

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH - 149
DA Number	DA22/0122
LGA	Wagga Wagga
Proposed Development	Electricity Generating Works – Solar Farm
Street Address	Boorool - 1268 Oxley Bridge Road, Uranquinty, NSW, 2652
Applicant/Owner	Applicant – David Hunter Habitat Planning Owners – David Bruce Freeman and Roslyn Anne Freeman
Date of DA lodgement	3 March 2022
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 11 • 11
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	<p>5 Private infrastructure and community facilities over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million for any of the following purposes—</p> <p>(a)...electricity generating works...</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Planning Systems) 2021 • SEPP (Primary Production) 2021 • Wagga Wagga Local Environmental Plan 2010 • Wagga Wagga Development Control Plan 2010
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Plans • Statement of Environmental Effects (and additional information letter) • Traffic Impact Assessment • Visual Impact Assessment • Biodiversity Assessment Report • Aboriginal Due Diligence Assessment • Construction Noise and Vibration Management Plan • Operational Noise Emission Assessment • Glint and Glare Assessment
Clause 4.6 requests	<ul style="list-style-type: none"> • N/A
Summary of key submissions	<ul style="list-style-type: none"> • Impact on agricultural land • traffic concerns • Visual impacts • Impacts on flora and fauna • Pollution concerns
Report prepared by	Sam Robins
Report date	16 November 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

Executive Summary

- The proposal is for an electricity generating works (solar farm) with capacity of up to 5 Megawatts. The facility will be established on approximately 16.67ha of the 49ha site and will consist of approximately 13,620 solar panels mounted on single axis trackers and pile driven into the ground.

In addition to the solar panels the development includes construction of unsealed internal access tracks, a new main access gate, parking and laydown areas, substation, batteries, landscaping and perimeter fencing.

- The site is located approximately 1.2km south-east from the village of Uranquinty, immediately adjacent to the Uranquinty sewerage treatment works and on the eastern side of Oxley Bridge Road. Sandy Creek is approximately 500m south and south west of the subject site with agricultural land located immediately adjoining in all other directions.

The site itself is rectangular in shape, generally flat with a slight rise to the east. Sporadic vegetation is mainly focused along the western and southern boundaries. The land is used primarily for broad-acre agricultural purposes

- The subject site is zoned RU1 – Primary Production under the Wagga Wagga Local Environmental Plan 2010. Electricity Generating Works (Solar Farms) are permissible with consent in this zone. It is noted that they are also permissible with consent under the SEPP (Transport and Infrastructure)
- The application was accompanied by the following reports:
 - Biodiversity Assessment Report
 - Aboriginal Due Diligence Assessment
 - Visual Impact Assessment and Landscape Buffer Planting
 - Traffic Impact Assessment
 - Glint and Glare Assessment
 - Construction Noise and Vibration Management Plan
 - Operational Noise Emission Assessment
- A briefing was held with the Panel on 8 June 2022 where key issues were discussed, including traffic, construction, acoustic and visual impacts, stormwater management, impact on agricultural land and the completeness of the Aboriginal due diligence assessment.
- Key issues:
 - Impact on agricultural land
 - Detailed assessment within the 4.15 report concludes that the impact is both negligible and acceptable.
 - Visual impacts
 - Glint and glare assessment and visual impact assessment conclude that the visual impacts are acceptable. Landscaping buffers are proposed to assist in reducing the impacts further.
 - Traffic impacts during construction

- Assessment has determined that the impacts are acceptable subject to compliance with recommended conditions of consent requiring a Traffic Management Plan and a Construction Management Plan. The main focus will be on maintaining the safety of the local road network and the condition of the local road network.
- Submissions
 - 11 Submissions were received that raised concern surrounding the following main issues:
 - Impact on agricultural land
 - traffic concerns
 - Visual impacts
 - Impacts on flora and fauna
 - Pollution concerns
- The proposal is not considered integrated development. Essential Energy were referred the application under Clause 2.48(2) Of the SEPP (Transport and Infrastructure) 2021. No objections were raised and recommended conditions have been included in the report.
- The application complies with the relevant SEPPs, the objectives of the relevant sections of the Wagga Wagga Local Environmental Plan 2010 and the objectives and controls of the Wagga Wagga Development Control Plan 2010.
- The proposal is in the public interest as it contributes to federal, state and local goals of promoting the development of renewable energy and reduces the reliance on other forms of electricity generation that are reliant on the burning of fossil fuels. The proposal is consistent with the relevant heads of consideration under Section 4.15(1) of the Act and is also consistent with wider strategic planning documents such as the Riverina Murray Regional Plan 2036.
- The report is recommended for approval subject to conditions as detailed in the report.



City of
Wagga Wagga

Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA22/0122
Modification No.:	N/A
Council File No.:	D/2022/0122
Date of Lodgement:	03/03/2022
Applicant:	Habitat Planning 409 Kiewa Street ALBURY NSW 2640 David Hunter
Proposal:	Electricity Generating Works – Solar Farm
Description of Modification:	N/A
Development Cost:	\$8,370,000
Assessment Officer:	Sam Robins
Determination Body:	Southern Joint Regional Planning Panel
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal External - Riverina Water, Essential Energy
Adjoining Owners Notification:	31/3/22 - 14/4/22
Advertising:	31/3/22 - 14/4/22
Owner's Consent Provided:	Yes
Location:	The development is proposed on lots 24 and 43 in DP 754565. The site is located approximately 1.2km south-east from the village of Uranquinty, immediately adjacent to the Uranquinty sewerage treatment works and on the eastern side of Oxley Bridge Road.

SITE DETAILS

Subject Land:	BOOROOL 1268 Oxley Bridge Rd URANQUINTY NSW 2652
Owner:	Lot 24 DP 754565, Lot 43 DP 754565 DB Freeman & RA Freeman

DESCRIPTION OF DEVELOPMENT

The proposal is for an electricity generating works (solar farm) with capacity of up to 5 Megawatts. The key features of the proposal are described in the Statement of Environmental Effects as follows:

3.2. Project Details

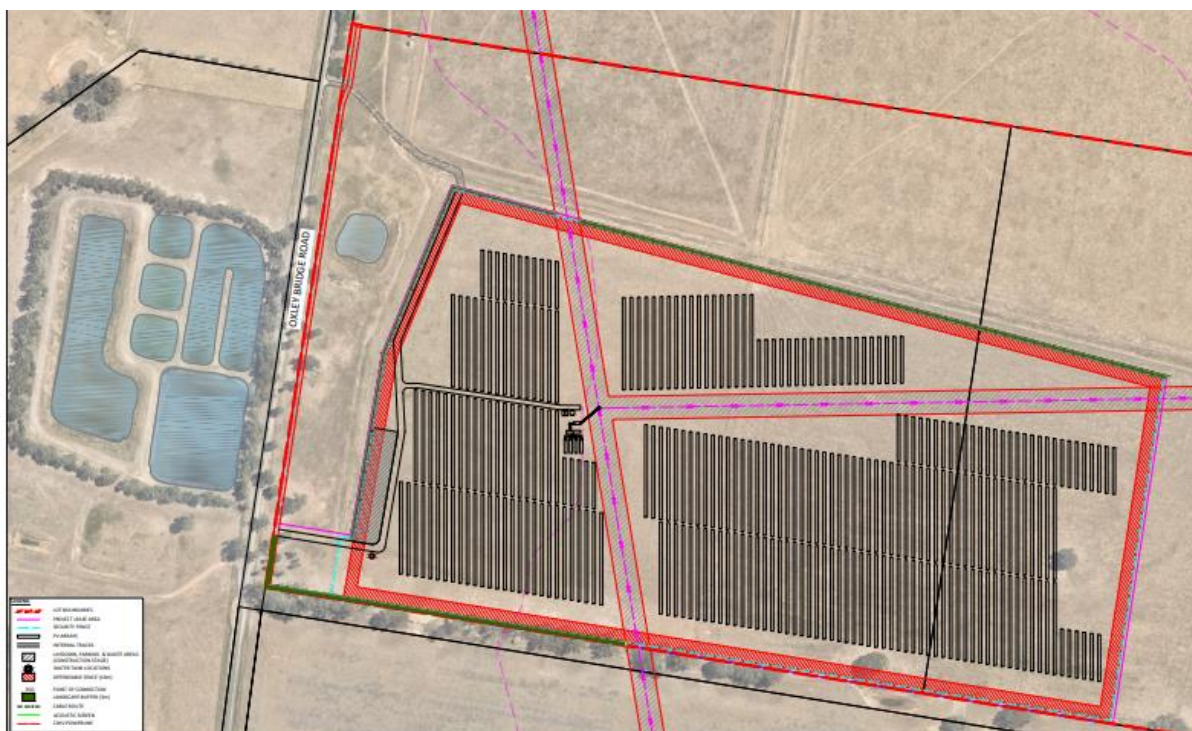
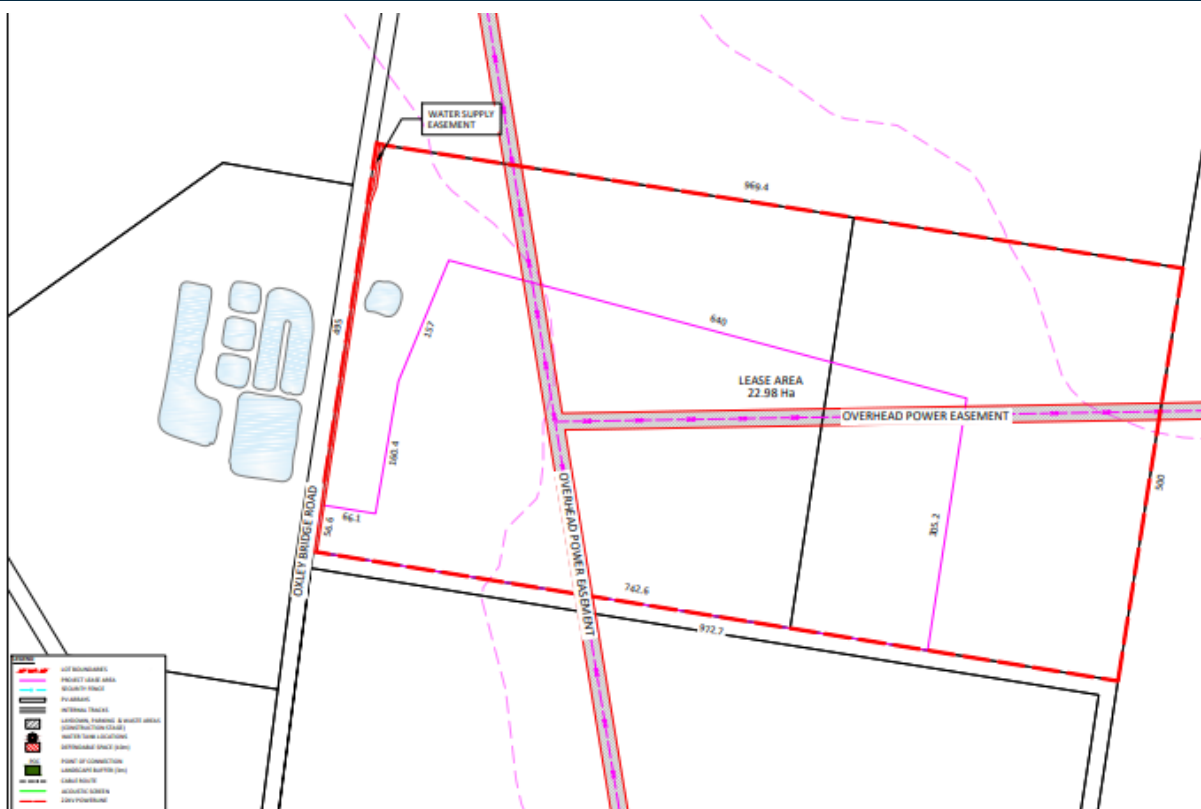
Specifically, the proposal involves:

- New rural-type road access point and associated works from Oxley Bridge Road at the south western boundary
- Temporary road access for construction purposes and associated works from Oxley Bridge Road at the north western boundary
- Variable width (4-6m) internal access tracks within the development and between the panel arrays as shown.
- Installation of approximately 13,620 solar panels, to be mounted on single axis trackers and pile driven into the ground
- Aboveground and underground cabling between panel arrays to combiner boxes and inverters
- Central inverters within the panel arrays on skids to invert DC power from the panel arrays into AC power
- Substation and underground cabling and electrical connections between the panel inverters/substation
- Laydown, construction staging, waste and parking areas at the western extent of the development;
- Provision of internal turning area sufficient for construction vehicles;
- Internal access tracks between solar arrays to provide access for construction, maintenance and inspection, including internal swale drains with capacity for storage and conveyance of stormwater;
- 3-5 metre wide landscaping to sensitive perimeters of the development;
- Internal drainage detention basin and outfall;
- Internal swale drainage to internal road and construction area;
- Perimeter landscaping to the northern, eastern and western boundaries
- Perimeter security fencing (2 metre height) comprising steel posts and transparent mesh

It is proposed that the facility will be established on approximately 16.67ha of the 49.06ha site. The remaining balance of land will continue to be used for agricultural purposes.

The proposed facility is expected to take approximately 6-12 months to complete construction. It will operate for a period of up to 30 years, after which it will be subject to further operation or decommissioning and removal of all components.

The site layout is illustrated in the figures below:



THE SITE & LOCALITY

The development is proposed on lots 24 and 43 in DP 754565. The combined area of the lots is 49.06ha. The proposed leased area is 22.98ha, with the actual development

proposing to take up approximately 16.67ha of that land.

The site is located approximately 1.2km south-east from the village of Uranquinty, immediately adjacent to the Uranquinty sewerage treatment works and on the eastern side of Oxley Bridge Road. Sandy Creek is approximately 500m south and south west of the subject site with agricultural land located immediately adjoining in all other directions.



The site itself is rectangular in shape, generally flat with a slight rise to the east. Sporadic vegetation is mainly focused along the western and southern boundaries. The land is used primarily for broad-acre agricultural purposes including grazing and includes fencing, livestock yards, two dams and grain silos. Overhead powerlines traverse the site both north-south and east-west and a water easement is located along the western boundary.

The subject site is not considered flood prone land. Whilst not mapped as bushfire prone land, on inspection vegetation was classified across the site and surrounding land as grassland and would be considered a grassland and subject to bushfire provisions. This has been discussed later in the report.

A number of site inspections were undertaken by the assessing officer.

PREVIOUS DEVELOPMENT CONSENTS

Nil

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - The provisions of any environmental planning instrument (EPI)

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the provisions of the Wagga Wagga Local Environmental Plan, the land on which the development is proposed is zoned as RU1 Primary Production. The development is characterised as 'electricity generating works'. Electricity generating works are permissible with consent in the RU1 zone as an innominate land use.

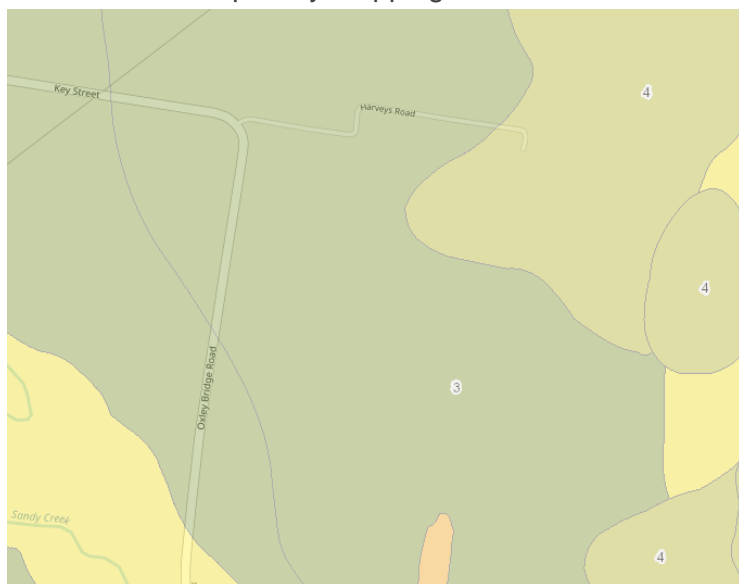
The objectives of the zone are;

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

An assessment of the impact of the development on agricultural land and its relationship to this objective is provided below.

The site of the development is mapped as being Class 3 land on the Land and Soil Capability Mapping for NSW (LSC). According to the document prepared by the Office of Environment and Heritage and titled 'The land and soil capability assessment scheme: second approximation', Class 3 land has limitations that must be managed to prevent soil and land degradation, however these can be readily overcome by widely available and readily implemented land management practices. Class 3 land is especially widespread on the NSW slopes and is capable of sustaining cultivation on a rotational basis, however productivity will vary with soil fertility and there are greater restrictions on use than for Class 1 or 2 lands due to increased limitations.

Land and Soil Capability Mapping:



The subject site is also mapped as state significant agricultural land (SSAL) on the draft state significant agricultural land map. The draft map is currently closed from public submissions with the NSW Government reviewing submissions and considering how best to utilise the map in the NSW planning framework. It is acknowledged by the Department that the map is of variable quality with real and perceived anomalies because of factors used (such as slope, salinity etc). Regardless of its Draft status and accepted limitations, it remains relevant when considering the impact on the natural resource base.

Draft State Significant Agricultural Land Map:



The numbers provided below show a breakdown of the agricultural land in Wagga and the impact of solar farms on that land.

Total land in Wagga Wagga LGA (ha)	482,160
Total rural zoned land (ha)	455,227
Total SSAL (ha)	111,844
Total LSC 3 (ha)	153,170

Rural zoned land in Wagga Wagga LGA itemised by zone:

Rural Zone	In Wagga (ha)
RU1	435,385
RU2	9,179
RU3	9,008
RU4	907
RU5	493
RU6	255

Total Land in Wagga Wagga LGA containing Land Soil Capability (LSC) Classes 1-3 (itemised by class):

Class (LSC)	In Wagga (ha)
1	0
2	0
3	153,170

Wagga currently has either approved or under assessment 10 applications that involve solar farms of differing scales in a variety of locations and zones. The total area of these applications is approximately 1745ha.

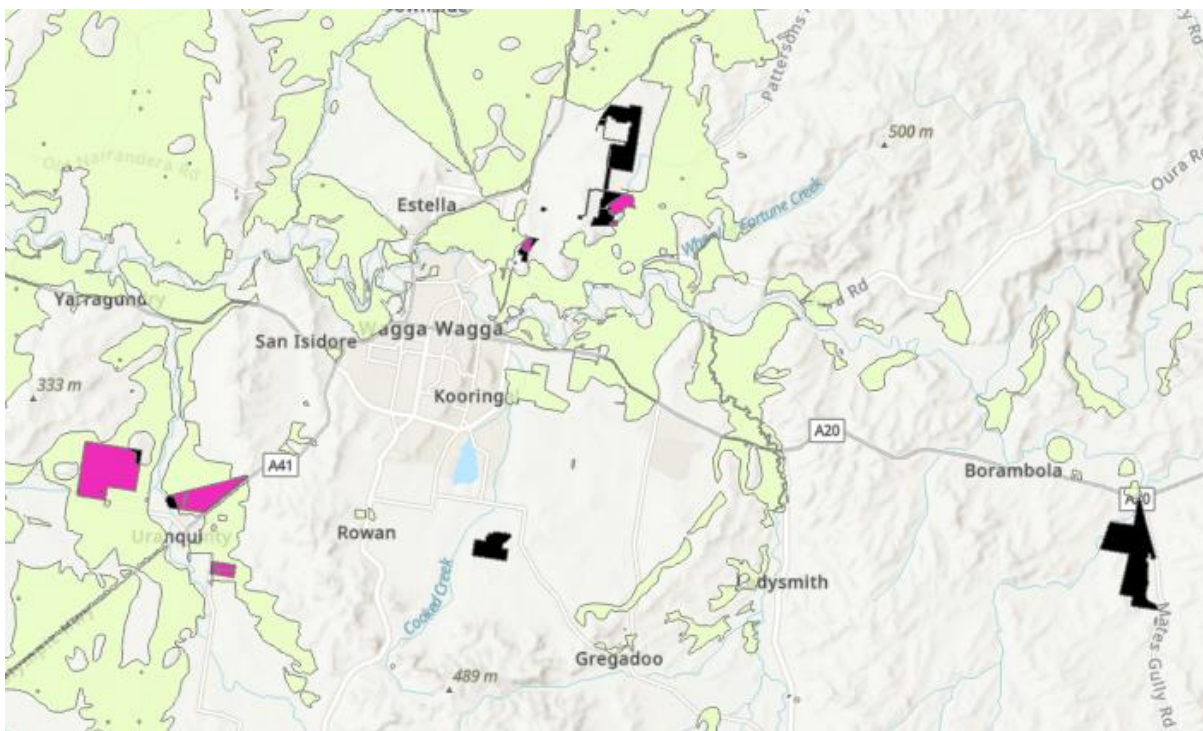
The following is an assessment of the impact of these solar farms on the SSAL. The assessment is conservative as it is based on the lot area and not the percentage of the lot utilised for the solar farm. The assessment includes all existing and proposed solar farms, including this proposal.

SSAL Total	111,844ha
SSAL with solar development	745.7ha
SSAL with solar %	0.67%

This proposal alone equates to the following:

SSAL Total	111,844ha	
Total lot size	49.06ha	0.044%
Total leased area	22.98ha	0.02%
Total developed area	16.67ha	0.015%

Below is an image of solar farms within the LGA against SSAL (pink within SSAL, Black clear of SSAL)



For reference the Australian Energy Market Operator estimates that NSW will need approximately 20,000MW of large-scale solar energy generation by 2050. This would require approximately 40,000ha of land or only 0.06% of rural land in NSW. If 100% of this was to be located on the best agricultural land in the state this would only equate to 0.4% of that land. Whilst it is understood that certain areas of the state will likely have higher numbers of these facilities and therefore higher percentages of SSAL within certain LGAs will be taken up, it is important to understand the limited impact on a state wide basis. In comparison, the current cumulative uptake of SSAL in the Wagga Wagga LGA resulting from this and other approved solar farm developments (as detailed above) is significantly less at 0.67% (or 754ha), with the majority of solar farm developments (1000ha) occurring on land that is not SSAL.

In summary, the site is currently being used for cropping and grazing and whilst the development will not encourage sustainable primary industry production on the site, the development will not impact significantly on the wider natural resource base and its ability to sustain primary production given the very low percentage of high quality resource land being occupied. There is scope for grazing to continue on the land and across parts of the subject site that are not developed for the solar farm. Upon decommissioning of the development, agricultural activities will be able to continue, with pre-development potential retained.

It is noted that the applicant has provided some figures within their information. Whilst the numbers differ in some cases the overall conclusion is the same. Council's figures are more conservative, hence why they have been included in the assessment report.

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

The proposed development is for a non-rural use which will not encourage diversity of primary industry enterprises or systems for the locality. However, the use of the land for a solar farm is diversification into an alternative land use that is considered suitable within the rural zone.

The solar farm will however support the ongoing energy needs of a range of industries including primary production.

- *To minimise the fragmentation and alienation of resource land*

The proposed development does not result in the fragmentation of land but will minimise the ability for the land to be used for agriculture for an extended period of time. It is noted that the land is not proposed to be further subdivided, with the bulk of the property to remain in agricultural production. There remains the potential to return the land to full scale agricultural use following decommissioning in 30 years.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development has the potential to conflict with other land uses in terms of visual and environmental impacts. The potential impacts of the development and proposed mitigation methods are discussed in further detail throughout this report. The development is considered to be appropriately located on lower slopes, in an area where other non-agricultural uses already exist, including the sewerage treatment works.

- *To foster strong, sustainable rural community lifestyles.*

The proposed development does not result in the loss of any rural properties and much of the subject land will remain in agricultural production. As such, it is considered the size of the rural population, and the community it supports will remain unchanged following this development.

Rural zones are not exclusively agricultural zones, with a range of other uses permitted, included rural industries, quarries, and major recreation facilities which can all be reasonably expected to occur in these areas. It is the range of uses that exist in a community that give the community strength and sustainability thereby fostering rural lifestyles. Changes in the landscape and land use alone are not considered contrary to the existing lifestyle of the community, especially where these changes are reasonably mitigated.

The generation of renewable energy is essential to prevent serious irreversible climate change and ensure the sustainability of the lifestyle of all rural communities in Australia. Impacts resulting from changes in landscape character, or during construction, must be countered against the sustainability of not supporting renewable energy development. Given the area of land needed to house solar farms, rural areas naturally will need to accommodate the majority of these uses.

- *To maintain the rural landscape character of the land*

The existing 'rural' landscape character of the land is already moderately impacted, being adjacent to sewage treatment plant and having major overhead powerline infrastructure

traversing the site. Furthermore, the site is located in proximity of a major urban centre (Wagga), and an outlying satellite village (Uranquinty). Undoubtedly though, the proposed development will further alter this character. Landscaping will help mitigate these impacts, and other parts of the site will continue to be used for agricultural purposes. Following decommissioning of the development, it has the potential to return the land to full scale agricultural purposes.

Notwithstanding the above, it is considered that solar farms are becoming part of the landscape character of rural areas as Australia transitions from a fossil fuel economy. The perception of what constitutes a “natural” rural environment is often based on a lived experience over a relatively short period of time. Since European settlement rural areas have been consistently altered, changed and developed, from vegetation removal, to the installation of infrastructure, such as dwellings, sheds, power lines, roads and railways. The rural landscape present in much of Australia, including the subject site, is by no means pristine, but is rather the outcome of constant development. Solar farms are arguably the most recent phase in this modification of the landscape and will increasingly become the norm in nonurban areas. Whilst not a natural element, and found to be visually obtrusive by some, others find solar farms a generally inoffensive element in the landscape.

- *To allow tourist and visitor accommodation only where it is in association with agricultural activities.*

The development does not propose any tourist and visitor accommodation.

The RU1 zone objectives provide for agricultural and other land uses to co-exist. The zone purpose and provisions support the continuation and growth of farming but also provide the opportunity for non-farming uses to be considered in appropriate locations. A wider range of uses may be considered in this zone due to the availability of larger land parcels and its locality further away from more sensitive receivers including densely populated areas. Other non-rural uses that are identified as being consistent and permitted within the RU1 zone include extractive industries and major outdoor recreation facilities.

The project lifespan for the facility is approximately 30 years after which the facility may be upgraded with new technology or will be decommissioned and the land made available for another land use consistent with the rural zoning of the land.

The installation of the solar farm would not inhibit the future potential of the land to be developed for rural purposes in accordance with the zone objectives. The LEP does not prohibit this type of development and the investment into the alternative energy supplies is consistent with the NSW Government Net Zero Plan: Stage 1 2020-2030 and the Riverina Murray Regional Plan. The Regional Plan lists renewable energy as a priority growth sector and has a listed direction within the plan to “promote the diversification of energy supplies through renewable energy generation.” It is also noted that the Draft Riverina Murray Regional Plan 2041 includes detailed discussion under objective 13 - *Support the transition to net zero by 2050* on the importance of renewable energy, the role the region can play and the responsibility of land use planning to guide an orderly transition and maximise benefits.

Rural landscapes will continue to change and evolve, as they have consistently done, to support Australia’s transition to renewable technologies and to meet the Federal Government’s commitment to net zero emissions by 2050.

Part 5 Miscellaneous provisions**5.10 Heritage Conservation**

(1) Objectives The objectives of this clause are as follows-

- (a) to conserve the environmental heritage of Wagga Wagga,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following-

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)-*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*

The subject site is not located within the Heritage Conservation Area and does not contain a listed heritage item.

An aboriginal due diligence assessment was undertaken by NGH dated December 2021. The report made the following conclusions and recommendations:

Conclusion:

It is unlikely that the proposed development will impact upon Aboriginal objects. There were no mature trees located within the proposed development footprint, no areas of PAD identified and the levels of ground disturbance evident identified a low potential for stone artefacts to remain.

Recommendations:

- 1. All works must be constrained to the area assessed within this report and any activity proposed outside of the current assessment area should also be subject to an Aboriginal heritage assessment.*
- 2. All access to the site and laydown areas must be within existing tracks and disturbed areas otherwise visual inspection of the sites by a qualified archaeologist is required.*
- 3. If any items suspected of being Aboriginal in origin are discovered during the work, all work in the immediate vicinity must stop and Heritage NSW notified. The find will need to be assessed and if found to be an Aboriginal object an AHIP may be required.*

Based on the above, development consent is not specifically required under (2)(a) or (d)

above. Conditions of consent will be included based on the recommendations of the NGH report to ensure correct procedures are followed should any objects be located during construction. Compliance with the conditions will ensure the relevant objective of this section are met. Council does not have any concerns with the details of the report and has clarified with the consultant that any stormwater works that may be required have been adequately covered in the assessment.

Part 7 - Additional Local Provisions

7.1A Earthworks

The proposal will require minor earthworks as part of site preparation.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Given the site is generally flat and the earthworks are minimal and mainly related to trenching and internal road works, there is not considered to be any significant adverse impact on drainage structure or soil stability. The works are not located in an area of instability or close to main watercourses. A detailed stormwater plan will be required via recommended conditions of consent.

No fill is proposed to be imported to the site, nor is excavated material proposed to be removed. Material will be retained on site.

The proposed earthworks are to support the proposed development but are not considered to compromise the future return of the land to agricultural purposes, given the relatively minor scale.

7.3 - Biodiversity

This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map. A very small portion of the northern part of the land and a triangle on the western boundary are identified on the map. These areas are clear of the development site and will not be directly impacted by the proposal.

The application included a Biodiversity Assessment prepared by NGH dated January 2022. The report makes the following comments within the conclusion:

‘...The proposal would result in the removal of approximately 16.44 ha of non-native vegetation, including exotic pastures and crops. This constitutes the removal of potential low-quality foraging habitat for some fauna species

The proposal will impact on regenerating native canopy species (PCT 276) that occur in the southern entrance area (see Figure 6-1 for extent) and PCT 277 that occurs in the north-east proposed entry area. Both PCT 276 and PCT 277 are associated with the Critically Endangered White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions as listed under the BC Act. In total approximately 0.17 ha of this TEC would be impacted by the proposal. The ToS concluded it is unlikely there would be a significant impact on this community.

ToS and AoS were conducted for threatened birds predicted to occur in the development footprint. The assessments concluded there is unlikely to be a significant impact on these species.

Based on the assessment in this report, no BOS thresholds are considered to be exceeded and a BDAR is not required to be submitted with the development application.

Direct impacts to native vegetation have been avoided by the proposal where possible. Given the local context and small area of native vegetation to be impacted, the works are considered unlikely to have a significant environmental impact...’

The report also makes a number of recommendations around the introduction and spread of priority weeds, unexpected threatened species finds and clearing of native vegetation and Endangered Ecological Communities in order to minimise impacts. Conditions of consent will include these recommendations where relevant.

Upon review of the biodiversity assessment, the consent authority can be satisfied that matters set out under 7.3(3) have been considered, and potential adverse impacts are considered unlikely. Furthermore, in consideration of all matters, the consent authority can be satisfied that the development is consistent with the objectives of the clause and has been designed, sited and managed to avoid any potential adverse environmental impact. All matters under Clause 7.3 have been considered in full.

7.5 - Riparian land and Waterways

The site is mapped as “Waterway” on the ‘Water Resource Map’ of the WWLEP 2010 and as such clause also 7.5 applies. However, as above, this is only a very marginal portion in the south eastern corner of the site well clear of the development area. The proposal will not impact on this land and no further assessment is required under this clause.

Clause 7.9 - Primacy of Zone B3 Commercial Core

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The development is for a solar farm that could not reasonably be housed in the CBD. Therefore, the development is considered unlikely to impact on the primacy of the CBD.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 Hazardous or offensive development

Given the use of batteries it is important to consider if the land use falls within the considerations of this chapter of the SEPP. The Large-Scale Solar Energy Guideline states that if the project includes battery energy storage for a capacity of greater than 30MW then the applicant must undertake a preliminary hazard analysis. The applicant has confirmed that the battery storage capacity is 14.5MW. Based on this no further assessment under this part of the SEPP is required.

Clause 4.6 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. A site inspection identified that the land is currently used for agricultural purposes and aerial photography confirmed this has been the practise for decades.

Agricultural activities are listed as a potentially contaminating land use in Table 1 of the Managing Land Contamination Planning Guidelines. The site of the development is in an area used historically for cropping and grazing, and not agricultural activities more regularly associated with contamination such as horticulture, stockyards, or storage shed. There was no evidence of contamination on the site of the development during site inspections and the site is not listed on the Council potentially contaminated land register. The proposed development is for a solar farm and is not of a kind that is sensitive to contamination. Matters under the SEPP have been considered in full, and for the reasons outlined above, the site is not considered to be contaminated, and the consent authority can be satisfied that the site is suitable for the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 4 Electricity generating works or solar energy systems

2.36 Development permitted with consent

(1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land-

(b) in any other case-any land in a prescribed rural, industrial or special use zone.

The SEPP supports consideration being given to the development of rural land for electricity generating works. The specific development proposal is therefore permissible with consent.

2.42 Determination of development applications for solar or wind electricity generating works on certain land

(1) This section applies to development in a regional city for the purposes of electricity generating works using a solar or wind energy source that is-

- (a) State significant development, or*
- (b) regionally significant development.*

(2) Development consent must not be granted unless the consent authority is satisfied that the development-

- (a) is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development, and*
- (b) is unlikely to have a significant adverse impact on the regional city's-*
 - (i) capacity for growth, or*
 - (ii) scenic quality and landscape character.*

(3) In determining whether to grant development consent, the consent authority must consider measures proposed to be included in the development to avoid or mitigate conflicts referred to in subsection (2)(a) or adverse impacts referred to in subsection (2)(b).

(4) In this section-

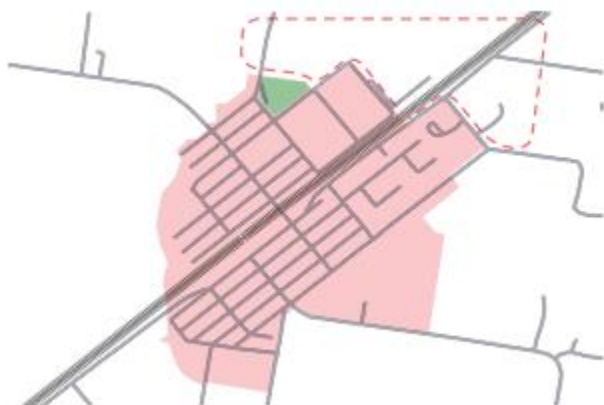
Regional Cities Map means the State Environmental Planning Policy (Infrastructure) 2007 Regional Cities Map

regional city means an area of land identified as "subject land" on the Regional Cities Map

The clause would apply to the development as the site is on "subject land" on the regional cities map.

The development is considered to be located to avoid significant conflict with existing or approved residential and commercial uses given its location, separation and proposed landscaping.

The land subject to the development is not considered to be required to support the growth of Wagga Wagga. The Wagga Wagga Local Strategic Planning Statement does identify villages (including Uranquinty) as having rural growth opportunities and these are indicated as being towards the north of the village (as shown below in the dotted red line).



Given this, the distance from the existing RU5 land and the location opposite the sewerage treatment works, it is highly unlikely any future expansion will be in this location, thus is unlikely to cause a conflict with growth areas.

It is considered that the consent authority can be satisfied that the development is not likely to have a significant impact on Wagga Wagga's capacity for growth, nor its scenic quality or landscape character.

Potential conflicts have been mitigated through additional screen planting and other measures as discussed within the assessment report.

The development is considered consistent with this section of the SEPP. All relevant matters have been considered.

Division 5 Electricity transmission or distribution networks

Subdivision 2 Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications-other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following-

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out-*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*
- (c) installation of a swimming pool any part of which is-*
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) development involving or requiring the placement of power lines underground,*

unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must-

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

As previously mentioned, the site contains overhead powerlines in close proximity to the solar panels. Therefore under (1)(b) this section applies. The application was referred to Essential Energy under (2)(a). Essential Energy provided the following comments:

1. Essential Energy's records indicate existing 22kV overhead powerlines and easements are impacted by the proposal:

- a. The 22kV overhead powerlines must be clear of all structures, things or activities by a minimum of 10.0 metres (horizontally), either side of the centreline of the powerlines.*
- b. The proposed security fencing crossing under the overhead powerlines and through the easements must use insulating panels either side of the powerlines (at least 5.0 metres long), all metallic parts must be suitably earthed and must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- c. Access to the site must be available 24 hours a day / 7 days a week by Essential Energy staff should they be required to complete emergency works. Essential Energy padlocks must be placed on all gates and they can be purchased by the Applicant - refer website www.meterkeys.com.au <<http://www.meterkeys.com.au>>.*
- d. SafeWork NSW clearances must be adhered to when completing works near powerlines.*
- e. It is assumed there will be underground cables crossing the easement areas. These locations must be approved prior to being installed. The Applicant can do this by completing the application form at <https://www.essentialenergy.com.au/web-forms/encroachment-form>.*
- f. Minimum safety clearance requirements are to be maintained at all times for any access ways / driveways that will pass under the overhead powerlines located on the properties. The access ways / driveway must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. If ground clearances are compromised, the Applicant is required to increase the height of the overhead powerlines at their cost.*

2. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au

Essential Energy also makes the following general comments:

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.*
- 3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.*
- 4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- 5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines/Underground Assets*

Council has considered the above comments and will recommend conditions of consent to address the comments above.

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 3 Koala habitat protection 2020

The chapter requires that the consent authority first consider if the land is "potential koala habitat". Given that the development site avoids all trees, it is considered that the site is not "potential koala habitat". Therefore, there is no impediment under this chapter to granting consent to the proposed development. The Biodiversity Assessment prepared by NGH supports this position stating that the site is not considered to be potential or core Koala habitat.

State Environmental Planning Policy (Planning Systems) 2021

The SEPP sets out what development is "state significant development" and "regionally significant development" for the purposes of the Environmental Planning and Assessment Act 1979.

Part 2.4 of the SEPP states that:

- (1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.*

Schedule 6 of the SEPP includes:

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes-

- (a)...electricity generating works...*

As the capital investment value of the proposed development is over \$5 million (\$8.37 million) the development is considered to be 'regionally significant development'. In accordance with the Environmental Planning and Assessment Act 1979 the Southern Regional Planning Panel is the consent authority for regionally significant development.

State Environmental Planning Policy (Primary Production) 2021

The relevant section of the SEPP is as follows:

Part 2.2 State significant agricultural land

2.7 Objects of Part

The objects of this Part are as follows-

- (a) to identify State significant agricultural land and to provide for the carrying out of development on that land,*
- (b) to provide for the protection of agricultural land-*
 - (i) that is of State or regional agricultural significance, and*
 - (ii) that may be subject to demand for uses that are not compatible with agriculture, and*
 - (iii) if the protection will result in a public benefit.*

2.8 State significant agricultural land

- (1) Land is State significant agricultural land if it is listed in Schedule 1.*
- (2) The provisions in Schedule 1 relating to the carrying out of development on State significant agricultural land have effect.*

Note-

At the commencement of this Chapter, there were no areas listed in Schedule 1 to which this Chapter applies.

As discussed in detail above under (a)(i), the SSAL map has not yet been made and therefore no assessment under this section of the SEPP can be undertaken.

It should be noted that, the implications of being mapped as such is unclear. Notwithstanding, a detailed assessment of the draft SSAL map and the potential impacts of this proposal on this land has been undertaken under (a)(i) above.

(a)(ii) - The provisions of any draft environmental planning instrument

Draft local environmental plans

N/A

Draft state environmental planning instruments

Nil

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.5 Guiding Principles

The guiding principles of the WWDCP 2010 are as follows:

GP1 Sustainability, climate change management, and efficient use of resources

- i. To protect and enhance the viability of natural systems*
- ii. To achieve good environmental outcomes*
- iii. To manage incremental change to retain sustainable outcomes*
- iv. To support waste minimisation strategies*
- v. To protect the indigenous, European and natural heritage*
- vi. To avoid use of rainforest and old growth timbers*

GP2 Site responsive development

- i. To design for compatibility with topography, physical characteristics and setting*
- ii. To achieve a positive contribution to the streetscape and/or natural environment*

GP3 Design quality

- i. To achieve quality sustainable development*
- ii. To respond to site conditions*

GP4 Quality public domain

- i. To achieve vibrant and attractive public spaces*
- ii. To enhance opportunities for community connection*
- iii. To design for crime prevention and public safety*

The proposed development is considered to be consistent with these Guiding Principles as set out by this assessment.

1.10 Notification of a Development Application

The application was notified and advertised between the 31/3/22 and 14/4/22.

2.1 Vehicle access and movements

The relevant objectives and controls of this section are as follows:

Objectives

- O1 Ensure the safety and efficiency of urban and rural roads.*
- O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.*

Controls

- C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.*

Access to the site once complete will be from a new access point on the south-western boundary of the property off Oxley Bridge Road. A temporary access will be provided at the north-western boundary of the property during construction. The location of the access points raises no concerns. Appropriate conditions will be applied.

- C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.*

The application includes a Traffic Impact Assessment (TIA) prepared by Spotto Consulting dated December 2021. Whilst the report only references one of the lots that form part of the subject site the maps clearly demonstrate that the assessment has considered both lots and the correct development plans.

The report makes the following conclusions and recommendations:

The assessment concluded that:

- Traffic volume data and assessment of key roads and intersections in the vicinity of the site (including Oxley Bridge Road, Key Street, Ryan Street and the Olympic Highway as well as intersections) shows that they currently operate with low volumes of traffic and good levels of service;*
- The proposed development will generate traffic of five vehicle trips per hour in the peak hour and 14 vehicle trips per day during construction, as well as one vehicle trip*

per hour and two vehicle trips per day during operation, which will not have a significant impact on the performance of the surrounding road network (midblock or intersection);

- *Adequate provision has been made for entry and exit to the site for vehicles up to and including a 19m semi-trailer, with all vehicles able to enter and exit the site in a forward direction;*
- *Space is available off-street for vehicles to travel through the site in a forward direction, and to park safely clear of through traffic;*
- *Adequate provision has been made for staff, servicing and delivery vehicles; and*
- *There is no significant impact of the proposed development on pedestrians and cyclists.*

The assessment recommended that:

- *Construction traffic should be managed through the development and implementation of a Construction Traffic Management Plan (CTMP) written in accordance with the requirements of Australian Standard AS1742.3 Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads and the RMS (TfNSW) Traffic Control at Work Sites - Technical Manual; and*
- *The primary access into the site from Oxley Bridge Road (approximately 1.0km south of Harveys Road) be designed as a typical rural property access (as detailed in Section 7.2.3 of the Austroads Guide to Road Design Part 4: Intersections and Crossings - General and shown in RMS (TfNSW) Model Drawing - Typical Rural Property Access Standards (Figure 2 - Articulated Vehicles).*

Council staff raise no concerns with the TIA. Appropriate conditions of consent will be included to address the recommendations of the TIA. Conditions will also require a dilapidation report be prepared to ensure that any damage cause to the main route from the Olympic Highway to the site during construction is repaired to the satisfaction of Council.

It should be noted that the applicant confirmed that B-Doubles will not be used during the construction or operation. For clarity this will be conditioned.

No unreasonable concerns with regards to traffic are raised.

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

The proposal complies.

C4 Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.

Adequate area exists on site for the loading and unloading of vehicles.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

As mentioned above, this will be conditioned. Given the location and flat straight section of road there will be no issues with complying with the relevant standards.

C6 Ensure adequate sight lines for proposed driveways.

The TIA raised no issues with sight lines. Council's assessment raised no concerns.

2.2 Off-street parking

The following controls of this section are relevant to this development:

C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.

Electricity generating works are not listed in the parking table of the WWDGP 2010. Given the small number of staff associated with the ongoing operation of the facility, formal parking is not considered necessary. During construction a temporary parking area will be necessary. It is recommended that a condition of consent be imposed requiring the submission of a Construction Management Plan (CMP). Temporary construction parking would form part of any such CMP.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of the application.

As mentioned above, formal parking will not be required.

C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of the application.

As above.

C8 A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms

A TIA has been prepared and conclusions discussed above. A parking study is not considered necessary.

C9 Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m.

C10 Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.

C11 To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.

As noted, formal ongoing parking is not proposed and therefore specific plantings for parking areas are not required.

2.3 Landscaping

C1 A landscape plan is required for applications for :

- Commercial and Industrial developments
- Residential development (other than dwelling houses).

C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.

C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species.

C4 Trees should be planted at the front and rear of properties to provide tree canopy.

C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.

A landscape plan has been lodged with the application. The plan was prepared by Yonder Landscape Architecture and dated 24/2/22. The plan undertakes a visual assessment of the surrounding area to identify the sensitive viewpoints (if any) and prepare the plan specifically to address these potential areas of concern. The assessment identified that the main areas

of concern were immediately north and south of the subject site on Oxley Bridge Road. The landscape plan therefore identifies a 5m wide buffer with mixed height plantings along the western edge (fronting Oxley Bridge Road) of the development to address this area of concern.

Further landscaping buffers are provided along the northern lease area boundary for its full length and the southern lot boundary for approximately 300m running east from Oxley Bridge Road.

In general, the landscape plan shows 3-5m wide landscaping to sensitive perimeters of the development. The landscaping is intended to reduce the visual impacts from potential sensitive receivers and Oxley Bridge Road. It is acknowledged that the site will undergo visual changes because of the physical works required in establishing the solar farm and the subsequent visibility of the installation. The proposed landscaping will not and is not proposed to completely screen the development but will assist in softening and screening the solar farm when viewed from the surrounding locality.

Whilst Council have approved 10m and 5m buffers on recent approvals, it is considered that given the adjoining rural land, existing vegetation and lack of sensitive receivers in close proximity, a 3m wide buffer along the northern and southern side is considered reasonable. The landscaping plan is considered adequate and appropriately addresses the issues around visual impacts.

2.4 Signage

No signage is proposed.

2.5 Safety and security

The site will be secured by a 2 metre high perimeter fence around the area that is to be developed, the SEE also mentions the possibility of CCTV and remote monitoring, however this will not be conditioned as a requirement. The security fence will be placed behind a landscape buffer which will reduce the impact of the fence in the rural landscape. A rural style fence will be located on the opposite side of the landscaped area to protect the landscaped buffer and provide added security.

The site would be largely passive with minimal on-going operational works necessary. The site would be monitored from a security perspective via regular site visits and maintenance undertaken as required.

It is recommended that the ongoing use of the solar farm be managed via an Operational Environmental Management Plan that will include site safety and security measures. The development is not anticipated to create a crime risk and appropriate security measures have been addressed

2.6 Erosion and Sediment Control Principles

There are no specific controls in this section. Standard conditions of consent to manage construction are recommended. It is unlikely that issues will be raised given the location and flat nature of the site.

Section 4 Environmental Hazards and Management

4.1 Bushfire

Whilst the subject site is not mapped as bushfire prone land an inspection of the site has identified that the site is a grassland hazard and thus the provisions of Planning for Bushfire Protection 2019 are considered.

The relevant section of PBP2019 is Chapter 8 that includes controls for specific types of development including solar farms and notes:-

In order to comply with PBP the following conditions must be met:

- *satisfy the aim and objectives of PBP outlined in Chapter 1;*
- *consider any issues listed for the specific purpose for the development set out in this chapter; and*
- *propose an appropriate combination of Bushfire Protection Measures.*

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives are to:

- *afford buildings and their occupants protection from exposure to a bush fire;*
- *provide for a defendable space to be located around buildings;*
- *provide appropriate separation between a hazard and buildings which, in combination with*
- *other measures, prevent the likely fire spread to buildings;*
- *ensure that appropriate operational access and egress for emergency service personnel and*
- *occupants is available;*
- *provide for ongoing management and maintenance of BPMs; and*
- *ensure that utility services are adequate to meet the needs of firefighters.*

Buildings proposed on site include a power conversion unit, power control system, inverter shed and battery energy storage system and will have no permanent occupants. Persons visiting the site will be for maintenance purposes only.

The site is accessible from the entrance off Oxley Bridge Road and access tracks within the site are of a sufficient width to allow access by emergency vehicles to the main section of the site. Emergency vehicles will also be able to access the full perimeter of the leased area as a 10m wide APZ will be required to be maintained and the site is generally flat. However, a fully constructed perimeter road is not proposed and will not be required given the use of the site.

Ongoing management of BPMs can be achieved via an Operational Environmental Management Plan.

Specific controls for solar farms are provided under section 8.3.5 as follows:-

- *a minimum 10m APZ for the structures and associated buildings/infrastructure; and*
- *the APZ must be maintained to the standard of an Inner Protection Area (IPA) for the life of the development.*

Infrastructure for the purposes of requiring APZ excludes

- *road access to the site and*
- *power or other services to the site and associated fencing.*

Whilst the SEE does not acknowledge the bushfire threat, the plans clearly identify the 10m APZ (noted on plan as defendable space) around the leased area. It is recommended that this be conditioned along with ensuring that the landscaping does not compromise this 10m APZ.

A Bush Fire Emergency Management and Operations Plan should identify all relevant risks and mitigation measures associated with the construction and operation of the...solar farm.

This should include:

- detailed measures to prevent or mitigate fires igniting;*
- work that should not be carried out during total fire bans;*
- availability of fire-suppression equipment, access and water;*
- storage and maintenance of fuels and other flammable materials;*
- notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bushfire fire danger period to ensure weather conditions are appropriate; and*
- appropriate bush fire emergency management planning.*

It is important to be aware of operations that may be carried out on days of Total Fire Ban and any prohibited activities or exemptions that are notified by the Commissioner of the NSW RFS under the RF Act s.99.

A recommended condition of consent will require the preparation of a Bush Fire Emergency Plan in consultation with local NSW RFS in accordance with PBP 2019 as well as bush fire protection measures and maintenance being included in the ongoing Operational Environmental Management Plan for the site.

Other conditions of consent, including requiring that internal access arrangements, water supply requirements and electricity and gas comply with the requirements of PBP 2019 are recommended.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clauses 7.3 and 7.5 of the LEP above, given the proposal, no issues are raised.

Section 8 Rural Development

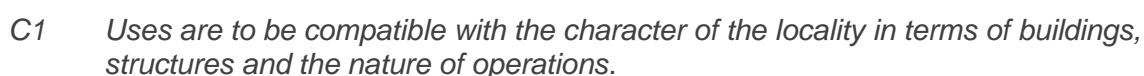
The objectives of this section that are relevant are as follows:

8.1 Development in Rural Areas

- O1 Ensure that rural developments are compatible with site context.*
- O2 Minimise potential for conflicts between traditional and productive agricultural uses and non-agricultural uses.*
- O3 Ensure that adequate buffers are provided so that dwellings do not interfere with the right to farm adjoining or adjacent land*
- O4 Ensure safe and adequate servicing and access arrangements*

The development is significantly different to other development in the immediate locality, but consistent with the changing character of rural areas across the state in response to the essential need to increase the provision of renewable energy. As discussed in part (a) this is a necessary change to the character of rural areas, as part of the ongoing evolution and development of rural areas in NSW since European settlement. The development itself is not a sensitive land use or likely to be incompatible with agricultural activities on the remainder of the site or adjoining properties.

To support this argument of a changing landscape its relevant to note that DA20/0558 for a 17MW, 42ha solar farm with 40,000 panels was approved by the Southern Joint Regional Planning Panel on 23/12/21 immediately north of the village. See location below:



Large scale solar farms, including much larger than that proposed, are being developed across the state predominantly in rural locations where there is access to large areas of land close to transmission infrastructure. The need to reduce carbon emissions to reduce the impacts on climate change necessitate the development of this type of energy infrastructure, and the impacts or changes in character that they lead too. Measures have been proposed, such as site screening, to help minimise these impacts, and help with the compatibility of the development with the character of the locality.

C2 *Provide adequate buffer areas and setbacks to minimise potential conflicts with adjoining lawful land uses. Where there is potential for a conflict between land uses, priority will be given to the existing productive use.*

26 of 65

There is potential for some minor visual impacts to still occur, however, land use conflicts as such are not anticipated. The minor visual impacts do not warrant refusal of the application.

C3 Use landscaping and other screening options to help integrate new uses and developments into the rural landscape.

The proposed landscape buffers together with existing vegetation help to screen and integrate the development into the landscape. It is acknowledged that the proposed and existing vegetation will not be able to completely screen the solar farm, but it will assist in the softening of the development site.

The proposed development will change the existing character of the rural landscape by the introduction of a significant array of solar panels. The existing character of relatively flat open land will remain but will take on a different appearance through the introduction of the solar farm which will be visible from different locations generally in close proximity to the subject site.

A visual assessment has been prepared and is discussed in greater detail within the impacts section of this report. The outcomes of the assessment are that the 'high' impact areas can be appropriately mitigated by landscape buffers and the impact on surrounding properties is negligible and further reduced by the screen planting proposed.

C4 Uses must be capable of operating within capacities of available existing services.

Electricity infrastructure will be upgraded to enable connection to the electricity grid. The site has access to water mains if required. The application includes a 20,000L water tank which would provide an adequate supply.

C5 Provide adequate facilities for additional traffic in terms of vehicle access and movements, parking areas, and loading and unloading of goods.

The development will not generate any significant traffic movements to and from the site once it is operational. A Construction Management Plan is recommended to manage construction related matters such as parking, movement along and damage to local roads, and loading and unloading areas. Given the size and location of the site no unreasonable impacts are expected.

C6 In the case of larger projects Council may require the applicant to demonstrate that the roads in the locality are of satisfactory construction and condition to accommodate the size, weight and volume of vehicles that could be generated by the use, and that the local traffic conditions are suitable.

As noted under Section 2.1, a TIA has been submitted with the application. The TIA concluded that the roads and key intersections currently operate at low volumes of traffic and good levels of service and that the proposed development would not have a significant impact on the performance of the surrounding road network.

The report recommends that a Construction Traffic Management Plan (CTMP) be prepared. This will be included in the recommended conditions of consent. As part of the CTMP construction traffic moving through Uranquinty will be directed to use Ryan Street to enter/exit onto the Olympic Highway. This will limit the heavy vehicles movements within Uranquinty as Ryan Street leads directly from the highway to Oxley Bridge Road.

The junction of Oxley Bridge Road and Harvey's Road is a sweeping bend at the high point in the road and is an area for concern given the visibility and propose size of construction vehicles, it will be recommended that the CTMP specifically addresses this point in the road network.

With specific regard to the construction and condition of the road being capable of accommodating the size, weight and volume of vehicles, the TIA does not address this issue. Given that from the Ryan Street junction to the subject site is a local road network, it is considered reasonable to assume that the additional traffic volume and nature of the vehicles during construction phase has the potential to cause damage. Therefore, a condition of consent requiring pre and post development dilapidation reports, with a requirement to make good any damage, has been recommended. This practice is entirely consistent with the approach used for the approved solar farm to the north of the village.

C7 Provide satisfactory arrangements for storage and disposal of waste.

A Construction Management Plan (CMP) will be required via conditions of consent. The CMP will include details regarding waste management during construction, operation and decommissioning. No issues are expected.

There are no other provisions of the WWDCP 2010 relevant to the proposed development.

(a)(iia) - 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

No planning agreement has been entered into under section 7.4.

(a)(iv) - any matters prescribed by the regulations

61 Additional matters that consent authority must consider

(7) In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.

The Master Plan has been considered. The subject site is not located within the Special Activation Precinct and the development is not of a nature that would cause any impacts to the SAP that require further consideration.

Matters prescribed by the Environmental Planning & Assessment Regulation 2021 and the Building Code of Australia have been satisfied.

(b) - The likely impacts of the development

Context and setting

The development is proposed in a rural area, which is agricultural in character, interspersed with non-agricultural uses and infrastructure, including the Sewerage Treatment Works, the Uranquinty village, Main Southern Railway, the Olympic Highway and a gas fired power station.

The development represents a change in character in the area as part of the evolution of rural areas to accommodate Australia's increasing renewable energy needs. Impacts are largely visual in nature, with other incompatibilities non-significant. Agricultural operations on surrounding land, along with the operations of the sewerage treatment works are unlikely to be impacted by the proposed development.

Visual Impacts

A Visual Impact Assessment (VIA) was submitted with the application prepared by Yonder Landscape Architecture dated 24 February 2022.

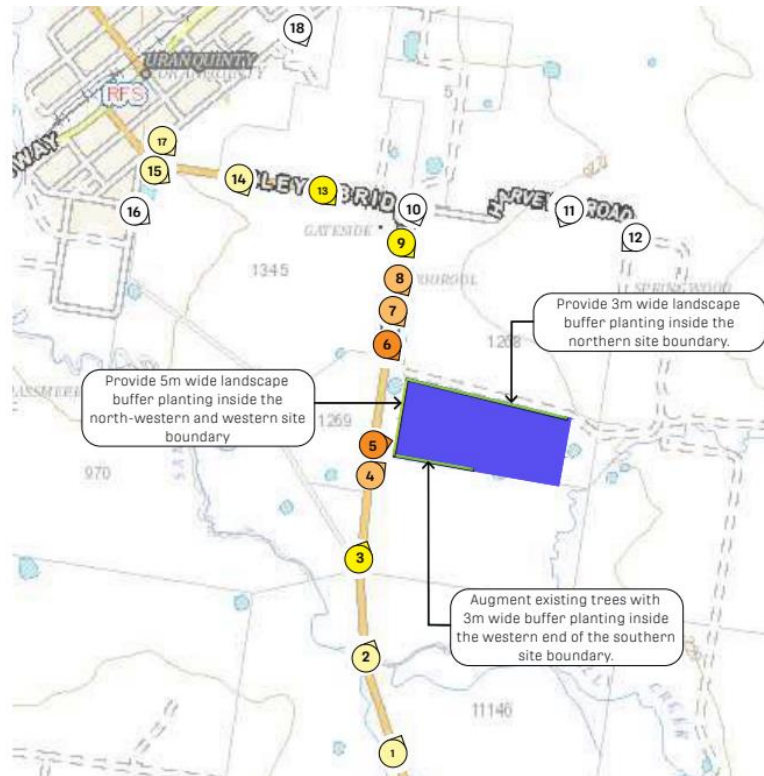
The methodology was based on the Roads and Maritime Services Environmental Impact Assessment Guidance Note (2013): Guidelines for landscape character and visual impact assessment.

The outcomes from the report are shown on the following image:

Outcomes

The visual assessment outcomes are summarised below:

Viewshed	Impact
1, 2	Low
3	Moderate - low
4	Moderate - high
5, 6	High
7, 8	Moderate - high
9	Moderate - low
10, 11, 12	Negligible
13	Moderate - low
13, 14, 15	Low
16	Negligible
17	Low
18	Negligible



The report is limited as it does not provide an assessment of impact on surrounding residential properties. What can be concluded from the report is that the impact of the proposed development on Oxley Bridge Road is minimal and where impacts are high, they can and will be addressed by screen plantings.

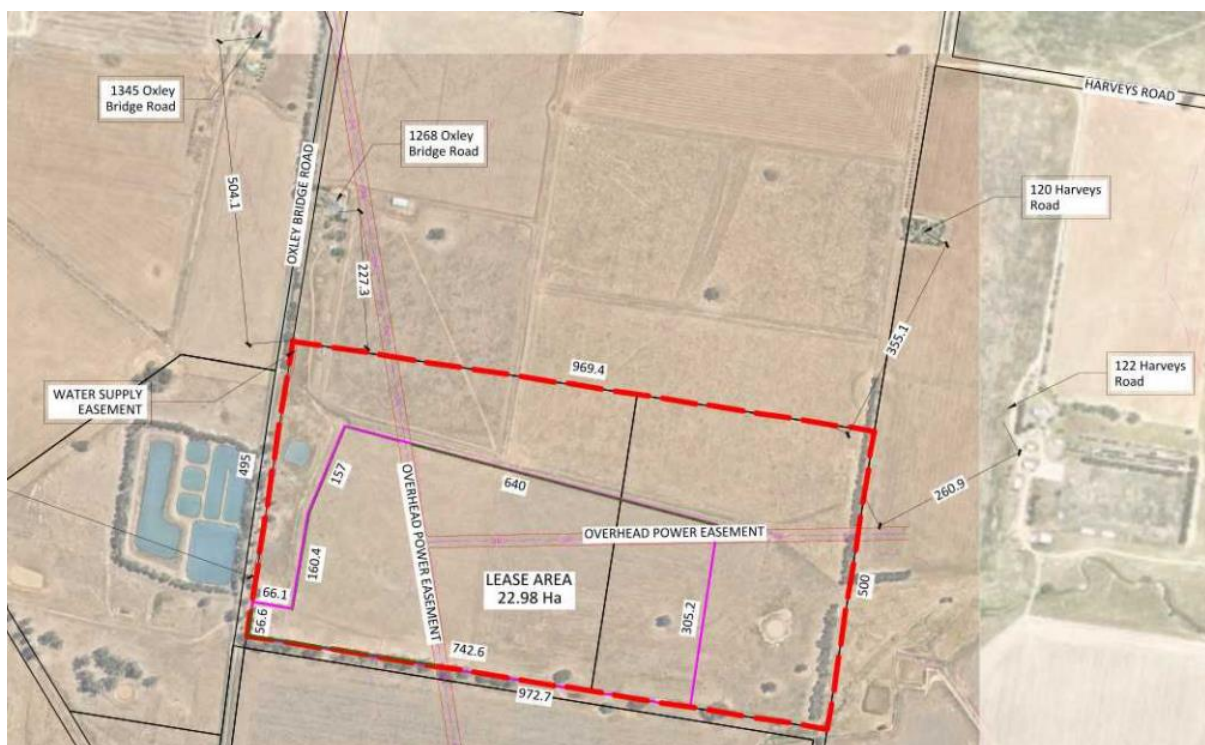
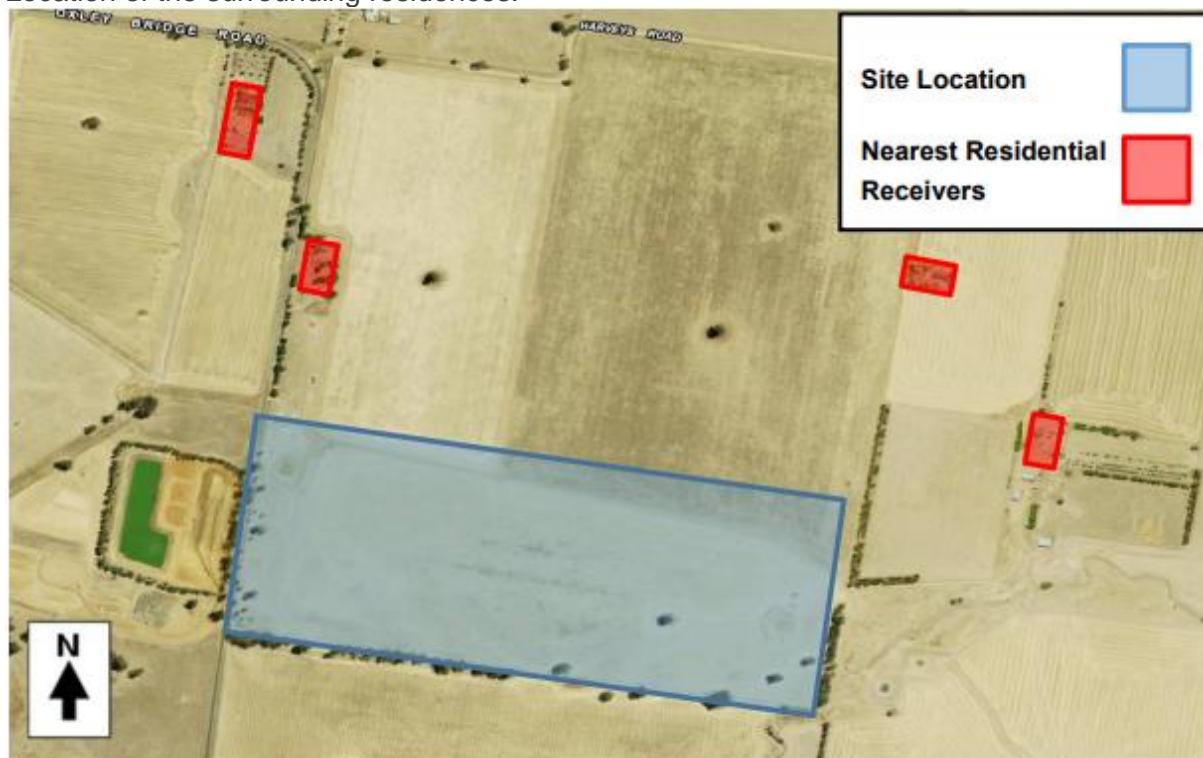
Whilst the report is limited, a number of site visits and a detailed desk top assessment by Council staff have confirmed that the visual impact on surrounding properties is negligible and it would be unreasonable to request further detail be provided by the applicant. A summary of the assessment undertaken by Council staff is provided below.

The below images show the location of the surrounding properties that have potential to be visually impacted by the proposed development. There are four properties within approximately 500m of the subject site that are at or above a similar level to the subject site. One of these properties, being the closest one, is on the same property (No.1268 Oxley Bridge Road) as the land the subject of the application. This property can therefore be excluded from the assessment.

The remaining three properties are as follows:

- No.120 Harveys Road - Located to the north-east of the subject site
- No.122 Harveys Road - Located to the east of the subject site, and;
- No. 1345 Oxley Bridge Road - Located north-west of the subject site.

Location of the surrounding residences:



Red dot indicates dwelling in same ownership as application site:



No.120 Harveys Road (subject site to south west)



No.122 Harveys Road (subject site to west, south west)



No.1345 Oxley Bridge Road (subject site to south east)



Wider context image



For the following reasons the visual impact on these properties is considered acceptable:

- As demonstrated in the images above, all three properties have substantial vegetation surrounding their dwellings.
- All three are located over 500m from the actual leased area and therefore the panels.
- The application proposes plantings along the western and northern boundaries that will provide further screening of the site.
- Existing views experienced in the locality include other non-rural type development including the sewerage treatment plant, transmission poles and wires, the gas-fired power station, the highway, the rail line and the village.
- The glint and glare report determined there was no unreasonable impact. (see later discussion)
- It is considered that it would be unreasonable to constrain development of adjoining land simply on the basis that the development can be sighted, particularly when the development of any rural location for the purpose of a solar farm would likely result in some visual impacts.

It should be noted that No.1344 Oxley Bridge Road and No.5 Harveys Road are located a similar distance away from the property boundary as the three properties identified. However, they are on the northern side of Oxley Bridge Road and Harveys Road which falls away and the site is not visible from these properties. There is no visual impact from the proposed development on these two properties.

The village zone (RU5) is approximately 1km from the site and approximately 10m lower in AHD than the subject site. There is no visual impact on the dwellings contained within the village zoning for these reasons.

Based on the above discussion it is considered that any visual impact is minimal and acceptable. Screen plantings further reduce the impact and will be conditioned.

Glint and glare impacts

The applicant submitted a glint and glare assessment prepared by Bison Energy Company dated December 2021. An independent peer review was carried out by Environmental Ethos. The peer review made a number of recommendations which were reviewed by the consultant and an updated report provided dated August 2022. The updated report was again peer reviewed by Environmental Ethos.

The following conclusions/considerations were made:

Bison Energy report:

The results indicate that no OPs and routes will be subject to glare. Based on the visual assessment prepared as part of the application, some surrounding Ops and routes may still be subject to a 'visual impact' and it is recommended that landscaping be established surrounding the facility.

Implementation of landscaping is proposed to the perimeter around the PV array around all boundaries which will also assist in avoiding potential for any glare from the property. This landscaping is to be provided in the form of perimeter plantings as detailed by the submitted landscape plans.

Additionally, a temporary screening mesh treatment may be installed along property boundary while perimeter landscaping is being established.

Environmental Ethos peer review:

The methodology and extent of the glint and glare assessment is considered consistent with the NSW Government Large-Scale Solar Energy Guideline, 2022.

Based on the parameters of the assessment the glare modelling results found no glare hazard is geometrically possible impacting surrounding dwellings and roads up to 3km from the project site.

The proponent intends to limit the operation capacity of the solar farm by disabling backtracking and thereby avoid glare potential generated during the backtracking procedure. The restriction to operational procedures will require conditioning as part of the approval process.

Restrictions on backtracking can be managed through the Project Construction Management Plan (CMP) and Environmental Management Plan (EMP).

Conditions restricting backtracking could be reduced/removed at such time that the proponent can demonstrate the landscape screening surrounding the project is of sufficient maturity to block glare to surrounding sensitive receptors.

Since most glare assessments are based on theoretical models and Project specific field testing is not undertaken, it is recommended the approval conditions include a general procedure for managing complaints through the Project EMP. The complaints process

should include liaison, documentation, and rectification, which may include adjustment to the tracking operation and/or screening if required and where appropriate.

It is considered, subject to the conditions of consent recommended, that the glint and glare impacts of the proposed development are acceptable.

Noise and vibration

The applicant submitted a Construction Noise and Vibration Management Plan and an Operational Noise Emission Assessment both prepared by Acoustic Dynamics and dated 26 July 2022.

The conclusions and any further recommendations of the reports were as follows:

Construction Noise and Vibration Management Plan:

Discussion and Recommendations

'...Acoustic Dynamics recommends that the use of noise generating equipment during the proposed works at the subject site only be carried out during the following construction hours:

- Monday to Friday 7am to 5pm; and*
- Saturday 8am to 1pm.*

Acoustic Dynamics recommends the following measures be implemented to minimise and manage noise and vibration emission from the subject excavation and construction:

- 1. Noise & vibration induction of all site staff - including the explanation of noise and vibration control and minimisation and a discussion of project specific reduction strategies;*
- 2. Implementation of an appropriate community liaison procedure - including a noise and vibration management and noise and vibration complaint procedure and continual liaison with nearby potentially affected receivers;*
- 3. Implementation of a noise and vibration monitoring and reporting programme (where necessary - to protect the interest of all parties or should complaints arise);*
- 4. Use of quietest available equipment and lowest vibration generating equipment for works (where feasible and reasonable);*
- 5. Implementation of periods of respite, where highly intensive activities produce loud noise (i.e. greater than 75 dB(A) at nearby residences) to minimise disturbance on nearby receivers; and*
- 6. Should trucks or other vehicles be required to be on site for longer than five minutes, Acoustic Dynamics advises that engines should be switched off for the duration...'*

Conclusion

'Acoustic Dynamics has undertaken a quantitative assessment of the noise impact at the nearest potentially affected receivers resulting from the excavation and construction activities for the proposed works at 1268 Oxley Bridge Road, Uranquinty, in accordance with the requirements of Wagga Wagga City Council, the NSW EPA's guidelines and relevant Australian Standards.

The magnitude of the predicted noise exceedances above the construction noise goals (determined in accordance with the EPA's ICNG) may lead to minor complaint (adverse comment) and appropriate strategies should be developed for management of noise emission and community liaison.

Acoustic Dynamics advises that implementation of the recommendations contained in Section 6 of this report will assist with the mitigation and management of noise emission from excavation and construction activities at the subject development site...

Operational Noise Emission Assessment:

Conclusion

'Acoustic Dynamics has conducted an acoustic assessment of operational noise emission associated with the proposed development located at proposed solar farm located at 1268 Oxley Bridge Road, Uranquinty.

A review of the applicable local council, state government, federal legislation and international standards was conducted. Noise levels were assessed in accordance with the requirements of:

- (a) Wagga Wagga City Council;*
- (b) NSW Environment Protection Authority (EPA); and*
- (c) Australian Standards.*

The assessment predicted noise impacts at nearby sensitive receiver locations. Noise modelling was conducted using assumed worst-case operational scenarios in Section 5.

Acoustic Opinion

Further to our review of the relevant acoustic criteria and requirements, and our calculations, Acoustic Dynamics advises that the proposed development can be designed to comply with the relevant acoustic criteria of Wagga Wagga City Council, the NSW EPA and Australian Standards.

It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected.'

It is considered, subject to the conditions of consent being included to address the recommendation, that the noise and vibration impacts of the proposed developments are acceptable.

Access, transport and traffic

As mentioned above, the application was supported by a TIA, the conclusions of which have been detailed above. As discussed, the management of construction traffic is the main issue as operational traffic is negligible.

A CMP will be a requirement by way of condition of consent to ensure that the heavy vehicles utilise the correct route to the site, any damage to the roads is recorded and made good, the relevant intersections are appropriately managed through traffic control and vehicle access points and movement areas are appropriately constructed.

Internal all-weather access tracks have been proposed from the two access points (construction and operational) that run along the western boundary of the leased area and then into the central section of the site where the main infrastructure is located. The internal

track network will be gravel and capable of accommodating heavy vehicles and ensuring all vehicles enter and exit in a forward direction. Access tracks will allow for two-way movement. The tracks may require swale drains but this will be detailed in the stormwater plan and are not a concern given the size of the site, the distance to boundaries and the flat nature of the land. If the detailed stormwater plans were to identify runoff from the property greater than the current rate, measures could easily be put in place within the lease areas to restrict these rates to pre-developed levels, this will be conditioned.

Whilst the SEE mentions perimeter tracks, this is simply referring to the ability to access the full perimeter of the site and not to provide a formal gravel track. The 10m APZ and the flat nature of the land will allow for vehicles to drive the perimeter of the site in most conditions. There is no requirement or need to make these tracks formal.

Other Land Resources

The proposed development will result in limitations on the agricultural use of the land for approximately 30 years, but is not anticipated to result in permanent changes to the productivity of the land. A detailed discussion around the impacts of the proposed development on the agricultural land has been undertaken above.

Natural Hazards

The site is bush fire prone land, the impacts have been assessed above and considered acceptable subject to compliance with conditions of consent.

The site is not subject to flooding.

Waste

The CMP will include details regarding waste management during construction, operation and decommissioning. All waste will be stored in bins or otherwise a stockpile area adjacent to the site office. Waste will be separated into landfill and recycling streams. The waste will be taken offsite to appropriate waste management facilities. The application states that a waste management plan (WMP) will be prepared prior to works commencing, this will be conditioned. No issues are expected.

Water

A detailed stormwater management plan will be required via condition of consent but given the size of the site, its flat nature and the separation from adjoining land no issues are expected. Although the solar panels are 100% impermeable the ground underneath the solar panels will remain as is and therefore any rainwater falling onto the panels will drain freely onto the underlying ground which remains permeable. Due to the minimal increase in impervious areas from the development negligible impact is expected. The impact of the access tracks, the possibility of swale drains and the offsite impacts has been discussed above and will be covered in the detailed stormwater plan.

Soils

The construction method means there will be minor impact on the soils. These are not considered to raise unreasonable concern. Decommissioning will require all elements of the panelling (including footings) to be removed. The proposal is unlikely to have any negative long term impacts on the soil quality. Furthermore, it could reasonably be argued that 'resting' the land from crop rotation has the potential to improve the soil quality if and when the land is returned to extensive farming practices.

Air and microclimate

The impacts during construction will likely be negligible given the separation to adjoining properties, however, mitigation measures for dust will be included in the CMP required by condition of consent.

Impacts during operation are unlikely.

Services/Utilities

Electricity supply is available to the site. Public road access is provided to the site. Whilst no other services or utilities are required for the development it is noted that the site has access to reticulated water mains if required.

A permanent toilet is not proposed on site, temporary toilets will be provided during the construction phase.

Flora and fauna

Impacts on flora and fauna are discussed in part (a)(i) of this assessment report and are considered acceptable.

Heat Islands

It should be noted that the Large-Scale Solar Energy Guideline mentions 'Heat Islands' and states:

Where a solar energy project is located adjacent to a horticultural or cropping activity, the solar array should be setback from the property boundary by at least 30m to mitigate any heat island effect.

Whilst not a strict requirement given the proposal is not a major project, the proposal would meet the 30m setback.

Public domain

No issues raised.

Social and Economic Impacts

Social impacts of the development are linked to the perceived impacts on residential amenity, such as from impacts on views. These impacts are discussed throughout this assessment report and considered acceptable.

The proposed development is considered to generally result in a positive economic impact in the locality. The development will result in employment generation, both during construction, as well as on an ongoing basis.

Where non-local personnel/trades are employed, this is predicted to also result in positive economic impacts, with employees staying and spending money in the local area during works.

Pollution and off-site environmental effects

The development is considered unlikely to result in significant pollution or off-site environmental effects. Standard conditions of consent are recommended to manage erosion and sedimentation.

Heritage

As discussed, an aboriginal due diligence assessment was undertaken by NGH dated December 2021. The report made a number of recommendations that will be included as conditions of consent.

There are no items of environmental heritage associated with post European settlement of the land.

Energy Impacts

The proposed development is considered to have significant positive energy impacts, by increasing the production of renewable energy.

Site Design

The design of the site is considered acceptable. Conditions of consent have been recommended with regard to landscaping.

Construction and Decommissioning

Construction impacts have been assessed throughout the report in the relevant sections. A CMP is recommended as a condition of consent.

Decommissioning of the facility will occur at the end of the useful life of the infrastructure, this is anticipated to be around 30 years from commencement of energy generation. At the end of the facilities life a decision on whether to upgrade or decommission the facility will be taken.

To ensure that the land is left in a suitable state for a return to primary production purposes a decommissioning plan is to be prepared. The plan will include as a minimum, timeline for the rehabilitation program, decommissioning of all solar panels, above and below the ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development and a programme of site restoration to return the land back into agricultural production. The objective of the decommissioning plan would be to restore the land capability to its pre-existing agricultural value and use.

Operational and land management

The workforce once operational will include 2 employees. Daily inspections and monitoring of the site will occur. The management of groundcover will be included as part of the Operations Management Plan. This could include the use of selective grazing by livestock, mechanical slashing and the establishment and maintenance of a suitable vegetative groundcover that provides effective competition for weeds, maintained through regular inspection.

Cumulative Impacts

Based on the assessment it is considered that no impacts when independently assessed raise unreasonable concerns and given the minor nature of the majority of impacts, when combined and assessed cumulatively the impact remains acceptable.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

The Precautionary Principle requires that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. Threats of serious or irreversible environmental damage have not been identified.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

Reduction of reliance on fossil fuels is essential in ensuring intergeneration equality. The proposed development directly assists in this.

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

As demonstrated by this report, impacts on biodiversity are not considered to be significant.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The nature of the development is such that it provides increased renewable electricity to the electricity grid. This is important in ensuring that the costs of carbon emissions are appropriately set.

The development is considered consistent with the principles of ESD.

(c) - The suitability of the site for the development

Suitability of the site in terms of the likely impacts identified under (b)

The land is appropriately zoned for the land use that is permissible under the provisions of SEPP Infrastructure and the Wagga Wagga LEP. The proposed land use does differ to the

historical use of the land for agricultural purposes however, it is one that can be suitably located and managed on this land with an acceptable degree of impact.

The site has been selected due to its lack of environmental constraints, including, its predominantly cleared nature, relatively flat nature, and proximity to existing electricity infrastructure which is also easily accessible. The character of farmland throughout the country is transitioning to include solar energy production as an alternative to traditional agricultural production where suitable infrastructure and locations exist, in order to support additional renewable energy sources and provide alternative sources of rural income.

The site is of a sufficient size to accommodate the use and is located away from densely populated areas. There are no site constraints that would render the site unsuitable for the proposed development.

(d) - any submissions made in accordance with this Act or the Regulations

Referrals

Internal

External - Essential Energy, Riverina Water

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was advertised and notified for a period of 14 days between 31/3/22 and 14/4/22.

Public Submissions and those from public authorities

11 public submissions were received, all of which were unique. 5 of the submissions were identified as being local to the vicinity of the development, 1 was unknown and 5 were non-local.

Submissions were received from Essential Energy, Riverina Water and Department of Primary Industry Agriculture during the course of the Development Application.

Submissions from Public Authorities:

Essential Energy - Submission discussed in the body of the report.

DPI Agriculture - Provided the following comments:

NSW DPI Agriculture has noted that the proposed site is considered Class 3 land (NSW Land and Soil Capability Mapping) and has also been identified as draft State Significant Agricultural Land (<https://www.dpi.nsw.gov.au/agriculture/lup>). As such it is noted that the Statement of Environmental Effects has given limited consideration to the implications of the development on agricultural production on the holding or in the vicinity. Some points that should be covered in the SEE include:

- Maintaining appropriate ground cover during future operational phase, perhaps with grazing to be conducted under panels to manage growth*
- Identification of biosecurity implications and mitigation measures to protect surrounding agricultural operations*
- Decommissioning to include complete removal of all above and below ground infrastructure so that the land can be returned to agricultural production.*

DPI Ag also notes that the Department of Planning and Environment (DPE) Large Scale Solar Guideline for State Significant Developments - December 2018, and its recent draft

revision <https://pp.planningportal.nsw.gov.au/solar-guidelines>, identifies that class 1-3 lands should be a constraining factor when undertaking site selection for solar developments. The SEE appears to only consider the implications of the development on its access to transmission lines without giving consideration to other factors such as land capability.

Council comments:

The applicant was requested to provide further assessment on the impacts of the proposal on the agricultural land. This information was provided and a detailed assessment has been carried out in the body of the report. The impact on the agricultural land is considered to be acceptable. Conditions of consent will control the decommissioning of the site to ensure the land can be utilised for primary production once decommissioning is complete.

With regard to the *Department of Planning and Environment (DPE) Large Scale Solar Guideline for State Significant Developments - December 2018*, and its recent draft revision. The applicant has provided the following statement:

‘...It is firstly contended that the guidelines are only relevant for development identified as State Significant Development and therefore have limited consideration in ‘Local development’ seeking approval under Part 4 of the Environmental Planning and Assessment Act. However, the proponent agrees that the high level principles contained within this guide are important for consideration in any large scale solar generation development. The SEE considers a number of issues, around suitability of the subject site.

Whilst the proximity to the electricity network, available connection capacity or distance to towns, cities or other major energy users is important in site selection, environmental factors also play an important role. As discussed above, the site has also been selected as it is relatively unconstrained and is not impacted by matters such as natural hazards, agriculture, biodiversity, visibility, topography, waterways or other significant environmental constraints...’

Council notes that the document has been updated since DPls comments and it is now dated August 2022. Council agrees that whilst this document is not a head of consideration for this application it does provide a useful guide that allows an overarching element of consistency to be achieved across all solar farm developments if generally followed. On page 7 of the guideline it states: *‘...Although large-scale solar energy projects are the focus of this guideline, applicants, councils and planning panels are encouraged to consider the objectives and principles when preparing, assessing and determining solar energy development applications (DAs) for regionally significant development...’*

The objectives are as follows:

- *support the development of a sustainable solar industry in NSW by providing a clear, consistent and responsive policy framework*
- *encourage industry to select suitable sites for projects to avoid or reduce the likelihood and extent of land use conflicts and environmental and social impacts*
- *provide clear and consistent guidance on how to measure and assess key environmental impacts of large-scale solar energy projects in NSW*
- *promote meaningful, respectful, effective and best practice community and stakeholder engagement throughout the development assessment process.*

The guideline contains a number of key principles within Section 5 that highlight some of the common assessment issues for solar farms. The table below identifies these areas and principles:

Common Assessment Issues	Key Principles
Landscape and visual impacts	<ol style="list-style-type: none"> 1. The baseline character of the landscape must be determined through engagement with the community. 2. Applicants must consider landscape character and visual impacts early in the site selection and design process to minimise impacts and conflicts where possible. 3. Solar energy projects should be sited and designed to avoid areas with topographical constraints that would increase the visibility of a development. 4. Where solar energy projects are likely to result in moderate or high visual impacts, mitigation strategies must be adopted to reduce or manage impacts.
Agricultural land use	<ol style="list-style-type: none"> 1. Applicants should consider the agricultural capability of the land during the site selection process. 2. Applicants should avoid siting solar energy projects on important agricultural land as far as possible. 3. Agricultural assessment should be proportionate to the quality of the land and the likely impacts of a project. 4. Mitigation strategies should be adopted to ensure that any significant impacts on agricultural land are minimised.
Waste management and circular design	<ol style="list-style-type: none"> 1. Construction waste from large-scale solar energy projects must be minimised and the use of reusable and recyclable materials should be prioritised where possible. 2. Impacts on local waste management facilities must be minimised as far as practicable during construction, operation and decommissioning. 3. Recycling of photovoltaic panels and associated equipment should be prioritised and maximised as far as possible to avoid landfill.

Decommissioning and rehabilitation	<ol style="list-style-type: none"> 1. The land on which a large-scale solar energy project and supporting infrastructure is developed must be returned to pre-existing use if the project is decommissioned. 2. If operations cease, infrastructure (including underground infrastructure) should be removed unless there is significant justification for retaining it. 3. Land must be rehabilitated and restored to pre-existing use, including the preexisting LSC class, if previously used for agricultural purposes. 4. The owner or operator of a solar energy project should be responsible for decommissioning and rehabilitation, and this should be reflected in an agreement with the host landholder.
Glint and glare	<ol style="list-style-type: none"> 1. Solar panels should be sited to reduce the likely impacts of glint and glare. 2. Solar panels and other infrastructure should be constructed of materials and/or treated to minimise glint and glare. 3. If a large scale-solar energy development is likely to exceed the relevant criteria for glare and standards for glint, mitigation strategies must be adopted to reduce impacts.

Generally speaking, this proposal would be consistent with the relevant objectives and has appropriately considered and addressed the relevant key principles listed in the above table. Compliance with conditions of consent will further ensure the key principles around waste management and decommissioning are achieved.

The guideline goes on to list the following as 'other assessment issues':

- Biodiversity
- Traffic and transport
- Water management
- Noise and vibration
- Air quality
- Social and economic impacts
- Aboriginal cultural heritage
- Non-aboriginal heritage

- Cumulative impacts
- Regional cities
- Hazards
- Heat island
- Batteries
- Health
- Public interest
- Strategic context

These matters have been discussed where relevant in the body of the report.
Riverina Water - Provided the following comments. Appropriate conditions will be applied to address these requirements.

- *Additional fees and charges for water supply may be incurred by the proposed development*
- *Developer must make an application for a Certificate of Compliance for water supply*
- *Certificate of Compliance for water supply required prior to issuing of Construction Certificate*
- *Riverina Water Plumbing Certificate required prior to Occupation Certificate*

Public Submissions:

Due to the amount of submissions and detail within the submissions it is not practical to individually address each submission. However, all submissions have been considered in full and have informed the overall development assessment in this report. Issues and key points raised in the submissions are as follows:

Issue: Development proposed on agricultural land/prime agricultural land.

Comment: The matters raised can be summarised as follows:

- Loss of agricultural land / prime agricultural land
- Land needs to be preserved for food production
- Minimal suitable land for farming in Australia and this removes more
- Land is on the draft State Significant Land Map
- 'Important Agricultural Land Mapping' being carried out by DPI needs to be made available.

Impacts on agricultural land are assessed in part (a)(i) and (b) of this assessment report. In this assessment it is noted that the land will still be able to be used for some agricultural purposes, and the long-term productive value of the land will not be lost, with the site able to return to agriculture following decommissioning. In this sense the land is not "lost" but being used for other permissible purposes. The land itself only represents a very small proportion of land and productive land in Australia, and cumulatively, solar farms still only account for a very small proportion of land use in rural areas.

Comments regarding the draft state significant land map are included in the body of the assessment report. Regarding the 'Important Agricultural Land Mapping' being carried out by the DPI, this project has been paused and superseded by the state significant land map project which has been discussed.

Issue: Traffic impacts

Comment: The matters raised can be summarised as follows:

- Road network not suitable for proposed traffic generation
- Damage to local roads
- Increased traffic on local roads

- Safety issues associated with an already dangerous road and additional traffic

As outlined in part (a)(i), (a)(iii) and (b) of this assessment report, traffic impacts, including volumes, noise and dust, are considered acceptable, given the relatively small daily volumes expected, and the limited period of time in which impacts will be experienced. Roads are considered generally suitable for the temporary construction traffic subject to compliance with conditions of consent. The CTMP will detail safety measures required for the road network from the highway to the subject site.

Issue: Visual impacts

Comment: The matters raised can be summarised as follows:

- Impact on landscape
- Insufficient screening
- Development too close to residences

Visual impacts are discussed in detail in part (b) of this assessment report. Screening is not intended to entirely screen the development from all locations.

It is not considered reasonable to require the development to provide screening from farming lands, or to consider the views from these locations given the nature of the use of these lands.

Issue: Glint and Glare

Comment: Glint and glare impacts are discussed in detail in part (b) of this assessment report and the impacts considered acceptable.

Issue: Impacts of Flora and Fauna

Comment: Impacts on flora and fauna are assessed throughout this assessment report and are considered acceptable.

Issue: Erosion, general pollution throughout construction and pollution from the manufacturing of the solar panels and their deterioration on site.

Comment: Conditions of consent regarding waste collection and disposal as well as sediment and erosion control are recommended. Pollution during construction is not anticipated.

The site will be decommissioned at the end of the project life that is estimated to be 30 years. At this time the panels will be removed from site and the land returned to agricultural use. There is no anticipated contamination risk from the panels.

Whilst global energy supply relies on fossil fuels, greenhouse gases will be produced from the production of solar panels. As energy sources transfer to renewables, this renewable power will be used in panel production. Production using carbon emitting fuels is an unavoidable step in the transition to renewables.

Issue: Fire risk

Comment: The development has been assessed in accordance with PBP 2019. Appropriate measures are proposed to manage fire risk.

Issue: Impacts on property values

Comment: Impacts on property values themselves are not a relevant planning consideration.

Issue: Concern area will become industrial

Comment: Any future Development Application would be assessed on its individual merits. Most industrial uses are not permitted in the zone. There are no strategic planning documents identifying this area as a future industrial area.

Issue: Impact on growth of the village

Comment: The development is set over 1km from Uranquinty village zone and is considered unlikely to impact on the future growth of the village within the next 30 years. As mentioned above, the location of the sewerage treatment works compromises the extension of the village in this direction.

Issue: Other locations more suitable

Comment: Whilst there maybe other more suitable locations the application has been lodged on this site and the assessment must therefore determine if this site is suitable. Based on the detailed assessment and supporting information it is considered that the site is suitable for the proposed development subject to compliance with recommended conditions of consent.

(e) - the public interest

Federal, state and local government interests and general community interests

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

The proposed development contributes to federal, state and local goals of promoting the development of renewable energy and reduces the reliance on other forms of electricity generation that are reliant on the burning of fossil fuels. The proposed development is considered to be in the public interest as it offers an opportunity for productive and sustainable economic activity within the area and provides significant employment opportunities during the construction phase.

It is also in the public interest to consider the development in the context of strategic planning documents that may not be legislative but provide relevance and significance to the determination of the application. One such document is the Riverina Murray Regional Plan 2036 that lists one of the 'Priority Growth Areas' as Renewable Energy and Mining. Under Direction 11 of this document it refers to the region's significant potential for renewable energy industries and one of the key actions is to 'promote appropriate smaller-scale renewable energy projects using bioenergy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.'

Taking into account the full range of matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

Other Legislative Requirements

Section 5AA and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

There are a number of tests to determine whether the proposed triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.

1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?

The site is not identified on the map

2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.

No, the threshold clearing limit for a lot of this size is 1ha. The biodiversity assessment report demonstrates that 0.17ha of native vegetation would be impacted.

3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

The biodiversity assessment concluded that a significant impact to threatened species is unlikely.

As discussed under 7.3 of the LEP above, a Biodiversity Assessment Report was prepared by NGH dated January 2022. The conclusions of this report have been included in section 7.3 above. Council is comfortable with the detail and accuracy of this report. Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.

Section 733 of the Local Government Act 1993

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, a risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment is not required as the site is not considered flood prone land.

Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment has been completed and appropriate conditions applied.

Council Policies

Nil

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions

Section 7.12 As this is an industrial/commercial development it is appropriate to charge a Section 7.12 infrastructure contributions levy of 1% of the cost. The Cost Summary Report

indicates the cost of the development is \$8,370,000. The current CPI is 123.7. The calculations are as follows.

Section 7.12 = \$8,370,000 x 1% = \$83,700

Section 64 charges do not apply to the subject land.

Other Approvals

Nil

Conclusion

The development is considered to be satisfactory based on the foregoing assessment.

The development is considered to be consistent with all relevant environmental planning instruments, development control plans and the Environmental Planning and Assessment Regulation 2021. Impacts have been identified and considered and are assessed as being reasonable or manageable via the imposition of conditions of consent. Submissions have been considered in full and addressed.

The development is considered to be in the public interest as it will produce renewable energy and assist Australia in reaching net zero carbon emissions by 2050.

All matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 have been considered.

RECOMMENDATION

It is recommended that application number DA22/0122 for Electricity Generating Works – Solar Farm be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

Right click & select OR delete if NO deferred commencement consents

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.

- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
20131	Statement of Environmental Effects	Habitat Planning	C	28/10/22
-	Additional Information Letter	Habitat Planning	-	23/8/22
-	Additional Information Letter	Habitat Planning	-	28/10/22
P0128	Traffic Impact Assessment	Spotto Consulting	C	7/12/21
-	Visual Impact Assessment and Landscape Buffer Planting	Yonder Landscape Architecture	B	24/2/22
20-703	Biodiversity Assessment Report	NGH Consulting	V1.1	25/2/22
20-703	Aboriginal Due Diligence Assessment	NGH Consulting	V2	17/12/21
5653R001.NW.220628	Construction Noise and Vibration Management Plan	Acoustic Dynamics	0	26/7/22
5653R002.NW.220629	Operational Noise Emission Assessment	Acoustic Dynamics	0	26/7/22
-	Glint and Glare Assessment	Bison Energy Company	-	August 2022
S1/DA2	Site Analysis Plan	Habitat Planning	-	April 2021
S2/DA2	Context Plan	Habitat Planning	-	April 2021
S3/DA2	Fencing and Defendable Space Plan	Habitat Planning	-	April 2021
S4/DA2	Overall Site layout	Habitat Planning	-	April 2021
S5/DA2	Overall Site layout - 2	Habitat Planning	-	April 2021
S6/DA2	Site Entry Layout	Habitat Planning	-	April 2021
S7/DA2	Substation Layout	Habitat Planning	-	April 2021

S8/DA2	Infrastructure Detail - 1	Habitat Planning	-	April 2021
S9/DA2	Infrastructure Detail - 2	Habitat Planning	-	April 2021
S10/DA2	Infrastructure Detail - 3	Habitat Planning	-	April 2021

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

- C.2** Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$83,700 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 123.7.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

- C.3** Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development

in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

Requirements before the commencement of any works

C.4 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.5 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

C.6 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

C.7 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

C.8 Prior to the commencement of any works, a stormwater drainage design shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, incorporating the following if required:

i) measures to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.

ii) stormwater outlets designed to dissipate flow and minimise erosion.

C.9 Prior to the commencement of any works, a Traffic Management Plan shall be prepared in consultation with the Council, with the final plan being to the satisfaction of the General Manager or delegate. The plan shall ensure that key traffic related issues associated with the development have been addressed, particularly during the construction and decommission processes. The appointed transport contractor shall be involved in the preparation of this plan. The plan shall address all light and heavy traffic generation to the development site and detail the potential impacts associated with the development, the mitigation measures to be implemented, and the procedures to monitor and ensure compliance. This plan shall address, but not necessarily be limited to the following;

- i) Require that all vehicular access to the site from the Olypic Highway be via the approved access route. (Ryan Street, Key Street and Oxley Bridge Road)
- ii) Maximum size of vehicle is a 19 metre general access vehicle. (No B-Doubles)
- iii) Details of traffic routes to be used by heavy and light vehicles, and any associated impacts and any road-specific mitigation measures.
- iv) Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic.
- v) Proposed hours for construction activities.
- vi) The management and coordination of the movement of vehicles for construction and worker related access to the site and to limit disruption to other motorists, emergency vehicles, school bus timetables and school zone operating times. Particular attention is to be given to the sweeping bend at the junction of Oxley Bridge Road and Harveys Road.
- vii) Loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles.
- viii) Procedures for informing the public where any road access will be restricted as a result of the project.
- ix) Any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project.
- x) A Driver Code of Conduct to address such items as; appropriate driver behaviour including adherence to all traffic regulations and speed limits,

safe overtaking and maintaining appropriate distances between vehicles, etc and appropriate penalties for infringements of the Code.

- xi) Details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site.
- xii) Processes and measures to be implemented to ensure that the road pavement and verge on the approved route through Uranquinty from the Olympic Highway is maintained at the predevelopment standard throughout construction works, including measures for repairs and maintenance.

The approved plan shall be complied with at all times.

C.10 Prior to the commencement of any works, a Construction Management Plan shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate. The plan shall address, but not be limited to:

- i) Location of parking, loading/unloading areas, storage areas, site compound.
- ii) Sediment and dust management.
- iii) Details of any temporary site fencing.
- iv) Waste management and storage measures, including waste and landfill minimisation strategies.
- v) Aboriginal heritage management (including measures to give effect to the recommendation of the Aboriginal Due Diligence assessment prepared by NGH Consulting dated December 2021, approved under this consent).
- vi) Biodiversity management (including measures to give effect to the relevant mitigation measures included in the Biodiversity Assessment Report prepared by NGH Consulting dated January 2022, approved under this consent)
- vii) Bushfire management.
- viii) Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
- ix) Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing.
- x) Security Management including details of relevant project manager and/or site foreman contact details.
- xi) The recommendations of the Construction Noise and Vibration Management Plan prepared by Acoustics Dynamics dated 26 July

2022.

- xii) Incorporation of any other approved management plans, such as the traffic management plan.
- xiii) Hours of operation.

The approved plan shall be complied with at all times.

C.11 Prior to the commencement of any works, a Bush Fire Emergency Plan, prepared in consultation with the local RFS and in accordance with Planning for Bushfire Protection 2019, shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The Bush Fire Emergency Plan shall include:

- detailed measures to prevent or mitigate fires igniting;
- work that should not be carried out during total fire bans;
- availability of fire-suppression equipment, access and water;
- storage and maintenance of fuels and other flammable materials;
- notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
- appropriate bush fire emergency management planning.

It is important to be aware of operations that may be carried out on days of Total Fire Ban and any prohibited activities or exemptions that are notified by the Commissioner of the NSW RFS under the s.99 of the Rural Fires Act 1997.

The approved plan shall be complied with at all times.

C.12 Prior to the commencement of any works, a pre-work survey/dilapidation report, documenting the road and verge conditions for the proposed construction vehicle route from the Olympic Highway at the junction with Ryan Street to the site entrance shall be submitted to Council. The survey/report shall include detailed photographs and descriptions of the entire route and shall be to the satisfaction of the General Manager or delegate.

C.13 The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.

All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

- C.14 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

- C.15 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

- C.16 No works are to take place to any services without prior written approval from the relevant authority.

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

Requirements during construction or site works

- C.17 All weather access, manoeuvring and parking areas shall be provided and maintained within the site.
- C.18 At the commencement of building works and in perpetuity a 10m wide APZ shall be maintained as an inner protection area (IPA) around the entire boundary of the leased area as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for asset protection zones.

NOTE: The APZ must be between the panels and the vegetated buffer. The vegetated buffer must not encroach into the APZ.

- C.19 The following requirements of Essential Energy shall be complied with during works:
- a. The 22kV overhead powerlines must be clear of all structures, things or activities by a minimum of 10.0 metres (horizontally), either side of the

centreline of the powerlines.

b. The proposed security fencing crossing under the overhead powerlines and through the easements must use insulating panels either side of the powerlines (at least 5.0 metres long), all metallic parts must be suitably earthed and must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

c. Access to the site must be available 24 hours a day / 7 days a week by Essential Energy staff should they be required to complete emergency works. Essential Energy padlocks must be placed on all gates and they can be purchased by the Applicant - refer website www.meterkeys.com.au <<http://www.meterkeys.com.au>>.

d. SafeWork NSW clearances must be adhered to when completing works near powerlines.

e. It is assumed there will be underground cables crossing the easement areas. These locations must be approved prior to being installed. The Applicant can do this by completing the application form at <https://www.essentialenergy.com.au/web-forms/encroachment-form>.

f. Minimum safety clearance requirements are to be maintained at all times for any access ways / driveways that will pass under the overhead powerlines located on the properties. The access ways / driveway must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. If ground clearances are compromised, the Applicant is required to increase the height of the overhead powerlines at their cost.

g. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au

h. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.

i. Any activities within easements or close proximity to infrastructure must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.

j. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has

publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines/Underground Assets

- C.20 The construction traffic route from the Olympic Highway to the site entry must be maintained to its pre-development standard at all times during works.

During works, any works necessary, in the opinion of the General Manager or delegate, to ensure that the construction vehicle route from the Olympic Highway to the site entrance is maintained to its pre-development standard, including for the road pavement and verge, as detailed in the pre-work survey/dilapidation report approved under this consent, shall be carried out to the satisfaction of the General Manager or delegate. Where a direction to undertake work is given by the General Manager or delegate in writing, these works shall be carried out within any time frame specified.

- C.21 As soon as practical following the commencement of works, taking into account planting seasons and any works proposed in buffer areas, buffer plantings shall be established on the site.
- C.22 During all site works reasonable steps must be taken to suppress dust by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Dust suppression measures must include the control of dust from stockpiled sites. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.
- C.23 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.24 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.25 Prior to the issue of Occupation Certificate an all weather driveway from the property entrance of the development site to the edge of the carriageway must be provided and maintained, having a minimum clear width of 4.0 metres.
- C.26 Prior to the issue of an Occupation Certificate for the works a minimum of 20,000 litres of water supply must be dedicated on site for the purposes of bushfire protection. The tank/s dedicated for bushfire protection must comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019.
- C.27 Prior to the release of an Occupation Certificate access roads shall comply with Table 7.4a of the Planning for Bush Fire Protection 2019.
- NOTE: Alternate property access is not required.
- C.28 Prior to the release of the Occupation Certificate all electricity services are to comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019.

- C.29 The solar energy system shall be decommissioned within 12 months of terminating operations. Prior to operation of the solar farm, a Decommissioning Plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.

The plan shall include, but not be limited to expected timeline for the rehabilitation program, decommissioning of all solar panels, above and below the ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development. A programme of site restoration to re-establish the ground profiles to pre-development status and enable the land to be returned back into agricultural production must form part of the decommissioning plan.

All works shall follow the same management principles outlined in the Construction Management Plan.

- C.30 Following the completion of construction works, but prior to operation of the solar farm, a post-development survey/dilapidation report for the construction vehicle route, from the Olympic Highway (Ryan Street junction) to the site entrance shall be submitted to Council. The survey/report shall include detailed photographs and descriptions of the entire route and shall be carried out to the satisfaction of the General Manager or delegate.

Any works necessary, in the opinion of the General Manager or delegate, to ensure that the construction vehicle route, from the Olympic Highway to the site entrance is returned to its pre-development standard, including for the road pavement and verge, as detailed in the pre-work survey/dilapidation report approved under this consent, shall be carried out to the satisfaction of the General Manager or delegate. Where works are directed by the General Manager or delegate in writing, these works shall be carried out within any time frame specified.

- C.31 Prior to the operation of the solar farm, buffer plantings, as set out in the approved landscape plan, shall be established.
- C.32 Prior to the operation of the solar farm, an Operational Environmental Management Plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The Plan shall, but not be limited to:
- a. Outline all measures for the ongoing management of environmental impacts from the development.
 - b. Address biodiversity management (including measures to give effect to the relevant mitigation measures included in the Biodiversity Assessment Report prepared by NGH Consulting dated January 2022, approved under this consent)
 - c. Detail ongoing management of the site, including security and weed management.
 - d. Specify measures and commitments for the ongoing management of bushfire protection measures in accordance with Planning for Bushfire Protection 2019 (as amended and superseded).
 - e. Measures to give ongoing effect to the Bush Fire Emergency Plan approved under this consent.

- f. Outline a process for the receipt of complaints and regular community engagement/consultation.
- g. Noise management procedure to manage operational noise complaints.
- h. management of the panels in accordance with the glint and glare assessment report prepared by Bison Energy dated August 2022.
- i. Glint and glare complaints management and rectification procedure, including provisions for further modification of backtracking operations and screening where appropriate.
- j. Dust mitigation measures.
- k. Waste management.
- l. Ongoing review and update of the plan.

The plan shall be complied with at all times.

- C.33 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the “Final Occupation Certificate” form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.34 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.35 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact

Riverina Water County Council's Plumbing Inspector on 6922 0618.
Please be prepared to quote your Construction Certificate number.

General requirements

- C.36 Prior to the carrying out of decommissioning works, the decommissioning plan approved under Condition 29 shall be reviewed to ensure it meets contemporary standards and practices for solar farm decommissioning and rehabilitation. Any amendments to the plan, that are necessary in the opinion of the General Manager or delegate, to ensure compliance with the intent of this condition, shall be made to the plan prior to the commencement of the works, and shall be complied with at all times.
- C.37 The solar energy system shall be decommissioned within 12 months of terminating operations in accordance with the details approved under Condition 29 as amended by Condition 36.
- C.38 All works shall be at no cost to Council.
- C.39 Landscape buffers shall be maintained at all times (including replacement plantings where necessary) in accordance with the approved landscape strategy, and to ensure sufficient screening is maintained.
- C.40 12 months after the commencement of operations, and then every 5 years following, the Operational Environmental Management Plan shall be reviewed in consultation with Council. Any amendments to the plan, as required by the General Manager or delegate, shall be incorporated into the plan.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

- D.1 N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)
 - (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.

- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

F.1 N/A
