



COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	[PAN-322491 – [DA2023/026]
PROPOSAL	Private Electricity Generating Works (Solar Farm) 12 Megawatts, Substation, 153 Lot Community Title Subdivision, Vegetation Removal, earthworks, and Security fencing.
ADDRESS	Lot 24 DP 1235089 - 131 Quia Road GUNNEDAH
APPLICANT	David Walker – <i>Premise Australia</i>
OWNER	Ironbarks Holdings Pty Ltd (Ironbark Energy)
DA LODGEMENT DATE	10 May 2023
APPLICATION TYPE	Local Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the development is private infrastructure and community facility over \$5m.
CIV	\$14,644,223.00 (excluding GST)
CLAUSE 4.6 REQUESTS	No
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Resources and Energy) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Gunnedah Local Environmental Plan 2012</i> • <i>Gunnedah Development Control Plan 2012</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No submissions received
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Statement of Environmental Effects • Site Plan • Elevation • Substation General Layout • Glare Analysis • Aboriginal Heritage Information Management System (AHIMS)

	<ul style="list-style-type: none"> Ironbark Biodiversity Development Assessment Report (BDAR) - January 2020 - please note this report references the approved but unregistered Lot 23 – which is a site approved under DA2020/032.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval, subject to conditions
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	16 April 2024
PLAN VERSION	Revision D, dated 27 February 2024.
PREPARED BY	Prashanth Van Houten – Senior Town Planner
DATE OF REPORT	9 April 2024

EXECUTIVE SUMMARY

Development consent has been sought for a 12MW Solar Farm consisting of 153 solar modules and includes the creation of a 153 Lot Community Title Subdivision. The development includes the provision of an Electrical Substation, security fencing and access handles for access of vehicles to a public road.

It should be noted that there has been two other Development Consents granted for operation of Solar Farms on other areas of the site. The proposed Substation included within this development proposal would service the proposed development and the second solar farm granted consent (DA No. 2020/032). The inclusion of the substation in this development is essential to ensure that the substation can be built irrespective of any of the approved solar farms and enable local network connection.

Pursuant to *Gunnedah Local Environmental Plan 2012*, the subject allotment is identified as E4 General Industrial and C3 Environmental Management Zones. The entirety of the development occurs within the E4 General Industrial zone. The proposed development does not impede on any of the two historical Development Consents, which have been granted onsite. Hence, they can occur concurrently.

The proposed development is identified as ***electricity generating works*** which is considered as a permissible land use activity within the E4 General Industrial zone.

electricity generating works means a building or place used for the purpose of—

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

The Development Application has been referred to the Northern Regional Planning Panel (NRPP) for determination pursuant to Clause 6, Schedule 4A, of the Environmental Planning and Assessment Act 1979, as the development is private infrastructure works with an estimated development cost of more than \$5 million (EDC \$14 644 223 million).

The development is not regarded as being State Significant Development (SSD) as per *Schedule 1, Clause 20 of the State Environmental Planning Policy (State and Regional Development) 2011*, with the application not having a capital investment value of more than \$30 million.

The development is not regarded as being Designated Development specified within *Schedule 3 of the Environmental Planning and Assessment Regulation 2021* as the development does not have a generating capacity of greater than 30 MW, with the development proposing a generating capacity of 12 MW.

The development application was exhibited and notified in accordance with the *Section 2.2 and Schedule 1 of the Environmental Planning and Assessment Act 1979*. The Gunnedah Community Participation Plan required that the application be notified to adjoining and surrounding neighbours and advertised in the local paper for a minimum period of 14 days. Council did not receive any submissions during the exhibition period and no late submissions were received.

The key issues associated with the proposal included:

- Potential Glare
- Stormwater Management
- Sediment and Erosion Control
- Management of waste
- Construction Traffic
- Substation
- Decommissioning and Rehabilitation

Following a detailed assessment of the proposed development taking into consideration the above primary key issues, it is recommended that Development Application DA2023/026 be approved, subject to conditions of consent contained in Annexure A.

1. THE SITE AND LOCALITY

1.1 The Site

The site has a total area of 142.2 Hectares and is an irregularly shaped allotment with frontage to Black Jack, Ross Road and Quia Road. The northern frontage to Quia Road and Ross Road has a length of 1382.175 metres and the frontage to Black Jack Road has a length of 897.1 metres. The depth of the allotment from Quia Road is 1180.865 metres.

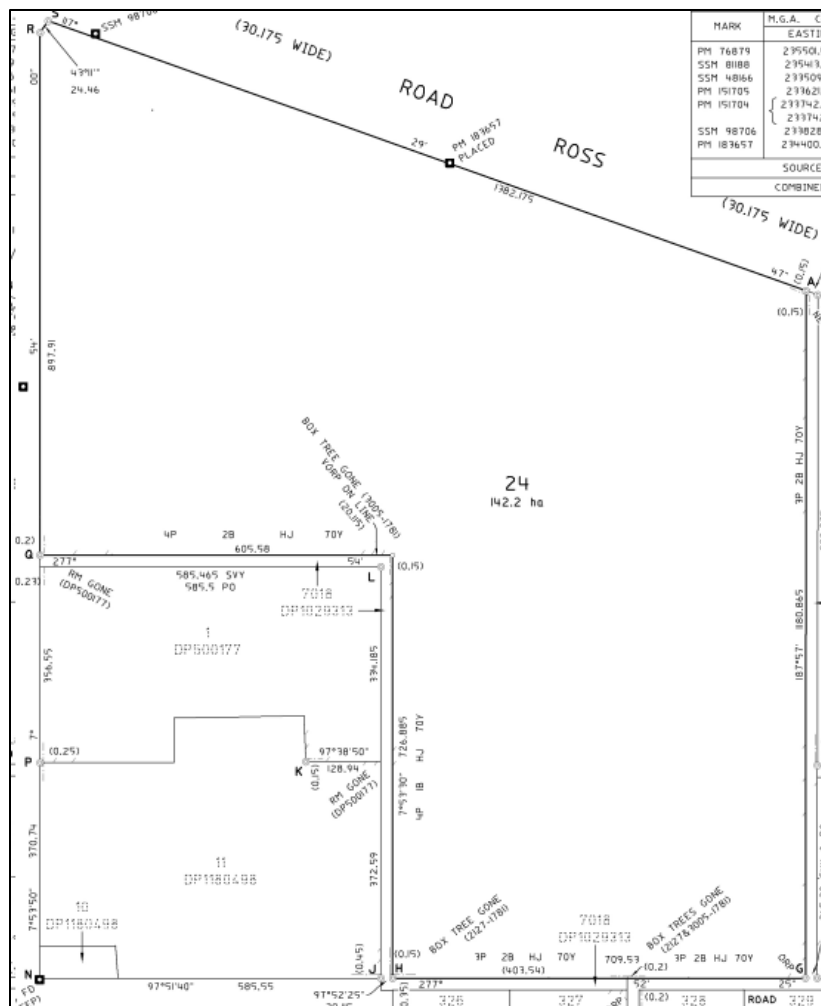


Figure 1: Deposited Plan 1235089

The topography of the site can be described predominantly as grassland with pockets of sparse vegetation across the site and a higher portion of vegetation being noted along the eastern allotment boundary. The site slopes from South-East to North-West.

The adjoining allotments to the north and east are primarily residential in nature. However, the locality is general industrial to the north and rural holdings to the west and south. The site contains the previous abattoir site, which has previously been abandoned. The subject site is approximately 3 kilometres north-west of Gunnedah Central Business District.



Figure 2: Aerial Imagery with site and proposed solar farm location within site.

1.2 The Locality

The development site is located with a General Industrial Precinct to the West of the Gunnedah Township. In addition to the adjoining industrial and heavy industrial activities the area adjoins agricultural holdings and is in close proximity to Large Lot Residential holdings, noting that these are positioned over the crest of the hill to the East of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for 12 MW Solar Farm (48,951 panel modules), 153 Community Title Subdivision, an Electrical Substation, security fencing, vegetation removal, and the establishment of internal access. Each Community Title allotment contains a Solar Module consisting of 3 rows of solar panels and has an area of 960m² (100kW module) or 480m² (50kW module).

Table 1: Key Development Data

Control	Proposal
Site area	142.2 Hectares
GFA	N/A
FSR (retail/residential)	Proposed substation will be less than 0.6:1 ratio

Clause 4.6 Requests	No
No. of apartments	N/A
Max Height	4.057 Metres of panel from ground level
Landscaped area	Condition of Consent will be imposed requiring a detailed landscaping plan to be submitted to Council prior to the issuing of a Construction Certificate.
Car Parking spaces	N/A
Setbacks	115 metres from Ross Road at the closest point.

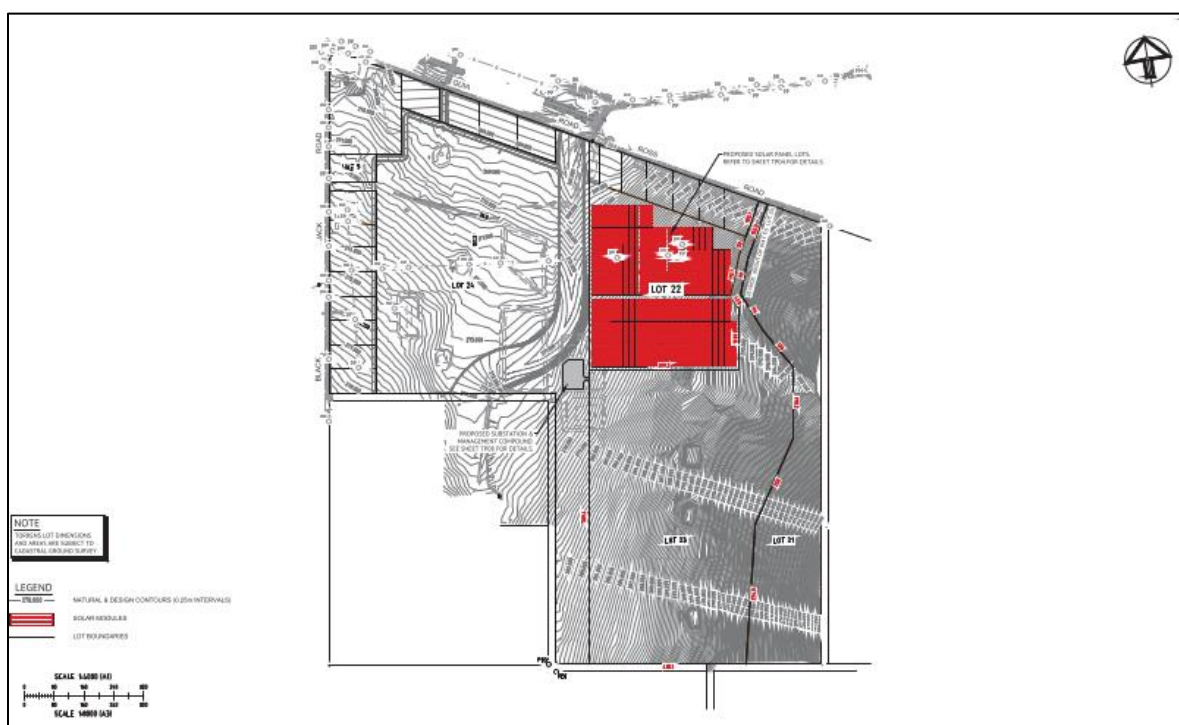


Figure 3: Site Plan

2.2 Background

The development application was lodged 10 May 2023. A chronology of the development application since lodgement is outlined in **Table 2** below, including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
10 May 2023	DA lodged
18 July 2023	Exhibition of the application.
9 October 2023	Request for Information (RFI) issued.

10 October 2023	Further clarification requested from Planning Panel Secretariat on the Estimated Development Costs (EDC).
11 October 2023	Further RFI issued by Council.
13 November 2023	Proponent submitted QSR on the NSW Planning Portal in response to RFI.
15 November 2023	Panel Briefing meeting held.
16 November 2023	Proponent submitted response to RFI including amendments to development plans to reflect the requested information regarding setbacks, inclusion of substation on the site plan, and details of internal driveways.
20 November 2023	Proponent submitted additional information to RFI regarding Fill Material Validation.
7 December 2023	DA referred to Essential Energy.
31 January 2024	RFI issued by Council to proponent.
8 February 2024	Response form Essential Energy received on the NSW Planning Portal.
23 February 2024	Additional Information was requested from the proponent to address Essential Energy's safety concerns surrounding the existing overhead powerline that is located within proximity to the proposed solar farm. Council included a request for elevations of solar panel.
1 March 2024	RFI response submitted on the NSW Planning Portal.

2.3 Site History

The development site has historically been utilised as an abattoir development, including the incorporation of holding pens, onsite water retention, and settlement ponds. Council notes the following historical activities for the subject site post the closure of the abattoir:

- Development Consent - DA2015/062 – Subdivision of 9 lots into 24 lots, construction of **electrical generating works** (solar energy system 27MW) and 272 lot community title subdivision of solar system. Determined on 14 April 2016.
- Section 96(1a) – DA2015/062.002 - amend development conditions to Enabling flexibility for compliance with council's Engineering guidelines for subdivision and Development, 2013, deferring development Headworks charges until subdivision certificate Issue, alteration to development servicing plan and insert the correct section 94 contribution amount. Determined on 2 August 2017.

- S96(1a) – DA2015/062.003 –amended the development staging plan to Include 2 stages, alter the development lot Configurations and solar panel arrays and amend the stormwater drainage channel design. Determined on 7 March 2018.
- S4.55 (1a) – DA2015/062.004 –modification to remove staging plan, change fencing material to steel and change lot configuration. Determined on 3 October 2018.
- Development Consent – DA2018/034 – Change of Use - Change of use - vacant building to security building (maximum of 18 months). Determined on 20 July 2018.
- Development Consent – DA2018/035 – Two (2) Real Estate Signs. Determined 6 June 2018.
- Development Consent - DA2020/032 – construction of 29.5MW electricity generating works (275 array solar farm), construction of electrical substation, construction of security boundary fence, 275 community title allotment, and rehabilitation works. Determined on 16 December 2020.

3. STATUTORY CONSIDERATIONS

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The site is located within the E4 General Industrial and C3 Environmental Management zone pursuant to Clause 2.3 of the Gunnedah Local Environmental Plan 2012, (Figure 4). The proposal is permissible in the zone with consent.

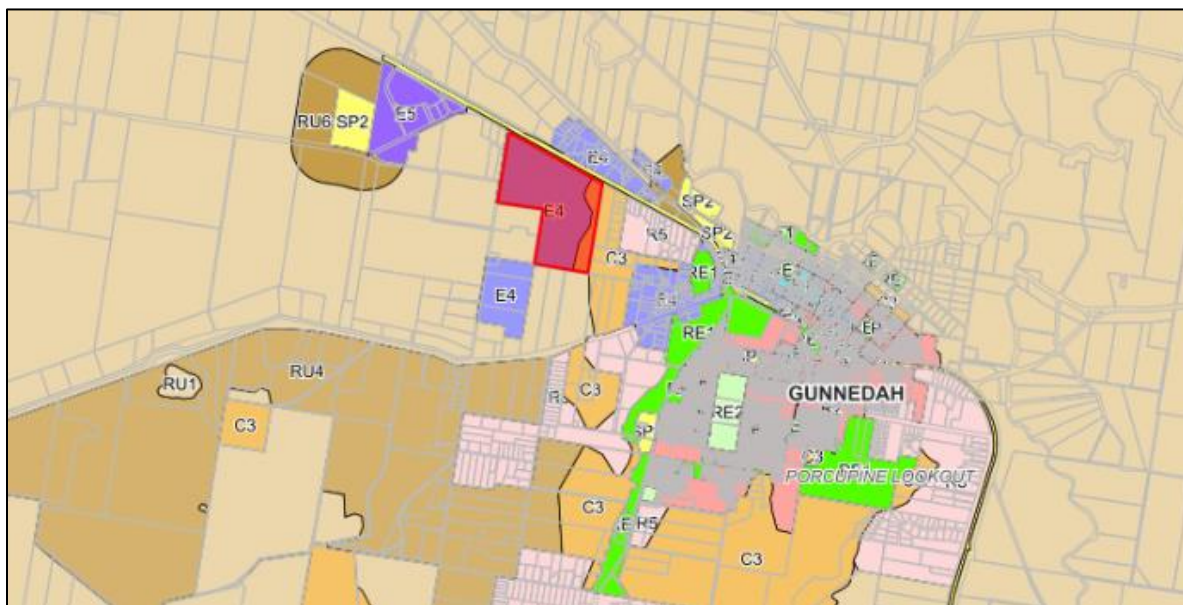


Figure 4: Location Plan (Development Site Selected in Red)

The proposal is consistent with the zone objectives.

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) 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 (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Gunnedah Local Environmental Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
<i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i>	<p><u>Chapter 2: Vegetation in non-rural areas</u> - Council's DCP does not identify any vegetation to be removed to which an approval is required.</p> <p><u>Chapter 4: Koala Habitat Protection 2021</u> - The site has an area greater than 1 hectare. Koala impacts were considered during the assessment of the Solar Farm. The site has remained unchanged since a previous Koala Assessment that was undertaken for the subject site in November 2020. Subsequently, that report remains valid and is reflective of vegetation was not considered as a Koala movement corridor or providing linkages between key Koala Habitat within the surrounding landscape.. This matter is discussed further in the report.</p>	Y
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	<u>Chapter 2: State and Regional Development - Section 2.19(1)</u> - declares the proposal regionally significant development pursuant to Clause 5 (a) of Schedule 6 as it comprises of Private Infrastructure with estimated development cost of over \$5 Million.	Y
<i>SEPP (Resilience & Hazards)</i>	<u>Chapter 4: Remediation of Land - Section 4.6</u> - Contamination and remediation has been considered in the Contamination Report and the site is suitable in its contaminated state.	Y
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	<u>Chapter 2: Mining, petroleum production and extractive industries</u> - The site is within proximity of a Coal handling and preparation plant. The assessment has considered the impacts of the development on the ongoing operation of the coal handling and preparation plant regarding traffic impact. The development is not expected to have any significant impact.	Y

<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p><u>Chapter 2: Infrastructure</u></p> <p><i>Section 2.36 - Development Permitted with Consent</i> - The development is listed as being permitted with consent under this Clause.</p> <p><i>Section 2.48(2) - (Determination of development applications- other development) - other development</i> – Essential Energy provided referral comments with applicant submitting additional information to clarify the raised safety concerns by Essential Energy. This matter is discussed in detail under <i>Section 6.5 Essential Services of the Gunnedah Local Environmental Plan 2012</i> further through this report.</p> <p><i>Section 2.118(2) - Development on proposed classified road</i> – The development site is not reserved for the purposes of becoming a classified road and does not front a road reserve that is intended to become a classified road.</p> <p><i>Section 2.119(2) - Development with frontage to classified road</i> - Development does not have frontage to a classified road.</p> <p><i>Section 2.122 – Traffic-generating development</i> – The development is not considered to be traffic generating development as it is not anticipated to generate more than 200 or more vehicles per hour.</p>	<p>Y</p>
<p><i>Gunnedah Local Environmental Plan 2012 (GLEP 2012)</i></p>	<p><i>Clause 2.3 – Permissibility and zone objectives</i></p> <p><i>Electricity Generating works</i> is a permissible land use within the E4 land zone. Development site not within C3 land zone.</p> <p><i>electricity generating works</i> means a building or place used for the purpose of-</p> <p>(a) making or generating electricity, or</p> <p>(b) electricity storage.</p> <p><i>Clause 4.4 - Floor Space Ratio</i> – the resulting FSR has been determined to be 0.01:1.</p> <p><i>Clause 6.5 - Essential Services</i> – Water services are available to the site. However, given the no amenities proposed and the nature development – specifically the substation as plant room, a sewer service to the allotment is not required.</p>	<p>Y</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The development site is located within the E4 General Industrial zone which is identified within this SEPP as being a land zoning to which this SEPP applies. The area is highly modified with the site being historical used for grazing and agricultural activities in addition to those of the abattoir. As a result, it

is not expected that historically planted vegetation constitutes critical habitat, nor would it provide habitat for endangered ecological communities.

The development includes the removal of three shrubs and non-native grasses from the site. The vegetation to be removed is identified as being White Cedar – which is understood to be a native species – however is not classified as threatened species.

Council's development control plan does not identify any vegetation to which approval is required. Hence, there is no permit required from Council for the clearing of any particular vegetation species. The vegetation is not identified as being a heritage item and the site is not within a heritage conservation area. The vegetation was not an item of Aboriginal heritage or an Aboriginal object. Hence, the removal of the vegetation is considered appropriate for the development, due to retirement of offset credits.

Chapter 4 – Koala Habitat Protection 2021

The Gunnedah Shire is listed within Schedule 2 as being applicable to Chapter 3 and 4 of this SEPP. The site has an area greater than 1 hectare and is zoned E4. Hence, due to the zoning Chapter 4 applies to this development.

The development site is heavily grazed with a long history of agricultural activities. The development site contains established vegetation across the development area with the area containing approximately 2.28ha of PCT 435, White Box – White Cypress Pine Woodland, approximately 1.96ha of PCT 592 Narrow-leaved Ironbark – Cypress Pine – White Box Open Forest and approximately 32.71ha of PCT 619 Derived Wire Grass Grassland. This vegetation was not considered as a Koala movement corridor, providing linkage between key Koala Habitat within the surrounding landscape. The derived grassland was not mapped as being native vegetation. Vegetation adjoining the property was considered to be more valuable vegetation suitable for sustaining Koala populations. However, the vegetation onsite within the impacted area is not desirable Koala habitat, was not considered to be 'Core Koala Habitat' and is unlikely to provide a drought or fire refuge. Hence, consent for the development is not prevented from being granted based on the assessment of this development.

State Environmental Planning Policy (Resilience and Hazards) 2021

The subject land has historically been used as an abattoir which included grazing, stock holding in relation to the abattoir use, with a portion of the site being utilised as a tannery. The former abattoir buildings and soils in the areas around the associated buildings on the subject site were confirmed as containing asbestos materials and particles. As part of the prior development consent for the site (DA2015/062), a detailed site investigation which identified the presence of contamination on site. This development determination included conditions which required remediation of these areas of the site.

Council has been provided with reports that some of the identified material has been removed. However, no confirmation has been provided that all remediation works have been completed.

The proposed location of the 12MW Solar Farm and substation, including the associated infrastructure, was not areas of the site which were identified as containing any contaminated material or soils, which may need to be removed prior to the development being undertaken. Hence, Council considers the site to be suitable in its contaminated state as there should be no interaction with the known contaminated areas of the site.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed solar farm is a development for the purpose of electricity generation and does not have a capital investment value exceeding \$30 million with the development identified as having an Estimated Development Cost (EDC) of approximately \$14,644,223.00. The development site is not located within an environmentally sensitive area of State Significance. Hence, the proposed solar farm is not considered to be State Significant Development.

The development is identified Regional Significant Development as the development is private infrastructure facility with a capital investment value of greater than \$5 million. Hence, the Northern Joint Regional Planning Panel (NRPP) is the determining body for this application.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48(2) - (Determination of development applications-other development)

The proposed development was referred to Essential Energy as the local service provider given the proximity of solar panels to overhead power distribution line that traverses the subject site. Essential Energy did not object to the proposed development. However, Essential Energy raised potential safety concerns with the submitted development plans.

Council has suggested the inclusion of conditions to this consent which require that the developer remove the low voltage transmission line in accordance with Review of Environmental Factors Worksheet from Essential Energy, dated 22 June 2022 – Issue 7, issued to the proponent by Essential Energy and SafeWork clearance requirements. The works to remove the electricity infrastructure has already been commenced, as it has also related to previous development consents granted for the site. However, this infrastructure still impacts on the development area for this approval and is still required to be removed.

Section 2.122 – Traffic-generating development

The development is not considered to be a traffic generating development in accordance with Schedule 3 of this SEPP. The generated traffic as a result of the proposed development and its proximity to a classified road does not trigger a referral to the Traffic for New South Wales for additional comments. Hence, Council is the roads authority for this development.

Gunnedah Local Environmental Plan 2012 (GLEP 2012)

The relevant local environmental plan applying to the site is the *Gunnedah Local Environmental Plan 2012* ('the LEP').

Section 2.2 – Zoning of land to which Plan applies.

The development site is zoned partly E4 – General Industrial and C3 – Environmental Management. The proposed Solar Farm, associated structure and the electrical substation is located wholly within the E4 zone.

Section 2.3 – Zone objectives and Land Use Table

The proposed land use is defined as *Electricity Generating Works* – which is not listed within items 2 or 4 within the land use table for *E4 General Industrial* of the *GLEP 2012*. Hence, the land use is determined to be permissible with consent.

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

- *To provide a range of industrial, warehouse, logistics and related land uses.*

- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

The proposal is consistent with these zone objectives as it ensures the efficient and viable land use and encourages employment opportunities.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size for Community Title Schemes (CI 4.1AA)	<p><i>(1) The objectives of this clause are as follows—</i></p> <p><i>(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</i></p> <p><i>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—</i></p> <p><i>(a) Zone RU1 Primary Production,</i></p> <p><i>(b) Zone RU4 Primary Production Small Lots,</i></p> <p><i>(c) Zone RU6 Transition,</i></p> <p><i>(d) Zone R5 Large Lot Residential,</i></p> <p><i>(e) Zone C3 Environmental Management,</i></p> <p><i>but does not apply to a subdivision by the registration of a strata plan.</i></p> <p><i>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association</i></p>	The noted Minimum Lot size for the C3 zone is 40 Hectares. However, the Community Title subdivision is not proposed to be undertaken within the C3 Environmental Management zone. The development site is entirely located within the E4 zone where there are no requirements for a minimum subdivision of a Lot for Community Title Scheme.	YES

	<p><i>property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p><i>(4) This clause applies despite clause 4.1.</i></p>		
FSR (Cl 4.4(2))	<p><i>Floor space ratio (FSR)</i></p> <p><i>(1) The objectives of this clause are as follows—</i></p> <p><i>(a) to ensure buildings are compatible with the bulk and scale of the surrounding uses and buildings,</i></p> <p><i>(b) to establish the maximum development density and intensity of land use.</i></p> <p><i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>	<p>The development site has an identified maximum allowable FSR of 0.6:1. The subject allotment, Lot 24 DP 1235089, has an area of 142.2 hectares.</p> <p>The FSR of the existing buildings onsite and the proposed Control Room is noted as being 0.01:1. The proposed development will not result in an increase in GFA, as the solar arrays and inverters do not contain any GFA and the Electrical Substation is considered to be a plant room and is excluded from GFA within the definition with the LEP dictionary.</p>	Yes
Heritage (Cl 5.10)	<p>Consideration of Environmental Heritage items identified onsite or within proximity, and in reference to schedule 5 of the GLEP 2012.</p>	<p>The development site does not contain any listed items of heritage as per Schedule 5 of the Gunnedah LEP, nor are there any in proximity of the site which may be affected by the development. A draft Condition has been recommended to be imposed to ensure that should any items of Aboriginal or European Heritage be uncovered during the construction or operational phase must stop work cease operations and the Department of Climate Change, Energy, Environment, and Water are to be contacted.</p>	Yes
Essential Services (Cl 6.5)	<p>Clause 6.5 considers provision of Essential Services -including stormwater management-</p>	<p>The development site has access to Council's water services only. These services are available with adequate arrangements available for</p>	Yes

	to be available or appropriately provided to enable development.	<p>extension of these services internally if required. There are no amenities proposed that require connection to water or sewer.</p> <p>Overhead power lines are present along the public road reserves of Quia Road, Ross Road and Black Jack Road, and within the development site. The developer intends to realign the internal overhead power lines in order to establish a connection to the substation and the previously approved solar farms on the subject site. These works are to be carried out in consultation with the electricity service provider.</p> <p>Stormwater drainage is located on site. However, a Condition of Consent will be imposed prior to the issuing of a Construction Certificate to ensure the stormwater generated from the development can be adequately managed.</p>	
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The proposal is considered to be consistent with the GLEP 2012.

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

There are no draft environmental planning instruments applicable to the proposed development.

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

The following Development Control Plan is relevant to this application:

- *Gunnedah Development Control Plan 2012* ('the DCP')

1. Introduction

Clause 1.6 – Developer Contributions

A contributions plans pursuant to Section 7.11 of the EP&A Act 1979 is not considered applicable to the development.

A condition of consent is recommended to be imposed for a Section 7.12 indirect Contributions to be imposed in accordance with the *Gunnedah Shire Council Section 94A Contributions Plan January 2013*.

There are no triggers for payment of Section 64 Development Services Contributions for water or sewer services in accordance with Council's contribution plans.

4. Industrial

Clause 4.1 – Building Setbacks

The proposed works are to be setback approximately 115 metres from the closest public road frontage to Ross Road. A condition is recommended to be imposed which requires a 'peg survey' to be conducted to ensure that the resulting development is located within the approved lot boundaries of the subdivision consent Development Determination No.2015/062. Services and construction should not be located over property boundaries to ensure that all services and infrastructure are located within the same land title.

Clause 4.2 – Design

The electrical substation is the only building proposed to be constructed as part of this development. The position of the electrical substation is in such a position as to have little visual impact on any public space. Hence, the development does not require any variation to or low scale building elements within the building design. It is recommended that a Condition of Consent should be imposed to ensure that the roofing materials for the Electrical substation is to be non-reflective where the roof pitch is greater than 17 degrees or is visible from a public road.

The development visual appearance and design has been addressed as to ensure that the development will not be incompatible with the surrounding landscape, with the undertaking of suitable landscaping buffers, amidst other industrial developments.

Clause 4.3 – Utilities

The development does not require any connections to water or sewer infrastructure. The development is not expected to generate any trade waste. Hence, no trade waste application is required for the development.

The development has adequate provision of Council's sewer and water services for connection through the site with the proposed development not expected to generate a large increase in water service usage. A stormwater management plan is required to be provided to Council prior to the issue of a Construction Certificate to ensure that appropriate stormwater drainage networks are implemented as part of the development and that the existing stormwater drain is appropriately sized to take the stormwater generated from the site. It is to be required that this plan show that stormwater discharged from the site does not exceed pre-development flows.

There is no Utilities or Infrastructure presently within the site that could be impacted by the proposed development. There is no sewer infrastructure, either within an easement or unencumbered by an easement, that may be affected by the development.

Clause 4.4 – Traffic and Access

Vehicle access to the development site is available from Quia Road, Ross Road, and Black Jack. The property address and main access will be from Ross Road and it is proposed to utilise this existing property access for access to the solar farm during construction and operations. All vehicles are able to enter and leave the solar farm site in a forward direction. Each of the public roads fronting the site are sealed local roads (approximately 7.2 metres wide) with gravel shoulders, table drains and grassed verges.

The primary transport implication associated with the development is the construction and delivery traffic associated with the construction phase of the solar farm. It is anticipated that approximately 150 vehicles will deliver the solar panels to site, with 10 plant and machinery, and a total of approximately 3,264 light vehicles associated to construction staff will attend the site during the 16

week construction period. However, once the solar farm is operational, traffic movements will be limited for the purpose of maintenance only.

Quia Road is a local road with bitumen formation and satisfies Council's requirements for the proposal. It is noted that the current access points will require upgrading to accommodate the proposed development. The existing roads are capable of accommodating the traffic generated during and after the construction of the development. Additionally, given the minimal traffic generated by the proposal post construction, it is considered this will not conflict with existing vehicular movement throughout the locality.

Clause 4.5 – Parking

In accordance with Council's local provisions industrial development is required to provide parking on the basis of 1 space per 75m² Gross Floor Area (GFA) or 1 space per 2 employees (whichever is greater). The development does not contain any noted operational GFA and when operational will generate a demand for 1 employee. Hence, the development generates parking demand of one car parking space. A condition is recommended to be imposed on any development consent to this effect.

Clause 4.6 – Landscaping

The development does not trigger the provision of any landscaping for the purpose of providing shading to onsite parking spaces as the development does not trigger the provision of more than 10 onsite parking spaces.

The developer has not proposed to provide any landscaping around the solar farm. In order to aid in reducing any visual implication of the development and visual amenity of the area the developer is to provide a detailed landscaping plan with landscaping for the first 3 metres of the site setback. A condition has been recommended to this effect.

Clause 4.7 – Fencing

The development proposes to construct boundary fences along the exterior perimeter of the development area. The fence area is expected to coincide with the lot boundaries approved as a part of Development Consent No. 2015/062, which included a Torrens Title Subdivision of the development site. This development does not propose any Torrens Title Subdivision. The proposed fencing is to be placed over the setback requirement of 10m from Quia Road and, therefore, is not proposed to be of decorative nature. The developer indicated that they did not believe a visual barrier was required to the development. Due to the proximity to receivers, zones, and future development of the site and surrounding area. However, Council is recommending that a condition be imposed which requires the provision of a landscaping plan around the perimeter of the development area to block visual impact to receivers and public spaces.

4.8 – Loading/unloading

Adequate space and facilities are provided for loading/unloading of on-site during construction and operation. Adequate area also exists for vehicle movement to enter and exit the site in a forward direction, satisfying requirements. A condition is recommended to be imposed on any consent which requires loading bay(s) to be line-marked and signposted.

Clause 4.9 – Outdoor Lighting

No outdoor lighting is proposed as part of the subject development. Any lighting installed is to be compliant with AS 4282 Control of Obtrusive Effects of Outdoor Lighting.

Clause 4.10 – Outdoor Signage

There is no signage associated with the development proposal.

Clause 4.11 – Noise

The development site is located within 400m of an R5 land zoning. However, the development is not proposed within 400 metres of a residential zone. The potential noise generated is expected to be from panel tracking and electrical substation. However, it is unclear the cumulative noise impact to locality.

The proponent has not provided a site-specific noise assessment for the proposed development and have submitted an indicative quantity for noise emission from site to potential residential receivers.

The development is not expected to be a high traffic generating development. Hence, it is not expected that the development will generate excessive noise generation through vehicle movements.

Noise is discussed further in the report under Section 3.2 – Environmental Consideration - Noise and Vibration.

5. Subdivision

Clause 5.19 – Community Title Subdivision

The development proposes to create a single community title allotment over each of the 153 solar module arrays, regardless of size of capacity. The application was accompanied by a Draft Community Management Statement for the implementation of the Community Title subdivision model. Common areas will include the entry access handle to the land and the remaining area surrounding the solar array modules.

It is highlighted that on the conclusion of the 25-year operational life of the solar development, the lots proposed under community title will become one lot, enabling future industrial land use.

Clause 5.20 – Contamination

Consideration has been made to the potential for contamination on the site previously in this report.

6.6.1 – Environmental Effects

A Construction Environmental Management Plan (CEMP) will be required as a recommended conditions of consent to be supplied to and approved by Council prior to the issue of a Construction Certificate to ensure that any adverse impacts are appropriately managed during the construction of the solar farm and associated infrastructure. The proponent has indicated the development will be controlled so that it will not detrimentally impact adjacent properties.

Due to the nature of the use, it is considered that on-going operational use of the site for a solar farm is unlikely to lead to any detrimental impacts from occurring on site. However, a Draft Waste Management Plan (WMP) has been submitted as part of this development application which Council will place a condition of consent to ensure that WMP is reviewed and approved by Council prior to the issuing of a Construction Certificate.

At the end of the 25-year operational life of the solar farm, facilities and infrastructure are to be decommissioned via removal of all solar farm infrastructure and community title lots surrendered. It is anticipated that the decommissioning will facilitate use of the land for industrial purposes, with no on-going limitations on the nominated land use.

6.6.2 Erosion and Sediment Control

Council's standard condition will be imposed for sediment and erosion control measures to be implemented during construction of the proposed solar farm and associated infrastructure.

6.6.3 Conflicting Land uses

The use of the subject land is currently vacant but contains dilapidated building structures. The former use of the land was a combined abattoir, tannery and a grazing enterprise. The closest residential receptor is approximately 345 metres south-east of the proposed solar farm. Other surrounding uses are rural and industrial. No land use conflict issues are expected to arise in terms of visual and acoustic privacy, dust, overshadowing or views as a result of approval of the application.

6.6.4 Waste Management

Regular waste removal and maintenance as well as resource and waste management at the solar farm during and after construction have been detailed in the submitted SEE and the Draft WMP. Conditions of consent have been recommended to be included on any consent to ensure the appropriate management of waste during construction, decommission and during the ongoing operation of the site. The ongoing development is not expected to generate extensive waste with no permanent staff or waste generated as a by-product of the development operation. General waste will be stored onsite and disposed to a suitably licensed waste facility.

It is noted that Gunnedah's Waste Management Facility is limited with the types of waste that can be accepted at the facility. Council suggests that the WMP be required to include and consider the location of disposal and the implications to Council's Waste Management Facility and its ability to service the community.

6.6.5 Noise

Noise impacts have been addressed previously through this report.

6.6.6 Geology

The subject site has a low degree of slope with and stormwater on the site will fall in a Northwest direction across the development area. The land does not have significant slope which may inhibit the development. Solar arrays can be appropriately stepped across the site based on natural grade of slope. Earth works are indicated to occur for the erection of the electrical substation to enable the development to occur. The solar arrays are mounted on a fixed steel post structure driven approximately 2 meters below ground. Hence, the development is not expected to be invasive or impact on the slope of the site for natural water runoff.

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

There is no planning agreement or draft planning agreement entered into between the development applicant, relevant body or Council, under Section 7.11 of the Act.

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

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal as there is no change of use to a building and any structure is new.

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

Context and setting

The land subject to this development application is situated in a rural and industrial locality. The development of the land would alter the appearance of the site and the rural/industrial character of the area. The development site contains several partly demolished buildings that were previously utilised for the operation of the Gunnedah abattoir, including offices, two derelict dwellings.

Given the orientation, position of the development within the site and the distance to receivers, the potential visual impact as distraction is considered not to be unreasonable due to the noted distance to the receivers and the rate at which the panel tracking occurs. The solar farm site will not significantly detract from regional visual amenity. The site will not be visible from major public roads through the region such as Kamilaroi Highway due to the topography of the locality. The proposed solar farm may be partially visible from Quia Road and Blackjack Road. However, as the structures are setback from each road 115 metres or greater. The development determination has recommended the inclusion of a landscaping plan which will reduce the visibility of the solar farm and provide visual screening to the surrounding environment. The landscaping plan should be adequate to screen the site from all public spaces and nearby receivers.

The proposed development is unlikely to generate significant glare, with the materials used in the development expecting to capture UV and only small components of the structure framing and infrastructure expecting to generate glare. Hence, it is accepted that there is unlikely to create a glare hazard to nearby road users, aircraft and industrial area.

Access and traffic

Access to the development site is available from Quia, Ross and Black Jack Road. The proposed access is from Ross Road and will require the construction of a new property access. Quia, Ross and Black Jack Road are all local roads which are bitumen formation, without the improvement of kerb and gutter.

The impact on the surrounding roads is expected to occur during the construction phase. Once the solar farm is operational, traffic movements are expected to be limited to a maximum of one vehicle per day. All trucks during construction, are expected to enter and exit the site via a required new access driveway from Ross Road. The current road network is suitably designed to accommodate the expected vehicle traffic during construction and post completion. Traffic generated is expected to be suitably accommodated within the surrounding road network.

Draft Construction Environmental Management Plan (CEMP) and Traffic Management Plan (TMP) have been provided which consider any possible impacts on the road network and mitigate such impacts. The mitigation measures are considered to be acceptable. However, final versions of these documents recommended to be provided as conditions to ensure these plans are issued to Council prior to the commencement of construction.

Public Domain

The impacts of the development on the public domain are limited due to the location of the development, the nature of surrounding areas and the distance of the development site from key active public spaces within the closest township (Gunnedah).

The development does not propose to include any public reserves. The development does not require the extension of any pedestrian linkages as the development is not to be of a nature that generates pedestrian movements to or from the site.

The development should be subject to a S7.12 contribution due to the estimated development cost.

Utilities

The site has existing provision of water, sewer and electrical services. Any upgrade to these services should be conducted in consultation with the local service provider.

Heritage

There are no identified items of heritage significance on the development site or surrounding land.

Aboriginal Heritage Information Management System (AHIMS) searches provided for the development allotment did not identify any known items of aboriginal heritage. A condition is recommended to be included that should any items of potential Aboriginal or European heritage be uncovered during construction works or any demolition works undertaken as part of the development, of operations should cease and the *Department of Climate Change, Energy, the Environment and Water* are to be contacted.

Other land resources

The development site is not identified as productive agricultural land as the dedicated zoning is for the purpose of Industrial developments. The land was historically used for the purpose of agriculture, with an area of vegetation and partly demolished buildings remaining from its previous use. There are no identified mineral and extractive resources on the site or water supply catchments.

In order to support the decommissioning stage, a rehabilitation plan for the solar farm is proposed to be developed prior to commencement of decommissioning work to ensure that the land is suitable for future use.

Water

The applicant has identified minor construction impacts to surface waters such as possible sedimentation as a result of site clearing and levelling for the solar farm. The development is not expected to result in any water impacts on the adjoining properties as a result of the proposed administration imposed during construction and in the operations of the solar farm.

The development does not propose extraction or interaction with groundwater sources.

A condition is to be imposed regarding the submission of a Stormwater Management Plan to ensure that post development flows do not exceed predevelopment levels.

Soils

Submitted information has identified that the site has no history or evidence of saline soils. Soils are predominantly open plain with large amounts of ground grass cover. Post construction, the proponent has indicated that reestablish the grass cover underneath the solar arrays are to occur.. There is no current instability on the site with little observable erosion. The site has no history of ground subsidence.

Suitable sediment and erosion controls are to be implemented during development works to reduce loss of soil from the site during construction. All erosion controls are to be retained for the duration of all works.

Air and microclimate

The proposed development is considered to have minimal impact on the existing microclimate in the area. The proposed land use for the solar development will not result in any dust, odour, fume or gas emissions from the site. The intended operation of renewable energies within NSW is to aid in the reduction of reliance on non-renewable polluting energy generation. It is expected that the development of additional solar generation will reduce net global emissions.

All internal access driveways are to be of a hard-sealed surface to reduce the emission of dust from construction and ongoing traffic. Internal driveways are to be maintained.

Flora and fauna impacts

The development is not considered to be critical habitat or include significantly endangered ecological species. The development site is highly modified, with minimal remnant native vegetation that could contain endangered flora species. The site does not contain extensive vegetation that could provide roosting opportunities or areas of refuge to any critically endangered fauna species. Hence, the development is not expected to create any irreversible ecological impacts.

Waste

There are several sources of waste identified for the construction, operation and decommissioning stages for this development. These include: -

- Packaging materials
 - Cardboard
 - Foam
 - Metal Ferrous
 - Metal non-Ferrous
 - Plastic
 - Polystyrene
 - Timber – Photovoltaic Packaging, Cable drums, and wooden pallets
- Surplus Construction Waste
- Plant and Machinery and other Miscellaneous items
- General refuse and other non-putrescible general solid wastes.

The solar farm will need to manage all type of wastes in accordance with the required NSW Environmental Protection Authority Waste Classification Guidelines. General waste associated with the proposed development will be stored in a designated area on site. General Waste stored onsite should be removed to a suitably licensed waste management facility. The proponent has identified that a WMP will be utilised for the development which will include classifying and quantifying waste, tracking of waste leaving the site and the fate of materials to be recycled or disposed. The WMP will seek to minimise waste and maximise opportunities for recover and reuse.

The development will generate waste during the construction works. However, there will be significant waste generated during the decommissioning of the site with disposal of solar arrays and associated infrastructure. Council is requesting that a Decommission Plan be prepared prior to the issue of a Construction Certificate to ensure that any decommission waste expected to be disposed of to Council's waste management facility, can be accounted for in its long-term plans and Environmental Protection License due to the potential large volumes of waste that may be disposed of the facility that is above the general expectation of community waste levels.

Noise and vibration

Noise is expected to impact nearby residential receptors includes site preparation activities, with the installation of support poles (pile driving), associated construction vibration, and construction traffic.

The proponent has relied on historical and similar scale solar farms to indicate the potential noise to be generated.

This development will consist of tracking mechanisms and electrical substation. As such, operation noise and vibration for the life of the solar farm was considered as part of this assessment.

Council note, that the locality is prone to noise and vibration as a result of the existing rail corridor servicing both passenger and commercial use of the rail line, and the rural and industrial nature and zoning of the surroundings contributing to the generation of background noise within the vicinity.

In its determination, Council reviewed the indicative noise to be generated during the construction phase. Notably, during construction, maximum noise has been indicated at 75 dB(A) with a combination of activities, including the pile drivers, excavators and diggers, and trenching machinery to generate levels of around 33-50dB(A).

Further, during operations the highest expected noise is 90dB from the transformers and 65 dB(A) from the individual tracker motors operating every 15 minutes. It is claimed by the proponent that the nearest receiver is 1000metres to the south. Council requires an adequate Noise Assessment to verify the locations of all receivers.

In this instance, Council is not satisfied with the validity of the submitted noise assessment as the provided information is not site specific and relies on general assumptions. The generic information cannot be relied on to support the proposed development on site as it does not demonstrate the potential exceedance to likely receivers and possible mitigative solutions for further consideration.

As such, Council recommend conditions of consent be imposed to ensure the compliance with *Noise Policy for Industry 2017* in order to protect the amenity of the locality.

Natural hazards

The site is not identified as being subject to flooding. A very small portion of the development site (south-east corner) is mapped as being subject to bushfire. There are no areas located within the footprint of the proposed electrical generating works including the electrical substations that are subject to Bushfire. Subsequently, a Bushfire Assessment Report was not required to accompany the specific location of the development as is not mapped as bushfire prone and the development proposed does not involve residential or residential related buildings.

Consideration was given to *Planning for Bushfire Protection 2019, Section 8.3.5 Wind and Solar Farms*. Council recommends the inclusion of a Condition of Consent requiring the proponent to prepare a *Bush Fire Emergency Management and Operations Plan* to identify relevant risks and mitigative measures associated with construction and ongoing operations of the solar farm. The *Bush Fire Emergency Management and Operations Plan* will be required to be submitted to Council for review and approval prior to the Construction Certificate being issued. The inclusion of a condition is recommended to ensure that at a minimum a 10m Asset Protection Zone (APZ) has been established around structures and associated buildings or infrastructure. The APZ must be maintained to the standard of an Inner Asset Protection (IPA) for the life of the of the development.

Technological hazards

The development has a finite operational life, which is indicated by the proponent as being 25 years. Post this period, the development will not be operational and is required to be decommissioned and

the site returned to its previous use. Should the decommission not occur this could become a financial burden on the landowner or the community.

Safety, security, and crime prevention

The development will not result in any decrease in safety, security, and prevention of crime in the area. The development will not include any surveillance of the property. Staff movements will be minimal once the solar farm is established but would act as natural surveillance of the site. The site does not contain any goods or cash that could attract theft from the site. The development includes the erection of a security fence around the perimeter of the electricity generating worksite to reduce access to the site.

Social impact

The development will have little social impact on the surrounding area and will be consistent with existing industrial and rural related development on adjoining allotments. There are no noted health and safety impacts to the community as a result of the proposed solar farm construction or the ongoing operations that is currently identified in academic literature.

Economic impact

The development does not create any continuous full time equivalent employment opportunities within the community. The development will create employment and bring investment into the community during construction works. However, there is minimal opportunity for the use of local trades or materials during the construction.

The development does provide an alternative investment opportunity to people with community title scheme proposed to be employed and allows for additional renewable energy sources to be provided within the Gunnedah area in addition to those already approved and constructed.

Site design and internal design

The subject site is zoned E4 General Industrial and C3 Environmental Management zone with no Minimum Lot Size requirements associated to the identified zones. It is noted that the development site has a current, valid development consent for the subdivision of the site into 25 lots. The subdivision will result in this development being located within Lot 22 and Lot 24, with the substation being located in the adjoining lot which will incorporate easement for operation. A condition is to be recommended which requires a survey to be completed prior to construction to ensure that the solar farm and all associated infrastructure will be located wholly within Lot 22, thus maintaining the integrity of the previous development consent and subdivision layout.

It is considered that the proposed development is unlikely to result in land use conflict. The proposed development is located with adequate setbacks from all lot boundaries in a rural/industrial setting. The proposed development is not an over development of the site, and the solar farm and ancillary development is setback at adequate distances from adjoining receptors.

Construction

Any construction works is to be compliant with the Building Code of Australia. A Construction Environmental Management Plan is to be provided to Council and approved prior to any works being undertaken.

A condition will be imposed that limits the construction activities to 7:00 am - 5:00 pm Monday to Friday, and 07:00 am - 1:00 pm on Saturday to reduce the extent of noise impacts during construction and provide receivers reprieve from noise impacts. There will be no construction activities on Sundays or public holidays.

Cumulative impacts

The construction impacts of the development are expected to be short term, being indicated to be approximately 16 Weeks. The proponent has indicated that a Construction Environmental Management Plan will be prepared incorporating a Traffic Management Plan. These plans will ensure that impacts associated with the transport of materials to the site would be appropriately managed and potential impacts are minimised.

The development site has approval of two (2) previously determined solar farms (27MW and 29.5MW), which are yet to be constructed. The proposed development will result in an additional electrical generating facility within the site resulting a total generation across the site of 68.5MW. The resulting development may result in extended construction impacts should the developments be constructed concurrently, leading to prolonged construction noise. This development may also result in a need for the upgrade of electrical transmission lines to transfer the generated voltages to the network. However, Essential Energy was notified of this development and the previous applications and had not raised any concern regarding this matter.

The cumulative impacts of the proposed development are deemed to be acceptable in this instance, subject to the imposition of the recommended conditions of development consent. Additionally, the proposal is compatible with surrounding land uses and approval of the application is not expected to result in any unacceptable land use conflicts.

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

The proposed development is consistent with the existing and future development in the locality. The development area is largely pre-cleared of vegetation, except for minor vegetation clearing which has been discussed earlier in the report. Consideration was also given to the historical land use of the subject site and concluded that the proposed development will not result in loss of habitat to enable the proposed development.

The development has access from a public road and water utility services. However, sewer utility services are not available from Council's infrastructure. In this instance, the nature of the development does not require an extension of sewer infrastructure to site. The site is not identified as being subject to flood and does not contain an item of heritage significance. The development site is subject to bushfire activity. However, the impacts from bushfire will be mitigated with appropriate Bushfire Emergency Management and Operational Plan. Therefore, the site is deemed suitable for the proposed development.

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

Community Participation Plan 2020 – Consultation

The development involves the construction of a solar farm, 153 Lot community title subdivision, and Substation. It is expected that there will be some impact on adjoining land holders. Hence, under the requirements for the *Community Participation Plan 2020* the development application was notification

to the adjoining land holders and placed on public exhibition for 14 days. Council did not receive any submissions during the exhibition period.

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

The development is not integrated or designated development. Council is not aware of any relevant planning studies, strategies or management plans that are applicable to the proposed development to be considered. The development site does not occur within the areas identified for the Renewable Energy Zones (REZs), with the Central-West Orana Renewable Energy Zone terminating just within the West boundary of the Gunnedah LGA.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to Essential Energy as the local electrical service provider for comment as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	<i>Concurrence is not required pursuant to Section 7.12 (2) (a) of the Biodiversity Conversation Act 2016.</i>	N/A
Rail authority for the rail corridor	Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Concurrence is not required pursuant to Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	N/A	N/A

Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Essential Energy provided comments around safety concerns in regards to the solar farm location and the noted low voltage line traversing the site. This matter is recommended as a condition to ensure that safe work practices are undertaken as per Essential Energy's requirements.	Y
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	N/A	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.		N/A
Design Review Panel	Cl 28(2)(a) – SEPP 65 – Repealed. Advice of the Design Review Panel ('DRP')	N/A – Repealed to Chapter 4 of the <i>State Environmental Planning Policy (Housing) 2021</i> .	N/A
Integrated Development (\$ 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A	N/A
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or	N/A	N/A

	activity approval under Part 3 of Chapter 3		
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4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions.	YES
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised concerns in relation to traffic generation and car parking. These issues are considered in more detail in the Key Issues section of this report.	YES
Building	No objections subject to recommended Conditions.	YES
Health	No comments required in reference to the proposed development.	YES
Waste	The draft Waste Management Plan indicates a volumes of potential waste to be generated during, construction, operations, and decommissioning stages of the Solar Farm. Although the quantities are indicative only, the format of the report and the management procedures inline with the classified waste was considered acceptable subject to conditions to attain accurate quantities.	YES
Public Domain/ Assets	No comments required in reference to the proposed development.	YES

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 18 July 2023 until 1 August 2023. The notification included the following:

- An advertisement in the local newspaper (Gunnedah Times) on one occurrence.
- Exhibited on website.
- Notification letters sent to adjoining and adjacent properties.

The Council did not receive any submissions, in favour or an objection to the proposed development.

As a result, there were no issues raised during the Exhibition period that required additional planning consideration as part of the assessment.

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 Potential Glare

The development application documentation indicated that the southern portion of the solar farm did not generate any form of glare and appeared that dataset for the southern array was not provided. Upon further request for information, the proponent confirmed that the modelling undertaken resulted in the same no glare effect from the southern array to the potential receivers to the north and east given its noted distance and placement of the southern array to the subject receivers. Furthermore, potential glare from site is considered acceptable given the locality of the solar farm and its notable distances from the closest residential receivers.

5.2 Proximity to Airport

It is noted that the airport is located 2.4 km north east of the proposed site. However, given the solar panels are equipped with a tracking system the potential for glare to impact flight paths are considered to be negligible compared to a fixed angle solar array. Therefore, it is considered that minimal impact will occur to the flight path of planes accessing the airport.

5.3 Stormwater management

Stormwater Management Plan (SMP) was not submitted as part of the application to demonstrate the ongoing management of surface water runoff from panels potentially leading to scouring. Council requested that 1 in 20-year storm event run-off and 1 in 100-year surface water runoff to be considered and reflected within the SMP. The submitted SMP was not fully satisfied and as a result the requirement for a SMP will be Conditioned prior to the issuing of a Construction Certificate in order for Council to review and approve the SMP.

5.4 Management of Waste

The proponent has submitted a draft Waste Management Plan as part of the Development Application. The WMP includes waste classification of waste generated as a result of the proposed development in accordance with the EPA Guidelines, quantities, and disposal of recycling methods and capabilities of the identified waste. A condition of consent is to be imposed to ensure that the most updated WMP is submitted to Council prior to the issuing of a Construction Certificate as the provided information is based on a similar solar farm, but not this development.

5.5 Construction Traffic

A Condition of Consent is recommended to be imposed to ascertain a Traffic Management Plan prior to the issuing of a Construction Certificate.

5.6 Estimated Development Costs

The proponent has submitted to Council a confirmation via a (QSR) indicating that the EDC is approximately \$14,644,223 for the 12MW system – verifying that the proposed development is regionally significant that requires determination by the Northern Regional Planning Panel (NRPP).

5.7 Substation

The inclusion of the substation as part of this development application is to ensure that the associated substation is constructed as part of this development, regardless of these works being included within a previously determined development consent (DA2020/032). This development cannot rely on another development consent to ensure that all relevant services are provided. Hence, development has included the construction of the substation as part of this development as well. It is noted that elevation plans were not provided as part of the development application plan set. However, a Condition of Consent is recommended to be imposed to attain the elevation plans for review and approval by Council.

5.8 Service Connection

Additional information was requested in reference to the addressing Clause 6.5 Essential Services of the *GLEP 2012* in association to the proposed ablution block. Initial Engineering comments indicate that sewerage is required to be managed on site.

It was confirmed by the applicant that there are no ablution blocks proposed as part of this development application. Subsequently, the site does not require additional utilities connections to be established.

5.9 Security Fencing

The Gunnedah Development Control Plan 2012 requires that fencing within 10m of the frontage at Ross Road be of decorative nature to be consistent with the intended visual appearance of industrial areas within the Gunnedah Community. It is noted that the gate and security fencing will be positioned approximately 78 metres from Ross Road.

5.10 Contamination Remediation Works

The development will occur outside of the areas of the site which have historically been identified as containing levels of contamination. The development does not require any remediation works as part of this development.

5.11 Site Rehabilitation

A draft Decommissioning and Rehabilitation Plan was submitted to Council indicating that the site will be returned to its existing state and will ensure that the future land use can support industrial developments on site. Draft Conditions of Consent include a recommended

condition (A4) to ensure that after the 25-year life cycle that the development the site is to be returned to a standard that would support the industrial use of the site. Further, Condition B1 will require the Decommissioning and Rehabilitation Plan are submitted to Council for review and approval prior to issuing a Construction Certificate.

5.12 Noise and vibration Assessment

The potential for noise and vibration to impact on adjoining properties is an important consideration given to solar modules as it contains a tracking mechanism and a Substation within the development site. Further assessment is required to understand the overall generation of Noise emitting from the site.

Additional information was requested from the applicant to detail how the solar farm complies with the NSW Noise Policy for Industry. However, an adequate Noise Assessment was not submitted by the proponent.

The response from applicant is indicative only and is not deemed to be appropriate to fully understand the noise impact resulting from the development. Therefore, Council recommend to protect the amenity and to ensure compliance with the NSW EPA Noise Policy for Industry.

CONCLUSION

This development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021* as outlined in this report. Following an assessment of the relevant planning controls, and key issues, it is considered that the application can be supported.

The development application is seeking approval for the construction of 12 megawatt (MW) electrical generation works (Solar Farm) in the form of 153 solar modules and creation of community title subdivision over each solar module. The Electricity Generating Works is to have an operational life of 25 years from the commencement of electricity generation. Development consent is to include the decommissioning of solar modules and all associated infrastructure upon completion of the operational life.

6. RECOMMENDATION

That the Development Application DA2023-026 for Private Electricity Generating Works (Solar Farm) 13 Megawatts, Substation, 145 Lot Community Title Subdivision, Vegetation Removal, earthworks, and Security fencing 131 Quia Road Gunnedah 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.

However, Council have concerns in reference to deficient information provided to Council in reference to Noise emissions from site during construction, operations, and decommissioning stages of the development. The information submitted is considered inadequate to determine if there are significant impacts on the community as a result of the development. Therefore, Council recommend imposing condition to ensure compliance with NSW EPA Noise Policy for Industry and to protect the amenity of the locality.

The following attachments are provided:

- **Attachment A: Draft Conditions of Consent**
- **Attachment B: Architectural Plans**