

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-98 – DA2021/0069
PROPOSAL	Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure
ADDRESS	LOT: 191 DP: 757125 [3843 Yarrie Lake Road, Wee Waa NSW 2388]
APPLICANT	NSW Community Renewables (Wee Waa) Pty Ltd c/- SLR Pty Ltd
OWNER	Cottham Co Pty Ltd
DA LODGEMENT DATE	9 March 2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 7 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> : Private infrastructure and community facilities over \$5 million
CIV	\$6,568,761 (excluding GST)
CLAUSE 4.6 REQUESTS	Not applicable
KEY SEPP/LEP	• Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Koala Habitat Protection) 2020 • State Environmental Planning Policy (Primary Production and Rural Development) 2019 • State Environmental Planning Policy (Infrastructure) 2007 • Narrabri Local Environmental Plan 2012 • Narrabri Shire Council Development Control Plans
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No Submissions received
DOCUMENTS SUBMITTED FOR CONSIDERATION	• Annexure A - Development Plans including Design, Stormwater Plans and Landscape Plan; • Annexure B – Recommended Conditions of Consent; • Annexure C – Internal and External Referral Responses; and,

	• Annexure D – Support Documents and Reports.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	No
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	15 December 2021
PREPARED BY	Mr. Günther Weidenmann - Development Planner, Narrabri Shire Council
DATE OF REPORT	7 December 2021

EXECUTIVE SUMMARY

Description of the Proposal

Development Application (DA) 2021/0069 seeks development consent for the establishment of a 5MW solar electricity generation facility with associated infrastructure on LOT: 191 DP: 757125, known as 3843 Yarrie Lake Road, Wee Waa NSW 2388. According to the Statement of Environmental Effects (SoEE) accompanying the subject application, the proposed development entails the following:

- Establishment of a grid-connected solar photovoltaic (PV) plant including associated electrical generation, 5 megawatts (MW);
- New 4-5m wide access road from the north boundary of the site;
- Construction of unsealed access road from existing gravel access off Yarrie Lake Road to the development area;
- Earthworks for construction lay-down area, hardstand areas and internal roads;
- High chain link security fencing 2.3m high; and,
- Other associated site improvements as per submitted plans (**Annexure A**).

During the construction period there is estimated to be up to 30 personnel on site for up to six (6) months. The solar PV farm would operate 24 hours a day, 7 days a week, with no permanent staff on site. Maintenance inspections will be undertaken daily or on an as needs basis.

Site Description & Surrounding Land Uses

The land is legally known as LOT: 191 DP: 757125 and is situated on an unnamed access road (crown road) that connects to Yarrie Lake Road. The land is currently used for agricultural purposes primarily intensive cultivation activities including sorghum and cotton. The site is relatively flat with a gradual slope (from south-east to north-west) and is located approx. 3.3km south-east of Wee Waa town centre within the Narrabri Shire Council Local Government Area (LGA). Surrounding lands are similar to the investigation area consisting of agricultural and primary production land with rural dwellings, sheds, dams, and scattered remnant vegetation. The closest residential dwelling to the proposed development site is to the northeast of the site, approximately 167m.

Permissibility

The proposed development is identified as being 'electricity generating works' which is defined under the *Narrabri Local Environmental Plan 2012* as follows:

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

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

Although 'electricity generating works' are prohibited in the RU1 zone, the development is permissible by virtue of Clauses 34(1)(b) and 34(7) under the *State Environmental Planning Policy (Infrastructure) 2007*.

Consultation

Notification and referral requirements have been complied with as a part of the assessment of DA 2021/0069. The DA was notified to adjoining landowners and advertised in "The Courier" and Council's website for a period of fourteen (14) days, commencing 28 June 2021 and ending 16 July 2021. No submissions were received during the public consultation period.

The DA was also referred to Essential Energy, Crown Lands and Council's Technical Officers for comment – all of which raised no objections to the proposal subject to the imposition of suitable conditions of development consent.

Recommendation

It is recommended that DA 2021/0069 be approved subject to the recommended conditions of consent contain in **Annexure B**.

1. THE SITE AND LOCALITY

The proposed development will be situated on LOT: 191 DP: 757125, known as 3843 Yarrie Lake Road, Wee Waa NSW 2388.

The site is relatively flat with a gradual slope (from south-east to north-west) and is located approx. 3.3km south-east of Wee Waa town centre within the Narrabri Shire Council Local Government Area (LGA) (**Figure 1**). The site is also 1.60km south-west from Cotton Seed Distributors Ltd located on Culgoora Road, 150m south-east of a nearby private airstrip and 3.8km east of the Wee Waa Aerodrome. Aviation has been considered as part of the reflectivity report completed for the project and is attached as **Annexure D**.

Surrounding lands are similar to the investigation area consisting of agricultural and primary production land with rural dwellings, sheds, dams, and scattered remnant vegetation. The closest residential dwelling to the proposed development site is to the northeast of the site, approximately 167m (**Figure 2**). The proposed development is located in the northern section of LOT: 191 DP:757125, comprising approx. 15 hectares (**Figure 3**).

The subject lot is not classified as bush fire prone land nor is it liable to inundation by flooding under the *Narrabri Local Environmental Plan 2012* (LEP). There are no items of environmental, cultural, scientific or scenic significance known to be located on the site.

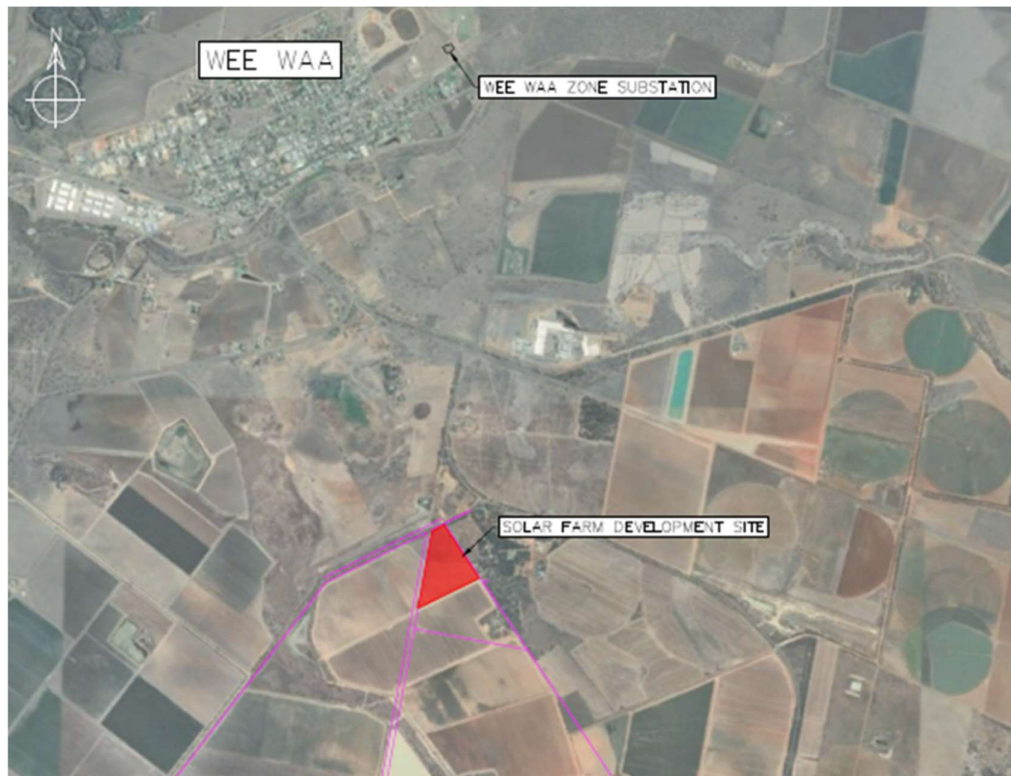


Figure 1: Location plan.



Figure 2: Surrounding Land Uses.

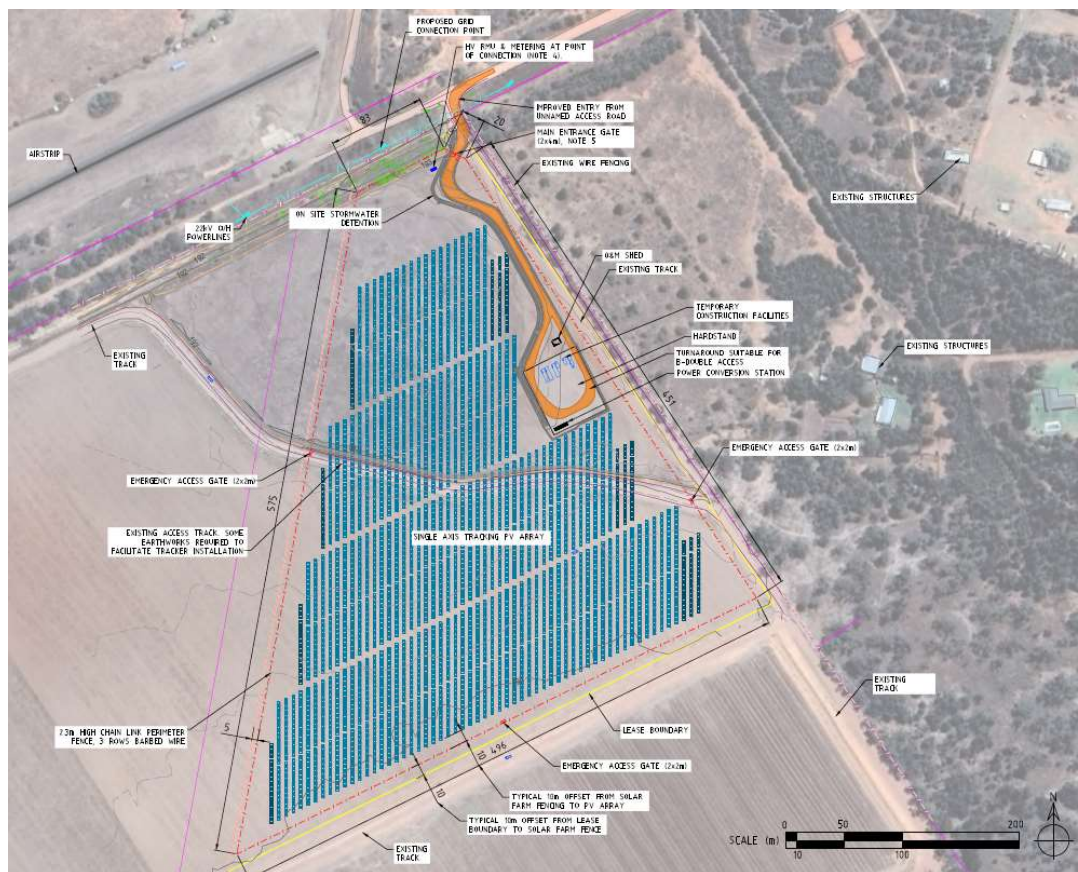


Figure 3: Site Plan.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Development Application (DA) 2021/0069 seeks development consent for the establishment of a 5MW solar electricity generation facility with associated infrastructure on Lot 191 in DP 757125, known as 3843 Yarrie Lake Road, Wee Waa NSW 2388.

The proposed development entails the following:

1. Establishment of a grid-connected solar photovoltaic (PV) plant including associated electrical generation, supplying no greater than 5 megawatts (MW);

The proposal includes a no larger than 5MW grid-connected solar PV installation. The solar farm will be connected the existing Country Energy Substation at 23348 Kamilaroi Highway, Wee Waa, which is approximately 1.4km north-east of the proposed development site.

The proposed development aims to erect an estimated 12,572 solar PV panels with a nameplate rating of 540W. Other electrical generation infrastructure is proposed on the site including a power conversion station (PCS) consisting of inverters, transformer switchgear and auxiliary plant.

The PV arrangement will consist of 154 ground mounted single axis trackers. The solar PV panels measuring approximately 2.26m by 1.13m with 600mm clearance above the existing ground surface. The panels will be positioned on single axis-trackers oriented north-south with a spacing of 6.3m. The PV mounting structure will comprise steel posts driven to approximately 1.5m below ground using a small pile driver. Additional support structures will be attached to the piles, which would then support the PV panels.

2. New 4-5m wide access road from the north boundary of the site;

3. Construction of unsealed access road from existing gravel access off Yarrie Lake Road to the development area;

Vehicular access to the site will be via the existing access road off Yarrie Lake Road, with the site entrance located in the north-east corner of the site.

4. Earthworks for construction lay-down area, hardstand areas and internal roads;

Earthworks for the project are generally limited to the establishment of the access road, drainage swales and batters, laydown area, and detention basin.

5. High chain link security fencing 2.3m high; and

The solar farm will be fully fenced with a 2.3m security fencing including barbed wire at the top. Gate access is provided on the northern border of the site with emergency access gates on each boundary of the lease area.

6. Other associated site improvements as shown on the submitted plans (see Annexure A and Figure 3).

A car park area, off load area and temporary construction office are indicatively shown on the General Arrangement Plan.

According to the SoEE, the solar farm PV will operate 24/7 with no permanent staff on the site. Maintenance inspections will be undertaken daily or on an as needs basis.

3. STATUTORY CONSIDERATIONS

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

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

These matters are further considered below.

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

The following Environmental Planning Instruments are relevant to this application:

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

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

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

EPI	Matters for Consideration	Comply (Y/N)
SEPP (State and Regional Development) 2011	• Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 5 of Schedule 7.	Y
SEPP (Infrastructure) 2007	• Clause 45 (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions.	Y
SEPP No. 55 - Remediation of Land	• Clause 7 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y

SEPP (Primary Production and Rural Development) 2019	• Clause 3 (Aims of Policy) - the proposal is consistent with the aims of this Policy	Y
SEPP (Koala Habitat Protection) 2020	• Clause 8 - the land is not a potential koala habitat	Y
NLEP 2012	• Part 6 - Development is consistent with objectives and suitable conditions have been included where required	Y

State Environmental Planning Policy (State and Regional Development) 2011

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

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45 – 'Determination of development applications—other development'

The proposed development will require works to connect to the overhead electricity power lines and as a result constitutes works within 5m of powerlines. Due to the location and nature of the proposed development referral to the electricity supply authority, Essential Energy, was required during the assessment period. Essential Energy provided their response on 22 April 2021, which has been incorporated into the recommended terms of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

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

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

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

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

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

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

An assessment undertaken by Kleinfelder has determined that there is no highly suitable koala habitat or core koala habitat on the site due to no evidence of a resident population of koalas and the isolated nature of the feed trees, which are in turn are unlikely to be fed upon by koalas.

Narrabri Local Environmental Plan 2012

The subject land is zoned RU1 'Primary Production' pursuant to the provisions of the *Narrabri Local Environmental Plan 2012* (LEP). The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.*

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

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

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

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

8 Relationship to other environmental planning instruments

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

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

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

- Clause 6.1 'Earthworks'

Minimal earthworks are expected to be carried out in conjunction with the proposed development. Only minor earthworks are required for the construction of the lay-down area, hardstand areas and internal roads. Suitable conditions have been included in the recommended terms of consent to address any adverse impacts that may arise during construction works.

- Clause 6.4 'Essential Services'

The proposed development is capable of being connected to the essential services listed under Clause 6.4. Suitable conditions have been included in the terms of consent in order to facilitate the arrangements for essential services.

- Clause 7.5 'Airspace Operations'

The development will not have any impact on the Obstacle Limitation or Operations Surface. However, the site is 150m south-east of a nearby private airstrip and 3.8km east of the Wee Waa Aerodrome. An assessment undertaken by SLR Consulting has determined that there is potential for glare on the private airstrip if panels need to be left at a near horizontal or slightly westwards fixed tilt angle. The report also advised that leaving the solar array with a slight eastward fixed tilt angle (say 15°) for the 6-month period September to March or instituting an Airstrip Management Agreement with the Private Airstrip Landowner would eliminate this occurrence. A condition has been included in the recommended terms of consent to ensure compliance in this regard.

Other Relevant Legislation

Biodiversity Conservation Act 2016 & Biodiversity Conservation Regulation 2017

The Biodiversity Conservation Act 2016 (BC Act) provides a basis for the Biodiversity Offset Scheme (BOS). Development that is subject to the BOS scheme includes development that needs consent under Part 4 of the *Environmental Planning and Assessment Act 1979*

(excluding complying development), activities under Part 5 of the *Environmental Planning and Assessment Act 1979*, State significant development and State significant infrastructure. Where development or an activity is, “likely to significantly affect threatened species”, a Biodiversity Development Assessment Report (BDAR) must be prepared, and the consent authority is required to consider the likely impact of the proposed development on biodiversity values before granting approval.

The threshold test of whether development or an activity is “likely to significantly affect threatened species” (and therefore whether a BDAR is required) is reached if:

- The test in section 7.3 of the BC Act is met;
- The BOS Threshold is met;
- The development is carried out in a declared area of outstanding biodiversity value.

According to the submitted SoEE and the historic aerial maps, the site is mainly cleared of native vegetation due to previous agricultural development. Therefore, native ground cover on the site is negligible and no Flora and Fauna assessment or a Biodiversity Development Assessment Report (BDAR) for this proposed development is required.

However, according to Council’s aerial maps, the northern section of the development site doesn’t seem to be cleared of vegetation (**Figure 4**).

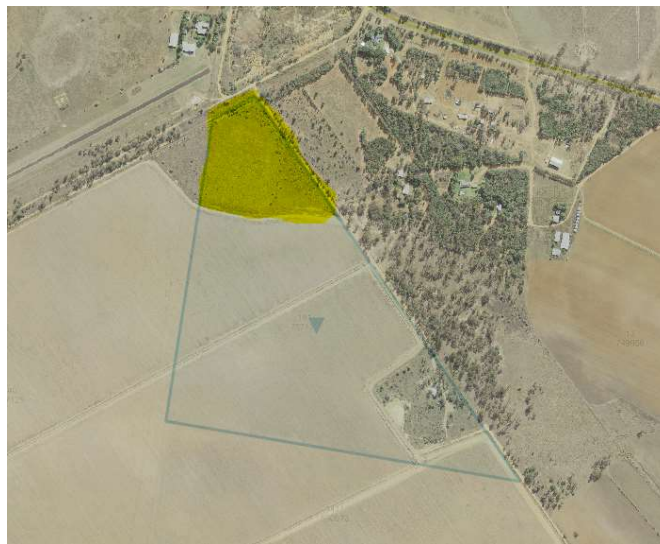


Figure 4: Uncleared area (Indicated as).

Council’s officer requested that that additional information be provided in this regard. An Ecological Due Diligence report, prepared by Kleinfelder, was submitted to Council on 11 November 2021. The report advises that the proposed development is unlikely to cause a significant impact to any threatened species, populations or ecological communities and the BOS is not required for the proposed development.

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

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

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

- *Development Control Plan – Industrial Development Code (DCP)*
The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with the assessment of DA 2021/0069.

4.3 Open Storage and Work Areas		
(a) Where any work or storage of materials is proposed to be undertaken outside the confines of a building, full details of those parts of the site to be used, and of the materials to be stored, are to be provided with the application.	Not Applicable. No open work or storage areas are proposed.	Y
(b) Approved open work and storage areas are to be located at the rear of industrial developments and screened from view by the use of landscaping and screen fencing. Such fencing is to be constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2.0 metres.	Not Applicable. No open work or storage areas are proposed.	Y
4.4 Security Fencing		
Security fencing should be visually unobtrusive and, wherever practicable, should be located behind the landscape setback area.	A 2.3m high security fence will be located around the site area. It will be visually unobtrusive in design.	Y
4.6 Building Setbacks		
4.6.1 Setbacks		
A front building setback of eight (8) metres from the property boundary should be provided. This eight (8) metre front setback is to be intensively landscaped.	A 8m front setback area is proposed from the existing fence onsite to the proposed security fence.	Y
Side and rear setbacks will be determined by the requirements of Ordinance 70 under the Local Government Act, 1919.	A 10m rear setback is proposed and appropriate side setbacks are proposed, with no development in proximity to the sides of the site.	Y
4.7 Landscaped Treatment		
4.7.1 Areas required to be landscaped		
The following areas should be landscaped: (a) The front building setback; (b) Side and rear setbacks where visible from a public place or an	Existing vegetation screens the site from the viewpoints as per the attached Visual Impact Assessment (VIA). The VIA state that the surrounding area is characterised by open, flat, rural land and views of the	Y

adjoining residential area; (c) Areas adjacent to building entrances and pedestrian access points; (d) The perimeter of all approved open storage areas and staff/visitor parking areas. (See also Section 4.3 of this Code). Large car parking areas should be interspersed with internal planting bays to reduce the visual impact of large areas of paved surfaces.	site are unavailable from Yarrie Lake Road.	
4.7.2 Landscape Guidelines		
(a) Landscaped areas are to be an integral part of the site, and may, due to the size and scale of development proposed, require the incorporation of mounding to add visual relief to the development.	No landscaping is proposed. The VIA states that analysis from each of the two (2) viewpoints, the height and nature of the solar farm along with the distances from the site will mean that it will have limited visibility within the landscape and from public vantage points. Given the minor visual change to the rural landscape especially from public viewpoints, no mitigation measures are considered necessary. Notwithstanding, it is considered that a condition be imposed to provide landscaping to screen the development from the closest residence to the site.	Y
(b) Landscaped areas should be planted and maintained with suitable trees, shrubs and ground cover in accordance with a landscape plan, which must be submitted for approval prior to the release of building plans.		
(c) Landscaping should be completed in accordance with the approved landscape plan prior to the occupation of the development and shall be suitably maintained throughout the life of the development.		
(d) Every effort should be made to preserve existing trees on proposed development sites. All existing trees should be shown on the plan submitted with the application, and those which are required to be removed should be clearly highlighted.		
(e) Trees shall be planted on the Council footpath, 900mm in from the kerb, along the entire frontage of the property, at intervals of approximately 10 metres (making allowance for the location of the driveways). The tree types that can be used are		

included in Annexure 1, and shall be approved by the Shire Engineer.		
4.8 Access, Parking and Off Street Loading / Unloading Facilities		
4.8.1 General Requirements		
(a) The design, layout and construction of access, parking and service areas for all industrial development shall be in accordance with the requirements of the Narrabri Shire Parking Code.	The proposed development is not considered a 'traffic generating development' and due to the nature of the development, no prescribed parking rate is applicable.	Y
(b) Council is required to consult the NSW Traffic Authority to obtain advice on traffic and safety aspects for major traffic generating developments. This consultation is a statutory requirement prescribed by State Environmental Planning Policy No. 11. Additional information about the consultation procedure can be obtained by contacting Council's Environmental Services Section.	Not Applicable. The proposed development is not considered a 'traffic generating development'. Therefore, concurrence from TfNSW and/or RMS is not required.	Y
(c) Industrial development should be designed to ensure that all vehicles can enter and leave the site in a forward direction. Details of vehicle size and manoeuvring areas should be submitted with the development application to enable an adequate assessment of these aspects.	The proposed access and turning circle proposed for the site will allow all vehicles to enter and exit the site in a forward direction.	Y
(d) Individual parking bays should be clearly delineated and have minimum dimensions of 2.6 metres x 5.5 metres, except where it is adjacent to a solid obstruction when a 3.0 metre width should be provided.	According to the submitted SoEE, the proposed parking bay for the site will be constructed according to parking requirements.	Y
4.8.2 Access and Road Construction Requirements		
(a) The following road works are generally required in conjunction with industrial development: Industrial type vehicular gutter crossings; Construction of kerb, gutter and road shoulder between the lip	Vehicular access to the site will be via the existing access road off Yarrie Lake Road approximately 3 km south-east of Wee Waa. The proposed access driveway width at the combined entry/ exit gate is	Y

of the gutter and the edge of the existing bitumen seal, footway formation and paving and associated road drainage for the fill frontage of the site.	proposed to be 12.5 metres wide to accommodate swept turning paths during the construction stage.	
(b) Access drives to have a minimum width of six (6) metres; <i>Note – major traffic generating developments may require a greater access width divided at the property line.</i>		
(c) The location of access driveways at intersections shall be in accordance with the Traffic Authority of NSW 'Policy, Guidelines and Procedures for Traffic Generating Developments', however the minimum distance shall be 6.0 metres from the intersecting boundaries;		
(d) Access driveways across the footpath should hard sealed, consisting of either concrete, two coat bitumen seal, asphaltic concrete, paving blocks or other approved material.		
(e) All driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suite design traffic, and are to be sealed with either bitumen asphaltic concrete, concrete or interlocking pavers. Full details should be indicated on the plans submitted with the Development Application.		
4.8.3 Parking Requirements		
(a) On-site car parking should be provided in accordance with Council's adopted Car Parking Code, copies of which are available from Council.	Due to the nature of the development, no prescribed parking rate is applicable.	Y
4.8.4 Loading / Unloading Facilities		
(a) Adequate provision should be made on site for the loading and unloading of delivery vehicles within designated loading bays.	Not Applicable.	Y

(b) Loading and unloading facilities appropriate to the particular development are to be provided on site such that service vehicles are located wholly within the site and are not required to reverse to or from the street.	Not Applicable.	Y
4.10 Services and Drainage		
(a) To ensure that services provided are adequate for the scale of the development proposed. (b) To ensure adequate drainage facilities are provided within the site to collect and carry stormwater to external drainage systems; (c) To reduce the hazard of flooding and the diversion or concentration of water onto adjoining properties.	A Stormwater Management Plan has been provided with the application, detailing the stormwater drainage strategy during both pre-development and post-development.	Y
4.10.1 Water Supply		
All development shall be connected to Council's Water Supply. Details of flow pressure can be obtained from Council's Engineering Services Section.	Not Applicable.	Y
4.10.2 Sewer		
Where Council sewer is available, a Sewer Headworks Charge based on the size and type of Development may be charged.	Not Applicable.	Y
4.10.3 Trade Waste		
A Trade Waste Application will be required where liquid wastes other than sewerage are to be discharged to Council's sewerage system. Council levies a charge for the disposal of the Trade Waste to the sewer based on the volume and strength of the discharge.	No liquid waste is expected to be produced.	Y
4.10.4 Drainage		
(a) Stormwater runoff from roofs and paved areas is to be collected and disposed of to the street drainage or direct to Council's underground system.	A Stormwater Management Plan has been provided with the application, detailing the stormwater drainage strategy during both pre-development and post-development.	Y
(b) The Council will not permit the erection of buildings over drainage easements under its control.		
(c) A contribution towards		

Downstream Drainage may be required based on the increased run-off generated by the development.		
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The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCP's they are required to be considered):

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

Council may levy contributions for the proposed development in accordance with its adopted Section 7.12 Contributions Plan. According to the cost summary report by RPS (dated 27 November 2020), the cost of the development is \$7,225,638 (incl. GST) and therefore a 1% levy will apply. A condition has been included in the recommended terms of consent requiring the Section 7.12 Contribution to be paid to Council prior to the issue of a Construction Certificate.

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

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

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

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

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

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

The following Table outlines the likely impacts of the proposed development that have been considered in connection with the assessment of DA2021/0069.

Primary Matters	Comments
Context & Setting	➤ Glare/Reflectivity A Reflective Glare Assessment (RGA) prepared by SLR Consulting has been submitted to support the proposed development. The following potential glare have been considered: <u>Aviation-Related Potential Glare</u> According to the report, there will be nil glare from the Project at Wee Waa Aerodrome and the nearby Private Airstrip with the solar array in

	normal tracking mode, ie panels tilting $\pm 60^\circ$. However, there is potential for glare on the private airstrip if panels need to be left at a near horizontal or slightly westwards fixed tilt angle. The report also advised that leaving the solar array with a slight eastward fixed tilt angle (say 15°) for the 6-month period September to March or instituting an Airstrip Management Agreement with the Private Airstrip Landowner would eliminate this occurrence. A condition has been included in the recommended terms of consent to ensure compliance in this regard. <u>Motorist and Rail Traffic "Disability" Glare, residential Nuisance Glare</u> According to the report, there will be nil glare from the Project in relation to road traffic and rail traffic disability glare. <u>Night-Time Illumination Glare</u> Glare resulting from onsite lighting will be mitigated in accordance with AS4282-1997 <i>Control of the Obtrusive Effect of Outdoor Lighting</i> effectively controlling potential for light spill and glare generated by the proposed development. Recommendations have been made in the report, to ensure that the potential for any future possible night-time illumination glare will be non-existent. Any future lighting design should also be checked against the requirements of CASA's NASF Guidelines. A condition has been included in the recommended terms of consent to ensure compliance in this regard. ➤ Views & vistas A Visual Impact Assessment (VIA) prepared by SLR Consulting has been submitted as part of the application to assess the potential visual amenity changes which may occur as a result of the proposed development. The views of the site from public viewpoints were from the adjacent unsealed access road, Yarrie Lake Road and Culgoora Road. Due to the scale of the solar farm in relation to the overall landscape surrounding the site, the degree of change is considered to be relatively low. The existing vegetation along the site boundaries particularly to the north and east, currently screen the site from almost all views from surrounding roads and public locations and thus it is considered that no additional landscaping is required to be implemented on the site. A condition has been included in the recommended terms of consent to provide landscaping to screen the development from the closest residence to the site.
Site Design & Internal Design	The proposed development has been designed and located with consideration to the constraints of the site and potential environmental impacts, as discussed throughout this assessment report.
Access, Transport & Traffic	A Traffic Impact Assessment (TIA) has been prepared by Intersect Traffic has been submitted to support the subject application. It is noted that, the majority of traffic movements associated with the

	development will occur during the construction of the solar farm (approximate 6-month period) with the delivery of panels and prefabricated structural supports. The TIA provides rates of traffic likely to be generated from the proposed development (both during construction and once operational) and provides the following advices: • The development during construction will generate up to an additional 18 vehicle movements to and from the site during the weekday AM and PM peak periods but only 2 vehicle trips per hour during the operation of the Solar. • The existing peak traffic volumes on the local and state road network will remain below the two-way mid-block capacity thresholds during the construction and operation of the development. • The proposed development will not generate any increase in public transport demand therefore no nexus exists for the provision of new services or improved infrastructure resulting from the development.
Public Domain	The proposed development is expected to have negligible impact on the public domain in terms of public recreation opportunities, public spaces and pedestrian linkages.
Utilities	It is considered that the proposed development is unlikely to have an adverse impact on the availability and capacity of utilities. Minimal utilities are expected to be required for the project as construction will be short-term and there will be no permanent staff on the site, nor any permanent buildings.
Heritage	<u>Indigenous Cultural Heritage</u> SLR undertook an AHIMS basic search for the site to identify aboriginal heritage at the site and found that no known Aboriginal sites or Aboriginal Places are recorded on AHIMS in the project area. There are no landscape features located on site that would indicate the presence of Aboriginal objects. Further, the lack of features relating to Aboriginal occupation in the proposed project area, makes it unlikely Aboriginal objects would be present. A condition has been included in the recommended terms of consent, requiring works to cease and Office of Environment and Heritage to be contacted should any items suspected of being Aboriginal in origin discovered during works. <u>European Heritage</u> The site does not contain any listed heritage items under Schedule 5 of the Narrabri LEP 2012, nor is it located within a heritage conservation area. No other heritage items are located in proximity to the site.
Other Land Resources	The proposed development is not expected to have an adverse impact on the conservation and use of land resources, including productive agricultural land, mineral and extractive resources and water supply catchments.
Water	A Stormwater Management Report prepared by DRB Consulting Engineers accompanies the Development Application (Annexure D).

	The stormwater drainage strategy for the development can be summarised as: • All impervious runoff from the proposed Photovoltaic Arrays will discharge to the existing ground surface where the natural flow regime will be maintained. • Runoff from the proposed gravel/hardstand area catchment will be conveyed via sheet flow and the proposed roadside swale used as an above ground onsite stormwater detention basin. • Discharge from the above ground onsite stormwater detention basin will be limited to the pre-development flow rates. Council's Engineering Officer reviewed the submitted Stormwater Management Plan and did not have any comments/conditions relating to the proposed development. However, a condition is recommended to be included in the recommended Terms of Consent to ensure the suitable management of Stormwater.
Soils	The proposed development is not expected to have an adverse impact on soil conservation. Erosion and sediment controls will be required to be installed prior to the commencement of works and maintained for the duration of construction works. Conditions have been included in the recommended terms of consent to this effect.
Air & Microclimate	It is considered that the proposed development will not result in adverse air and microclimatic conditions. The SoEE and supporting technical studies identify a range of measures to mitigate any dust that may be generated during construction and operation of the proposed development. Conditions have been incorporated into the recommended terms of consent to ensure compliance in this regard.
Flora & Fauna	An Ecological Due Diligence report, prepared by Kleinfelder, advises that the proposed development will mainly affect areas of exotic grassland (agricultural land). The report concludes that the Project is unlikely to have a significant impact on flora and fauna and that the BOS is not triggered by the proposed development. In addition, the report has identified a number of avoidance and mitigation measures to reduce potential biodiversity impacts, including but not limited to erosion and dust control, and weed and chemical spill management. Conditions have been incorporated in the recommended term of consent to ensure that the identified mitigation measures are implemented for the proposed development.
Waste	A Waste Management Plan has been submitted with the subject application and identifies waste management measures for each stage of the development, including site preparation, construction and operations. Conditions have been included in the recommended terms of consent to ensure to that any waste generated by the development is appropriately managed.
Energy	The proposed development involves the establishment of renewable energy, being a 5MW photovoltaic electricity generating system and associated infrastructure.
Noise & Vibration	A Noise Impact Assessment (NIA) prepared by Muller Consulting Pty Ltd has been submitted with the subject application. The NIA concludes that the noise generated during the construction of the proposed development

	will have the potential to exceed the existing noise management levels eight (8) receiver. Notwithstanding, the NIA has identified several mitigation measures that should be considered during the construction phase to reduce emissions to the surrounding community. The mitigation measures have been incorporated as a condition in the recommended terms of consent.
Natural Hazards	The subject lot is not classified as bush fire prone land nor is it liable to inundation by flooding.
Technological Hazards	The Flora and Fauna report by Kleinfelder identifies several measures to prevent chemical spills. Such measures include: the storage of chemicals in bunded areas, regular inspections for leaking oils or fuels from vehicles, and no re-fuelling, washing or maintenance of vehicles within 20m of natural drainage lines. A condition has been incorporated into the recommended terms of consent to ensure compliance in this regard.
Safety, Security & Crime Prevention	The proposed development is not expected to have an adverse impact on safety, security and crime prevention. The development site will be improved with security fencing.
Economic Impact on the Locality	It is anticipated that the proposal will have a positive economic impact on the locality, particularly during the construction phase of the development. This will potentially create more job opportunities for local tradespeople, and expenditure locally on groceries and meals.
Social Impacts	The Social Impact of the proposed development has been addressed within the submitted SoEE. According to the SoEE, the proposed development is anticipated to have an ongoing positive social impact on the local area and broader Wee Waa Community as it: • Is consistent with the regulatory and business development framework, including state government legislation and the Narrabri Shire Council strategic plans; • Will have positive impacts intergenerational equity, with the provision of cleaner energy in the future; • Supports Commonwealth and NSW climate change commitments; • Will generate enough clean, renewable energy for about 2,000 homes; • Is an appropriate development in relation to the projected changes to population and demographics in the region; • Is unlikely to have significant negative social impacts to the locality and region; and • Would be a benefit contributing to the overall community sustainability of the Wee Waa community.
Construction	Conditions have been included in the recommended terms of consent to mitigate construction impacts. Such conditions relate to hours of work, parking and traffic management, waste, toilet facilities, noise and dust mitigation, and signage. A Construction Management Plan is also required to be prepared and implemented as a recommended condition of consent.
	Acceptable, as discussed throughout this assessment report and subject

Cumulative Impacts	to conditional approval.
Other?	No other impacts have been identified.

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

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

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

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

The DA was notified to adjoining landowners and advertised in “The Courier” and Council’s website for a period of fourteen (14) days, commencing 28 June 2021 and ending 16 July 2021. No submissions were received during the public consultation period.

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

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

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

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

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

Table 2: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Not Applicable			
Referral/Consultation Agencies			

Essential Energy	Clause 45(2) – ISEPP ‘Determination of development applications—other development’	• Essential Energy’s comments were received by Council on 26 March 2021 and will be incorporated as conditions and advice in the recommended terms of consent.	Y
Crown Lands	Application was referred to Crown Land as access to the site is off Yarrie Lake Road via a Crown Road.	Crown Land’s comments were received by Council on 30 August 2021. Crown Land has no objection to the proposal.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Not Applicable.			

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

Table 3: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council’s Engineering Officer reviewed the submitted Stormwater Management Plan and Traffic Impact Assessment. Council’s Engineering Officer had no comments/conditions regarding the proposal.	Yes
Waste	Council’s Manager of Waste Services reviewed the submitted Waste Management Plan. Conditions will be included in the recommended terms of consent to ensure to that any waste generated by the development is appropriately managed.	Yes

4.2 Community Consultation

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

5. KEY ISSUES

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

5.1 Visual impacts

A Visual Impact Assessment (VIA) prepared by SLR Consulting has been submitted with the subject application. Based on the findings in the VIA, it has been considered that the proposed solar farm would have a ‘minor’ visual impact rating on the existing landscape character and values of the site and its local context. The site from public viewpoints (VP1 & VP2) is very limited due to the presence of obstructions such as topographic features, vegetation and built elements (**Figure 6**). According to the VIA, the existing vegetation along

the site boundaries particularly to the north and east, currently screen the site from almost all views from surrounding roads and public locations.



Figure 6: Selected Visual Receptors and Direction of View.

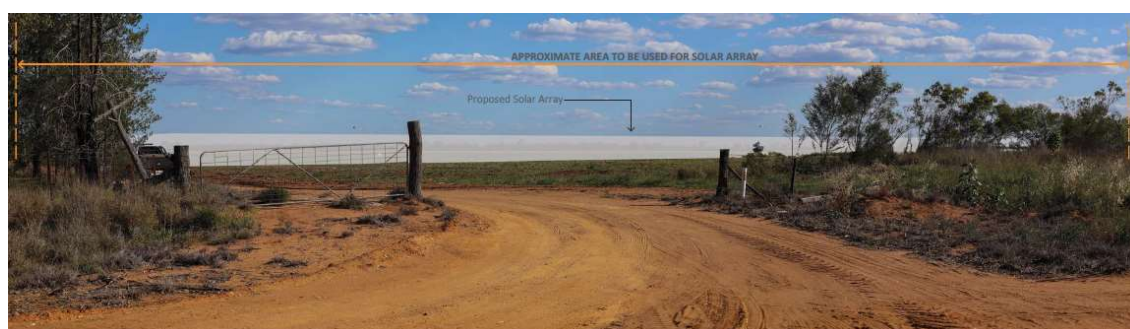


Figure 7: Proposed Solar farm from Viewpoint 1 (VP1).



Figure 8: Proposed Solar farm from Viewpoint 2 (VP2).

The VIA concludes that the proposed solar farm would not require any mitigation measures to lessen these already minimal impacts.

Resolution: Notwithstanding, it is considered that a condition be imposed to provide landscaping to screen the development from the closest residence to the site.

5.2 Access via Crown Road

Access to the site is off Yarrie Lake Road via a Crown Road which will connect to an internal access road.

A Traffic Impact Assessment (TIA) has been prepared by Intersect Traffic has been submitted to support the subject application.

It is noted that, the majority of traffic movements associated with the development will occur during the construction of the solar farm (approximate 6-month period) with the delivery of panels and prefabricated structural supports.

The TIA provides rates of traffic likely to be generated from the proposed development (both during construction and once operational) and provides the following advices:

- The development during construction will generate up to an additional 18 vehicle movements to and from the site during the weekday AM and PM peak periods but only 2 vehicle trips per hour during the operation of the Solar.
- The existing peak traffic volumes on the local and state road network will remain below the two-way mid-block capacity thresholds during the construction and operation of the development.
- The proposed development will not generate any increase in public transport demand therefore no nexus exists for the provision of new services or improved infrastructure resulting from the development.

The Application was referred to Crown Land as access to the site is off Yarrie Lake Road via a Crown Road. Crown Land's comments were received by Council on 30 August 2021 who had no objection to the proposal.

5.3 Decommissioning

A Waste Management Plan has been submitted with the subject application and identifies waste management measures for each stage of the development, including site preparation, construction and operations. Conditions have been included in the recommended terms of consent to ensure that any waste generated by the development is appropriately managed and that a Decommission Management Plan be submitted to Council prior to decommissioning occurring.

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

6. COSULTATION WITH APPLICANT

The draft Recommended Conditions of Consent was sent to the applicant on 1 December 2021. The applicant reviewed the Draft Conditions and requested the following:

Condition

A5 Landscape Plan

A Landscape Plan is to be prepared and submitted to Council for approval. The Landscape Plan shall provide landscape plantings as necessary to mitigate visual impacts to the closest residences to the east of the site.

Applicants Response:

The applicant would like to request to have this condition removed, given the location of the site and visual impact assessment performed. No landscaping is deemed to be required.

Council's Response

According to the VIA, the existing vegetation along the site boundaries particularly to the north and east, currently screen the site from almost all views from surrounding roads and public locations. Notwithstanding, it is considered that a condition be imposed to provide landscaping on the subject allotment to screen the development from the closest residence to the east of the site.

A6 Tree Retention and Removal

Existing trees on the site are to be retained and protected from damage during work, with the exception of the trees in the approved Landscape Plan.

Applicants Response:

The applicant would like to suggest changing 'Landscape Plan' to 'Development Plans' as landscaping has been deemed not be required and therefore no plan has been development.

Council's Response:

It is considered that the condition not be amended, should the Northern Regional Planning Panel agree that a landscape plan be provided as per recommended Condition A5 'Landscape Plan'.

E4 Landscaping

All landscaping required by the approved Landscape Plan must be completed prior to the issue of an Occupation Certificate.

Applicants Response:

As previously mentioned in the above, the applicant would like to request to have this condition removed given the location of the site and visual impact assessment performed. No landscaping is deemed to be required.

Council's Response:

It is considered that the condition be included, should the Northern Regional Planning Panel agree that a landscape plan be provided as per recommended Condition A5 'Landscape Plan'.

F1 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer. Following construction, the applicant must restore the ground cover of the site as soon as practicable using suitable species and maintain ground cover.

Applicants Response:

As previously mentioned in the above, the applicant would like to request to have this condition removed given the location of the site and visual impact assessment performed. No landscaping is deemed to be required.

Council's Response:

It is considered that the condition be included, should the Northern Regional Planning Panel agree that a landscape plan be provided as per recommended Condition A5 'Landscape Plan'.

F9 Reflectivity

The solar array must be left with a slightly eastwards fixed tilt angle of at least 15° for the month period between September to March; or, an Airstrip Management Agreement, as set out in the Reflective Glare Assessment, must be instituted with the Private Airstrip Landowner

Applicants Response:

SLR were referring to instances whereby the modules remain stationary for long periods of time. There is no issue during standard tracking movements.

The applicant would like to suggest to change the wording as follows: "For the 6-month period between September and March, if the panels are required to be left stationary for extended periods of time (e.g. construction, maintenance), the panels should be positioned with an eastwards tilt of at least 15 degrees. Alternatively, an Airstrip Management Agreement with the Private Airstrip Landowner should be established to ensure any potential glare condition associated with nearby airstrip is eliminated."

Council's Response:

It is considered that the condition can be reworded as requested.

7. CONCLUSION

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

8. RECOMMENDATION

That the Development Application 2021/0069 for the Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure at 3843 Yarrie Lake Road, Wee Waa NSW 2388 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report as **Attachment B**.

The following attachments are provided:

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