

## **PPSTH32 – DA20/0016 – Addendum Report**

### **Electricity Generating Works - 157 Windmill Road**

Following the site visit and briefing held on 21 July 2020 this addendum report is provided for clarity and in response to questions raised on the day. The addendum report covers:-

1. Special Activation Precinct update as the draft master plan was placed on exhibition on 21 July 2020.
2. Response to additional neighbour submissions received in response to the published papers.
3. Transgrid referral

The applicants have responded directly to the questions raised in relation to glare, water management and visual management and their complete response is included as Attachment 1 to this report.

#### Attachments

Attachment 1 – Premise response to Council's request for clarification

Attachment 2 – Copies of additional specific submissions received

Attachment 3 – Copy of general submission received.

Attachment 4 – Copy of Court determination – DA17/0679 – Stage 1.

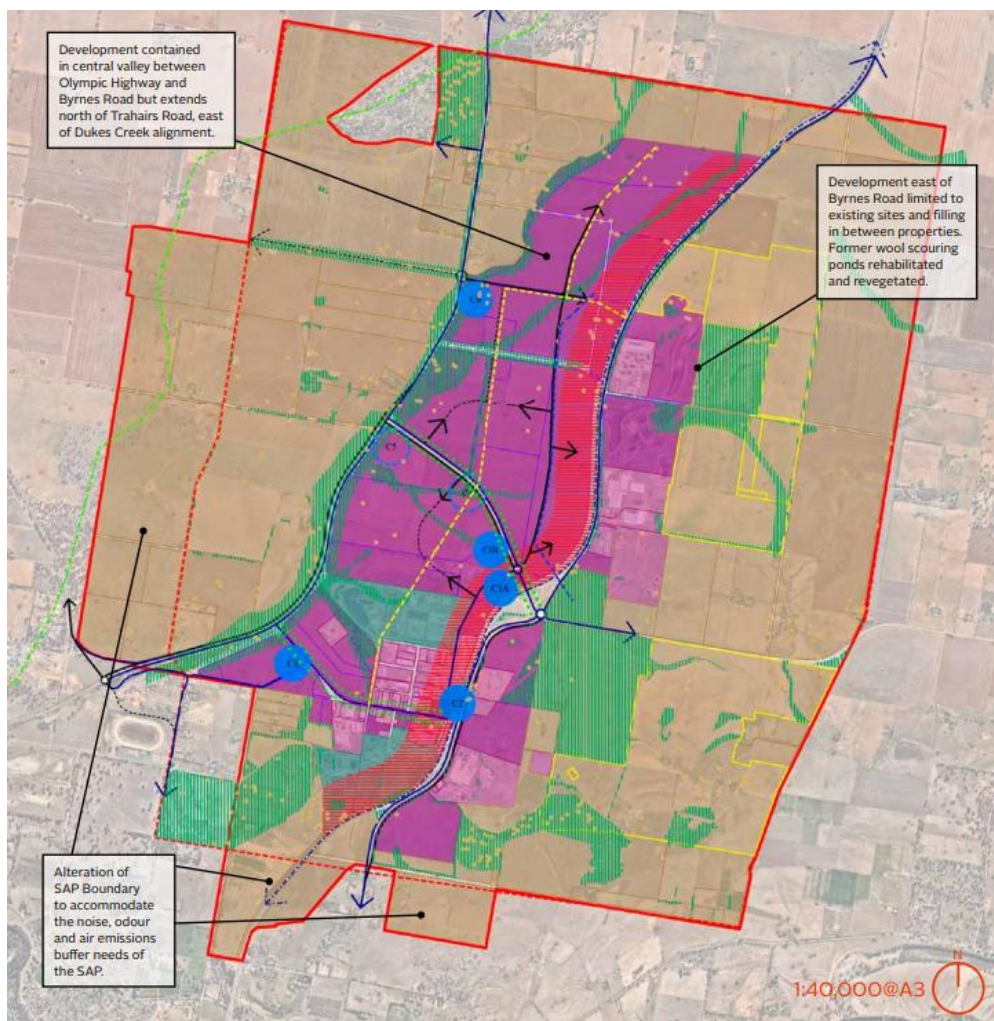
Attachment 5 – Riverina Water - response and map

### Special Activation Precinct (SAP)

The subject site is within the defined boundaries of the SAP. The draft master plan was placed on exhibition on 21 July 2020 with feedback and comments invited to be made until 16 September 2020.

Specifically with regard to the subject site the proposed zoning of the land is 'Rural Activity Zone'. This zone is intended to provide the necessary buffer to the intensive industrial activities within the Wagga Wagga SAP and provide the visual and amenity separation to surrounding areas outside of the SAP.

The draft master plan is supported by a number of documents including the Wagga Wagga Special Activation Precinct Structure Plan (July 2020). In this document the following plan is included that identifies the whole of the subject site as a solar sub precinct.



The structure plan notes (section 5.2) *that two large solar farms are approved in this precinct (in Eunony Valley, with one under construction). While additional large-scale solar facilities of this type are not envisaged elsewhere in the Sub Precinct, potential for small-scale solar and other renewable energy projects in the Sub Precinct is acknowledged.* At Section 5.3b of the Structure Plan the following land use table is included for the Rural Activity Sub Precinct that lists small scale solar farms, being 25-35MW as a proposed land use.

SUB PRECINCT	PROPOSED LAND USES
Agriculture Educational Establishment. (tertiary, with agricultural or environmental focus)	Extensive agriculture (e.g. irrigated pastures, irrigated fodder cropping)
	Rural industries
	Recreational areas
	Environmental protection works
	Electricity Generating Works (eg small scale (25- 35MW) solar PV farms
	Forestry

From the above plan, the land use table and the wording it appears that the structure plan supports the whole subject site as one that is to be developed for solar development and that within the zone small scale solar farms (25-35MW) are a suitable land use

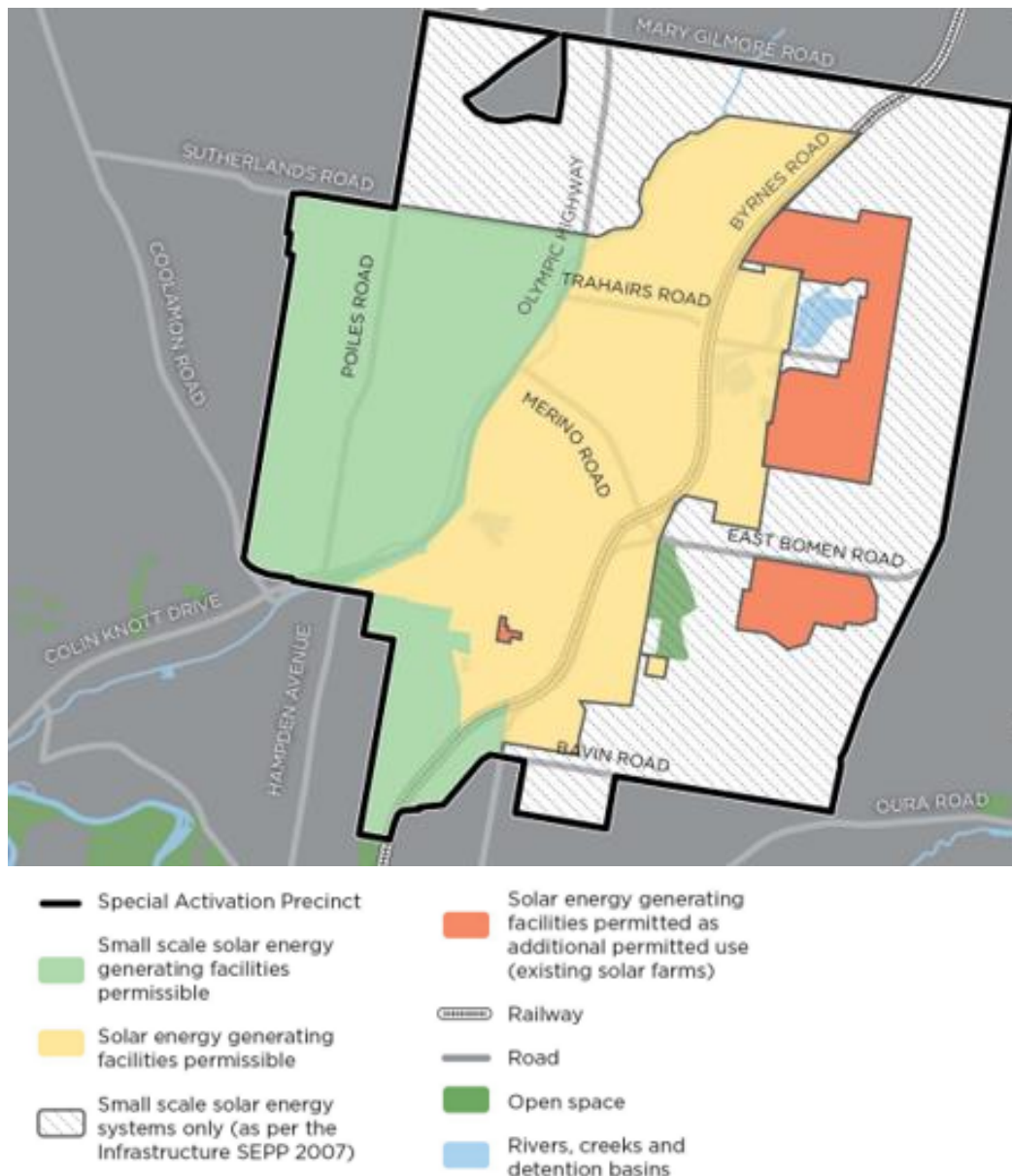
Within the draft master plan at Section 2.2 Wagga Wagga Structure Plan, the following plan is represented as the SAP Draft Structure Plan and the yellow line boundary is different as it only includes the approved solar farm on the subject site (not the boundary of the whole subject site as shown on the plan above).



The draft master plan notes that *Solar energy generating facilities will be an important part of the Wagga Wagga Special Activation Precinct's green energy strategy however there is a need to ensure that new solar energy generating works are appropriately located.*

The discussion paper states that *Solar energy generating facilities* (a type of electricity generating works) will be defined and will be identified as a type of development that could be

undertaken as Complying Development in the Regional Enterprise Zone, and in some parts of the Rural Activity Zone, where it meets the relevant development standards. Performance criteria in the Master Plan will ensure that the design and siting of solar energy generating facilities will have an acceptable level of impact. The following diagram is included in the master plan as an indication of future solar developments.



The Rural activity zone is a buffer around the industrial land on all sides, the intent of this zone is as follows:-

- To provide an appropriate location for agricultural and other supporting uses where they can continue to operate in a high amenity, landscaped setting.
- To provide a transition from the Regional Enterprise Zone to more sensitive residential and rural zones in the vicinity.
- To ensure the protection of the Wagga Wagga Special Activation Precinct landscape setting and to celebrate its topography and outlooks to and from the Precinct.



The application for a solar farm that is the subject of this report to the SRPP benefits from natural screening due to the topography of the land. The site will not be visible from East Bomen Road due to the natural ridge that runs across the centre of the site and views from Windmill Lane are also restricted. The site is visible from a distance but is viewed within the context of a much wider landscape and the solar panels will be set into the landscape and not be seen as a dominant feature. Existing vegetation on site in the form of planted rows of trees currently provide a setting within which the development will be set, this vegetation will remain and be enhanced with supplementary planting which will assist in maintaining the landscape setting of the zone.

The strategy proposed within the SAP master plan is to protect sensitive view corridors and to ensure land in the zone continues to present as buildings and structures in a landscape setting. It is considered that this long-term strategic intent will not be compromised by the approval of the application.

Whilst the draft master plan appears to show that the solar farm would not be suitable on the subject site there do appear to be different references between the structure plan, the draft master plan and the discussion paper with regards to the future development of solar farms in the SAP. The details are obviously subject to consultation and at this stage there is no clarity as to what the definition of solar energy generating facilities will be; whether there will be a land area limitation or a MW limitation or both. The Activation Precincts SEPP will comprise a land use table and objectives for the zone and it is not yet clear or certain how the land use table could prohibit a specific use in part of a zone.

The subject application covers an area of 55ha with the panels covering an area of 47ha and the output is 18.7MW. If 35ha was nominated as an area it would be greater than this, if 35MW was nominated it would be less than this criteria.

The *Renewable Energy Opportunities and Constraints Analysis* is another document that supports the draft master plan. At section 3.3.1 of this report it states that 'For the Wagga Wagga SAP it has been proposed to achieve a 100% net supply of electrical energy from renewable energy sources at the completion of Stage-1 of the SAP development, and then continue with the target for Stage-2 and Stage-3.' It can be assumed that the greater the provision of renewable energy resources within close proximity to the SAP the more likelihood of achieving this target. The extension of the already approved solar farm on the subject site would assist in meeting this target.

The solar farm assists in providing a transition to the industrial area from the open landscape and can be developed without significant detrimental impact to the landscape setting.

Notwithstanding the above analysis as the development application was lodged prior to any guidelines or master plans being prepared or published for the SAP area the application must be determined against existing applicable legislation as the draft master plan holds no weight with regards to the determination of the subject development application.

#### Neighbour Response – Catherine O’Kane

A submission has been received in response to the published assessment report and is attached to this addendum. Commentary on this submission is included below:

- Reference is made to the glare being caused by the Bomen solar farm and that this development cannot go ahead until this has been addressed. Attachment 1 has provided further clarity on the issue of glare and glint.

- The impact of the screening is questioned as having any effect and it is suggested that screening be incorporated throughout the panels. Such planting is not supported as firstly the vegetation would cause overshadowing of the panels subsequently detracting from their purpose of capturing solar gain and secondly vegetation amongst the panels if not maintained may result in an increased bush fire risk which would be an undesirable outcome.
- The submission questions the replacement of 14 native trees with ten seedlings being unsuitable. The loss of native trees is not covered by the 140 plantings that are proposed, that planting is the landscaping associated with the softening of the solar farm development. The harm caused by the removal of 14 trees will be addressed in a biodiversity management plan that is secured by condition. The BMP will include replacement planting and other measures to mitigate any harm to flora and fauna in the locality. The relocation of hollow bearing trees on site further assists in minimising harm, there are protocols that must be followed (also secured by condition) that will ensure that there is no harm to fauna.
- The correspondence also questions the proposed 80% shrubs, 20% trees ratio as being effective; This ratio as outlined in the assessment report is for the supplementary planting areas only. That is, where gaps exist in existing planted areas and a visual break is apparent additional planting will be carried out.
- Run-off from the Bomen solar farm is referenced as causing impacts that have not been addressed. Water management has been further addressed in the applicant's response at Attachment 1. Furthermore during the stage 1 works specific modelling and implementation of on-site stormwater management has been completed in accordance with both NRAR and Council requirements. The same site specific modelling and calculations will be required for Stage 2 works (see C3).

#### Neighbour Response – Mr and Mrs Fawcett

Concern has been raised that the assessment report does not address an objection made about the impact to the property owners water supply and that correct process has not been followed.

Full copies of all submissions have previously been provided to the panel and the development application was referred to Riverina Water. The neighbouring dwelling has a connection to Riverina Water infrastructure via a private pipeline that traverses the subject site. There is no easement or right of way identified on the deposited plan and the arrangement is seen as a private agreement between the landowners.

Riverina Water are notified of all development applications and as none of their infrastructure is to be impacted by the proposed development there were no comments or required conditions. As noted above there is an existing pipeline providing water supply to two adjacent dwellings and a private agreement between the landowners allows access for maintenance purposes.

To ensure that there is no risk to the neighbouring landowners water supply the applicant has committed to relocating this line outside of the solar farm footprint, upgrading the quality to improve durability/reliability and to undertake these works at no cost to the adjacent land owners.

An additional condition of consent is recommended as detailed below. As the infrastructure remains private there is no requirement for Council to approve the details of this work but Riverina Water have confirmed the need for the works to be to their satisfaction.

The condition is to be inserted as a 'during works' condition at C23B

*C23B The existing private water line serving Lots 13 and 14 in DP1108978 must be redirected outside of the solar farm footprint to ensure a reliable supply of water at all times. The works must be to the full cost of the applicant and to the satisfaction of Riverina Water and include provision for future maintenance as required.*

Neighbour Response – Mr and Mrs Englert

An additional submission has been received noting that the water supply matter has not been addressed and Riverina Water have not been involved in the DA process.

See comments above (Fawcett submission)

Neighbour Response – Lynda La Plante

A general submission has been received in addition to the original objection which has been previously provided to the panel. The general submission does not raise any additional issues of relevance to this application. The general submission is attached for information.

Transgrid Correspondence

Since the assessment report was published a written response has been received from Transgrid confirming that it raises no objection to the development subject to conditions.

The following condition is recommended for inclusion and should be inserted as C23A

*C23A The following requirements of Transgrid must be adhered to at all times:-*

- 1. All works must be carried out in accordance with NSW WorkCover 'Working near overhead powerlines' Code of Practice 2006.*
- 2. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.*
- 3. No mounds of earth or other materials may be left on the easement during and after earthworks, as this creates a hazard by reducing the vertical clearances to transmission lines.*
- 4. With regard to the proposed transmission line and cable route from the Solar Farm to Wagga North 132kV Substation and TransGrid's access & the carrying out of maintenance activities, please be advised as follows:*
  - a) For where travel is required by TransGrid heavy maintenance vehicles, it must be ensured that the trench backfill for the cables can safely withstand the 40ton load capacity of maintenance trucks, without causing damage to any conduits and services.*
  - b) During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.*
  - c) Safety clearances are to be observed near powerlines.*