

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE</b>	PPSNTH-282
<b>DA NUMBER</b>	2024/0067
<b>LGA</b>	Narrabri
<b>PROPOSED DEVELOPMENT</b>	Electricity Generating Facility sub-5mW AC Solar Farm (2 stage development with capacity for future BESS)
<b>ADDRESS</b>	Lot 21 DP DP754940, Boggabri
<b>APPLICANT</b>	Tam Durney of RPS Group
<b>OWNER</b>	Boggabri Coal Operations Pty Ltd
<b>DA LODGEMENT DATE</b>	15 December 2023
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Private Infrastructure and community facilities with a CIV greater than \$5m
<b>CIV</b>	\$25,345,425 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Not applicable
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Primary Production) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Narrabri Local Environmental Plan 2012</i></li> </ul>
<b>TOTAL AND UNIQUE SUBMISSIONS AND KEY ISSUES RAISED</b>	Nil submissions
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> <li>• Site Elevations – Fencing and Array Framing</li> <li>• General Arrangement Plan (Site Plan)</li> <li>• Aboriginal Cultural Heritage Assessment</li> <li>• Preliminary Site Investigation</li> <li>• Preliminary Hazard Analysis</li> </ul>

	<ul style="list-style-type: none"> <li>• Surface Water Assessment</li> <li>• Property Report (generated by the NSW Spatial Viewer)</li> <li>• SEPP (Resilience and Hazards) – Screening Assessment</li> <li>• Glint and Glare Assessment</li> <li>• AHIMS site list report</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (s7.24)</b>	Not applicable
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	23 July 2024
<b>REPORT PREPARED BY</b>	Lillian Charlesworth, Manager RSD Assessment Department of Planning, Housing and Infrastructure (on behalf of Narrabri Shire Council)
<b>DATE OF REPORT</b>	24 June 2024

## EXECUTIVE SUMMARY

The development application (DA2024/0067) seeks consent for electricity generating works (i.e. a solar farm) and battery energy storage system (BESS) with a capacity below 5 megawatts (MW). The purpose of the solar farm is to service the electricity needs of the Boggabri Coal Mine.

The subject site Lot 21 DP754940, Boggabri has single road frontage on the northern site boundary to the Maules Creek coal mine access road. The site comprises a 13ha area within a 280ha property owned by the Boggabri Coal Mine. The property is vacant and cleared of vegetation. The site is located approximately 10.4km to the north-east of Boggabri. The locality comprises rural properties, coal mining sites and the Leards State Forest to the north.

The site is located in the RU1 Primary Production zone pursuant to clause 2.3 of the *Narrabri Local Environmental Plan 2012* (the LEP). While electricity generating works are not permissible in the RU1 zone, the use is permissible with consent on any land in a prescribed non-residential zone under clause 2.36(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the SEPP). As the RU1 Primary Production zone is a prescribed non-residential zone under the SEPP, the proposed development is permissible with consent.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Planning Systems)*, *State Environmental Planning Policy (Primary Production) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021* and *Narrabri Local Environmental Plan 2012*. The proposal is generally consistent with the relevant provisions of the above planning controls.

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'). A referral was sent to Essential Energy and Transgrid who raised no concerns, subject to conditions.

The application was placed on public exhibition from 6 to 27 February 2024, with no submissions being received.

The application is referred to the Western Regional Planning Panel (the Panel) as the development is '*regionally significant development*', pursuant to section 2.19(1) and clause (5)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *private infrastructure* with a CIV over \$5 million. The Western Regional Planning Panel was briefed by Council on the DA on 17 April 2024.

Assessment of the application under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') considered that there are unlikely to be any significant adverse impacts of the development on the natural and built environments, subject to the recommended conditions.

The key assessment matters identified included:

- Potential Hazards – The development proposes installation of either a Li-Ion or redox flow BESS at Stage 2. A Screening Assessment did not adequately assess potential risk to human life regarding two mine owned dwellings located 270m east of the proposed Li-Ion BESS. In response, the applicant has agreed to a condition of consent requiring demolition of the two dwellings prior to the issue of an occupation Certificate. A Preliminary Hazard Analysis was undertaken regarding a proposed redox flow BESS that concluded there was negligible off-site risk and included several recommendations. Therefore, it's considered that either type of BESS may be safely installed, subject to conditions.
- Contamination – the Preliminary Investigation identified potential for contaminating land activities as being the rail corridor, agricultural operations, operations of the Boggabri Coal Mine and potential minor land filling or septic tank. The report concluded that there is potential for soil and fill to be impacted by current and former onsite and offsite activities. It recommended that any approval be subject to a condition regarding an unexpected finds protocol. Despite the potential for contamination, the site is considered to be suitable (subject to conditions of consent) for the proposed development, which is not a sensitive land use, does not require significant excavation and will not involve staff permanently on site, except during the construction phase.
- Aboriginal Cultural Heritage – an Aboriginal Cultural Heritage Assessment was undertaken that found 8 archaeological sites. The originally proposed development footprint was relocated to protect 3 of these sites and an impact permit will be obtained from Heritage NSW due to unavoidable harm to 5 of the sites that have low archaeological and historical value. The registered Aboriginal parties involved in the assessment supported this approach. A condition of consent is recommended regarding any unexpected finds.
- Decommissioning – the site will be decommissioned in 35 years at the end of its useful life. It is important to ensure that all above and below ground solar farm infrastructure is removed and either recycled, reused or appropriately disposed of in order to return the site to its state and prevent site contamination (particularly from the BESS). This provision is included in the conditions of consent together with a condition requiring a

notation on the land title to ensure that the landowner remains responsible for decommissioning, given the Boggabri Coal Mine will only continue to operate until 2036.

The suitability of the site for the development is seen as satisfactory and the development is considered to be in the public interest in terms of reducing the carbon footprint of the Boggabri Coal Mine and generating employment during the construction phase.

It is recommended that DA2024/0067 for an electricity generating works (solar farm) and battery energy storage system at Lot 21 DP754940 be APPROVED pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent attached to this report at **Attachment A**.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The development site forms part of Lot 21 DP754940, Boggabri (**Figure 1**). The street number is indicated as 306 Therribri Road on the NSW Planning Portal and 333 Leards Road in the SEE and therefore this report will rely on the Lot and DP details. The property area is approximately 280ha, whilst the development site within the property is approximately 13ha (**Figure 2**). The site is owned by Boggabri Coal Operations Pty Ltd and the purpose of the development is to enable the Boggabri Coal Mine's operations to run solely on solar energy during daytime mining operations. The mine employs 600 staff, produces up to 7m tonnes/year of coal and is currently approved to operate until 2036. When mining ceases, electricity will still be required for rehabilitation and ongoing maintenance works. The solar farm will be connected to grid when the mine ceases to require electricity, if not prior (i.e. to provide any excess electricity to the grid).

The site has a northern frontage to a private mine haul road (the Maules Creek coal mine access road) that extends in an east-west alignment between the Boggabri Coal mine and Therribri Road. A private coal rail spur line is 120m to the north and two electrical power lines of 11kW and 132KW adjoin the northern boundary.

The site is currently utilised as a mine buffer area, although has historically been used for cattle grazing. There are no existing structures on the development site and the land consists of vacant grassland.

The development site is relatively flat, sloping 2% north to south and lies within a fork of the Merrygowen Creek, which runs in a north south direction with a tributary adjacent to both the western and eastern site boundary, although it is not flood prone. The creek has a biodiversity values map overlay (**Figure 9**). The development site is not bushfire prone and does not directly adjoin bushfire prone land (**Figure 3**), although a 10m wide Asset Protection Zone (APZ) is proposed.



**Figure 1** – 280ha subject property Lot 21 DP754940 (source: RFI response)



**Figure 2** – Development site (red), mine to the east and surrounding features (Source: SEE)



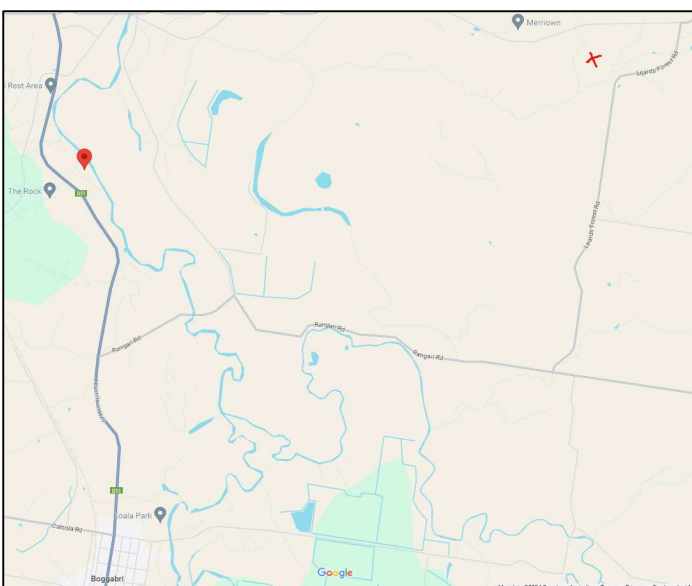
**Figure 3** – Bushfire Prone Land – site indicated with a red x (Source: NSW Spatial Viewer)

## 1.2 The Locality

The site is located approximately 1.3km west of Boggabri Coal Mine and 10.4km to the north east of Boggabri (**Figure 4**) within a rural area comprising predominantly of primary production land, coal mining sites and State Forest. Immediately to the north of the site is the Leard State Forest (bushfire prone land zoned RU3 Forestry) and the Namoi River is approximately 7.2km to the west. Leards Forest Road is approximately 300m to the south-east of the site, although there is no access from the site to this road. The Kamilaroi Highway lies approximately 8.5km to the west of the site. Boggabri Airport on the south-eastern outskirts of Boggabri is located 12km away. As the airport is outside a 5km radius of the site, glint and glare impacts on the airport are not envisaged.

There are four (4) dwellings within a distance of approximately 3.5km from the site:

- the closest two dwellings are located 80m from the eastern boundary and are owned by the mine;
- there is a mine owned dwelling approximately 1.25km to the south-west of the site that is intermittently used as “worker accommodation”; and
- a privately owned dwelling is located 3.4km to the south.



**Figure 4** – Locality map – the site is marked with a red x, relative to Boggabri at bottom left (source: Google Maps)



## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for a solar farm with a capacity below 5 megawatts (MW) on land at part Lot 21 DP754940, Boggabri. In summary the proposed development will include (Figure 5):

- 11,200 solar panels (mounted on a Single Axis Tracking mounting system allowing east to west tracking) in five (5) rows with an east west alignment. The arrays will be located a minimum of 10m from the fence line to create a 10m Asset Protection Zone.
- a central inverter
- underground cabling to connect the solar arrays to an inverter station and then to a kiosk at the north of the site. The kiosk will be connected via underground feeder cable to the existing 11kV overhead power line to the north of the site to send power to the existing Boggabri Coal Mine substation.
- security fencing comprising a 1.8m high chain link fence, topped with three (3) strands of barbed wire, taking the overall height to 2.3m. The fence will sit directly on the site boundary as no landscaping is proposed. An access gate will be located at each vehicle access point.
- a 4m wide internal access road connecting to an existing site access at the western corner of the northern site frontage.
- Construction of a slab for any future Battery Energy Storage System (BESS)
- A new, secondary access point roughly halfway along the eastern boundary will connect with an existing access track that services the vacant residences to the east of the site. It is intended that this be used as an emergency exit only.
- A 20-space construction car park and laydown area adjoining the secondary emergency access point. There will be a peak construction workforce of 50 staff with an average workforce of 20 staff.

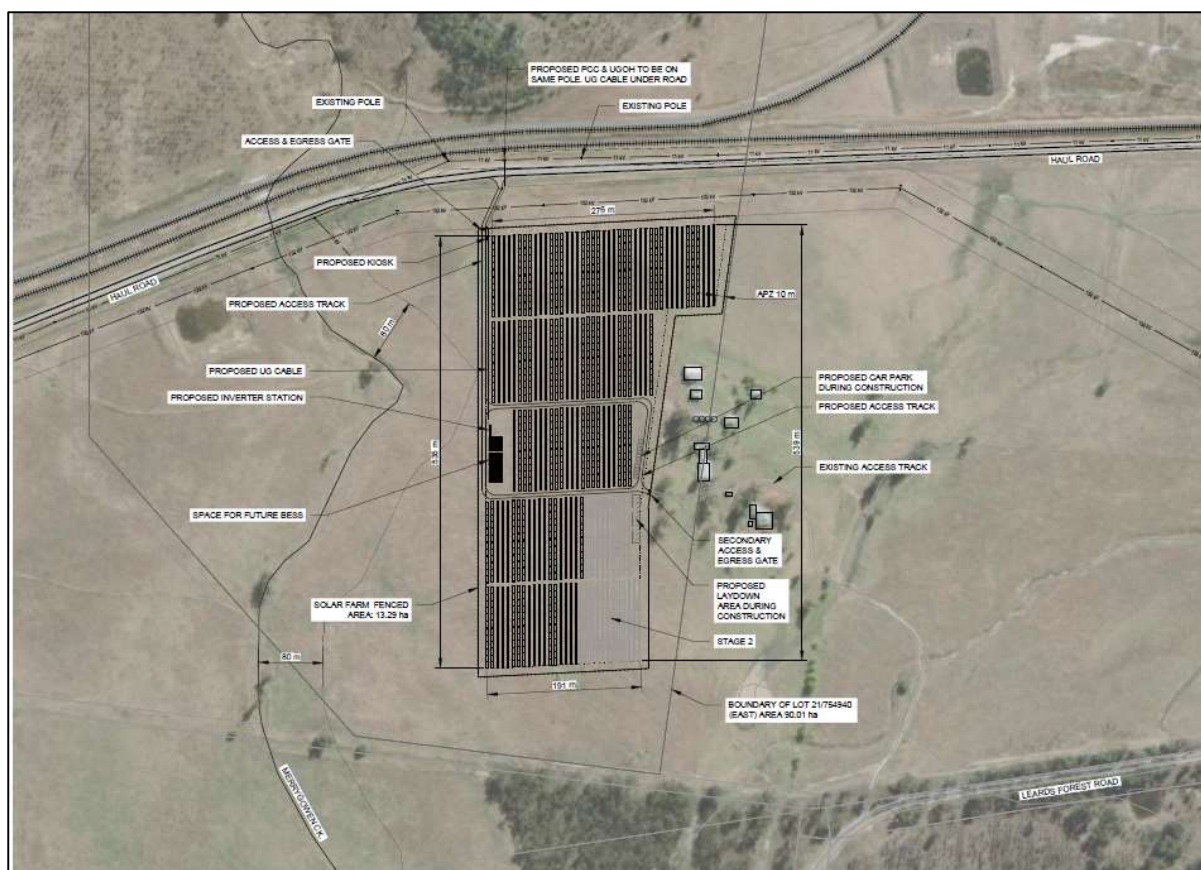
The applicant has indicated that it may in future progress to a stage 2 of the development (depending on the outcome of a BESS feasibility study and business case), that would involve:

- an additional 1,750 solar panels mounted on 21 single access trackers added to the two rows at the southern end of the site
- one BESS for each of the five (5) rows, that would comprise either a 2.5MW/5MWh lithium battery or a 1.5MW/12MWh vanadium redox flow battery. The BESS would be located to the west of the middle array block, next to the inverter station, along the access track.

The DA is seeking approval for both stages 1 and 2.

An existing 11kW power line is privately owned by Boggabri Coal and runs from the substation at the coalmine to the Essential Energy network 5km NW of Boggabri. As the power line is located on the opposite side of the private access road, it is proposed to connect the solar farm to the existing power line via an underground connection going under the roadway.

It is intended that any energy production excess to the daytime operational needs of the Boggabri Coal Mine will be spilled during stage 1, although in stage 2 excess energy may be exported to the Essential Energy or Transgrid network via a new grid connection.



**Figure 5 – Site Plan (Source: itp Renewables)**

The solar farm is proposed to be constructed over a 7.5 month period, utilising up to 50 construction staff on site at any one time, and will comprise:

- an eight week site preparation and cable trenching phase, then
- six weeks of non-activity awaiting delivery of long lead items,
- twelve weeks of infrastructure installation, and
- six weeks of testing and commissioning.

The anticipated life of the solar farm is 35 years, after which time it will be decommissioned.

There are no specific numerical development controls that apply, although key development data is provided in **Table 1**.

**Table 1: Key Development Data**

Control	Proposal
Site area	13ha
Max height	2.3m for the security fencing 2.8m for panel height at maximum rotation 3m typical height for the inverter and BESS
Landscaping	None proposed
Car parking spaces	20 spaces to service the construction period



Setbacks	Solar panel arrays will be setback approximately 10m from all boundaries to enable an Asset Protection Zone
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## 2.2 Background

According to the SEE, a pre-lodgement meeting was held on 17 January 2023 prior to the lodgement of the application, although no record of the meeting is available.

A chronology of the development application is outlined in **Table 2**.

**Table 2: Chronology of the DA**

Date	Event
17 Jan 2023	Pre-DA meeting
15 Dec 2023	DA lodged
6 Feb to 27 Feb 2024	Exhibition of the application
24 Jan 2024	RFI 1 issued (sections and elevations requested)
29 Jan 2024	RFI 1 response received
14 Feb 2024	Development Engineer referral response received
26 Feb 2024	Waste referral response received
26 Feb 2024	RFI 2 issued (various matters)
4 Mar 2024	Essential Energy referral response received
5 Mar 2024	Transgrid referral issued
19 Mar 2024	RFI 2 partial response received
4 April 2024	RFI 2 full response received
9 April 2024	RFI 3 issued (prep for Panel briefing) and response received
17 April 2024	Panel briefing held Flooding referral response received
19 April 2024	RFI 4 issued (hazard analysis etc.)
16 May 2024	Transgrid requested additional information
20 May 2024	Additional information sent to Transgrid
28 May 2024	Transgrid referral response received
6 June 2024	RFI 4 response (PHA)

### 3. STATUTORY CONSIDERATIONS

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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*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (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.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

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

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**

A summary of the key matters for consideration arising from the relevant EPIs are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Key Matters in the Relevant Environmental Planning Instruments**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Section 2.19(1) declares the proposal regionally significant development pursuant to clause 5(a) of schedule 6 as it comprises private infrastructure (electricity generating works) with a CIV of more than \$5m.	Yes
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary production and rural development	Yes
SEPP (Resilience & Hazards) 2021	<p><u>Chapter 3 Hazardous and Offensive Development</u></p> <p>Section 3.11 requires preparation of a Preliminary Hazard Analysis.</p> <p><u>Chapter 4: Remediation of Land</u></p> <p>Section 4.6 Contamination and remediation to be considered in determining development application.</p>	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><u>Chapter 2: Infrastructure, Part 2.3 Development controls</u></p> <p>Section 2.36 Development permitted with consent.</p> <p>Section 2.42 applies to a regionally significant development application for electricity generating works in a regional city – not applicable as the site is not located in the Renewables Zone of a regional city.</p> <p>Section 2.48(2) (Determination of development applications—other development) – as the development is in proximity to existing electricity infrastructure and may influence the electricity network including capacity at the substation, Essential Energy and Transgrid have been consulted. See section 4 of this report for further details.</p> <p>Section 2.98 Development adjacent to rail corridors – not applicable as the development adjoins a private coal rail spur line.</p> <p>Section 2.119 Development with frontage to classified road - not applicable as the development does not have frontage to a classified road.</p> <p>Section 2.122 Traffic generating development – referral to TfNSW is not required. Further details are provided below.</p>	Yes

Narrabri Local Environmental Plan 2012	Clause 2.3 Permissibility and zone objectives Clause 5.10 Heritage conservation Clause 6.1 Earthworks	Yes
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## ***State Environmental Planning Policy (Primary Production) 2021***

### **Chapter 2: Primary Production and Rural Development**

The proposal is not for the purposes of primary production and electricity generating works are not specifically mentioned in the policy. However, the proposal is consistent with the broad aims of the policy, particularly regarding the use of land for primary production, reducing land use conflict and sterilisation of rural land and the protection of native vegetation and biodiversity.

The proposal has a limited life span of 35 years, after which it is proposed to decommission the solar farm by removing all infrastructure relating to the approved development from the site. At that time, the land would again be suitable for primary production purposes.

It is unlikely that the development as proposed will result in any land use conflicts or sterilise the land for future primary production purposes.

The development area has been previously cleared of any native vegetation for agricultural purposes and therefore there will be insignificant impacts on native vegetation and biodiversity.

The proposal is considered to be consistent with the aims of *SEPP (Primary Production) 2021*.

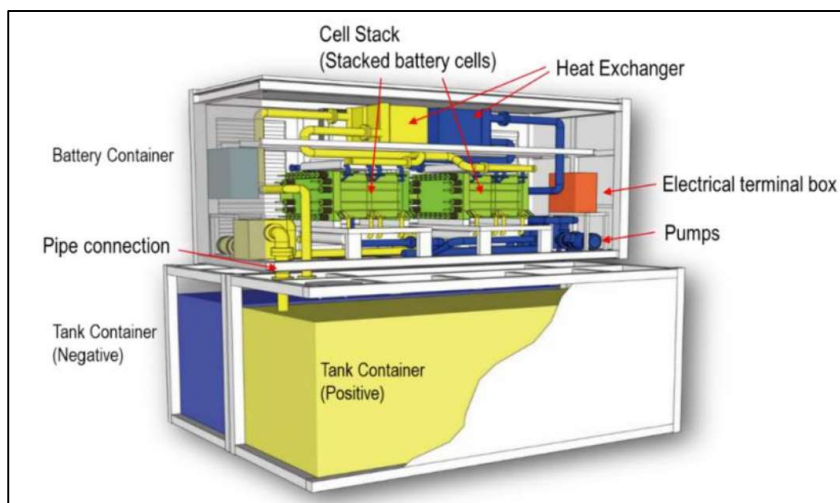
## ***State Environmental Planning Policy (Resilience and Hazards) 2021***

### **Chapter 3: Hazardous and Offensive Development**

A Screening Assessment under SEPP (Resilience and Hazards) 2021 was undertaken in October 2023 by Advitech to ensure the required distances to residential uses to manage risk to health and safety of people and property within the surrounding area. The assessment considered the risks of both Lithium Ion (Li-Ion) and Redox Flow Battery Energy Storage System (BESS) technologies as it is currently undecided which may be utilised for stage 2 of the development. The report advised that a number of incidents have occurred in Li-Ion BESS facilities in recent years, resulting in off-site impacts. Li-Ion batteries can overheat, causing fire and or explosion, resulting in burns, severe eye or respiratory damage, toxic fumes and air pollution. Redox Flow batteries are less of a fire hazard and more likely to cause electrolyte leakage with potential for land and water contamination.

The Screening Assessment was considered to provide insufficient information to assess the risk to human life from a Li-Ion BESS should either of the adjoining mine owned dwellings be occupied during a runaway fire event. Therefore, in accordance with the Panel Record of Briefing dated 17 April 2024, the applicant was required to either provide additional hazards information (including measures to reduce risk) or accept a condition to demolish both adjoining dwellings. The applicant has since agreed to a condition of consent requiring demolition of both dwellings prior to the issue of an occupation certificate (**Attachment B**).

A Redox Flow BESS would significantly exceed screening thresholds and can be deemed potentially hazardous. As such the Screening Assessment recommended that a Preliminary Hazard Assessment (PHA) is required should the development use this battery type. Riskcon Engineering subsequently prepared a PHA based on a vanadium redox flow battery with a 1.5MW discharge capacity (**Figure 6**). The PHA considered various hazardous scenarios and ruled out the potential for any off-site impact that exceeds acceptable risk criteria. The corrosive electrolyte stored in the container could cause environmental damage should the container leak, although the double walled container includes a grounding-fault-detection system that would identify any leak in the internal wall and trigger maintenance/repair. The outside tank wall consists of rigid stainless steel and would not likely be damaged in a low-speed vehicle impact. It's noted that installation of the BESS would occur at Stage 2 and therefore there would be limited risk from construction traffic. Conditions of consent are included to ensure that only the type of redox flow battery assessed under the PHA may be installed, that the recommendations of the PHA are implemented and that decommissioning ensures safe disposal of the BESS and any site decontamination.



**Figure 6:** Vanadium Redox Flow BESS (source: PHA)

#### Chapter 4: Remediation of Land

A preliminary investigation is required if development would involve a change of use on any land specified under clause 4.6(4), including where development for a purpose referred to in Table 1 of the *Managing Land Contamination - Planning Guidelines (1998)* is being, or is known to have been carried out. As Table 1 in the Guideline includes the previous use of the site for agricultural activities and the proposal involves a change of use to electricity generating works, a preliminary investigation was undertaken.

The Preliminary Investigation consisted of a desktop assessment (no site inspection was undertaken) that included consideration of title and planning information, topography, drainage, geology, hydrogeology, groundwater use, EPA records, public databases, aerial imagery, business use records and maps. It identified potentially contaminating land activities as being the rail corridor, agricultural operations, operations of the Boggabri Coal Mine and potential minor land filling or septic tank. The report concluded that there is potential for soil and fill to be impacted by current and former onsite and offsite activities. It recommended that any approval be subject to a condition regarding an unexpected finds protocol.

Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. On the basis of the available information, the

subject site in its current state is considered to be suitable (subject to conditions of consent) for the proposed development, which is not a sensitive land use, does not require significant excavation and will not involve staff permanently on site, except during the construction phase.

The proposal is considered to be consistent with *SEPP (Resilience and Hazards)* 2021.

### ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

#### **Chapter 2: Infrastructure**

- Section 2.36(1)(b) – Development permitted with consent - enables electricity generating works to be carried out with consent on any land in a prescribed non-residential zone. Section 2.35 defines a “prescribed non-residential zone” as including the RU1 Primary Production zone. Therefore, as the subject site is zoned RU1 Primary Production, it is permissible with consent under the SEPP. These provisions prevail over any inconsistency in any other planning instruments, inclusive of the Narrabri LEP 2012.
- Section 2.122 – Traffic generating development. Electricity generating works are not identified in Schedule 3 of the SEPP as traffic-generating development and as such would be classified in the schedule as ‘any other purpose’ which requires referral to TfNSW if it involves a development that generates:
  - 50 or more motor vehicles per hour in the case of it having access to classified road or to a road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)’, or
  - 200 or more motor vehicles per hour if the site has access to a road.

The application was not referred to TfNSW as the site is accessed via a private mine haul road (the Maules Creek coal mine access road) which is not a classified road, nor is the proposed access within 90m of connection to a classified road and the proposal will not generate the traffic volumes indicated above.

The proposal is considered to be consistent with *SEPP (Transport and Infrastructure)* 2021.

### **Narrabri Local Environmental Plan 2012**

The relevant local environmental plan applying to the site is *Narrabri Local Environmental Plan 2012* (‘the LEP’).

#### **Aims of the LEP**

The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving—
  - (i) land of significance for agricultural production, and
  - (ii) timber, minerals, soil, water and other natural resources, and
  - (iii) areas of high scenic or recreational value, and
  - (iv) native plants and animals including threatened species, populations and



ecological communities, and their habitats, and  
(v) places and buildings of heritage significance,

(b) to provide a choice of living opportunities and types of settlements,

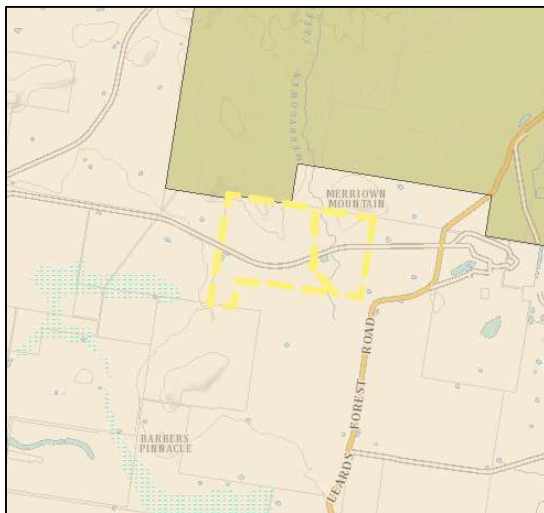
(c) to facilitate development for a range of business enterprise and employment opportunities,

(d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes.

The proposal is consistent with the aims of the LEP as it will facilitate a business enterprise and employment opportunity (particularly during the construction phase) on land that is not comprised of significant agricultural land, nor is it likely to compromise the biodiversity values of the creek located to the west of the development site. It will also contribute to the economic needs of the community by providing sustainable renewable energy to the grid following (or prior to) the closure and rehabilitation of the mine.

### Zoning and Permissibility

The site is located within the RU1 Primary Production Zone pursuant to clause 2.3 of the *Narrabri Local Environmental Plan 2012* (the LEP) (**Figure 7**). The proposal for electricity generating works is not permissible in the zone under the LEP, although is permissible with consent on any land in a prescribed non-residential zone under clause 2.36(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the SEPP). As the RU1 Primary Production Zone is a prescribed non-residential zone under the SEPP, electricity generating works are therefore permissible with consent within the zone.



**Figure 7** – RU1 Primary Production Land Use Zone of the Property (yellow) and Surrounding Area (source: NSW Planning Portal Spatial Viewer)

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

- encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- encourage diversity in primary industry enterprises and systems appropriate for the area.

- minimise the fragmentation and alienation of resource lands.
- minimise conflict between land uses within this zone and land uses within adjoining zones.
- allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal will provide renewable energy and enhance the natural resource base
- The facility will be decommissioned and all infrastructure removed at the end of its effective life (approximately 35 years), so permanent alienation of land for primary industry will not occur.
- The solar farm will have minimal impact on the surrounding land uses and can coexist with existing mining and agricultural practices, given that it is centrally located on an extensive 280ha land parcel owned by Boggabri Coal Mine.

#### Clause 5.10 Heritage conservation

The site is not identified as, or located near, any items of environmental heritage significance listed in the LEP. An Aboriginal Cultural Heritage Assessment (ACHA) was undertaken by OzArk and included a search of Commonwealth heritage listings, heritage listings in the *Narrabri LEP 2012* and the Aboriginal Heritage Information Management System (AHIMS). The search resulted in no identified listings for the development site. A field survey was conducted over a broader 27ha area that recorded 5 Aboriginal sites within the proposed development site. The proposed development layout was redesigned to avoid impact to sites 3, 4 and 5. The development site was originally offset from Merrygowen Creek by 30m, but this was extended to a minimum of 80m to avoid impact to this sensitive area. A subsurface archaeological test excavation was then also undertaken and found an additional 3 Aboriginal sites within the development area. All 8 sites were reported by OzArk for inclusion on AHIMS. As harm to sites 1, 2, 6, 7 and 8 is unavoidable, the ACHA recommended seeking an impact permit from Heritage NSW. Should Heritage NSW issue a permit, salvage collection would only occur for sites 1 and 2, as sites 6 to 8 were partially harmed by the test excavation and the artefacts have already been removed. These findings are summarised in **Table 4** below and the location of the sites is shown in **Figure 8**.

Aboriginal Sites	OzArk Recommended Action
<b>Field Survey</b>	
Site 1	A Heritage NSW AHIP to permit impact and salvage collection is required
Site 2	A Heritage NSW AHIP to permit impact and salvage collection is required
Site 3	Protect via consent condition
Site 4	Protect via consent condition
Site 5	Protect via consent condition
<b>Sub-surface Archaeological Test Excavation</b>	
Site 6	A Heritage NSW AHIP to permit impact is required
Site 7	A Heritage NSW AHIP to permit impact is required
Site 8	A Heritage NSW AHIP to permit impact is required

**Table 4** – Aboriginal cultural heritage field investigation results



**Figure 8** – location of Aboriginal sites (source: OzArk)

The ACHA was undertaken in collaboration with 23 groups of individuals who registered to be consulted as a Registered Aboriginal Party (RAP). Consultation included the Red Chief, Narrabri and Tamworth Local Aboriginal Land Councils. 81% of the artefacts found were unmodified flakes (**Figure 9**) and in general the artefacts were small and fragmentary. Although all sites have high cultural value, they were assessed as having low archaeological/scientific and aesthetic value and no historic value. It's therefore considered that the proposed development will have a very low impact on Aboriginal cultural heritage values. The RAP's consulted agreed with this finding. Recommended consent conditions ensure protection of sites 3 to 5 and outline the procedure in the event of any unexpected finds during site preparation and construction works.



**Figure 9:** Typical artifacts found (source: ACHR)

## Clause 6.1 Earthworks

The proposed development includes minor earthworks associated with the construction of the solar farm. These works include:

- site levelling
- construction of the internal access road and secondary access
- footings for the solar infrastructure
- creation of a construction hard stand area and parking area
- open trenching for underground cables, and
- installation of fence posts, gate posts and new power poles

Clause 6.1(3) indicates that before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

comment: the proposed excavation is minor will not significantly alter the existing drainage patterns. Soil stability is addressed in the recommended conditions via erosion and sediment controls.

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

comment: the facility will be decommissioned at the end of its useful life and returned to its former condition therefore not altering the likely future use of the land.

- (c) *the quality of the fill or the soil to be excavated, or both,*

comment: the proposal doesn't require the importation of fill.

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

comment: the two closest properties adjoin the eastern boundary and are in mine ownership. The applicant has agreed to a condition of consent to demolish both dwellings and therefore there will be no amenity impacts on adjoining properties.

- (e) *the source of any fill material and the destination of any excavated material,*

comment: the proposal doesn't require the importation of fill and excavated material resulting from minor earthworks will be spread across the site.

- (f) *the likelihood of disturbing relics,*

comment: An Aboriginal Cultural Heritage Assessment has identified that there is potential for disturbance to relics both identified and unidentified. An Aboriginal Heritage Impact Permit will be sought from Heritage NSW regarding unavoidable harm to identified objects and an unexpected finds protocol has been included in the recommended conditions.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

comment:

The site lies within a fork of the Merrygowen Creek, which runs in a north south direction with a tributary adjacent to both the western and eastern site boundary. To avoid potential adverse impacts to the waterway, conditions are recommended to ensure erosion and sediment controls are implemented prior to the issue of a Construction Certificate.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

comment: The recommended conditions include measures to address the potential impacts of excavation.

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

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

There are no exhibited draft environmental planning instruments relevant to this development application.

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

There are no DCP controls that apply to the proposed development. Council has an *Industrial Development Code 1993*, although the proposal is not industrial development, as electricity generating works have a stand-alone definition in the Dictionary of the *Standard Instrument – Principal Local Environmental Plan 2006* (Standard LEP) and do not form part of a parent definition (i.e. such as industry). Council has not adopted the Standard LEP definition for electricity generating works and does not have any DCP controls that refer to this type of development.

The following contributions plan is relevant pursuant to section 7.12 of the EP&A Act (notwithstanding Contributions plans are not DCPs they are required to be considered):

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

The plan applies to all applications for development consent within the Narrabri Shire Local Government Area. For development with a CIV of more than \$200,000, the plan enables a levy of 1% of the cost of development under s7.12 of the EP&A Act. This Contributions Plan has been considered in the consent conditions.

#### **(b) Section 4.15(1)(a)(iiia) – 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.

#### **(c) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains additional matters that must be taken into consideration by a consent authority in determining a development application, although none

of the matters are relevant to the proposal. It is considered the application is consistent with the objectives of the regulations.

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

Under section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality must be considered. Potential impacts related to the proposal that have not been considered above in response to SEPPs and LEP controls are assessed below.

#### BIODIVERSITY VALUES

The Merrygowen Creek is located a minimum of 80m to the west of the development site and has a biodiversity values mapping overlay (**Figure 10**). Clearing of native vegetation on land shown on the Biodiversity Values Map may require a Biodiversity Development Assessment Report. The proposal does not include any tree removal either on (site vegetation is predominantly grassland) or adjacent to the development site. A recommendation of the Aboriginal Cultural Heritage Assessment Report is that temporary hi-vis fencing be erected along the western boundary of the project area to ensure that archaeologically sensitive landforms surrounding Merrygowen Creek are not harmed during construction and that this area should not be driven on by construction vehicles or used to stockpile materials. These recommendations will be conditioned and will serve a dual purpose of protecting any biodiversity values within and adjoining the creek during the construction period.



**Figure 10** – Development site – Biodiversity Values Map (Source: NSW Spatial Viewer)

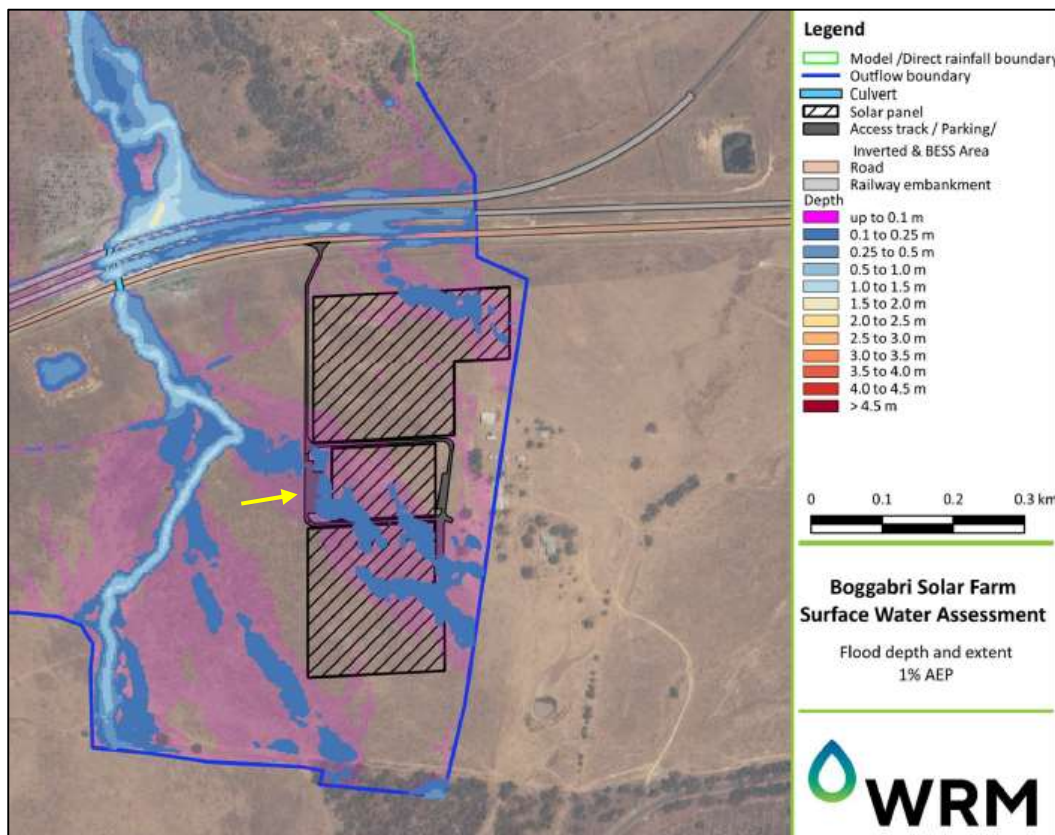
The development site is not impacted by any biodiversity offsets associated with the Boggabri Coal Mine. A Boggabri Coal Mine Offset Properties Plan shows the development area as agricultural land, not land within an identified offset area.

#### FLOODING

A Surface Water Assessment undertaken by WRM indicates that the site is generally safe for vehicles and people in all storm events. The site is a minimum of 1.18m above the Nagero Creek 1% AEP flood level and therefore the site is not affected by Nagero Creek flooding for the 1% AEP event. Although, flow will overtop the banks of the Merrygowen Creek and create shallow sheet flow across the development site to a maximum predicted depth of 0.15m. It is noted that solar panels will be positioned at least 0.4m above ground on steel piles and the BESS, inverter station and kiosk will be housed in purpose-built shipping containers and can sit on concrete skids a minimum of 0.3m or more above ground level. The report recommends that the containerised infrastructure should be located outside the areas subject to overland



flow where possible, although **Figure 11** shows this has not occurred. The Surface Water Assessment was referred to a consultant engineer for comment, who raised no concerns. A consent condition is recommended to ensure all solar infrastructure is located above the maximum predicted water levels.



**Figure 11** – Flood depth and extent 1% AEP. The location of containerised infrastructure is shown in purple and indicated by the yellow arrow (Source: Surface Water Assessment)

## GLINT, GLARE AND VISUAL IMPACT

A Glint and Glare Impact Assessment was prepared that provided a viewshed analysis based primarily on topography, but also considered mitigating factors such as existing vegetation, buildings and minor topographic variations (no field tests were undertaken). The modelling considered residential receptors within 3km as well as people travelling along roads and rail within 1km (there are no aviation facilities within 5km). The report identified 3 dwellings within 3km that all have high visibility of the development site (**Figure 12**), although indicated that during normal operation no glare hazard is geometrically possible. It concluded that with use of a backtracking operation and minimum limit of 5 degree resting angle for solar panels (both being standard operating procedure), that no additional mitigation measures are required to manage potential impacts of glare.

The SEE indicates that the solar farm will have minimal visual impact as:

- the site is located sufficient distance from any residential areas to minimise visual intrusion
- trees along Leards Forest Road provide a visual barrier to the site
- mine workers travelling along the private access road may experience a minor visual impact, and
- the site is located within a slightly undulating valley with steep hills and ridges to the north and smaller hills and pinnacles to the south, east and south-west.

Given these factors, the proposed development does not include any landscaping.

It's considered that the development site, particularly given the proposed 2.3m security fence topped with 3 strands of barbed wire, will present a negative visual interface without the benefit of any landscape screening. However, the three dwellings within 1.5km of the solar farm are owned by Boggabri Coal Mine for the purpose of worker accommodation and therefore any residents are unlikely to be concerned with the visual impact of the solar farm. The nearest resident within a dwelling not owned by the mine is located 3.4km to the south and at that distance is unlikely to be significantly visually impacted. Therefore, given that:

- there are no nearby dwellings not owned by the mine
- views of the solar farm will be largely limited to mine workers utilising the private access road, and
- the site is located within a mining area (rather than a residential or agricultural area) with much of the surrounding land owned by the Boggabri Coal Mine,

it is considered that a landscape screen is not required in this instance.



**Figure 12** – Viewshed Analysis showing visibility from 3 dwellings within 1.5km (source: Glint and Glare Impact Assessment).

## NOISE

The development site is subject to cumulative noise pollution due to the nearby heavy vehicle mining generated traffic, adjacent railway operations and operations at three open cut coal mines in proximity, undertaking activities that include drilling, blasting, excavation, extraction and haulage. The SEE indicates that noise levels during both construction and operation will be below acceptable threshold levels at the dwellings located a distance of 1.5km and 3.4km from the site. It also states that noise is expected to be indistinguishable from other background noise and no noise mitigation measures are proposed.

The two nearest dwellings that adjoin the eastern boundary of the site would not be impacted by construction noise as they are currently unoccupied and can be conditioned to remain unoccupied (given noise impacts on these dwellings were not considered by the SEE) until they are demolished prior to issue of an occupation certificate.

As the SEE has indicated noise levels will be below acceptable threshold levels at the mine owned dwelling at 1.5km away and the privately owned dwelling a considerable distance away at 3.4km, it's considered that noise impacts are likely to be minor.

The SEE proposes the following construction hours:

- Monday to Sunday 7am to 6pm
- No work on public holidays

Normally construction hours would be limited to 8am to 1pm on Saturdays and no work to be undertaken on Sundays, although the proposed hours are considered acceptable, given that:

- The development site forms part of a large 280ha property that will help buffer noise impacts
- The nearest privately owned dwelling is 3.5km away and unlikely to be significantly impacted by construction activities, and
- There are a few rural dwellings between the site and the Kamilaroi Highway that may be impacted by traffic noise, although if the 3 local coal mines operate on Saturdays and Sundays, these dwellings will already be impacted by heavy vehicle traffic noise.

## PARKING, TRAFFIC AND ACCESS

Annexure 1 to the *Narrabri Shire DCP Parking Code No.1* does not include any parking requirements applicable to this development type. There are no solar farm guidelines in NSW or other states that provide advice regarding the provision of car parking. Car parking provision for solar farms approved across the regional planning panels does not enable comparative analysis given a lack of consistency, with car parking provision ranging from zero to 40 spaces, and limited (if any) justification provided. The plans indicate twenty (20) parking spaces that will cater for a peak of 50 construction staff and an average of 20 staff over 18 weeks of active construction. Given a peak of 50 construction staff and an estimated peak of 25 worker vehicles per day, the SEE anticipates some staff to ride share. Given the lack of solar farm parking controls/guidelines/consistency, and that council's Development Engineer has raised no objection, it is considered that the proposed parking is satisfactory, subject to conditions.

The construction period will be 24 weeks (including 18 weeks of active construction and six weeks of testing and commissioning) during which an estimated total of 50 container/trailer deliveries of materials and 270 deliveries of full and surfacing materials will occur, predominantly originating in Sydney, although local suppliers will be sought where possible. All construction traffic will utilise the adjoining private haul road, that is indicated to be operating below capacity and able to accommodate construction traffic generation. In terms of operational traffic, the site will be generally unmanned and operated remotely, with one or two local subcontractors undertaking care and maintenance managed by the Electrical Maintenance team at Boggabri Coal Operations. Maximum operational traffic is estimated at one vehicle making two trips per day. Council's Development Engineer has raised no concerns regarding traffic generation or routes and a Traffic Management Plan can be conditioned.

**Figure 5** shows the proposed primary access point from the north-west corner of the site providing access via the private coal haulage road that links to the Kamilaroi Highway to the west. An internal looped access road will be provided to enable on-site turning of vehicles. A secondary, emergency access point is proposed on the eastern boundary via an existing track connecting to Leards Forest Road (**Figure 13**). The staff parking and laydown area will be located on either side of the emergency access point (rather than off the primary access point). Council's Development Engineer has raised no object to the proposed access arrangements, subject to conditions.



**Figure 13** – Location of the existing access track proposed to be utilised for emergency access

## ADJOINING DWELLINGS

Two dwellings located approximately 80m from the eastern boundary of the site are currently uninhabited and the SEE indicates that they would remain so for the life of the solar farm. Despite this, monitoring and compliance to ensure that these dwellings are not utilised is problematic. Potential use of these mine owned dwellings raises concerns regarding:

- severe noise impacts during the 18-week active construction period
- use of the emergency access track, particularly by heavy vehicles, alongside the dwellings during the construction stage, would cause significant traffic noise and pedestrian safety impacts for any occupants
- The hazard screening assessment indicated a serious risk of harm to human life from a fire within a single BESS to persons within 200m. The report suggested that further assessment be undertaken to determine the risks within a radius of 200m to 250m. There was no consideration given to the potential impacts of a fire within multiple BESS units or that residents of these dwellings could be outdoors and closer than 270m (i.e. the distance of the nearest dwelling) from the BESS at the time of a fire event. This creates an ongoing potential hazard until such time as the solar farm is decommissioned.

Rather than undertake further hazard assessment regarding a Li-Ion BESS, or obtain partial approval (i.e. approval of the solar farm with the exception of a BESS), the applicant chose to accept a condition of consent that both dwellings be demolished prior to the issue of an occupation certificate.

## DECOMMISSIONING

The application includes minimal information regarding decommissioning, although this has been conditioned to require a Decommissioning Management Plan to be submitted to council for approval 12 months prior to the proposed commencement of decommissioning, or 34 years from issue of the occupation certificate, whichever is sooner. Recycling methods and initiatives

are rapidly developing and therefore it's appropriate to wait until decommissioning is imminent, in order to take full advantage of future technologies.

The Rehabilitation Management Plan (RMP) April 2020, for the Boggabri Coal Mine does not include any requirements for rehabilitation of that part of the site proposed for the solar farm. The applicant has indicated that there should not be any interaction between the mine rehabilitation requirements and the solar farm. This is logical given that the solar farm is likely to continue to operate long after closure of the coal mine and should not be prematurely closed in order to meet any rehabilitation requirements for the mine. Although the RMP does cover all mine associated infrastructure including the private haul road and the power-line easement. The RMP should be updated to ensure that the required section of the haul road and electricity infrastructure are left in place until closure of the solar farm, to enable its continued operation. It may be that the emergency exit via Leards Forest Road is intended to address this, given an emergency exit is not required for flooding or bushfire hazard purposes.

A concern exists that the solar farm has an expected life of 35 years, and yet the Boggabri Coal Mine only has approval to operate for a further 12 years. Therefore, a condition of consent is proposed that a notation be placed on the land title to ensure that the landowner is held responsible for ensuring that the solar farm is adequately decommissioned. Verbal advice has been obtained from the Land Titles Office confirming that this is possible.

### **Social Impact**

The proposed development is unlikely to pose any significant negative social impact as the development site is located 3.4km from the nearest privately owned dwelling.

### **Economic Impact**

The project may introduce an additional renewable energy source, should the solar farm eventually be connected to the grid following stage 2 of the development. The project will bring economic benefits to the area through the creation of employment opportunities during the construction phase, although existing mine workers will service the maintenance needs of the solar farm during the operational phase.

### **Cumulative Impact**

The potential impacts of the development on both the built and natural environments, as well as the social and economic aspects, have been carefully considered, taking into account the cumulative effects that may arise. The project's design, location, scale, limited lifespan and eventual decommissioning reduce the potential for cumulative impacts. Measures to prevent or mitigate any potential cumulative effects have been included in the recommended conditions.

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

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

The subject site is considered suitable for the proposed development, subject to the recommended conditions, for the following reasons:

- the purpose of the solar farm is to provide renewable energy for operation of the Boggabri Coal Mine and therefore the site which is in proximity to the coal mine and is owned by Boggabri Coal Mine is well suited.



- the site is not being used for agricultural purposes and therefore will not result in any loss of agricultural production
- with regard to potential hazards, the site is not bushfire prone, flood affected or contaminated.
- the site is cleared of vegetation and therefore the development will have no significant adverse effects on flora or fauna
- given the passive nature of the proposal, as well as its limited life and eventual decommissioning, it is unlikely that there will be any significant long-term adverse impacts.

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

There were no public submissions received.

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

It is considered that the public interest is best served by the application of the requirements of the relevant legislation and environmental planning instruments to ensure that any adverse effects on the surrounding area and the environment are avoided. Based on a thorough review and analysis of the proposed development, it has been determined that the proposal is generally consistent with the relevant planning controls that apply to land use and development in the Narrabri local government area. Following a comprehensive assessment, it is concluded that the proposed development is unlikely to give rise to any significant adverse impacts that are contrary to the public interest, subject to the recommended conditions of consent to adequately mitigate potential impacts.

Furthermore, the proposal will provide positive public benefits including:

- It will enable the Boggabri Coal mine to run solely on renewable energy during its daytime operations, thereby reducing its carbon footprint,
- any excess energy generated by the solar farm may eventually be provided to the local electricity grid system, and
- employment opportunities for the local community during the construction phase.

In view of the above, on balance, it is considered that the proposal is consistent with the local and wider public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to Essential Energy and Transgrid as required by SEPP (Transport and Infrastructure) 2021 and outlined below in **Table 5**. There are no outstanding issues arising from the referral requirements.

**Table 4: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements</b> (s4.13 of EP&A Act)			N/A



Referral/Consultation Agencies			
Essential Energy	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> . Development near electrical infrastructure	No objections raised by Essential Energy, only general comments regarding safety. These comments are included as advice in the recommended conditions.	Yes
Transgrid	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> . Development near electrical infrastructure	Transgrid own a transmission line in the vicinity and therefore a referral was issued. Transgrid have no objections subject to conditions.	Yes
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.	The proposal is not deemed “traffic generating development and was not referred to TfNSW.	N/A
Integrated Development (S 4.46 of the EP&A Act)			
		The applicant has not nominated the proposal as integrated development.	N/A

## 4.2 Council Officer Referrals

The development application was referred to three (3) specialists for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Development Engineer	Council's Manager of Assets and Engineering reviewed the access, parking and stormwater drainage aspects of the proposal and raised no objections subject to conditions.	Yes
Flood Engineer	Jonathan Cuell of Burchills Engineering Solutions was asked to comment on the Surface Water Assessment and raised no concerns.	
Waste	Council's Director Infrastructure Delivery has raised no objections subject to a condition requiring preparation of a Waste Management Plan for the construction and operational stages.	Yes

## 4.3 Community Consultation

The proposal was notified in accordance with council's Community Participation Plan from 6 to 27 February 2024.

The notification included the following:

- notification letters
- a sign on the site, and
- advertisement in a local paper.

At the conclusion of the notification period, no submissions were received by council.

## 5. CONCLUSION

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The development application has been considered in accordance with the requirements of the EP&A Act 1979 and the associated Regulations as outlined in this report. Following a thorough assessment, the proposal is considered to be generally consistent with the relevant planning objectives and controls. The proposed development is unlikely to have any unreasonable impact on the environment or the locality and no public submissions or agency objections were received. The key issues of potential hazards, contamination, Aboriginal cultural heritage and decommissioning have been resolved satisfactorily in the recommended conditions at **Attachment A**. The proposal is suitable for the site, compatible with the locality and is considered to be in the public interest. Given the above factors, it is considered that the application can be supported.

## 6. RECOMMENDATION

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That the development application [DA No.2024/0067] for an electricity generating works (solar farm) and battery energy storage system at Lot 21 DP754940, Boggabri 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**.

## 7. ATTACHMENTS

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The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Demolition of adjoining dwellings