

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

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| <b>PANEL REFERENCE &amp; DA NUMBER</b> | PPNTH-360 – DA2024/50  |
| <b>PROPOSAL</b>                        | Construction of a 4.95MW solar farm, ancillary battery storage and associated plant, fencing and landscaping.  |
| <b>ADDRESS</b>                         | LOT: 1 DP: 606406 - 'Josh-ben' 408 Burrington Road<br>MOREE  |
| <b>APPLICANT</b>                       | Chris Smith & Associates on behalf of ACEnergy Pty Ltd   |
| <b>OWNER</b>                           | Mitchell Heal  |
| <b>DA LODGEMENT DATE</b>               | 02/09/2024   |
| <b>APPLICATION TYPE</b>                | Development Application  |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b> | Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as:<br>The proposed Solar Farm is private infrastructure ( electricity generating works) with a CIV of over \$5 million.  |
| <b>CIV</b>                             | \$8,050,373.00 (including GST)<br>\$7,318,521.00 (excluding GST)   |
| <b>CLAUSE 4.6 REQUESTS</b>             | None   |
| <b>KEY SEPP/LEP</b>                    | <ul style="list-style-type: none"> <li>• Environmental Protection and Biodiversity Conservation Act 1999 &amp; Regulations 2000;</li> <li>• Biodiversity Conservation Act 2016;</li> <li>• National Parks &amp; Wildlife Act 1974;</li> <li>• Contaminated Land Management Act 1997;</li> <li>• Heritage Act 1977;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021;</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>• State Environmental Planning Policy (Planning Systems) 2021;</li> <li>• State Environmental Planning Policy (Primary Production) 2021;</li> <li>• Moree Plains Local Environmental Plan 2011;</li> <li>• Moree Plains Development Control Plan 2013.</li> </ul> |

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| <b>TOTAL &amp; SUBMISSIONS ISSUES SUBMISSIONS</b>   | <p>Two (2) unique submission.</p> <p>Key issues includes:</p> <ul style="list-style-type: none"> <li>Impact on land use in the rural zone.</li> <li>Concerns about local ecological systems, air quality, soil erosion, flooding, visual amenity, glare, traffic, local Aboriginal heritage, reticulated water use, neighbouring land value, weather, and natural phenomena.</li> </ul>  |
| <b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>        | <ul style="list-style-type: none"> <li><i>Attachment A: Draft Conditions of consent</i></li> <li><i>Statement of Environmental Effects (by Chris Smith &amp; Associates, August 2024)</i></li> <li><i>Appendix A – AHIMS Search (by Chris Smith &amp; Associates, 21/02/2024)</i></li> <li><i>Appendix B – Acoustic Report (by Watson Moss Growcott Acoustics, Ref No.13172-1jg)</i></li> <li><i>Appendix C – Bushfire Management and Emergency Response Plan (by Harris Environmental Consulting, Ref No. 6723BF)</i></li> <li><i>Appendix D – Preliminary Flora and Fauna Report (by Waratah Ecology, Ref No. WE20240709A)</i></li> <li><i>Appendix E – Flood Risk Report (by Water Technology, Ref No.23010129_Moree_R01V01)</i></li> <li><i>Appendix F – Traffic Impact Assessment (by Barker Ryan Stewart, Project Ref No.. 240147)</i></li> <li><i>Appendix G – Stormwater Management Plan (by Planit Consulting, Ref No.J8074)</i></li> <li><i>Appendix H – Landscape Plan (by Ground Control, Ref No.24670)</i></li> <li><b>Plans of Proposed Development</b> (by ACEnergy, Project No. 23147)</li> <li><b>Visual Impact Assessment</b> (by ACEnergy Pty Ltd dated 7 February 2025)</li> <li><b>Operational and Land Management Report</b> (by ACEnergy Pty Ltd dated 2025)</li> </ul> |
| <b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b> | Not applicable   |
| <b>RECOMMENDATION</b>                               | Approval   |
| <b>DRAFT CONDITIONS TO APPLICANT</b>                | Yes – see Attachment 1   |
| <b>SCHEDULED MEETING DATE</b>                       | 11 March 2025  |
| <b>PLAN VERSION</b>                                 | <ul style="list-style-type: none"> <li><b>Plans of Proposed Development</b> (by ACEnergy, Project No. 23147 – Revision B dated 05/08/2024)</li> </ul>  |

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|                       | <ul style="list-style-type: none"> <li>• <b>Landscape Plan</b> (<i>by Ground Control, Ref No.24670</i>)</li> </ul> |
| <b>PREPARED BY</b>    | Paul Sio   |
| <b>DATE OF REPORT</b> | 24 February 2025   |

## EXECUTIVE SUMMARY

The development application DA2024/50 seeks consent for a 4.95MW electricity generating facility (i.e. solar farm). The subject site is known as 408 Burrington Road Moree ('the site') and comprises an allotment with single road frontage to a public road; being Burrington Road to the east. The property has an area of approximately 42ha, although the development site has an area of 15ha. The subject site is not currently being used for any form of agriculture however there is an existing dwelling house to the north eastern aspect of the property boundary.

The site is located approximately 12km south of Moree. Uses within the broader area include electricity generating works, grazing, cropping, mining and scattered rural residential dwellings, with freight, rural manufacturing and storage activities.

The site is located in the RU4 Primary Production – Small Lots zone pursuant to clause 2.3 of the Moree Plains Local Environmental Plan 2011 (the LEP). Electricity generating works are permissible within the zone under the LEP; the land use activity 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 RU4 Primary Production – Small Lots 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 Moree Plains Local Environmental Plan (LEP) 2011.

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 (the Act). A referral was sent to Essential Energy who raised no concerns, although a referral to the NSW Rural Fire Service (RFS) did result in a recommendation for the implementation of the Bushfire Management and Protection Measures as proposed by Harris Environmental Consulting

The application was on public exhibition from 10 September to 27 September 2024, with two (2) submissions being received by Council. There were no unique submissions in support and 2 unique objections, although the 2 objections may have been written jointly and submitted by 2 different people during the notification period; one being in the form of an objection letter and the other being a petition letter signed by 24 nearby residents.

The application is referred to 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. A briefing meeting was held with the North Regional Planning Panel on 11 December 2024.

Assessment of the application under section 4.15(1) of the 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.

These key matters ensure that the proposed solar farm is assessed comprehensively, balancing the benefits of renewable energy generation with environmental, social, and economic considerations.

The key assessment matters identified include:

- **Site Selection and Context** – The application has highlighted the proximity to existing electricity distribution infrastructure as a key factor in selecting this site. Also, using this small irregular (triangular) shaped agricultural site demonstrates how the application has considered ways of minimising impact on high-value agricultural land in the locality.
- **Environmental Impact** – The application has considered all the applicable environmental factors associated with the proposal with appendices to this application including a Flora and fauna assessment, Bushfire risk assessment, Noise impact on nearby residences and Flood risk management.
- **Visual Impact** – The application has considered all aspects in relation to the design and height of solar panels as well as landscaping and screening measures with appendices to this application including a Visual Impact Assessment.
- **Traffic, Parking and Access** – The application has considered all the applicable traffic impacts with appendices to this application including a Traffic Impact Assessment and a discussion relating to haulage and access routes during construction and operation, identifying the Newell Highway and Burrington Road as the primary roads and access points for this proposal.
- **Noise, Air, Dust and Pollution** – The application addresses exceedances relating to noise, air, dust and pollution which will impact two (2) nearby residential dwellings directly to the east, due to the proximity of their property to the proposed solar farm. These exceedances of acceptable levels and ranges are expected to be during the short-term construction phase only. However, these impacts will be minimised by the recommended conditions of consent
- **Construction and Operational Management** – The application has discussed all the remote monitoring and maintenance, security measures and waste management during construction and operation with appendices to this application including an Operational and Land Management Plan. The conditions of consent include a provision for a Construction Management Plan, and a notation on title to ensure the landowner/ lessee is responsible for site rehabilitation, should this not be undertaken by the developer.
- **Decommissioning and rehabilitation** – The application has indicated the intended lifecycle of the site, which will be decommissioned at the end of its useful life (subject to replacement of solar panels and evolving panel performance). 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 current agricultural potential. The conditions of consent include a provision for a Decommission Management Plan and a notation on title to ensure the landowner/

lessee is responsible for site rehabilitation, should this not be undertaken by the developer.

- **Community and Economic Impact** – The application has considered all local employment opportunities during the construction and operational phase of the proposal, its contribution to regional renewable energy supply and its impact on local agriculture by proposing to use local skilled tradesmen to install and hardwire the solar panels and contract two (2) local person to for maintenance and security purposes.
- **Planning and Regulatory Compliance** – The application is considered to be in alignment with NSW Renewable Energy Action Plan, is consistent with Moree Plains Local Environmental Plan and Development Control Plan and satisfies all mandatory statutory requirements as established.
- **Public Submissions and Concerns** – The application has addressed concerns regarding environmental impacts, visual impact, air, dust, noise, pollution, and bushfire risk by outlining and proposing mitigation measures for identified issues.

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 providing renewable energy and reducing reliance on fossil fuels.

It is recommended that DA 2024/50 for an electricity generating works (solar farm) at 408 Burrington Road Moree be APPROVED pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (the Act) 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 site is described as Lot 1 DP 606406 - 408 Burrington Road MOREE 2400. The site has an area of 16ha and is a generally rectangular section of the larger triangular shaped Lot 1 DP 606406 which has a total area of 42ha. The portion of the lot which is to be used for the purposes of the solar farm is in the southern section of Lot 1, with direct road access to Burrington Road to the east.

To the south-western aspect of the proposed solar farm is the Moree Solar Farm and to the south, cultivated cropping land. At present, the land which the solar farm is to be located on is vacant cropping land. The land is generally level, the survey plan indicating minimal variation of levels over the area where the solar panel arrays, BESS and other plant is to be located.

The temporary construction and laydown area is to be located approximately 60m off the eastern property boundary and just outside of the solar farm array area; closer to the established all weather road access from Burrington Road.

Flooding and stormwater are not considered a significant constraint for the site a 'Surface Water Assessment Report' prepared by Water Technology, dated 29 October 2024 (version 2), has been provided with the application which addresses stormwater related issues.

The site of the proposed solar farm (not temporary storage area to the east) is classified as Vegetation Category 3. However, the area to be utilised is cleared cropping land. Grass fires would appear to be the main, natural fire constraint however this can be resolved by vegetation management of the Asset Protection Zone (**APZ**). The proposed Battery Energy Storage System (**BESS**) would appear to be the main fire hazard however the RFS has been consulted and conditions recommended to mitigate this constraint.

## 1.2 The Locality

The proposed development is in rural land zoned RU4: Primary Production – Small Lots, with surround properties used for that purpose.

The surrounding area supports a mix of rural living and small-scale farming activities. The area consists mostly of residential properties as well as some commercial properties and agricultural land uses.

There is a 56MW photovoltaic solar plant located at the south western corner of the proposed site. The existing solar farm is owned and operated by FRV. The site location is approximately 4.6km south east from the Newell Highway; which is an arterial link to the regional township of Moree.

The development is located approximately 30km from the village of Gurley (Population 236 2016 Census) and is located approximately 12km from the Regional township of Moree.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for the Construction of a 4.95MW solar farm (Electricity Generating Works), associated plant, fencing and associated landscaping. Specifically, the proposal involves:

- The solar panels will be configured into 124 individual rows of varying lengths, each array will be mounted on single axis tracking arrays, each having the following specification:
  - o Nominal dimensions of 2.2m by 1.1m
  - o Maximum height of 2.2m above ground (when at maximum rotation)
- 1.8m high chain mesh perimeter fence around entire perimeter of facility, including a gate along the eastern boundary positioned to the front of compound.
- Landscaping along the north-east, east and south-east perimeter of the facility, as shown on landscape plan, directly outside the compound fence.
- Two (2) new power poles and overhead powerline connection to Essential Energy electricity distribution network with Burrington Road to the east.
- One (1) central medium-voltage power station (MVPS), with length of 13m, width 3m and height of 3m

- Four (4) Battery Energy Storage Systems (BESS) positioned centrally within the facility – each with a length of 10m, width of 2m, and height of 3m.

The key development data is provided in Table 1

**Table 1: Development Data**

| <b>Control</b>              | <b>Proposal</b>  |
|-----------------------------|--|
| Site area                   | 16ha   |
| GFA                         | Not applicable   |
| FSR<br>(retail/residential) | Not applicable   |
| Clause 4.6<br>Requests      | None   |
| No of apartments            | Not applicable   |
| Max Height                  | Panel height - 2.2m when tilted to 60 degrees from vertical. |
| Landscaped area             | Not applicable – however landscape screening proposed.       |
| Car Parking spaces          | 2 car spaces proposed.                                       |
| Setbacks                    | Not applicable   |

## 2.2 Background

The development application was lodged on 2 September 2024. A chronology of the development application since lodgement is outlined in Table 2.

**Table 2: Chronology of the DA**

| <b>Date</b>              | <b>Event</b>  |
|--------------------------|---|
| <b>10 September 2024</b> | *14 days notification period starting 12 September 2024 and closing 27 September 2024. Two (2) unique objection submissions were received.  |
| <b>18 October 2024</b>   | Request for Additional Information from Council to applicant about the objection submissions received. Applicant responded 31 October 2024. |
| <b>23 October 2024</b>   | DA referred to external agencies – NSW Rural Fire Service and Essential Energy for both concurrence and referral.                           |
| <b>1 November 2024</b>   | Council conducted a site visit and inspection of the proposed location  |
| <b>15 November 2024</b>  | Briefing Report completed by Council – DA Assessment Report is ongoing.   |

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| <b>11 December 2024</b> | Northern Regional Planning Panel Briefing meeting |
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## 2.3 Site History

The site where the solar farm is to be located has no previous development history.

## 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), 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 (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

### 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**

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 (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Moree Plains Local Environmental Plan 2011;*

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

**Table 3: Summary of Applicable Environmental Planning Instruments**

| EPI  | Matters for Consideration   | Comply (Y/N) |
|--|---|--------------|
| State Environmental Planning Policy (Biodiversity & Conservation) 2021 | <u>Chapter 2: Vegetation in non-rural areas</u><br>Impact of Development  | Yes          |
|  | <u>Chapter 3: Koala Habitat Protection 2020</u><br>Impact of the development on fauna and flora   | Yes          |
|  | <u>Chapter 4: Koala Habitat Protection 2021</u><br>Impact of the development on fauna and habitat   | Yes          |
| State Environmental Planning Policy (Planning Systems) 2021            | <u>Chapter 2: State and Regional Development</u><br>Whether development is State or Regionally significant  | Yes          |
| State Environmental Planning Policy (Primary Production) 2021          | <u>Chapter 2: Primary Production and rural development</u><br>Developments consistency with aims/objectives of the policy. Sustainability of the development. | Yes          |
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| SEPP (Resilience & Hazards)   | <u>Chapter 4: Remediation of Land</u><br><br>Previous use of the land and its suitability for the current proposal.   | Yes |
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| State Environmental Planning Policy (Transport and Infrastructure) 2021 | <u>Chapter 2: Infrastructure</u><br><br>Part 2(3) Development Controls:-<br><br>Definition of development<br>Permissibility<br>Effect on electricity network<br>Effect on Roads and traffic   | Yes |
|   |   |     |
| Proposed Instruments  | No compliance issues identified.  | -   |
|   |   |     |
| Moree Plains Local Environmental Plan 2011 (LEP)                        | <u>Part 2 - Permissibility and zone objectives</u><br><br>The development is defined as 'electricity generating works' and is not specifically listed under schedule 3 as 'Permitted with consent' nor is the use listed in schedule 4 – as 'Prohibited'. The use is therefore included as 'Any other development not specified in item 2 or 4' which is found at the end of the list of uses in Schedule 3 – 'Permitted with consent' pursuant to the LEP Land Use Table.<br><br>It is considered that the proposed Construction of a 4.95MW solar farm is consistent with the objectives of the land use zone for the following reasons:- <ul style="list-style-type: none"> <li>• The proposal will support the NSW Government Net Zero Plan Stage 1: 2020-2030 goal to work towards achieving Net Zero Emissions by 2050; and the <a href="#">Electricity Infrastructure Roadmap</a></li> <li>• The proposal will supply local businesses, industry and houses and will support the transition of Moree Plains into a renewable energy municipality;</li> <li>• The area to be used is limited to only 16ha and is situated along Burrington Road. In addition, the use could be removed in the future, so permanent alienation of land for other uses would not occur in the longer term;</li> <li>• The solar farm is suitably located close to Essential Energy 22kV infrastructure, so power can be routed to the state grid;</li> <li>• The use of 16ha of farmland for the solar farm will not unduly impact the rural character of the area.</li> </ul><br><u>Part 4 - Principal Development Standards –</u> | Yes |

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|  | <p>Non-Applicable</p> <p><u>Part 5 - Miscellaneous provisions</u></p> <p>Clause 5.10 – Heritage Conservation</p> <p>Heritage was considered during the assessment. In brief, it is concluded that the site does not contain any European heritage items, conservation areas or indigenous places or objects.</p> <p>The site is not identified as or located near a known Aboriginal Place of Heritage Significance on the Aboriginal Cultural Significance map, or in the Moree Plains Aboriginal Heritage Study and therefore no Aboriginal Heritage Impact Assessment is required.</p> <p>Clause 5.21 - Flood Planning</p> <p>CI 5.21(2) requires Council to consider developments and their impact on the land, riparian systems, other properties and people. It is noted that the site is not situated within the Gwydir Floodplain Management Zone.</p> <p>The applicant has provided a 'Flood Risk Report' prepared by Water Technologies Pty Ltd, dated 29 October 2024, which has addressed the above issues.</p> <p><u>Part 7 Additional Local Provisions</u></p> <p>7.1 Earthworks</p> <p>Before granting development consent for earthworks, the consent authority must consider the impact of works on the site and environs. In this regard no significant excavation is required or proposed, the minimal earthworks are limited to minor levelling, shallow excavation for slabs and footings and gravel for access roads.</p> <p>Clause 7.7 - Places of Aboriginal Cultural Significance</p> <p>The development is not located on land identified as "place of Aboriginal cultural significance" on the Aboriginal Cultural Significance Map Sheet ACS_004, included with the LEP.</p> | <p>Yes</p> <p>Yes</p> |
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|  | <p>The majority of the increase in impervious area consists of solar panels, which produce runoff with very low pollutant loading. Accordingly, no stormwater quality modelling has been completed, and runoff (if any) over grass areas is deemed appropriate for treatment before discharging offsite.</p> <p><u>Effects on Riparian areas</u></p> <p>The site 'does not contain, nor is it in close proximity, to any classified watercourses and as such riparian corridors are not impacted as part of the development' is also agreed with and raises no concerns in this issue</p> <p><u>Transport Issues</u></p> <p>As already addressed within this report, the 6-month construction period will attract the most vehicles to the site, but due to the number of vehicle trips expected and the direct access obtained via Burrington Road, no adverse traffic issues are expected.</p> <p>Ample parking is available onsite for workers during the construction phase and during the operational phase with a maximum of 2 electrical subcontractors expected at any one time for componentry maintenance.</p> <p><b><u>*Chapter 10 - Notification Policy</u></b></p> <p>The DA was publicly notified in accordance with Council policy for a period of *14 days commencing 12 September 2024 and closing 27 September 2024. The notification included letters to property owners/occupiers.</p> <p>Council received two (2) submissions objecting to the proposed development. The objections highlighted concerns about the proposed land use activity (solar farm) and preferred types of land uses within the rural zone. The objections also highlighted concerns about the local ecological systems, including potential air quality and soil erosion issues. Additional issues raised include flooding impacts, visual amenity and glare, traffic impacts, local Aboriginal heritage, the use of reticulated water, the effect of the proposal on neighbouring land value and capital growth, and the effects of weather and natural phenomena on the proposal.</p> <p>The applicant has provided a response to noted objections and a copy of this letter has been circulated to the Panel for consideration.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
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| Section 7.12<br>Contributions                              | <p>MPSC has adopted a contribution for development with a 'value greater than \$200,000 being 1.0% of the value'.</p> <p>The proposed solar farm has a CIV of \$ \$7,318,521.00; therefore 1% of that figure (included as a condition of consent) is \$ 73,185.21</p>  | Yes |
| <b>Large-Scale Solar Energy Guideline - 2022 - NSW DPI</b> | <p>This Guideline has been developed for State Significant Development (<b>SSD</b>) which is not the case in the current development, however, the general assessment requirements include:-</p> <ul style="list-style-type: none"> <li>• Landscape/visual impacts;</li> <li>• Agricultural land use;</li> <li>• Infrastructure contributions;</li> <li>• Waste management;</li> <li>• Decommissioning and rehabilitation;</li> <li>• Glint and glare;</li> <li>• Biodiversity;</li> <li>• Traffic/transport;</li> <li>• Water management;</li> <li>• Noise &amp; vibration;</li> <li>• Air quality;</li> <li>• Social &amp; economic impacts; and;</li> <li>• Hazards</li> </ul> <p>The above issues have been covered in the SEE/consultants reports provided in this application, and in this assessment.</p> |     |

Consideration of the relevant SEPPs is outlined below:

***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

Chapter 2: Vegetation in non-rural areas

The proposed solar panels and infrastructure are located on a cleared paddock; It is not considered the biodiversity values of trees and other vegetation will be impacted.

Chapter 3: Koala Habitat Protection 2020

The solar panel farm is not located in Primary or secondary class A or B habitat; however, some Secondary Class B land is located nearby.

Chapter 4: Koala Habitat Protection 2021

No areas of natural vegetation that provide habitat will be affected by the proposed development.

## **State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')**

### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for **4.95MW** solar farm, **battery storage and ancillary structures**; which is defined as '*electricity generating works*' and is 'private infrastructure' over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

| Trade                         | Total GST Exclusive | Total GST Inclusive |
|-------------------------------|---------------------|---------------------|
| Total Construction Cost       | 7,105,360           | 7,815,896           |
| Consultant and Authority Fees | 213,161             | 234,477             |
| <b>Total</b>                  | <b>7,318,521</b>    | <b>8,050,373</b>    |

## **State Environmental Planning Policy (Primary Production) 2021**

### Chapter 2: Primary Production and rural development

Electricity generating works ('solar energy systems') are not specifically mentioned in the policy. However, the proposal is generally consistent with the broad aims of the policy as the area involved, 16ha, is not significant in this area and will not permanently 'sterilise' rural land as it could revert to cropping land in the future, should the need arise.

Further, the generation of clean energy will contribute to sustainable agriculture in the area providing a reliable power source for neighbouring residents and agricultural businesses, an essential part contributing to the growth of the region.

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

### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards 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 conducted.

The applicant has not submitted a 'SEPP Resilience and Hazards Assessment' report to support this application. However, Council has undertaken a desktop analysis and review of the proposal against all applicable legislation, regulations and guidelines and is satisfied that the development can comply with all outlined requirements and considerations, and that the land has been assessed for contamination.

The land is deemed to be not contaminated and is suitable for the proposed development in its current state; therefore, no remediation plan is required before the site is used for the proposed purpose.

With regard to the remediation of land, the land has previously been used for cropping (and grazing in the past) with no known uses that would be likely to have substantially contaminated the site, however, some residual herbicides and pesticides are likely in the soil from the recent cropping operations. It is considered on the basis of the available information, the site is suitable for the solar farm use which will neither involve significant excavation, nor staff permanently on site - except during the construction phase. If a different, more intensive use is proposed in the future, a comprehensive site investigation may be required.

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

### **Chapter 2: Infrastructure**

#### **[Division 4 Electricity generating works or solar energy systems.](#)**

##### ***Clause 2.36 Development permitted with consent***

The proposed development is defined as a (9) *solar energy systems - Development for the purpose of a solar energy system may be carried out by any person with consent on any land.* The proposal is permitted with consent under the SEPP regardless of the Moree Plains LEP 2011.

#### **[Division 5 Electricity transmission or distribution.](#)**

##### ***Clause 2.48 Determination of development applications—other development***

The proposed solar farm and infrastructure is not located within 10m of Essential Energy's 22kV overhead power lines however a connection to the existing electrical infrastructure is proposed as part of this application and as such, the electricity supply authority is to be consulted. Essential Energy was advised of the proposal and comments have been noted earlier in this report.

#### **[Division 17 Roads and traffic.](#)**

##### ***Clause 2.122 Traffic-generating development***

The proposed solar farm, referred to as a 'solar energy system,' does not fall under any specific category in Schedule 3 of Traffic-generating Development. Therefore, it is classified under 'Any other purpose,' requiring referral to Transport for New South Wales (TfNSW) if the development generates 50 or more motor vehicles per hour and has access to a classified road or a road that connects to a classified road, within 90 meters of the connection, measured along the alignment of the connecting road.

After reviewing the traffic impacts of the proposal, the council has determined that the matter does not need to be referred to Transport for New South Wales.

## ***Moree Plains Local Environmental Plan 2011***

The relevant local environmental plan applying to the site is the *Moree Plains Local Environmental Plan 2011* ('the LEP'). 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 management, development and conservation of environmental, economic and social resources,*

*(b) to facilitate economic growth and development that is consistent with the aim specified in paragraph (a) and that—*

*(i) embraces the principles of environmentally sustainable development, and*

*(ii) minimises the cost to the community of fragmented and isolated development, and*

*(iii) facilitates the efficient and effective delivery of amenities and services, and*

*(iv) facilitates stimulation of demand for a range of residential, enterprise and employment opportunities and promotes agricultural diversity, and*

*(v) facilitates farm adjustments, and*

*(vi) utilises, where feasible, existing infrastructure and roads for new development and future potential development,*

*(c) to facilitate development in accordance with flood management planning,*

*(d) to facilitate development that is compatible with adjoining and nearby uses,*

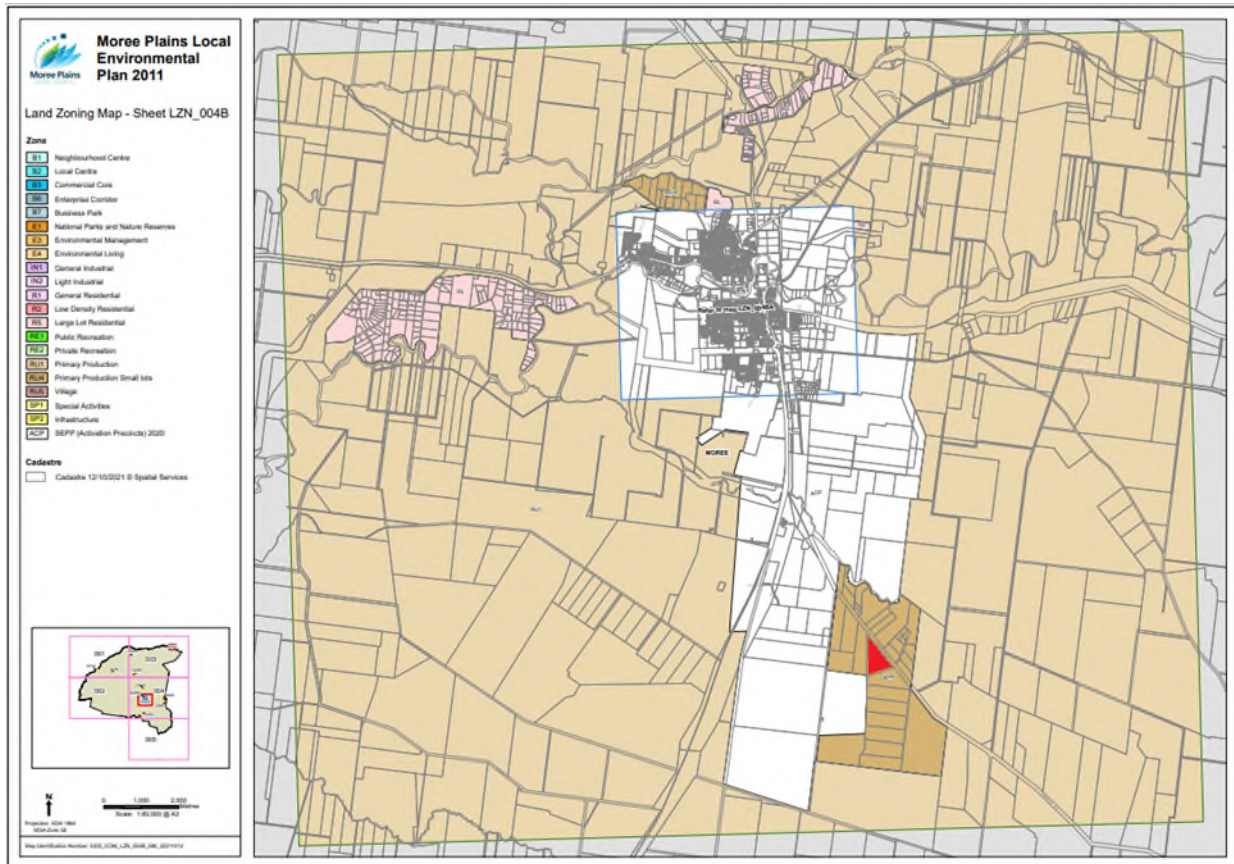
*(e) to facilitate development that is appropriate in scale and type to the characteristics of the relevant zone,*

*(f) to recognise places of European heritage significance and Aboriginal heritage and cultural significance.*

The proposal is consistent with these aims as the proposal seeks to provide an additional sustainable energy source to the local community.

## Zoning and Permissibility (Part 2)

The site is located within the RU4 Primary Production Small Lots Zone pursuant to Clause 2.2 of the LEP



**Figure** - Land Use Zoning – location of site (red) southeast of the Moree township

The development is defined as ‘electricity generating works’ and is neither specifically listed under schedule 3 as ‘Permitted with consent’, nor listed in schedule 4 – as ‘Prohibited’. The use is therefore included as ‘Any other development not specified in item 2 or 4’ which is found at the end of the list of uses in Schedule 3 – ‘Permitted with consent’ pursuant to the LEP land use table.

Section 2.36 (1) (b) of State Environmental Planning Policy (Transport and Infrastructure) 2021 states that for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone.

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

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

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

- The proposal will support the [NSW Government Net Zero Plan Stage 1: 2020-2030 goal](#) to work towards achieving Net Zero Emissions by 2050;
- The proposal will contribute to the stable supply of renewable energy to the [Electricity Infrastructure Roadmap](#) which is the pathway to powering the local community and abroad with affordable, clean and reliable energy;
- The provision of independent, reliable energy to the grid will help protect the longer-term viability/sustainability of agricultural activities dependent on electricity within the area;
- The 'generation of electricity' encourages and promotes diversity in land use and employment opportunities within the primary industry;
- The solar farm is suitably located close to Essential Energy 22kV infrastructure, so that power can be routed to the state grid;
- The area to be used is limited to only 16ha and is situated on an underutilised parcel of farmland. In addition, the use could be removed in the future, so permanent alienation of land for other uses would not occur in the longer term;
- The use of 16ha of farmland for the solar farm will not unduly impact the rural character of the area

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

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

**Table 4: Consideration of the LEP Controls**

| Control                               | Requirement   | Proposal  | Comply |
|---------------------------------------|---|---|--------|
| Minimum subdivision Lot size (CI 4.1) | 650m <sup>2</sup>   | No subdivision proposed   | N/A    |
| Rural Subdivision (CI 4.2)            | 200,000m <sup>2</sup>   | No subdivision currently proposed   | N/A    |
| Height of buildings (CI 4.3)          | The development control has not been adopted  |   | N/A    |
| FSR (CI 4.4(2))                       | The development control has not been adopted  |   | N/A    |
| Heritage (CI 5.10)                    | Consideration of impact of development in vicinity to Heritage Item and any impacts on Aboriginal Heritage. |   | N/A    |
| Flood planning (CI 5.21)              | Consideration of flood impacts on the development site,   | CI 5.21(2) It is noted that the site is not located within the Moree Flooding area. | Yes    |

|   |   |  |  |
|---|---|--|--|
|   | riparian systems, other properties and persons.   | The applicant has provided a 'Flood Risk Report' prepared by Water Technology, dated 29 October 2024, which indicates that there are no significant overland flow paths across the site; rather it would cause shallow flood waters to pond. |  |
| Earthworks (CI 7.1)                                 | Before granting development consent for earthworks, the consent authority must consider the impact of works on the site and environs. | In this regard no significant excavation is required or proposed, the minimal earthworks are limited to minor levelling, shallow excavation for slabs and footings and swales for the gravel for access roads.                               | Yes  |
| Places of Aboriginal Cultural Significance (CI 7.7) | Consideration of impact of development on Aboriginal Heritage.  | The development is not located on land identified as "place of Aboriginal cultural significance" on the Aboriginal Cultural Significance Map Sheet ACS_004, included with the LEP.   | Yes – Condition can be imposed should any artifacts be discovered during construction. |

The proposal is considered to be consistent with the LEP.

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

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

These proposed instruments are considered below:

NSW Planning states:-

*'Currently SEPP 55 is being reviewed as part of the NSW Government's broader review program that aims to ensure all State Environment Planning Policies, SEPPs, are up-to-date and relevant.*

*As well the current SEPP 55 and its associated Managing Contaminated Land Planning Guidelines have been in place for almost 20 years. Both need to be updated to respond to changes in federal and state legislation and policy, and to reflect new land remediation practices.'*

Most of the existing provisions of SEPP 55 and SEPP Resilience and Hazards are incorporated into the Draft SEPP.

The subject site does not require remediation for the proposed use however attention will still be required during the decommissioning of the farm to ensure the BESS plant is disposed of without contaminating the site.

The proposal is consistent with the proposed instrument.

- Large-Scale Solar Energy Guideline - 2022 - NSW DPI

This Guideline has been developed for State Significant Development (SSD) which is not the case in the current development, however, the general assessment requirements include:-

- Landscape/visual impacts;
- Agricultural land use;
- Infrastructure contributions;
- Waste management;
- Decommissioning and rehabilitation;
- Glint and glare;
- Biodiversity;
- Traffic/transport;
- Water management;
- Noise & vibration;
- Air quality;
- Social & economic impacts; and;
- Hazards

The above issues have been covered by the applicants SEE/consultants reports, and this assessment.

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

The following Development Control Plan is relevant to this application:

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

#### Chapter 2 – Parking

Construction Phase - There is ample parking in and around the temporary stockpile/laydown area and adjacent to the solar panel arrays on the proposed hardstand areas and gravel access roads.

Traffic Generation to the site, specifically trucks delivering infrastructure will not create any issues due to the direct access TO Burrington Road from Newell Highway.

Operational Phase - The solar farm once operational, will only require up to two (2) local contractors to attend site and perform periodic maintenance functions with the solar farm being autonomous.

#### Chapter 4 - Moree and Environs Floodplain Development and Management.

As mentioned in this report the applicant has provided a 'Flood Risk Report' prepared by Water Technologies Pty Ltd dated 29 October 2024 and a Stormwater Management Plan by Planit Consulting dated March 2024, which has addressed flooding and stormwater issues.

#### Chapter 9 - Rural Development

Biodiversity - The site of the solar farm does not fall within land mapped as Koala habitat on the 'Map of Potential Koala Habitat' included in the DCP. The development has been sited to ensure it would not require removal of established native trees or significant habitat. As the development is located on existing cropping land, no other impacts to biodiversity are expected.

Bushfire Management - The site of the proposed solar farm is classified as Vegetation Category 3. However, the area to be utilised is cleared cropping land. The applicant has provided 'A Bush Fire Emergency Management and Emergency Response Plan' by Harris Environmental Consulting dated 7 August 2024, which has identified all relevant risks and mitigation measures associated with the construction and operation of the solar farm.

It is considered the solar farm has been designed to minimise the impact of bush fires on the development and its risk to adjacent managed grasslands.

Water Quality - No 'Surface Water Assessment Report' has been provided with the application to address water quality issues. However, the applicant has indicated that, due to the small size of pollutant-generating areas and the minor use of the facility by vehicles during operation, the impact on water quality is expected to be insignificant.

The majority of the increase in impervious area consists of solar panels, which produce runoff with extremely low pollutant loading. Accordingly, no stormwater quality modelling has been completed, and runoff (if any) over grass areas is deemed appropriate for treatment before discharging offsite.

Effects on Riparian areas - The site does not contain, nor is it in close proximity, to any classified watercourses and as such riparian corridors are not impacted as part of the development.

#### Transport Issues

As already addressed within this report, the 6-month construction period will attract the most vehicles to the site, but due to the number of vehicle trips expected and the direct access obtained via Burrington Road, no adverse traffic issues are expected.

Ample parking is available onsite for workers during the construction phase and during the operational phase with a maximum of 2 electrical subcontractors expected at any one time for componentry maintenance.

#### Chapter 10 - Notification Policy

The DA was publicly notified in accordance with Council policy for a period of \*14 days commencing 12 September 2024 and closing 27 September 2024. The notification included letters to property owners/occupiers.

During the notification period, Council received two (2) submissions objecting to the proposed development. The objections highlighted concerns about the proposed land use activity (solar farm) and preferred types of land uses within the rural zone. The objections also highlighted concerns about the local ecological systems, including potential air quality and soil erosion issues. Additional issues raised include flooding impacts, visual amenity and glare, traffic impacts, local Aboriginal heritage, the use of reticulated water, the effect of the proposal on neighbouring land value and capital growth, and the effects of weather and natural phenomena on the proposal.

The applicant has provided a response to noted objections and a copy of this letter has been circulated to the Panel for consideration.

#### Developer Contributions

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

- The Moree Plains Shire Council Section 94A Development Contributions Plan adopted by Council on 5 May 2006; as amended on 7 January 2016

MPSC has adopted a contribution for development with a 'value greater than \$200,000 being 1.0% of the value'. The proposed solar farm has a CIV of \$ \$7,318,521.00 (GST Exclusive); therefore 1% of that figure (included as a condition of consent) is \$ 73,185.21

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

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

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

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

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- The proposal is able to satisfy either the deemed-to-satisfy provisions and/or the performance requirements of the National Construction Code (NCC).

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.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

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

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

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

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed solar farm and ancillary structures (BESS and MVPS) will enable the generation of 'eco-friendly' electricity and potentially provide reliable, sustainable energy to the local area and region. In a regional context, solar farms are an increasing feature in rural NSW as Local Government bodies and private enterprise.

The site is level as a result of the prevailing topography and its former use for agriculture, so the solar panel arrays (with a maximum, operational height of 2.2m), BESS modules being 2.5m in height and the MVPPS being 3m in height, should not impact the scenic qualities of the area as introduced species of vegetation and

landscape screening is proposed to obscure the development from nearby residents of Burrington Road.

- Access and traffic – Access to the site is achieved from the existing road between Burrington Road and the Newell Highway. The construction of the proposed development is programmed for a period of 6 months, although the majority of construction activity is forecast to occur within the first 3-4 month period.

The development is scheduled during a period of reduced activity along Burrington Road so that heavy vehicles associated with construction, deliveries across the construction period to be as follows:

| Period    | Construction Activities   | Vehicle movements (day) |
|-----------|---|-------------------------|
| Month 1   | Civil earthing works, fencing and landscaping.                          | Light – 8<br>Heavy – 2  |
| Month 2-4 | Delivery of long lead materials.<br>PV panel and LV cable installation. | Light – 15<br>Heavy – 4 |
| Month 4-5 | HV station installation, testing and commissioning.                     | Light – 15<br>Heavy – 2 |
| Month 6   | Site clean-up and demobilisation  | Light – 8<br>Heavy – 1  |

It is anticipated that the construction workforce will see up to forty (40) employees on site at the peak of construction, with an average workforce around 20 full-time employees over the 6 month period.

Once completed the Solar Farm will be largely autonomous with up to two contractors tasked with ongoing maintenance.

Two (2) dedicated car parking spaces are proposed for the operational phase of the Solar Farm, but ample informal parking space and hard standing area are available to cater for fluctuations in workers during the construction phase.

It is considered that traffic associated with the construction of the solar farm and ongoing operation will not create any excessive adverse impacts on the site and surrounding road network.

- Public Domain – The public domain, being the Burrington Road will not be unduly impacted by the solar farm as the flat topography, and proposed landscape screening will largely obscure the panel arrays and associated structures (BESS system and MVPS) which will only achieve heights of no more than 2.2m for the solar panels, 2.5m for the MVPS and 3m for the BESS system.
- Heritage – The site does not contain any heritage item nor is located within the Moree Heritage conservation area. The site is not known to contain any State heritage item nor are there any significant impacts on Indigenous and European heritage values.
- Other land resources – The solar farm is unlikely to have any impact on the local water catchment as few hard surface areas are proposed, and the flat nature of the site results in no concentrated flow paths being identified. The surrounding irrigation channels appear to collect most of the concentrated flow in and around the site with the minor runoff from the solar panels and gravel access road being catered for by roadside swales.



- The proponent has designated approximately 16ha of land from direct agricultural use. The solar farm could be considered a diversification in primary industry activities as it could potentially provide renewable energy for this area. The solar panel arrays and plant could be removed and the land remediated in the future and the land reverted to cropping.
- Water/air/soil impacts – The solar farm would not contaminate the surroundings in the normal operation of the facility, with the only possible scenario being a chemical leakage from a fire in the BESS plant. The RFS has been consulted and appropriate conditions recommended to mitigate this unlikely event.
- Flora and fauna impacts – The facility is located on existing, cleared cropping land with little impact on vegetation. The report provided by the applicant prepared by Waratah Ecology indicates little impact on the local flora and fauna and with the site being located outside primary and secondary Koala habitat zones, the proposal will result in insignificant impacts in that regard.
- No other species of flora or fauna are expected to be impacted. The solar farm is to be secured with 2.25m chain link and barbed wire fencing which would generally prevent most wildlife entering the facility.
- Natural environment – No significant changes are proposed to the natural contours of the site which is characterised by a flat topography.

- Noise and vibration –

*Construction Phase* - The SEE report acknowledges that during construction, the use of a compactor or front end loader (the loudest rated items of machinery to be used) may exceed 10db standard over background noise in the closest 'receptor' (nearby residential dwellings approximately 300m distant). The applicant claims that use of this plant will be limited and '*will not cause a permanent lasting effect on the acoustic amenity of the local area*'.

*Operational phase* – The continuing operation of the panels, BESS system and plant are expected to create sound levels of only 15db for nearby residents and as the rated baseline background noise levels have been calculated at 35dB during daytime (7am-6pm), and 30dB during evening and night (6pm-7am) the operation of the solar farm is not expected to cause an impact in this regard.

- Glint and Glare:- Whilst solar panels are specifically designed to absorb sunlight and not reflect it, (reflecting less than 2% as a general rule) glint and glare can on occasion present issues to adjoining land. In this regard the proposed solar panel arrays are:-
  - More than 5km from Moree airport;
  - Located on flat land;
  - Generally obscured from view from the Burrington Road by proposed vegetation.
- Natural hazards –

*Flooding* - It is noted that the site is not located within the Gwydir Floodplain Management Zone. The applicant has provided a '*Flood Risk Report*' prepared by Water Technology who have stated '*...that there are no significant overland flow paths*'

*across the site causing ponding of shallow flood waters.'* This view is concurred by Council Officers.

**Bushfire** – The development has been referred to the NSW RFS who has made a number of recommendations including the provision of a defendable Asset Protection Zone (APZ) and a 20,000lt water tank. It is considered this potential hazard has been adequately addressed by the proposal with a condition to be included in the draft consent.

- **Safety, security and crime prevention** – A chain-link security fence is proposed to be provided to the site's perimeter, being 2m in height as well as the proposed tree line and vegetation screening. The fence will be fixed by engineered embedded concrete foundations.

The site will be remotely monitored via CCTV and remote control centre to ensure that systems function as intended, and that security is not compromised. Once any potential issue has been identified, action can be taken indirectly from control centre by deploying a local solar farm contractor or local security officer to attend the site and respond accordingly.

- **Social impact** – No social impacts are expected to occur as a result of the solar farm development. The relatively short duration of the construction phase and minimal requirement for staff in the ongoing operation of the facility will create no long term housing issues.

With regard to community safety, a catastrophic failure of the BESS system would appear the only scenario that could affect the wider community. The NSW RFS has recommended conditions which would mitigate this unlikely scenario.

- **Economic impact** – The construction phase of the development, may generate some temporary local employment however this phase is relatively short lived at between 4 and five months. The SoEE states that 1-2 local subcontractors will likely be employed for 'general care and maintenance of the site' as the facility is generally autonomous.

The main economic benefit to the local communities of Moree is likely to result during the construction phase from patronage of accommodation, food and retail establishments.

- **Site design and internal design** – The development is located close to Essential Energy infrastructure, furthermore, the proposal is within close proximity to the Newell Highway should emergency services be required.
- **Construction** – The proposal is located approximately 12 km from the Moree township; with surrounding residential dwellings situated approximately 300 metres away from the site. This separation and proposed time of work should effectively mitigate any minor noise impacts. Sediment control measures have been included on the conditions of consent.
- **Cumulative impacts** – It is not considered the proposal will result in any adverse cumulative impacts. Construction has been programmed in such a way as to minimise any impact on neighbours. Once the facility is complete, it will largely be an autonomous development with minimal usage.

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

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

It is considered the proposal is well suited to the site and locality as it is situated near existing Essential Energy infrastructure. The site is adjacent to the Burrington Road and is a sufficient distance from the township of Moree as to not constitute undue noise impacts during construction, and certainly not during operation.

Proximity to an existing electricity generating works facility (Moree Solar Farm) also provides a level of passive surveillance during much of the year although the facility will be fenced off and secured.

The site is approximately 12km to Moree or less than a 10min drive which is a reasonable distance for workers during the construction phase and also maintenance technicians to attend the site during ongoing operation of the solar farm.

The facility is to be sited on cleared, level ground (formerly cropping land) and so only minor earthworks are proposed to prepare the site for its intended use. Flooding and bushfire hazards are relatively minor and have been addressed in the applicant's consultant reports and in the recommended draft conditions.

There are no adjoining land uses which would impact the proposal and the proposed development would not impact the adjoining agricultural land to any significant degree.

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

These submissions are considered in Section 5 of this report.

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

It is considered the proposal for a solar farm is in the public interest as:-

- The proposal will provide another source of renewable energy to cater for the needs of local residents and those living within the region;
- The proposal will provide renewable surplus energy to the State grid, which will reduce the requirement for reliance on existing fossil fuel fired power stations and is therefore in the wider public interest;
- The proposal is consistent with planning controls of the Moree Plains LEP and DCP;
- The proposal will not have any adverse environmental impacts in the normal course of operations;
- The proposal is a sufficient distance from the nearest settlement that if a fire occurred at the BESS plant impacts could be mitigated;
- The proposal will provide some economic benefit to the local community during the construction phase and up to two (2) permanent local jobs during operation and lifespan;

- As mentioned, the development will provide additional capacity to the State grid via transfer of surplus electricity production which is consistent with the principles of ecologically sustainable development and mitigating climate change.

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 various agencies for comment/concurrence/referral as required by the EPA 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/<br>referral trigger                          | Comments<br>(Issue, resolution, conditions)  | Resolved |
|---|---|--|----------|
| <b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b> |   |  |          |
| N/A   |   |  | N/A      |
| <b>Referral/Consultation Agencies</b>                   |   |  |          |
| RFS   | S4.14 – EP&A Act<br>Development on bushfire prone<br>land | On 4 November 2024, the NSW Rural Fire Service responded to Council's referral.<br><br>No objection was raised to the development however one (1) condition was provided to be included as a condition of any consent.<br><br><i>General Conditions</i><br><i>1. The Bushfire Management and Protection Measures as recommended in chapter 6 of the Harris Environmental Consulting - Bush Fire Management and Emergency Response Plan, dated 7/8/24 shall be incorporated into any consent granted.</i> | Yes      |
| Electricity<br>supply<br>authority                      | Section 2.48 – <i>State Environmental Planning Policy</i> | On 30 September 2024, Essential Energy reviewed the proposal and raised no objections to the   | Yes      |

|  |   |   |     |
|--|---|---|-----|
|  | (Transport and Infrastructure) 2021<br>Development near electrical infrastructure   | development. They provided general recommendations that could be incorporated as conditions in any granted consent.   |     |
| Transport for NSW  | Section 2.121 – State Environmental Planning Policy (Transport and Infrastructure) 2021<br>Development that is deemed to be traffic generating development in Schedule 3. | According to Schedule 3 of the SEPP, the proposal did not meet any requirements that would classify it as 'Traffic Generating Development.' Consequently, the proposal was not referred to TfNSW for comment. | N/A |
| <b>Integrated Development (S 4.46 of the EP&amp;A Act)</b> |   |   |     |
| N/A  |   |   | N/A |

## 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                  | No objections raised. Standard conditions to be applied  | Yes      |
| Building                 | No objections raised. Standard conditions to be applied  | Yes      |
| Health                   | No objections raised   | Yes      |
| Waste                    | No objections raised   | Yes      |
| Public Domain/<br>Assets | N/A  | N/A      |
| Heritage                 | No objections raised. Standard conditions to be applied in the event of the discovery of artifacts during construction phase                     | Yes      |

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

## 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 10 September 2024 until 27 September 2024. The notification included the following:

- An advertisement in the local newspaper [Moree Champion] ;
- Notification letters sent to adjoining and adjacent properties (24 letters sent);

- Notification on the Council's website.

The Council received a total of two (2) unique submissions, comprising 2 objections and 0 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7**.

**Table 7: Community Submissions**

| Issue  | No of submissions | Council Comments   |
|--|-------------------|--|
| <b>Flooding and stormwater</b><br><br>Submissions raised concern the development will adversely impact flooding within the locality. | 2                 | <p>The site is not identified as a flood affected lot under Council's active Floodplain Management Plan. The application proposes an appropriate stormwater management network which will capture and control discharge of stormwater to the swale drain in the northern portion of the site. Stormwater modelling has been submitted to demonstrate the proposed stormwater management will not have negative impacts on downstream properties in peak storm events.</p> <p>Council's Development Engineer has reviewed the proposal and raises no objections to the proposed stormwater management arrangements.</p> <p><b>Outcome:</b> This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Schedule 1).</p>   |
| Agriculture value  | 2                 | <p>The proposed development site, located in a rural area surrounded by the Moree solar farm, Moree grain storage facility, Moree Water Park, and rural lifestyle properties, is deemed suitable for a small-scale solar farm due to the low likelihood of urban or agricultural development pressures. The project has been meticulously planned to avoid disrupting existing agriculture and rural infrastructure.</p> <p>The site and its surroundings are conducive to diversified rural uses like renewable energy facilities, as they are not classified as Biophysical Strategic Agricultural Land (BSAL) under the Resources and Energy SEPP.</p> <p>The solar farm will occupy the southern part of the landholder's property, allowing the remainder to continue agricultural activities. After decommissioning, the land can return to agricultural use, ensuring minimal impact on the property's agricultural production.</p> |
| Ecological   | 2                 | <p>The development site was chosen to ensure it would not require the removal of established native trees or significant habitat, thus preserving biodiversity. It will</p>  |

|                               |   |  |
|-------------------------------|---|--|
|                               |   | <p>provide the region with access to affordable renewable energy. The location is devoid of paddock trees, resulting in minimal biodiversity impact.</p> <p>A Preliminary Flora and Fauna Assessment by Waratah Ecology dated 2024 determined the solar farm would not significantly impact native grasslands or threatened species due to high weed infestation and historical clearing. Any potential impacts can be minimised through recommended control measures.</p>   |
| Glare & Visual Impacts        | 2 | <p>The site for the proposed facility has been carefully selected to ensure that views from most public interfaces are largely obscured by proposed vegetation/ tree belts and inherent site features.</p> <p>The perimeter landscaping will act as a buffer around the northern, eastern, and southern perimeters, which will further screen the facility from view from nearby roads and adjoining land. Given the nature of the proposed facility and its physical separation from nearby residents and rural facilities, the development is not expected to result in any undue cumulative visual impact on the surrounding area.</p>  |
| Air Quality & Erosion Control | 1 | <p>The ecological impact assessment for the proposed works considered indirect impacts such as air pollution, erosion, and sedimentation, which are deemed manageable through the development of a Construction Environmental Management Plan (CEMP).</p> <p>The CEMP, to be submitted to the Council for approval prior to construction, will address pollution and contamination issues. Measures include installing silt fences to prevent the spread of sediment and weeds, regularly inspecting erosion controls, removing accumulated sediment, and scheduling work outside heavy rain periods. These steps aim to mitigate potential environmental impacts during and after construction.</p> |
| Use of Town Reticulated Water | 2 | <p>The development does not require a water connection to Council's reticulated system. The water to be used during the construction phase for dust and environmental control measures will be supplied to the site via water tankers. Additionally, the provision of a water source for firefighting purposes will be provided via a proposed static water tank of at least 20,000 litres.</p>  |
| Land Value                    | 2 | Not a regulatory planning item   |
| Traffic Management            | 1 | The proposed development is expected to have a negligible effect on road operations and public safety.   |

|  |   |   |
|--|---|---|
|  |   | <p>The Traffic Impact Assessment indicates that the site is appropriate for the proposed development regarding access, traffic impact, and safety considerations.</p> <p>Prior to the commencement of construction, a comprehensive Construction Traffic Management Plan (CPTMP) will be prepared and submitted to the Council and relevant authorities for approval.</p>   |
| Items of Aboriginal and European Heritage Significance | 1 | <p>Heritage was considered during the assessment. In brief, it is concluded that the site does not contain any European heritage items, conservation areas or indigenous places or objects.</p> <p>The site is not identified as or located near a known Aboriginal Place of Heritage Significance on the Aboriginal Cultural Significance map or in the Moree Plains Aboriginal Heritage Study and therefore no Aboriginal Heritage Impact Assessment is required.</p> |
| Storms Period  | 1 | <p>The detailed design of the proposed facility may require additional assessments, including Geotech soil assessment and wind load analysis.</p> <p>These studies will provide crucial inputs to the design safety requirements, which will be reflected in the design and installation details for the foundation and infrastructure.</p>   |
| Insurance  | 1 | Not a regulatory planning item  |

## 5. KEY ISSUES

### NORTHERN REGIONAL PLANNING PANEL – Briefing – 11 December 2024

The briefing report to the panel raised the issues of:-

- Traffic
- Permissibility
- Environmental impact.

In relation to the above no referral was made to TfNSW pursuant to Schedule 3 of the SEPP as the proposal did not meet any requirements that would classify it as being '*Traffic Generating Development*.' Consequently, the proposal was not referred to TfNSW for comment and no objection has been recorded regarding the proposal on Traffic grounds.

With regards to permissibility the proposal is permissible on the basis that it is '*Any other development not specified in item 2 or 4*' which is found at the end of the list of uses in Schedule 3 – '*Permitted with consent*' pursuant to the LEP Land Use Table. Accordingly, the proposal is permitted with consent in the RU4 Primary Production Small Lots zone under the LEP.



In addition to the above, clause 2.36(9) of *State Environmental Planning Policy Transport and Infrastructure* 2021 (SEPP Transport and Infrastructure) states that 'development for the purpose of a solar energy system may be carried out by any person with consent on any land.'

In relation to environmental impacts, these were considered minor and capable of being mitigated with appropriate conditions.

Following consideration of the 'Briefing Report' and discussion, the following issues were raised as being 'Key Issues' in the 'Record of Briefing' produced at the Northern Regional Planning Panels meeting. Comments will be applied to each issue to show how each has been resolved.

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

## **KEY ISSUES**

### **1. Proposal Overview:**

- Solar farm with battery storage, associated plant, and landscaping.
- Lifespan: 30 years.
- Rehabilitation included.

Resolution: A review of the site and associated infrastructure was made with no significant problems highlighted. The Operational and Land Management report prepared by AC Energy Pty Ltd (2025) has considered the need for site rehabilitation throughout the various construction phases and during the decommissioning the solar farm has commenced. It is considered the application has adequately addressed this issue.

*Note* - The Draft Conditions for Solar Farms contains a standard condition relating to this issue which would be imposed on any consent granted in this regard.

### **2. Water Supply:**

- No reticulated water available.
- No on-site water tanks proposed.
- Condition the installation of rainwater tanks in approval for bushfire management.

Resolution: The report prepared by Harris Environmental Consulting Pty Ltd, dated 7 August 2024, Version 1.1, has considered the provision of services (i.e. installation of static water source - rainwater tanks) relating to bushfire management and emergency response plan. It is considered the application has adequately addressed this issue. NSW RFS conditions to be applied to ensure compliance with these requirements.

### **3. Stormwater:**

- Assessment and management.

Resolution: The report prepared by Planit Consulting Pty Ltd, dated March 2024, Revision A, has considered the proposal's impact on runoff, riparian corridors, surface water, flooding and erosion and sediment control. The report indicates that any stormwater would flow towards the north east boundary, discharging to the open drain adjacent to Burrington Road reserve. Stormwater run-off from any hard standing area will runoff directly to ground and continue to flow in the direction of grade as indicated previously. It is considered the application has adequately addressed these issues.

### **4. Site Contamination:**

- Hazards and Resilience SEPP - jurisdictional issue.

Resolution: Please refer to Point 1 – *Proposal Overview* for more information relating to site contamination and rehabilitation

#### 5. **Landscaping:**

- Proposed on three sides closest to Burrington Road and all nearby sensitive receptors.
- Existing vegetation in surrounding areas noted.

Resolution: The Visual Impact Assessment report prepared by ACEnergy Pty Ltd, dated 7 February 2025, Revision B, has considered how the proposed solar farm project might alter the visual landscape and scenic views of the surrounding area. The Concept Landscape Plan submitted with the application indicates landscaping along the south, south eastern (Burrington Road) side of the proposal in addition to the northern aspect of the solar farm. It is considered the application has adequately addressed these issues.

#### 6. **Site Characteristics:**

- Relatively level site.
- Minimal potential for overlooking neighbouring properties.

Resolution: A review of the site and infrastructure was made with no significant problems highlighted.

#### 7. **Traffic Management:**

- During construction, minimal impacts expected.
- Burrington Road not a significant grain/harvest haul road.

Resolution: The Traffic Impact Assessment report prepared by Barker Ryan Stewart Pty Ltd, dated 5 August 2024, Revision 1, has considered the potential impacts of a proposed solar farm construction and operation on local roads. It is considered the application has adequately addressed these issues.

#### 8. **Electricity Connection:**

- Opposite site on Burrington Road.

Resolution: The Statement of Environmental Effects prepared by Chris Smith & Associates Pty Ltd, dated August 2024, Revision O, has considered the proposal's connection to the electricity grid. The chosen site is adjacent to an existing electricity distribution network, ensuring efficient transmission of generated energy to the grid via an overhead line connected through a post-mounted transformer.

Additionally, the facility's design, especially the HV Switchboard placement, considers existing road reserves, maintaining a clear overhead connection. ACEnergy has an initial agreement with Essential Energy for connection to their infrastructure, with formal notice pending as part of the DA process.

The proposal is expected to have no significant impact on existing overhead infrastructure operations. It is considered the application has adequately addressed these issues.

#### 9. **Submissions Received:**

- Impact on land use in the rural zone.

- Concerns about local ecological systems, air quality, soil erosion, flooding, visual amenity, glare, traffic, local Aboriginal heritage, reticulated water use, neighbouring land value, weather, and natural phenomena.

Resolution: ACEnergy Pty Ltd has addressed the objections submitted during the notification period for the proposed solar farm in their response letter dated 30 October 2024. Table 7: Community Submissions highlights Council's consideration regarding the submissions received from the general public and the response given by the applicant. It is considered the application has adequately addressed these issues.

## 6. CONCLUSION

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

The key issues for the development are:-

- Managing the hazard of fire associated with the BESS system;
- Ensuring the development is decommissioned in a safe fashion at its 'end of life' to prevent contamination by chemicals from the BESS system;
- Ensuring no traffic impacts arise as a result of the construction phases of the development;
- Ensuring adequate landscape screening of the development is undertaken.

The proposed solar farm, situated next to the existing Essential Energy infrastructure, is anticipated to supply renewable energy to local and regional consumers. Given the lack of significant constraints, this proposal is deemed suitable for the site and compatible with the locality.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

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That the Development Application DA2024/50 for Construction of a 4.95MW solar farm, ancillary battery storage and associated plant, fencing and landscaping. At 408 Burrington Road Moree be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent / reasons for refusal attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: **Draft Conditions of consent**
- Attachment B: **Statement of Environmental Effects** (by Chris Smith & Associates, August 2024)
- Appendix B – **Acoustic Report** (by Watson Moss Growcott Acoustics, Ref No.13172-1jg)
- Appendix C – **Bushfire Management and Emergency Response Plan** (by Harris Environmental Consulting, Ref No. 6723BF)

- Appendix D – **Preliminary Flora and Fauna Report** (by Waratah Ecology, Ref No. WE20240709A)
- Appendix E – **Flood Risk Report** (by Water Technology, Ref No.23010129\_Moree\_R01V01)
- Appendix F – **Traffic Impact Assessment** (by Barker Ryan Stewart, Project Ref No.. 240147)
- Appendix G – **Stormwater Management Plan** (by Planit Consulting, Ref No.J8074)
- Appendix H – **Landscape Plan** (by Ground Control, Ref No.24670)
- **Visual Impact Assessment** by ACEnergy Pty Ltd dated 7 February 2025
- **Operational and Land Management Report** by ACEnergy Pty Ltd dated 2025