offset Scheme (BOS) threshold for the site. Weed management and control will be included as part of the standard operation procedures of the facility.

Vehicular access to the site will be via a new access road off the end of Amaroo Drive. The main entrance to the development will be in the south-east corner of the site and emergency access points will be located in the remaining corners of the site. The solar farm will be fully fenced with a 2.3m security fencing including barbed wire at the top. A temporary construction office area would be built on the eastern boundary of the site, with expectations that temporary car parking and off load areas are located within the hardstand area. Motion activated security lighting will be installed at the site.

A stormwater management system is proposed including an onsite detention basin holding a total volume of 179m³ supported with a low flow outlet. Earthworks for the project are generally limited to the establishment of the access road, drainage swales and batters, laydown area, and detention basin.

The solar PV farm would operate 24 hours a day, 7 days a week, with no permanent staff on site. Maintenance inspections will be undertaken on an as needs basis.

During the construction period there is estimated to be up to 30 personnel on site for up to 6 months.

The proposal is classified as electricity generating works under the Infrastructure SEPP. Such works are permitted with consent on the subject land as land within a prescribed rural zone.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). Referrals were sent to the Rural Fire Service, Moree Local Aboriginal Land Council, Air Services Australia, CASA, Essential Energy and the Department of Planning, Infrastructure and Environment Special Activation Precinct team. No objections were received from these organisations.

The application was placed on public exhibition from 26 August 2021 to 10 September 2021 with no submissions being received.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Clause (5)(a) of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposal is development for *electricity generating works* with a CIV over \$5 million.

The key issues associated with the proposal included:

1. *Legal access* - The property requires legal access across Crown Land.
2. *Road infrastructure* – suitability of public roads for the development
3. *Traffic generation during construction* – Noise impacts on residential receivers
4. *Visual amenity* – landscaping and screening of the development from adjacent residential areas.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA2021/35 is recommended for approval subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The land is legally known as Lot 392 DP751780 and is situated at the western end of Amaroo Drive, Moree NSW, being approximately 2km south-west of Moree's town centre. The land is currently rural pasture and has historically been utilised for agricultural cropping. In terms of topography, the development site is relatively flat and has no trees or significant vegetation.

The proposed lot in which the development site is situated has a total area of approximately 67.52 hectares. The proposed development would utilise approximately 15 hectares of this land.

Figure 1: Locality plan

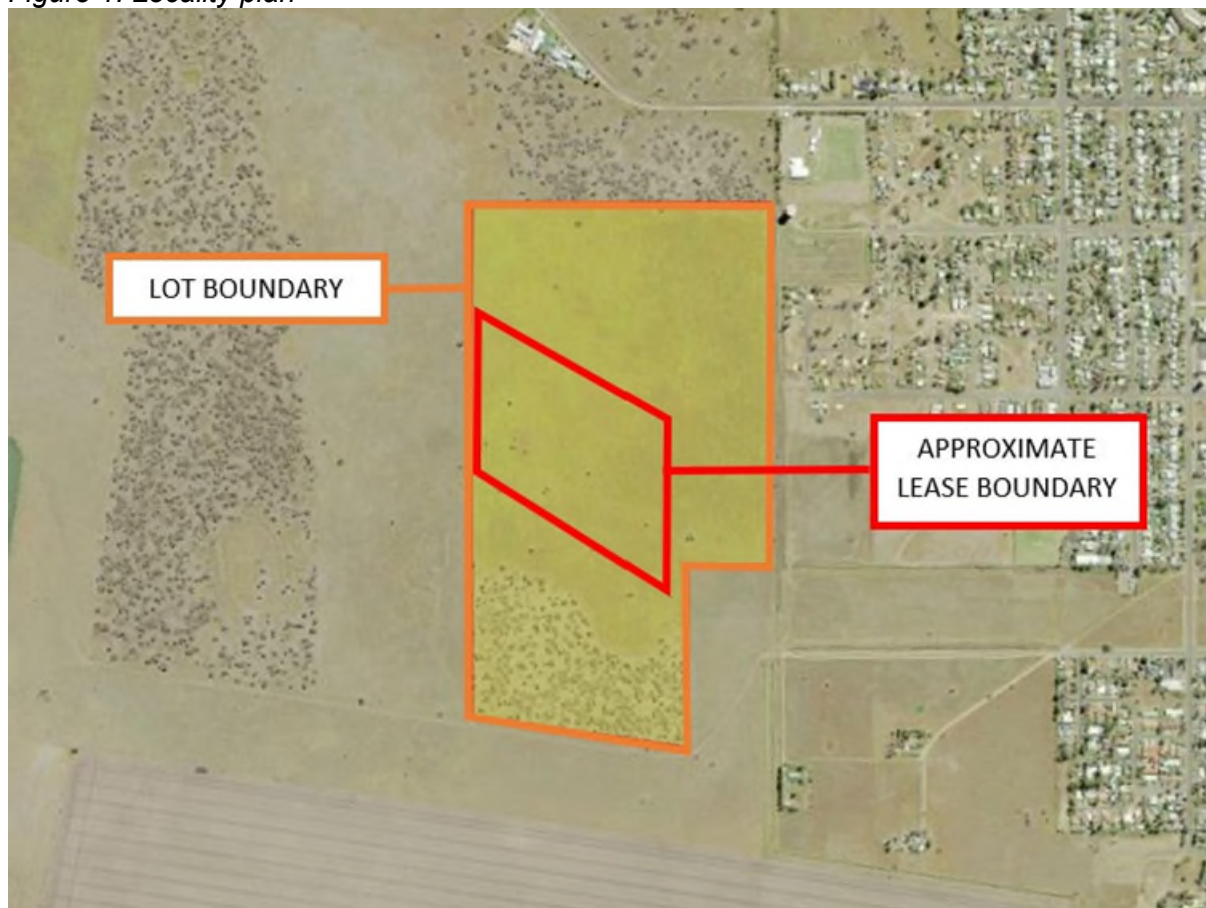
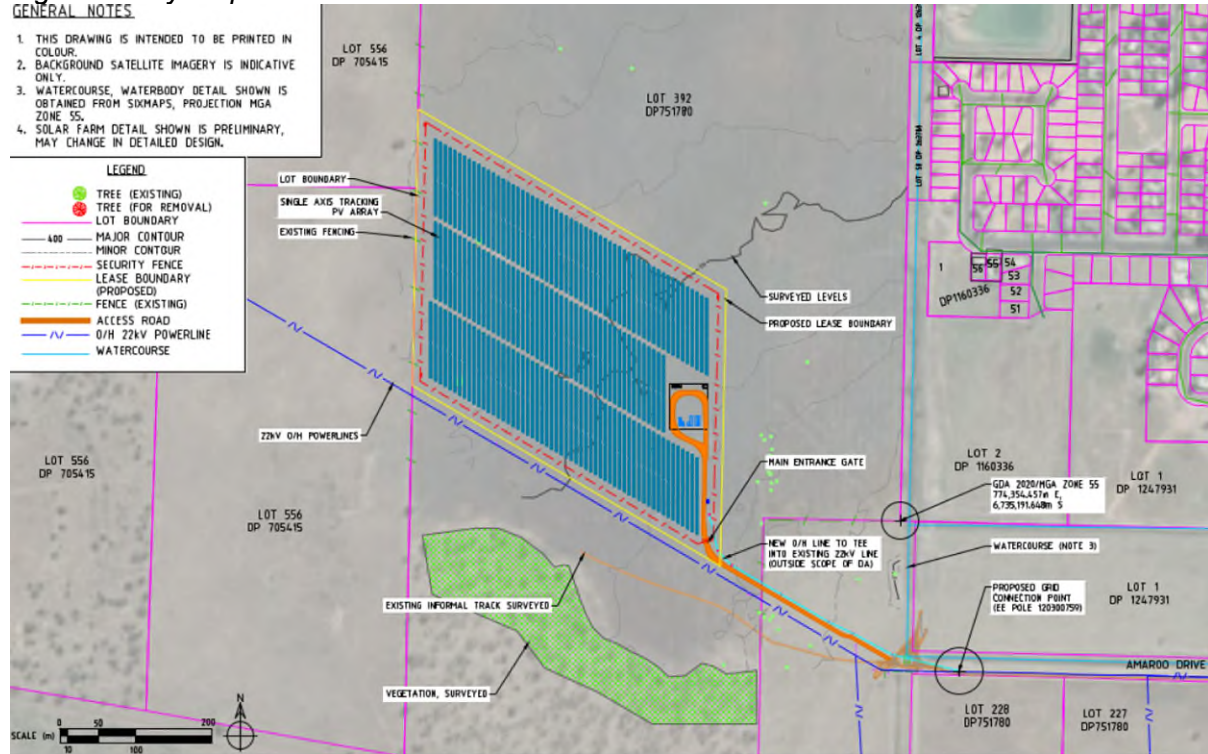


Figure 2: Layout plan



2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal includes a no larger than 5MW grid-connected solar PV installation. The solar farm will be connected to the existing Moree 66/22kV Zone Substation at 75 Tycannah Street, Moree which is approximately 2.53km east of the proposed development site.

The proposed development aims to erect an estimated 13,524 solar PV panels with a nameplate rating of 540W. Other electrical generation infrastructure is proposed on the site including a Power Conversion Station (PCS) consisting of inverters, transformer switchgear and auxiliary plant. Due to the capacity of the inverter system, the proposed development will produce less than 5MW. Most of the infrastructure would be prefabricated off-site, delivered and assembled on-site.

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The solar PV farm would operate 24 hours a day, 7 days a week, with no permanent staff on site. Maintenance inspections will be undertaken on an as needs basis.

During the construction period there is estimated to be up to 30 personnel on site for up to 6 months.

2.2 Background

A pre-lodgement meeting was held in July 2021 prior to the lodgement of the application.

The development application was lodged on **12 August 2021**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 1: Chronology of the DA

Date	Event
12 August 2021	DA lodged
10 September 2021	Exhibition of the application concluded
19 August 2021	DA referred to external agencies
12 August 2021	Request for Information from Council to applicant regarding landscaping plan and legal & practical access.
20 September 2021	Landscaping plan provided by applicant

25 November 2021	Moree Plains Shire Councillors resolve to request the transfer to Council of crown land required for access to the solar farm development site.
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3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as 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 No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Koala Habitat Protection) 2020*
- *Moree Plains Local Environmental Plan 2011.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
SRD SEPP	• Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 5(a) of Schedule 7.	Y
KHP SEPP	• Clause 11 – Guidelines: Matters for consideration	Y

SEPP 55	• Clause 7 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Infrastructure SEPP	• Clause 45 (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. • Clause 102(2) Impact of road noise or vibration on non-road development • Clause 104(3) - Traffic-generating development	Y

State Environmental Planning Policy (State and Regional Development) 2011

Regional development classification applies to both local and designated development applications exceeding certain criteria defined by Schedule 7 of the SEPP SRD.

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, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The proposed electricity generating works is considered to be private infrastructure with a CIV greater than \$5 million and as a result the development is deemed to be regionally significant development and the application will be referred to the Northern Regional Planning Panel for determination.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of *State Environmental Planning Policy 55 - Remediation of Land* ('SEPP 55') have been considered in the assessment of the development application. This SEPP requires the consent authority to consider the potential contamination status of the land prior to approving a development.

A search of the NSW EPA's 'List of NSW contaminated sites notified to the EPA' and 'POEO Public Register' has been undertaken which revealed no contaminated sites listed on or in the vicinity of the site. A total of 4 licenses have been issued under the Protection of the Environment Operations Act in Moree, however, none are noted within proximity to the site.

The Statement of Environmental Effects provides that a search of former notices of contaminated land within Moree was undertaken on the NSW EPA Contaminated Lands Register and found no contaminated land in close proximity to the proposed site.

The proposed development is not considered to be sensitive in nature and as a result is considered to be appropriate for the site in its current state in accordance with SEPP55.

State Environmental Planning Policy (Infrastructure) 2007

One of the aims of SEPP (Infrastructure) 2007 is to provide greater flexibility in the location of infrastructure and service facilities. This SEPP identifies certain electricity generating works that are permitted with consent, without consent, as exempt development, as complying development and works that are prohibited.

The development area is zoned RU1 Primary Production (a prescribed rural zone) and the proposed solar PV project is permitted with consent under Clause 34 of SEPP (Infrastructure) 2007.

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 through the identification of core koala habitat and by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat. The SEPP is relevant to the proposal noting that Moree Plains is a listed LGA in Schedule 1 and the proposal involves an area more than 1 hectare in size.

Noting that the site is devoid of trees and woody vegetation, it is considered unlikely that the site contains potential koala habitat or core koala habitat.

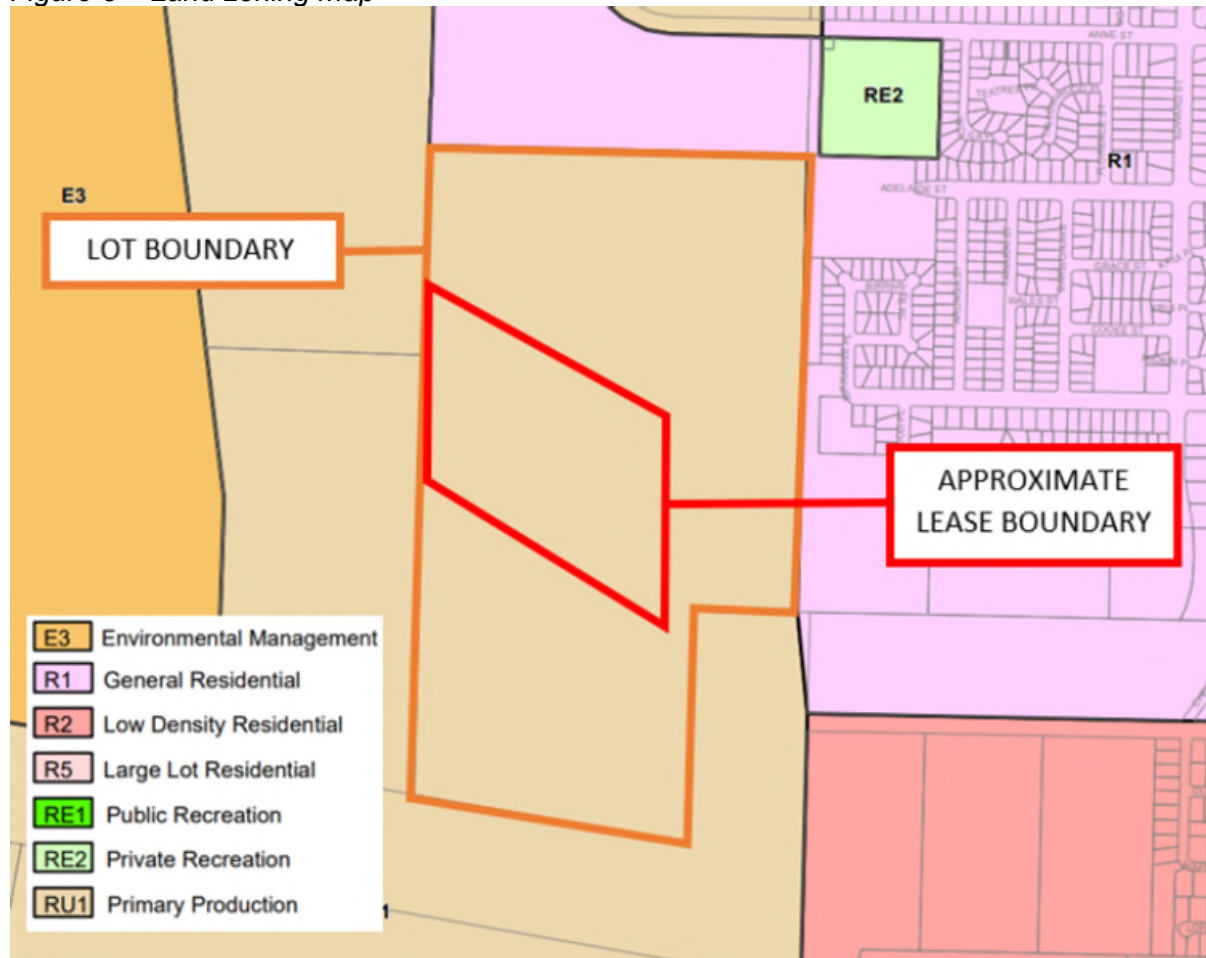
Moree Plains Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Moree Plains Local Environmental Plan 2011* ('the LEP').

Zoning and Permissibility (Part 2)

The site is located within the RU1 Primary Production Zone pursuant to Clause 2.2 of the LEP.

Figure 3 – Land zoning map



According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of 'electricity generating works' which is a permissible use with consent in the Land Use Table in Clause 2.3. The proposal is also permitted under the Infrastructure SEPP.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 development for certain purposes if it can be demonstrated that suitable land or premises are not available elsewhere.
- To protect significant agricultural resources in recognition of their value to the longer term economic sustainability of Moree Plains.
- To maintain the rural character of the land.

The proposal is considered to be consistent with the zone objectives as it will provide an economic use of the land and will not cause land use conflict.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 3** below.

Table 3: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Heritage (CI 5.10)	Heritage matters to be considered.	The investigation area does not contain a listed heritage item nor are any listed heritage items located in proximity to the area. The area is not mapped as a heritage conservation area under the LEP 2011.	Yes
Earthworks (CI 7.1)	Consider impacts of earthworks	The solar panels themselves retain the natural landform and only minor earthworks are required for the underground cabling and supporting infrastructure (access roads, stormwater management etc). The earthworks proposed will have minimal impact on surrounding lands and will be supported with appropriate sediment and erosion controls.	Yes
Airspace operations (CI 7.3)	Protect airspace operations	The site has been identified as being within the Moree Airport Obstacle Limitation Surface. The site is located just under 2.5km from Moree airport, which lies south-east of the site. A Reflective Glare Assessment has been undertaken by SLR Consulting which indicates minimal impacts on airspace operations. Aviation has been considered as part of this assessment.	Yes
Flood Planning (CI 7.6)	Minimise flood risk	The 10.7 Planning Certificate states that the allotment is subject to flood related controls under the Moree LEP 2011 and DCP 2013. However, the Review of Moree and Environs Flood Study/ Floodplain Risk Management Study and Plan: Volume 1 Flood Study Report 2017 indicate the development site is flood free under 0.5% AEP conditions.	Yes

The proposal is considered to be generally consistent with the LEP.

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

There is one proposed instrument which has been the subject of public consultation under the EP&A Act, and which may be relevant to the proposal, as below:

- *Draft Moree Plains Local Housing Strategy*

The Draft Local Housing Strategy is currently being publicly exhibited. The Strategy identifies the subject land as potentially being suitable for long-term urban expansion.

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

The following Development Control Plan is relevant to this application:

- *Moree Plains Development Control Plan 2013* ('the DCP')

Chapter 2 of the DCP provides requirements for parking. It is considered that the proposal will provide parking in line with operational need.

Chapter 9 of the DCP provides requirements for activities on rural land. It is considered that the proposal complies with the relevant requirements addressing biodiversity, bushfire management and access.

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 DCPs they are required to be considered):

- *Moree Plains Shire Council S94A Development Contributions Plan 2006*

This Contributions Plan has been considered and included in the recommended draft consent conditions.

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

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

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

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. None relevant for this proposal.

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

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the rural context of the site, in that the proposed solar farm is compatible with adjacent rural and agricultural land uses. The site is adequately distanced from urban land in Moree and the site boundary will be landscaped to ensure a high level of visual amenity.
- Access and traffic – Traffic movements generated during operation would include a single light vehicle movement associated with maintenance inspections and specific maintenance work (on an as needs basis) which would be short term and infrequent. Peak hour construction traffic has been calculated with a predicted peak of 18 vehicle trips per hour consisting of 10 light vehicles, 3 roadwork vehicles, and 2 delivery vehicles. Based on the data collected from traffic surveys the surrounding road network has sufficient capacity to cater to the projected construction traffic, noting that this is temporary. The additional traffic is considered to be within the road capability however some road improvements will be required at the western end of Amaroo Drive.
- Stormwater management and drainage – The proposed stormwater management design is intended to accommodate post-development flows to align with the pre-development conditions on the site. To achieve this, an above-ground detention basin is proposed at the eastern border of the development area. This basin provides a holding volume of 179m³ and is supported with a low flow pipe and overflow weir. The applicant's engineers proposed to '*Limit the Post-Development flow rates from the proposed development to the Pre-Development flow rates for all storm events*'. The design approach is supported.
- Heritage – Due to the impacts of the site's previous agricultural use including vegetation clearing for pasture improvement based on the high level of disturbance observed during the site inspection, the project area has a very low potential for Aboriginal objects or intact cultural deposits to occur.

There are no previously recorded sites within the project area based on heritage searches and background research of previous archaeological investigations to date. No Aboriginal objects or sites were observed in the project area and given the disturbance and lack of any undisturbed soils, the project area is deemed to have a very low potential for archaeological deposits.

The site does not contain any listed heritage items under Schedule 5 of LEP 2011, nor is it located within a heritage conservation area. No other heritage items are located in proximity to the site.

- Landscape and visual impact – The proposed solar farm would have a relatively minor visual impact on the existing landscape character and values of the site and its local context. The site and adjoining residential areas are sparsely vegetated, however existing vegetation made up of medium to large trees to the north, south and west of the site visually frame the rural property.

Although the subject site is relatively close to the urban edge of Moree, views of the existing site from public viewpoints are fairly limited. Views of the site are typically not visible from public roads and the majority of surrounding urban and rural areas due to the flat nature of the land.

Given the minor visual change to the rural landscape of the site following the proposed development, select mitigation measures are recommended to further reduce visual impact. Mitigation measures are recommended to further reduce the visual impact of the solar farm, which is inclusive of shrub planting up to 3m in height along the urban-facing elevations of the solar array. This will assist in screening views from local residential dwellings and roads and integrate the development with surrounding established landscape character.

- Flora and fauna impacts - The site currently contains a mix of remnant native woodland on the southern boundary of the site, and managed native grassland on the entire site area. The proposed development site is located within the historically cleared grassland part of the lot which is utilised for agricultural cropping purposes. Impacts to native vegetation within the development site will be limited to the removal of three isolated trees and low condition native groundcover. The proposal is unlikely to cause a significant impact to any threatened species, populations or ecological communities listed under the NSW BC Act.
- Noise and vibration – The noise assessment demonstrate that emissions from the project operations would satisfy the relevant Project Noise Trigger Levels (PNTL) at all assessed receivers for all assessment periods once the noise controls are implemented. Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA screening criterion for sleep disturbance and awakenings. No mitigation measures are considered necessary.

Modelled noise emissions from project construction activities identified that relevant noise management levels may be exceeded at a number of receiver locations adjacent to the site. All exceedances are expected to be temporary in nature and short in duration. Notwithstanding, noise management measures as provided in the Noise Assessment are to be considered for implementation to reduce potential impacts on surrounding receivers during construction activities. Road noise emissions are predicted to satisfy the relevant Road Noise Policy (RNP) criteria at all receivers along the proposed transportation route. Vibration impacts from the proposed works are considered to be negligible.

Construction of the solar farm is expected to occur over a period of approximately six (6) months. Piling activities, which represent the highest potential for noise impacts, are expected to be of a significantly shorter duration.

The proposal shall implement all recommended mitigation measures in the Noise Assessment by Muller Acoustic Consulting. In addition the hours of construction would be limited by a condition of consent to minimise noise impacts on neighbours.

- Natural hazards –Regard has been given for Planning for Bushfire Protection 2019, and any building construction standards. It is noted that the proposal includes a 10m buffer zone around to reduce fire risk. The buffer zone between the fence and solar array enables emergency vehicle access and fire risk management.

The development site is not affected by the flood planning level.

- Safety, security and crime prevention – The solar farm will be fully fenced with a 2.3m security fence.
- Social and economic impacts – The proposed solar farm is anticipated to have an ongoing positive social and economic impact on the local area and the broader Moree community. It is considered that the development:
 - Is consistent with the regulatory and business development framework, including Moree Plains Shire Council strategic plans;
 - Will provide cleaner energy for the future;
 - Supports Commonwealth and NSW climate change commitments;
 - Will generate enough clean, renewable energy for about 2,000 homes;
 - Is an appropriate development in relation to the projected changes to population and demographics in the region;
 - Is unlikely to have significant negative social impacts to the locality and region; and
 - Would be a benefit contributing to the overall community sustainability of the Moree community.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

- The proposal fits within the locality due to its compatibility with rural and agricultural land uses and manageable impact on urban areas in Moree.
- There is adequate servicing available for the development. Particularly relevant is access to the electricity grid and vehicle access to the site.
- Natural hazards, including bushfire and flooding, have been addressed in the application.

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

Submissions are considered in Section 5 of this report. Note no public submissions were received.

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

It is considered that the development is in the public interest. All potential negative impacts from the development are able to be satisfactorily managed.

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 5.

Table 4: Concurrence and Referrals to agencies

Agency	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)		
N/A		
Referral/Consultation Agencies		
Rural Fire Service (RFS)	RFS provided recommended conditions of consent including the provision of a fire management plan, maintenance of an asset protection zone, on-site water supply and emergency service vehicle access.	Y
Civil Aviation Safety Authority (CASA)	Evaluation of glare from proposed solar farm in relation to Moree Airport operations. No objections.	Y
Airservices Australia	The proposed solar farm would not have an impact on any Airservices designed instrument procedures, CNS facilities or ATC operations at Moree aerodrome.	Y
DPIE Special Activation Precinct	As the site is not within the SAP boundaries a view of the proposal was not put forth.	Y
Essential Energy	No objection. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development.	Y
Integrated Development (S 4.46 of the EP&A Act)		
N/A		

4.2 Council Referrals (internal)

The development application has been referred to Council Engineering Department for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Department have provided advice on the proposal. This includes requirements to upgrade the western end of Amaroo Drive, submit a Traffic Management Plan for construction activities, install suitable road direction signage,	Y

	lodge a Driveway Access Application and seek a permit from the National Heavy Vehicle Regulator for B-Dounle or road train access on Banksia Way and Amaroo Drive.	
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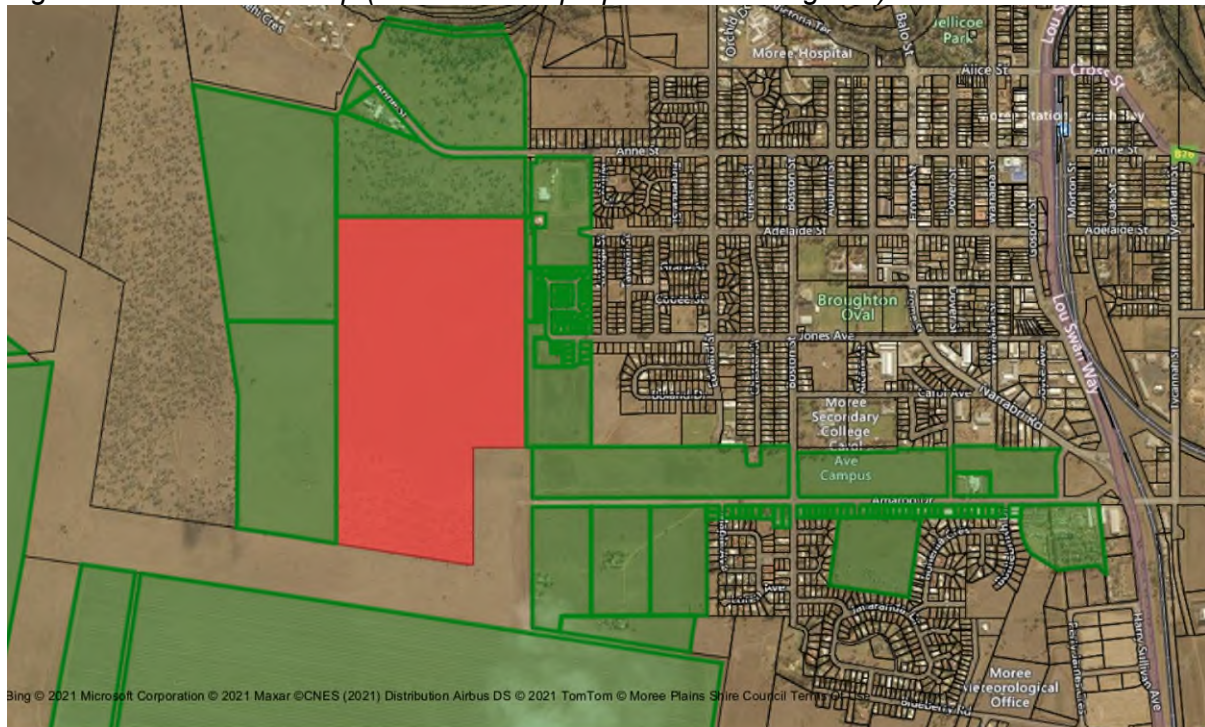
The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 26 August 2021 until 10 September 2021. The notification included the following:

- Notification letters sent to the owners and occupiers of properties adjacent to the development site and the traffic route. (approximately 130 letters sent);

Figure 4 – Notification map (letters sent to properties shaded green)



Council received no submissions 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 Legal access

The subject lot has frontage directly to the western Amaroo Drive corridor (former Travelling Stock Reserve), being a Crown Public Road 200 metres wide. (Amaroo Drive is a 30 metre wide Council public road that terminates at the Town boundary.

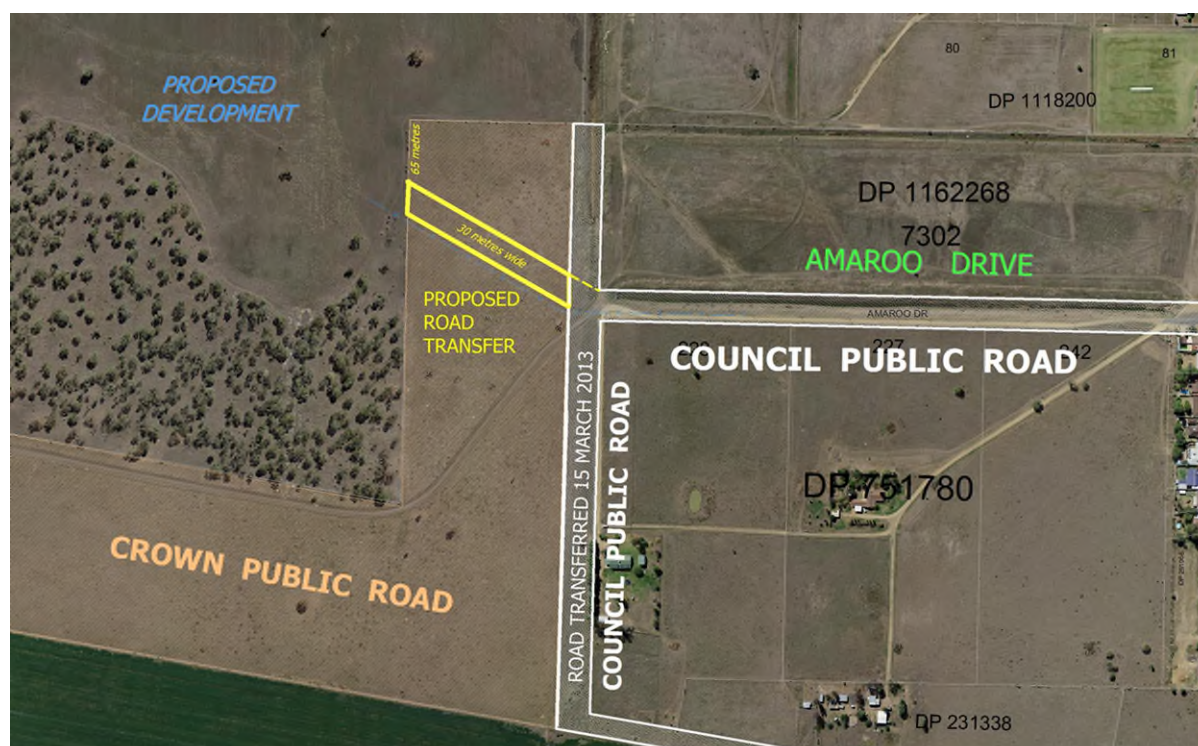
A public entitlement to access (under provisions of section 5 of *the Roads Act, 1993*) exists over the Crown public road; however, Council does not have authority to grant consent to undertake works on the Crown public road, nor to direct construction or access requirements over it as part of the development approval.

Council can be appointed Roads Authority for an appropriate section of the Crown public road by request to the Department of Planning, Industry and Environment (**Crown Lands**). Transfer of control involves no administrative costs and does not involve payment of compensation.

Preliminary investigation has identified that DPIE Crown Lands will support the transfer of control of an appropriate section of the corridor upon request.

Having control of the subject road corridor creates no obligation upon Council to construct or maintain it; however, control would enable management concerning requirements of the proposed development.

Figure 5 – Proposed access road to solar farm



At the Council meeting of 25 November 2021 the following resolution was made:

Report Title 5. Transfer Crown Public Road to Council – Amaroo Drive,
Moree NSW 2400 (Solar Project DA2021/35)

21/11/25 RESOLVED (MOVED: Cassells /SECONDED: Crawford)

That Council:

1. Request the Minister administering the Roads Act, 1993 to formally transfer control to Council, as roads authority under provisions of section 152I, of that

part of Crown Public Road (Amaroo Drive West) being the corridor 30 metres wide indicated on the attached diagram.

- 2. Recommend conditions to the Regional Planning Panel to ensure that the costs of construction of the formation and the subsequent maintenance are at the cost of the proponents.***

Resolution: The issue has been resolved through a draft condition of consent which requires the applicant to secure legal access to the site.

On 29 November 2021 Council staff formally requested that DPIE Crown Lands initiate action to formally transfer control of the subject Crown public road to Council.

5.2 Road infrastructure

The development would utilise Amaroo Drive for vehicle access. Amaroo Drive is a local road which is predominately bitumen-sealed however the western section of the road is lightly gravelled. During construction the development would generate up to 18 vehicle movements per hour, consisting of 10 light vehicles, 3 roadwork vehicles and 2 delivery vehicles (B-doubles proposed). The construction phase would run for approximately 6 months.

Council's Engineering Department require the applicant to upgrade the unsealed section of Amaroo Drive, being some 600m of road, to a gravelled surface with minimum width of 7.5m. The construction phase demands on this section of Amaroo Drive necessitate upgrade works. Such works would allow the road to be readily traversed during and after rain events.

Figure 6 – Unsealed section of Amaroo Drive



Resolution: The unsealed section of Amaroo Drive to be upgraded including gravel sheeting of the road with a minimum width of 7.5m. This requirement is included within the draft conditions of consent.

5.3 Traffic generation during construction

The noise assessment completed by Muller Acoustic Consulting indicates that traffic increases during the construction phase would contribute to noise impacts at residential receivers in Moree. However the assessment is predicted to generate noise within the Road Traffic Noise criteria limits. The project related road traffic noise is predicted to satisfy the relevant noise criteria at any residential receiver along the proposed routes and not increasing existing noise levels by more than 2dB.

Resolution: No action required.

5.4 Visual amenity

The site is within close proximity to urban and residential parts of Moree. To ensure that the development has a positive impact on local amenity the applicant has provided a visual analysis and landscaping concept design.

Figure 7 – View of solar farm site from Birrawee Place, Moree



Figure 8 – Landscaping concept plan

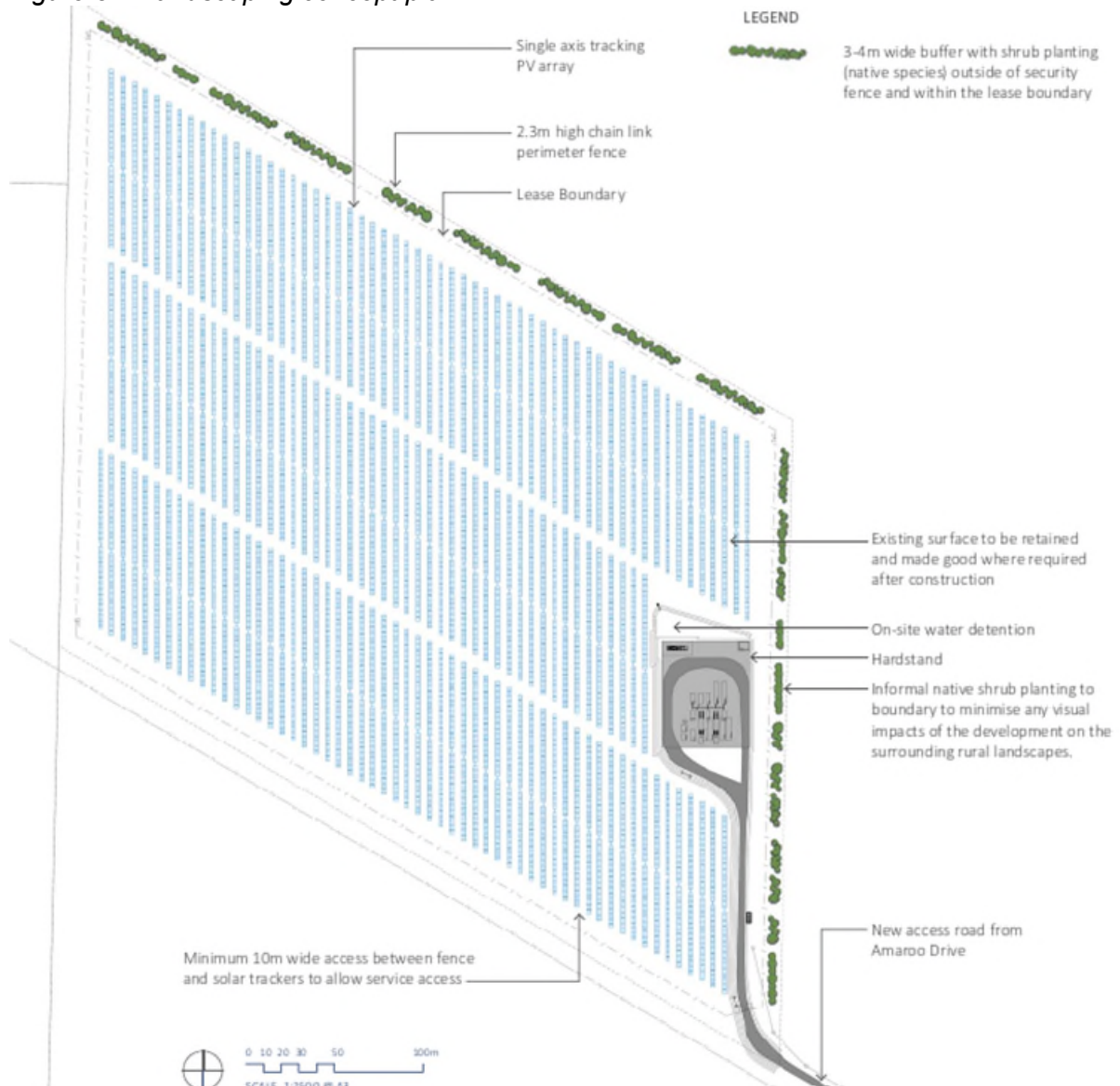
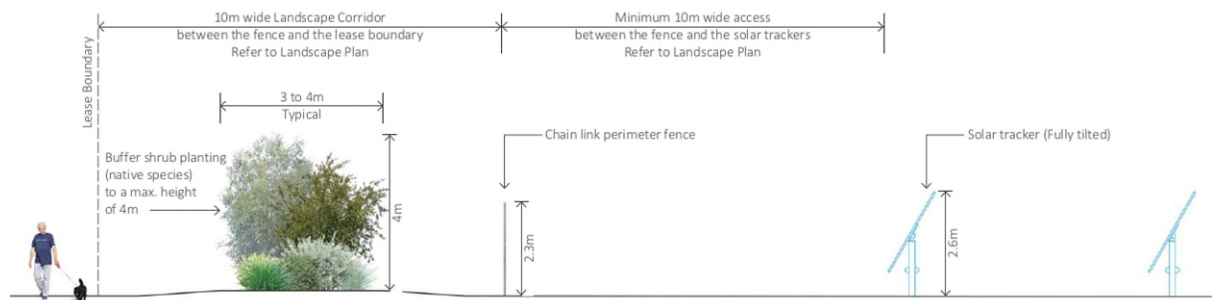


Figure 9 – Landscaping elevation concept



Resolution: The issue has been resolved through the proposed landscaping plan and recommended conditions of consent as outlined in **Attachment A**

6. 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, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5, being legal access, road infrastructure, traffic generation during construction and visual amenity, have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2021/35 for a 5MW grid-connected solar PV installation at Lot 392 DP 751780, Amaroo Drive, Moree, 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 at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Statement of Environmental Effects
- Attachment C: Design Plans