

# COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-469
DA Number	DA24/0452
LGA	Wagga Wagga
Proposed Development	Electricity Generating Works - 6.3 MW Solar Farm and 11MW Battery Energy Storage System (BESS) facility and Associated Electrical Infrastructure
Street Address	1000 Burkes Creek Road, The Rock NSW 2655
Applicant/Owner	Owner: Adam Paul Roberson, Stacey Louise Roberson Applicant: Charlie Sammoun, ARUP on behalf of Green Gold Energy Pty Ltd
Date of DA lodgement	13 November 2024
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> <li>48 (plus one petition)</li> <li>48 (plus one petition)</li> </ul>
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	5) Private infrastructure and community facilities over \$5 million Development that has an estimated development cost of more than \$5 million for any of the following purposes – ...electricity generating works.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>Wagga Wagga Local Environmental Plan 2010</li> <li>Wagga Wagga Development Control Plan 2010</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>Plan set (site plan, fencing plan, elevations)</li> <li>Statement of environmental effects</li> <li>Bush fire assessment report</li> <li>Flora and fauna assessment report</li> <li>Preliminary risk screening</li> <li>Traffic impact assessment</li> <li>Hydraulic assessment</li> </ul>
Clause 4.6 requests	Not applicable
Summary of key submissions	i.e any: <ul style="list-style-type: none"> <li>Impact on agricultural land</li> <li>Visual Impacts</li> <li>Contamination and hydrology impacts</li> <li>Bushfire and hazard risk</li> <li>Construction and traffic</li> <li>Decommissioning</li> </ul>
Report prepared by	Steven Cook, Senior Town Planner
Report date	6 June 2025

## 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?

No

## 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)?

Not applicable

## Conditions

Have draft conditions been provided to the applicant for comment?

No

## EXECUTIVE SUMMARY

### Reason for consideration by Southern Regional Planning Panel

The proposal has been referred to the Southern Regional Planning Panel as it is “Private infrastructure” with an estimated development cost of over \$5 million.

### Proposal

The application is for an ‘electricity generating works’ (solar energy system) comprising a 6.3 MW solar farm, an 11 MWh Battery Energy Storage System (BESS) and associated electrical infrastructure on approximately 15 hectares of a 195-hectare rural allotment.

### Permissibility

The site is zoned RU1 Primary Production under the Wagga Wagga Local Environmental Plan 2010. The use is permitted with consent in the zone and is consistent with the zone objectives.

### Consultation

The application was publicly exhibited from 2/12/24 to 16/12/24. Upon request, extensions to make submissions were granted until 7/1/25. 48 unique written submissions objecting to the development were received, along with a petition containing 103 signatures. Referrals from Essential Energy and APA were also received.

### Key assessment issues

- **Visual impact:** The development will somewhat alter the character of the area, however, existing vegetation will minimise the impacts. Additional vegetative screening is recommended to further mitigate impacts, particularly to the south where vegetation was recently removed. Conditions for the management of glint and glare impacts have been recommended.
- **Agricultural land:** The site comprises Class 3 agricultural land and land identified in the draft State Significant Agricultural Land mapping. However, the development footprint is small relative to Wagga Wagga and the state’s agricultural land base.
- **Bushfire and hazard risk:** The site is bushfire prone. Conditions require asset protection zones and emergency planning measures, as well as conditions to help minimise the risk of the site as a hazard and fire source.
- **Construction and traffic:** Construction traffic is temporary and limited. Operational traffic will be minimal. Conditions require road dilapidation reporting and traffic and construction management plans.
- **Decommissioning:** Conditions requiring the full decommissioning of the site at the conclusion of the development, and the submission of a decommissioning plan.
- **Hydrology and contamination:** Hydrological impacts are considered unlikely. A bund had been recommended for the BESS. To readily release contaminants into the environment, solar panels would need to be ground to a fine dust.

### Recommendation

The application is recommended for approval subject to conditions.



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.:	DA24/0452
Modification No.:	N/A
Council File No.:	D/2024/0452
Date of Lodgement:	13/11/2024
Applicant:	Green Gold Energy Pty Ltd Barrack Place 151 Clarence Street SYDNEY NSW 2000 Charlie Sammoun
Proposal:	Electricity Generating Works - 6.3 MW Solar Farm and 11MW Battery Energy Storage System (BESS) facility and Associated Electrical Infrastructure
Description of Modification:	N/A
Development Cost:	\$5,956,020
Assessment Officer:	Steven Cook
Determination Body:	Southern Regional Planning Panel State Environmental Planning Policy (Planning Systems) 2021, Schedule 6, Clause 5(a): Private infrastructure and community facilities over \$5 million - Electricity Generating Works
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Essential Energy and APA
Adjoining Owners Notification:	2/12/24-16/12/24
Advertising:	2/12/24-16/12/24
Owner's Consent Provided:	Yes
Location:	Eastern side of Burkes Creek Road, approximately 2km south of its intersection of the Olympic Highway.

### SITE DETAILS

Subject Land:	1000 Burkes Creek Rd THE ROCK NSW 2655 Lot 107 DP 754563
Owner:	AP Roberson & SL Roberson

## REPORT

### DESCRIPTION OF DEVELOPMENT

The proposal is for an 'electricity generating works' comprising a 6.3 MW solar farm and 11 MWh Battery Energy Storage System (BESS) facility and associated electrical infrastructure.

More specifically, the development includes:

- 10,692 solar photovoltaic panels, each with a capacity of 610 watts (W), mounted on single axis trackers with a total capacity of up to 6.3 MW.
- A four module BESS with 11MWh capacity.
- Cabling from the solar arrays and BESS to panel inverters.
- A High Voltage (HV) switchboard for connection to the local electricity network.
- Connection to the existing Essential Energy 22kV distribution lines.
- Access off Burkes Creek Road.
- Internal access tracks, access gates, parking, laydown areas and perimeter security fencing.

It is proposed that the facility will be established on approximately 15ha of the 195ha site, adjacent to Burkes Creek Road and the northern property boundary. 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.



Figure 1 - Site Plan One (Location of Solar Farm on Site)



Figure 2 - Site Plan 2 (Detailed Site Plan)

### **THE SITE & LOCALITY**

The development is proposed on Lot 107 DP 754563, 1000 Burkes Creek Road, The Rock. The lot has a total area of approximately 195ha, with the development taking up about 15ha of the site.

The site is located on the eastern side of Burkes Creek Road, approximately 2km south of its intersection of the Olympic Highway. The town of The Rock, which is located in Lockhart Shire, is located approximately 6km south-west of the site.

The site, and surrounding properties are used for extensive agricultural purposes. There is a dwelling located on the site, approximately 650m south-east of the development site. The closest non-associated dwellings are located approximately 2km south, 2km west, 1km north-west, 650m north and 1.3km north-north-east from the development site.

The site is rectangular, and is bound by Burkes Creek Road to the west, Byrnes Road to the south and Pearson School Lane to the east. An adjoining lot joins the site to the north. The site relatively gently rises to the east, with elevations less than 230m in the west and south-west of the site, rising to over 250m in the east. The development site itself is fairly flat. There are no defined streams on the development site, but there are two first order, and one second order stream (as defined under the Strahler system) on the eastern half of the overall site, remote from the development site. 22kV Essential Energy powerlines cross the site north-south, including the development site.



Burkes Creek Road, particularly where it adjoins the site, is heavily vegetated. There are also stands of vegetation on private land to the west and north immediately adjoining the development site. The development site is otherwise clear of vegetation. The site is not identified in Council's flood studies as being flood prone. It is, however, identified as being bushfire prone on the bushfire prone land map.

The locality is rural in character, defined by open paddocks, farm infrastructure and roadside vegetation.

**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

**Zoning and Land Use Table**

Under the provisions of the WWLEP 2010 the site is zoned RU1 Primary Production. The entire development, including the BESS, is characterised as 'electricity generating works', which are defined as:

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

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

Although 'electricity generating works' are not specifically listed in the RU1 land use table, the WWLEP 2010 specifies development that is not named, but also not specifically prohibited, as being permissible with consent.

The objectives of the zone are considered individually below:

- *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.

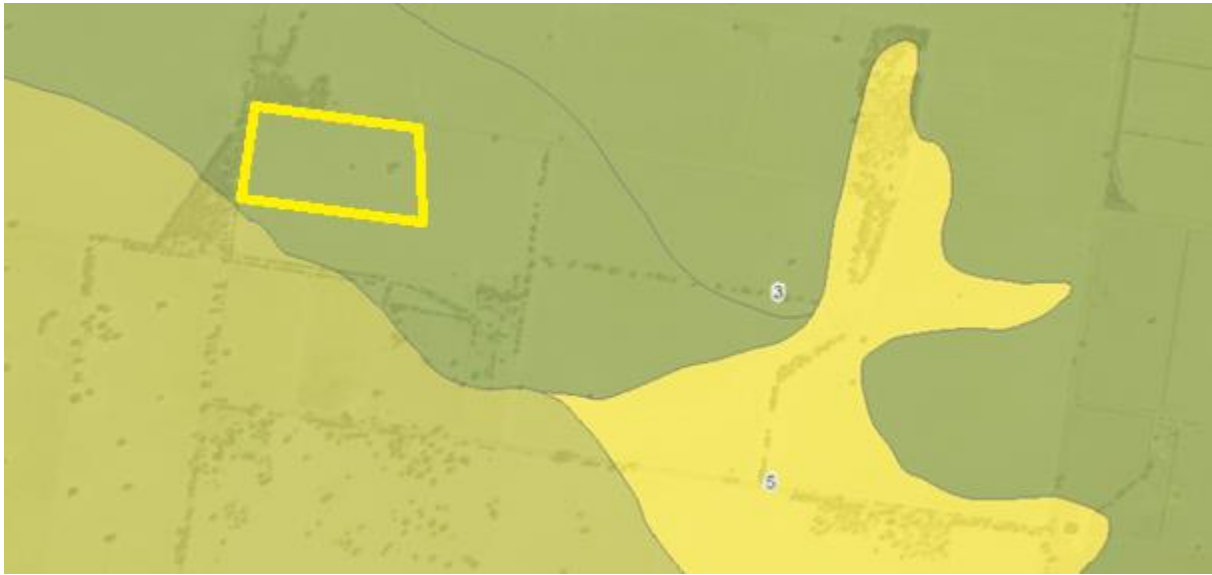


Figure 3 - Land and Soil Capability Mapping for NSW - SEED Map (approximate development footprint identified)

The subject site is also mapped as state significant agricultural land (SSAL) on the draft state significant agricultural land map. The draft map was placed on exhibition in November 2021, with the most recent available advice being that the NSW Government is 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). Given the lack of progress and acknowledged limitations, it is considered the SSAL map should be considered, but it is not of significant weight. It is noted that for the subject site the Class 3 land and the SSAL land are coincident.



Figure 4 - Draft State Significant Land Map (2021) (approximate development footprint identified)

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

Total land in Wagga Wagga LGA by Land Soil Capability (LSC) class:

Class (LSC)	In Wagga (ha)
1	0
2	0
3	153,170
4-8	328,990

Within the Wagga Wagga Local Government Area there 11 current solar farm developments (including two BESS projects). This includes the subject application, as well as any State Significant (SSD), Regionally Significant (RSD) or local development that has received consent. It also includes any SSD project that has at least received SEARs (Secretary's Environmental Assessment Requirements). It does not, however, include any developments for which consent has lapsed or that have been withdrawn. The total area of these applications is approximately 1917ha. Three of these applications are on Class 3 land,

The following is an assessment of the impact of these solar farms on Class 3 land within the Wagga Wagga Local Government Area:

Class 3 Total	153,170ha
Class 3 with solar development	73.67ha
Class 3 with solar %	0.048%

This proposal on its own equates to 0.0097% of all Class 3 land in the LGA:

It is noted that the site does not include any Biophysical Strategic Agricultural Land (BSAL). BSAL is mapped under State Environmental Planning Policy (Resources and Energy) 2021 and has been recognised as important agricultural land under the NSW Government's Large-Scale Solar Energy Guideline.

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 all rural land in NSW. If 100% of this was to be located on the best agricultural land in the state (including class 1-3 land, BSAL land, and land mapped as state or regionally significant), this would only equate to 0.4% of that land. While it is understood that certain areas of the state will likely have higher numbers of these facilities and therefore higher percentages of important land within certain LGAs will be taken up, it is important to understand the limited impact on a statewide basis. In comparison, the current cumulative uptake of Class 3 land in the Wagga Wagga LGA resulting from this and other approved solar farm developments (as detailed above) is significantly less at 0.048% (or 73.67ha), with the majority of solar farm developments (over 1800ha) occurring on land that is not Class 3 land.



In summary, the site is currently being used for cropping and grazing and while the development will not encourage sustainable primary industry production on the site, it is not contrary to this objective more generally in the RU1 zone. 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. Agriculture will continue on the balance of the site. 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.

- *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 land uses 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 part of 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, on a site well screened by existing vegetation.

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

The proposed development does not result in the loss of any rural dwellings 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 somewhat impacted through existing overhead powerline infrastructure traversing the site. Undoubtedly though, the proposed development will further alter this character. Existing landscaping will help mitigate these impacts, particularly from the public domain, and other parts of the site will continue to be used for agricultural purposes. Following decommissioning of the development, the site 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. While 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 meeting the targets set out in the Climate Change (Net Zero Future) Act 2023).

The 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. The plan also states that "planning for the region's economy needs to support well located renewable energy industries and the consequent transition away from fossil fuels".

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.

#### **7.1A Earthworks**

Clause 7.1A sets out that development consent is required for earthworks. The development will require (non-significant) earthworks to facilitate the development. Under Clause 7.1A(3):

- (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.*

No substantial earthworks in the form of landshaping are proposed. Works will be restricted to the excavation of footings, laying infrastructure and the like. Given the relatively minor nature of the earthworks, impacts on drainage patterns, soil stability, and on watercourses is unlikely to be significant. This is supported by the overland flow/stormwater assessment prepared for the development site.

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.

Given the location and scale of the earthworks impacts on the amenity of adjoining properties are unlikely to be significant. There are no 'relics' as defined under the WWLEP 2010 identified on the site.

All relevant matters under Clause 7.1A of the WWLEP 2010 have been considered in full and the development is considered acceptable with regard to these matters.

### **7.3 Biodiversity**

Clause 7.3 applies to land identified as "Biodiversity" on the 'Terrestrial Biodiversity Map' of the WWLEP 2010. Parts of the site, including the development site, are mapped as such as indicated on the mapping below:



Figure 5 - Clause 7.3 Biodiversity Mapping

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—

(a) any potential adverse impact of the proposed development on any of the following—

- (i) a native vegetation community,
- (ii) the habitat of any threatened species, population or ecological community,
- (iii) a regionally significant species of plant, animal or habitat,
- (iv) a habitat corridor,
- (v) a wetland,
- (vi) the biodiversity values within a reserve, including a road reserve or a stock route,

(b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—

(a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or

(b) if a potential adverse impact cannot be avoided, the development—

- (i) is designed and sited so as to have minimum adverse impact, and
- (ii) incorporates effective measures so as to have minimal adverse impact, and
- (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.

A flora and fauna assessment was carried out for the site which identified the development is being carried out on cropping land. Adjacent to the site is a remnant patch of White Box - White Cypress Pine - Western Grey Box woodland, which is a critically endangered ecological community under both the Biodiversity Conservation Act 2017 and the Environment Protection and Biodiversity Conservation Act 1999. This vegetation is not directly impacted, but could be indirectly impacted through runoff and sediment and erosion impacts (but during construction and operation) if not properly managed. However, with appropriate mitigation, these impacts are considered able to be managed so as to not adversely impact the EEC.

As such, 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.

#### **7.9 Primacy of Zone E2**

Clause 7.9 of the WWLEP 2010 requires that:

*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 E2 Commercial Centre as the principal business, office and retail hub of Wagga Wagga.*

The development is not of a kind that can be reasonably housed within the E2 Commercial Centre zone.

There are no other provisions of the WWLEP 2010 relevant to this Development Application.

#### **State Environmental Planning Policies**

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Where there are dangerous goods and hazardous materials associated with development, a preliminary risk screening in accordance with Chapter 3 of SEPP (Resilience and Hazards) 2021 should be carried out. This determines whether development is “potentially hazardous industry” or “potentially offensive industry” (as defined under the SEPP).

Dangerous goods are proposed to be stored and used on the site. These are Class 3 (such as petrol and diesel), Class 6 (such as pesticides), and Class 8 (such as cleaning agents). The screening assumes the storage of no more than 250L of each.

The preliminary risk screening determined that the development does not exceed storage or transport thresholds for the classes of materials set out in the document ‘Hazardous and Offensive Development Application Guidelines: Applying SEPP 33 (2011)’. Therefore, no preliminary hazardous assessment is required.

In relation to Class 9 goods (i.e. lithium-ion batteries), these sit outside the screening process. The Department of Planning, Housing and Infrastructure’s ‘Large-Scale Solar Energy Guideline’ states that

*If the project includes battery energy storage that has a capacity of more than 30 MW, the applicant must do a preliminary hazard analysis in accordance with Hazardous Industry Planning Advisory Paper No 4 – Risk Criteria for Land Use Safety Planning, Hazardous Industry Planning Advisory Paper No 6 – Hazard Analysis and Assessment Guideline –Multi-level Risk Assessment.*

This is supported by the general Planning Secretary’s Environmental Assessment Requirements for Large-scale Solar Energy which say:

*PHAs are not required for lithiumion batteries below 30MW*

The battery has a capacity of 11MWh.



Despite not exceeding thresholds, the screening report does make recommendations for the storage of dangerous goods on the site. These include:

- *The BESS shall be designed and laid out in accordance with the battery manufacturer's requirements, including separation distances in accordance with UL 9540A test results.*
- *An Asset Protection Zone (APZ) of no less than 10 m around the BESS shall be included in the site layout. This is not in addition to any APZ specified with respect to bushfire risk, and is likely to be fully addressed by the bushfire APZ.*

Other recommendations relate to the storage of the goods on site. It is recommended that these recommendations be incorporated into any consent.

It is recommended that conditions of consent limit the storage of dangerous goods and hazardous materials to the limits assumed in this assessment.

#### **Chapter 4 – Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) 2021 contains the provisions of the former SEPP 55 – Remediation of Land. Clause 4.6 of SEPP (Resilience and Hazards) 2021 requires that: (1) *A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*
  - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

With respect to this 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**

Under Clause 2.36 of SEPP (Transport and Infrastructure) 2021:

*(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 non-residential zone.*

Prescribed non-residential zones are defined under the division as including RU1 Primary Production zones.

As noted under the WWLEP 2010 assessment, electricity generating works are permissible with consent in the RU1 zone. Notwithstanding, should any prohibition be in place, clause 2.36 of the Transport and Infrastructure SEPP would override the local provisions.

It is relevant to note that the state environmental planning policy through this permissibility recognises at a general scale that rural zones are zones capable of housing electricity generating works.

Clause 2.42 sets out matters for consideration for solar farms that are regional development that are proposed on land that is identified as “subject land” on the Regional Cities Map of the SEPP. The subject site is not on land identified as “subject land” and so the clause does not apply.

##### **Division 5 – Electricity transmission or distribution networks**

Section 2.48 of the SEPP states that:

*(1) This clause 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 clause 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.*

The development is proposed in proximity to electrical infrastructure and was referred to Essential Energy under this Clause. Essential Energy advised that they had no comments to make with regard to potential safety risks. Essential Energy also made a number of standard general comments. It is recommended that these be conditioned where relevant.

#### **Division 12A – Pipelines and pipeline corridors**

Section 2.77 of the SEPP states:

- (1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—*
  - (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*
  - (b) take those risks into consideration, and*
  - (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*
  - (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*
- (2) Land is in a pipeline corridor for the purposes of this section if the land is located—*
  - (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or*
  - (b) within 20m of the centreline (measured radially) of a relevant pipeline, or*
  - (c) within 20m of land the subject of an easement for a relevant pipeline.*
- (3) The following pipelines for gas, or for petroleum or other liquid fuels, are ‘relevant pipelines’ for the purposes of this section—*
  - (a) the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the Pipelines Act 1967,*
  - (b) the Clyde to Gore Bay pipeline.*

The Bomen to Culcairn Pipeline (pipeline licence 23) is located within the Burkes Creek Road road reserve adjacent to the site. Therefore, this section applies.

Written notice was provided to APA Group (the pipeline operator). APA Group provided “acceptance” of the proposed development subject to the following “conditions”.

1. *Risk Assessment Required*

*Prior to the development commencing, and to inform detailed design, the applicant must conduct electrical hazard studies in accordance with (the requirements of) Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise). The applicant must address any relevant requirements and any recommendations and/or actions must be implemented to the satisfaction of APA. All costs associated with the study, and implementing its recommendations and/or actions are to be borne by the applicant. The applicant must complete validation testing upon completion of construction*

2. *No improvements within Easement*

*Buildings, structures, roadway, pavement, pipeline, cable, fence, change in ground level, or any other improvement on or under the land within the transmission pipeline easement must not be constructed without prior consent in writing from APA. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.*

3. *Third Party Works Authorisation*

*Prior to the commencement of any works within 3 metres of the gas transmission pipeline, the proponent must seek a third party works authorisation from APA for approval. Works approved by APA must comply with any conditions attached to a third party works approval.*

4. *Access*

*The Bomen to Culcairn transmission pipeline easement will not be permitted to be used for movements of construction traffic or for ongoing vehicular access. The transmission pipeline easement must not be used for storage of material or parking of vehicles.*

5. *Easement Delineation On Site*

*During construction, the boundary of the easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area.*

6. *Pipeline Delineation On Plans*

*All plans which include the area of the ethane transmission pipeline easement must have the easement clearly identified with hatching 3m either side of the easement. The area must also be clearly labelled as 'high pressure gas pipeline right of way – no works to occur without the prior authorisation of the pipeline operator'.*

Council's records do not indicate a registered easement on the site, however, that is not unusual, particularly considering the lot is an original parish portion. APA Group have advised that a 20-metre easement is in place. Council's records indicate that the pipeline itself is on the far side of Burkes Creek Road, and pipeline markers are present within the property to the west adjacent to the road. The road reserve for Burkes Creek Road is 20 metres wide so it is taken that the easement itself is very unlikely to have any incursion to the subject site.

Notwithstanding, it is recommended that the conditions outlined above be conditioned on any consent. This will ensure that the pipeline and easements are correctly identified and protected and any risk associated with works outside the easement are managed. It is recommended that the risk assessment be required as a pre-Construction Certificate condition as part of the detailed design.

Taking into account the comments of the APA Group, considering the location of the pipeline, and the proposed conditions, the consent authority can be satisfied of the matters set out in Section 2.77(1). Risks are not considered to be significant considering the location of the

pipeline, the location of the proposed works, and proposed conditions. The required risk assessment will ensure that any risks identified in the detailed design are managed.

State Environmental Planning Policy (Biodiversity and Conservation) 2021  
Chapter 3 Koala habitat protection 2020 applies to the site.

The SEPP 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 SEPP to granting consent to the proposed development.

State Environmental Planning Policy (Planning Systems) 2021  
SEPP (Planning Systems) 2021 sets out what development is “state significant development” and “regionally significant development” for the purposes of the *Environmental Planning and Assessment Act 1979*.

Clause 20 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 estimated development cost of more than \$5 million for any of the following purposes—*

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

As the estimated development cost of the proposed development is over \$5 million (approximately \$6.5 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 has the functions of the consent authority for regionally significant development.

There are no other SEPPs relevant to this application.

**(a)(ii) - The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)**

There are no draft environmental planning instruments relevant to this Development Application.

**(a)(iii) - Any development control plan**  
Wagga Wagga Development Control Plan 2010

The WWDCP 2010 applies to the land. The relevant provisions of the WWDCP 2010 are addressed as follows:

#### 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 placed on public exhibition from 2<sup>nd</sup> December 2024 to 16<sup>th</sup> December 2024 in accordance with the provisions of the WWDCA 2010. Upon request, extensions to make submissions were granted under 7<sup>th</sup> January 2025.

48 public submissions (all by way of objection) were received, all of which were unique, as well as one petition with 103 signatures. 15 of the written submissions were from landholders located within 5km of the site. A further 4 were from other landholders in The Rock locality. The remainder were from elsewhere within the Wagga Wagga Local Government Area (17), from outside the Wagga Wagga LGA (excluding The Rock locality in Lockhart Shire counted above) (7), and 3 could not be identified.

Referrals were also received from Essential Energy and APA Gas during the course of the Development Application.

Submissions are discussed in part (d) of this assessment report.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

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

Access is proposed via Burkes Creek Road which is a non-arterial road.

*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.*

A Traffic Impact Assessment was prepared for the development. The TIA identified that during peak construction, an average 20 workers would be on site at any one time, resulting in 20 inbound movements in the morning, and 20 outbound movements in the evening. In addition,

1 heavy vehicle movement inbound and outbound is anticipated per hour (with a maximum of three in-out movements a day anticipated). The construction phase is expected to last for 6-12 months with the bulk of the traffic movements in the first 3 months. During the operational phase there will be no permanent staff on site, with visits to the site only occurring once every few months.

Overall, this is considered to result in negligible impact on the road network, and for residents living along the route, given the relatively small number of vehicle movements and the finite time frame within which the impacts will exist.

It is noted that access to the site is via an unsealed road (Burke's Creek Road). It is important to ensure that the condition of the road is maintained during construction. It is therefore recommended that a condition of consent be imposed requiring the preparation of pre and post development dilapidation/pavement reports to document the road and verge conditions from the Olympic Highway to the site entrance before and after construction with a requirement to repair any damage and return the roads to pre-development condition at the conclusion of the work.

In addition, where in the opinion of the General Manager or delegate, repairs are necessary during works, a condition of consent is recommended to require these works be carried out.

Finally, it is recommended that a condition of consent be imposed requiring that all vehicles enter and exit the site via Burkes Creek Road, to the north, consistent with the TIA. Measures to give effect to this should be incorporated within the Construction Management Plan.

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

The design of the site enables vehicles to enter and exit in a forward direction.

*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.*

It is recommended that standard conditions of consent be imposed to ensure compliance with this control.

*C6 Ensure adequate sight lines for proposed driveways.*

No concerns are raised with regard to driveway sightlines.

## 2.2 Off-street parking

*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. 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 an application.*

*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 an application.*  
As noted, formal ongoing parking is not proposed.

*C4-C7 are not relevant to this development*

*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 for the development. A specific 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<sup>2</sup>.*

*C10 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.

### 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.*

*C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.*

The site is well screened by vegetation in the road reserve to the west, and vegetation on adjoining land to the north. However, all such landscaping is off site, and it is considered that additional landscaping, within the control of the developer, would be beneficial in providing screening to the site, particularly to the south, and north-east, but also to the west and north-west where existing screening stands. It is therefore recommended that conditions of consent be imposed requiring the submission of a detailed landscape plan, providing further screening of the site, in the form of a 3-metre buffer along the southern, western and northern boundaries of the site, along with an ongoing landscape strategy for the ongoing management and maintenance of the plantings.

### 2.4 Signage

No signage is proposed. The controls in this section are not relevant.

### 2.5 Safety and security

*C1 Use good site planning to clearly define public, semi-public and private areas.*

- C2 *Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.*
- C3 *Minimise blank walls along street frontages.*
- C4 *Avoid areas of potential concealment and 'blind' corners.*
- C5 *Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.*
- C6 *Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.*
- C7 *Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.*
- C8 *Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.*

The site will be secured by a 2.4-metre-high open style perimeter fence around the area that is to be developed, along with CCTV and remote monitoring. It is recommended that conditions be imposed to require the fence to be placed behind a landscape buffer to reduce the impact of the fence in the rural landscape.

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.

## 2.7 Development adjoining open space

The site does not adjoin open space.

## 2.8 Development near high pressure-gas pipeline infrastructure

- O1 *Development of sensitive uses are either located outside of the pipeline measure length or provide appropriate risk mitigation.*
- O2 *Development does not compromise the safe operation and maintenance of the high-pressure gas pipeline.*
- C1 *A Safety Management Study is required in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum.*
- C2 *Development where occupants are unable to protect themselves or have restricted movement, as listed below, are not located within the pipeline Measurement Length without prior consultation with the relevant pipeline operator:*
  - *Early education and care facility*
  - *Place of public worship*
  - *Correctional centre*
  - *Residential care facility*
  - *Educational establishment*
  - *Highway service centre*
  - *Function centre*
  - *Service Station*
  - *Health services facility*
  - *Shop*
  - *Hospital*

- *Shopping centre*
- *Hotel or motel accommodation*
- *Entertainment facility*

The controls and the application of this section of the WWDCP 2010 is not entirely clear, but the objectives provide some guidance, as they are clear that the safety management study relates to sensitive uses within the pipeline measurement length, which is defined as 463m either side of the pipeline. This is further supported by the comments made by APA Group (which did not specifically focus on the Measurement Length), and the explanatory note adjacent to C1 in the WWDCP 2010 which says:

*The development of a sensitive use within the pipeline Measurement Length is subject to a Safety Management Study prepared in accordance with AS 2885 Pipelines – Gas and Liquid petroleum, which demonstrates that the proposal does not create an unacceptable risk to life or property and does not compromise the safe operation of the gas pipeline. The Measurement Length is 463 metres measured radially either side of the pipe.*

The proposed development is not a “sensitive use”. Notwithstanding, a more specific risk assessment that takes into consideration Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise) has been requested by APA Group, and it is proposed to condition this in any consent.

Therefore while C1 and C2 are not considered to specifically apply to the development, it is considered that the development otherwise covers off satisfactorily risk assessment in relation to the pipeline.

C3 *Development is not located on or in the pipeline easement without prior written confirmation from the relevant pipeline operator.*

C4 *Any new road / service crossings for a development should be consolidated and perpendicular to the pipeline.*

As noted in part (a)(i) the easement and pipeline are not located on the site. Notwithstanding, conditions of consent requested by APA Group cover off on these considerations.

C5 *Subdivision design should incorporate the pipeline in a linear open space corridor.*

C6 *Where linear open space is impractical for industrial or commercial developments, the pipeline should be located within the front setback.*

C7 *Development does not create additional lots (less than 2ha) over the pipeline easement. All lots that include the pipeline easement should ensure the building envelope is sufficient size to accommodate the likely buildings to be constructed on the lot.*

N/A

C8 *Development does not involve civil works within 20 metres of the pipeline or 20 metres of the pipeline easement boundaries for a highpressure gas pipeline, without prior written confirmation from the relevant pipeline operator.*

Conditions of consent requested by APA Group cover off on this control.

C9 *Landscape plans depicting any planned landscaping within 3 metres of the pipeline must be submitted for approval by the pipeline operator.*

N/A

C10 *The design of any infrastructure services shall minimise the encroachment on the gas pipeline easement.*



C11 *Buildings, structures, roadway, pavement, pipeline, cable, fence, onsite waste water treatment (or irrigation area), or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent from the pipeline operator.*

Conditions of consent requested by APA Group cover off on this control.

#### 4.1 Bushfire

The site is mapped as being bushfire prone. The site itself is mapped as a grassland. Woodlands adjoin the site to the west and north. As such, the provisions of Planning for Bushfire Protection 2019 apply.

The application has been submitted, accompanied by a Bush Fire Assessment Report prepared by a Level 3 BPAD Accredited Practitioner. The report concludes the following:

*This report has considered all the elements of bushfire attack and finds that the development satisfies the aim and objectives of 'Planning for Bush Fire Protection' 2019, subject to implementation of the recommendations made by this report.*

This is considered to satisfy Section 4.14 of the Environmental Planning and Assessment Act 1979 which states that:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*
  - (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
  - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The submitted report, through its conclusions, is considered to be a “certificate” for the purposes of the Act and can be relied upon under s4.14 of the Act. The report has been considered in full and is considered satisfactory.

The report made the following recommendations:

1. *Asset Protection Zones*

*At the commencement of the development, and in perpetuity, the curtilage surrounding the subject development and access way shall be managed as an Inner Protection Area Asset Protection Zone (IPA APZ) from the from the proposal for a distance of 13m in all directions, as outlined in PBP 2019 Appendix 4.*

2. *Fire Fighting Water Supply*

*A 40000L water supply tank is to be provided for a firefighting water supply.*

3. *Electricity and Gas Services*

*Where practicable, electrical transmission lines are underground. Where applicable, reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.*

4. *Storage of Hazardous Materials*

*Wherever possible, the storage of hazardous materials will be away from the hazard.*

5. *Bush Fire Emergency Management and Operations Plan*

*A Bush Fire Emergency Management and Operations Plan is to be prepared prior to the commencement of works on site that identifies all relevant risks and mitigation measures associated with the construction and operation of the development. 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 bush-fire fire danger period to ensure weather conditions are appropriate bush fire emergency management planning*

The Bush Fire Emergency Management and Operations Plan should be supplied to and endorsed by the Rural Fire Service and Fire & Rescue NSW (as relevant). It should include consideration of the BESS and prevention and management of potential battery fires.

The report and its recommendations are accepted. No concerns are raised in relation to it. It is recommended that conditions of consent be imposed giving effect to these recommendations.

It is noted that a static water supply is proposed. Reticulated water supply is available to the site, however, as no assessment of the adequacy of this supply has been made, the static water supply condition will be imposed.

5.4 Land subject to Clauses 7.3, 7.4, 7.5 and 7.6 of the Wagga Wagga Local Environmental Plan 2010

Land identified as "Biodiversity" on the Terrestrial Biodiversity Map (WWLEP 2010 Clause 7.3)

C2 *Where impacts are likely an application for development consent on land identified as "Biodiversity" on the Terrestrial Biodiversity Map shall address the following matters:*

- (a) identification of any potential adverse impact of the proposed development on any of the following:*
  - (i) a native vegetation community,*
  - (ii) the habitat of any threatened species, population or ecological community,*

- (iii) *a regionally, state or nationally significant species of plant, animal or habitat,*
- (iv) *a habitat corridor,*
- (v) *a wetland,*
- (vi) *the biodiversity values within a reserve, including a road reserve or a stock route, and*

- (b) *a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.*

As identified in part (a)(i), impacts are not considered likely. Therefore there is no requirement under this control.

*C3 Any soil disturbance should be rehabilitated using native grasses and forbs.*  
It is recommended that compliance with this control be conditioned.

#### 8.1 Development in rural areas

The following objectives and controls apply to developments 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 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.

*C1 Uses are to be compatible with the character of the locality in terms of buildings, structures and the nature of operations.*

Structures proposed differ from the prevailing rural-agricultural character of the area, although it is noted that non-rural structures and uses do exist in the locality, including a railway line, major highway, and electrical infrastructure.

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 to. Measures have been proposed, such as maintaining site screening, as well as those conditioned (i.e. additional screening) to help minimise these impacts, and help with the compatibility of the development with the character of the locality.

Apart from the potential for construction and visual impacts, potential impacts on the local community from solar farms are relatively minor. In terms of the character or nature of operations they are unlikely to be incompatible with adjoining land uses. In the case of the subject development, impacts are considered manageable and acceptable.

- 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.*

Adequate setbacks to adjoining properties are proposed. Existing roadside vegetation provides buffers to the closest adjoining properties to the west and north. Further landscape buffers are recommended. These buffers to the site will soften and screen the installation to neighbouring properties.

There is potential for some visual impacts to still occur, however, land use conflicts as such are not anticipated.

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

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

The proposed development will change somewhat the existing character of the rural landscape by the introduction of a significant array of solar panels. The existing character of relatively open land will remain but will take on a different appearance through the introduction of the solar farm which will be visible from some adjoining properties and roads in the vicinity of the site.

An assessment of the visual impacts of the solar farm is discussed in greater detail within the impacts section of this report. The assessment concluded that overall the impacts are deemed to be acceptable.

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

Infrastructure is considered sufficient. If any upgrades are required they will be at the full cost of the developer.

- 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, loading and unloading areas.

- 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.*

A condition of consent requiring pre and post development dilapidation reports, with a requirement to make good any damage, have been recommended.

- C7 Provide satisfactory arrangements for storage and disposal of waste.*

The Construction Management Plan is recommended to require details regarding waste management during works as well as appropriate disposal details.

There are no other provisions of the WWDGP 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) - the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

Matters prescribed by the Environmental Planning & Assessment Regulation 2021 have been satisfied.

**(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, 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 Main Southern Railway, the Olympic Highway, and electrical infrastructure.

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 are unlikely to be impacted by the proposed development.

*Visual impacts on residential receivers*

The nearest residential receiver is on the subject property. As an associated dwelling, impacts are considered acceptable.

The nearest non-associated receivers within 2km are identified on the map below. Some do not appear to be occupied but have been considered for completeness. It is acknowledged that there are other receivers in the locality, including beyond this 2km catchment, and they have all been considered, however, these are the receivers identified as being most representative and more likely to be subject to a potential impact. Receivers clearly beyond the ridgeline to the east/north-east of the site are considered to be beyond the visual catchment:



Figure 6 - Residential Receivers



Receiver Number	Distance to site	Existing/Proposed Mitigation	Assessment
1	1300m	<ul style="list-style-type: none"> <li>Existing vegetation around receiver dwelling.</li> <li>Existing vegetation on development site northern boundary.</li> <li>Topography (land rises between dwelling and site).</li> <li>Additional landscaping condition along northern development boundary.</li> <li>Distance between site and receiver.</li> </ul>	It is unlikely that the development will be visible from receiver 1. If it is, it will be a minor feature in the distant landscape, heavily screened by vegetation. Impacts are considered acceptable.
2	600m	<ul style="list-style-type: none"> <li>Existing vegetation around receiver dwelling.</li> <li>Existing vegetation on development site northern boundary.</li> <li>Additional landscaping condition along northern development boundary.</li> <li>Distance between site and receiver.</li> </ul>	The receiver does sit higher in the landscape than the site, however substantial existing vegetation screens much of the development. Additional screening along the northern boundary will further mitigate this. Impacts not likely to be significant, with development being a relatively minor feature in the landscape, at a moderate distance, and heavily screened. Impacts are considered acceptable.
3	950m	<ul style="list-style-type: none"> <li>Existing vegetation around receiver dwelling.</li> <li>Existing vegetation on development site western and northern boundaries.</li> <li>Existing vegetation on adjoining properties</li> <li>Additional landscaping condition along northern and western development boundaries.</li> <li>Distance between site and receiver.</li> </ul>	The site will be heavily screened by exiting vegetation. Additional screening along the northern and western boundary will further mitigate this. Impacts not likely to be significant, with development being a relatively minor feature in the landscape, at a reasonable distance, and heavily screened. Impacts are considered acceptable.
4	1800m	<ul style="list-style-type: none"> <li>Existing vegetation around receiver dwelling.</li> <li>Existing vegetation on development site western boundary.</li> <li>Existing vegetation between the receiver and development site.</li> </ul>	It is unlikely that the development will be visible from receiver 4 due to the considerable distance involved and the amount of screening between the site and receiver. If it is, it will be a minor feature in the distant landscape,

		<ul style="list-style-type: none"> <li>Additional landscaping condition along western development boundary.</li> <li>Distance between site and receiver.</li> </ul>	heavily screened by vegetation. Impacts are considered acceptable.
5	1700m	<ul style="list-style-type: none"> <li>Existing vegetation around receiver dwelling.</li> <li>Existing vegetation and structures between the receiver and development site.</li> <li>Additional landscaping condition along southern development boundary.</li> <li>Distance between site and receiver.</li> </ul>	It is unlikely that the development will be visible from receiver 5 due to the considerable distance involved and the amount of screening between the site and receiver. Additional landscaping condition will further assist with this. If it is, it will be a minor feature in the distant landscape, heavily screened by vegetation. Impacts are considered acceptable.
6	1900m	<ul style="list-style-type: none"> <li>Existing vegetation around receiver dwelling.</li> <li>Existing vegetation on development site western boundary.</li> <li>Existing vegetation between the receiver and development site.</li> <li>Additional landscaping condition along western development boundary.</li> <li>Railway embankment and highway between receiver and development site.</li> <li>Distance between site and receiver.</li> </ul>	It is unlikely that the development will be visible from receiver 6 due to the considerable distance involved, the existing infrastructure between the receiver and the development, and the amount of screening between the site and receiver. Additional landscaping condition will further assist with this. If it is visible, it will be a minor feature in the distant landscape, heavily screened by vegetation. Impacts are considered acceptable.
7	1700m	<ul style="list-style-type: none"> <li>Existing vegetation on development site western boundary.</li> <li>Existing vegetation between the receiver and development site.</li> <li>Additional landscaping condition along northern and western development boundary.</li> <li>Railway embankment and highway between receiver and development site.</li> <li>Distance between site and receiver.</li> </ul>	It is unlikely that the development will be visible from receiver 7 due to the considerable distance involved, the existing infrastructure between the receiver and the development, and the amount of screening between the site and receiver. Additional landscaping condition will further assist with this. If it is visible, it will be a minor feature in the distant landscape, heavily screened by vegetation. Impacts are considered acceptable.

It is therefore concluded that the impacts on residential receivers are acceptable. Conditions requiring the provision of additional landscaping will further assist.

It is noted that some of the above assessment relies on vegetation screening on adjoining land to the west (Lot 42 DP 754563), in the same ownership as the subject land. To ensure the buffer remains in place through the life of the development, it is recommended that a condition of consent be imposed requiring the maintenance of this buffer, and that this be registered on the title of the land.

#### *Visual impacts from public domain*

The site adjoins Burkes Creek Road and Byrnes Road.

The site is heavily screened from Burkes Creek Road by existing roadside vegetation. Additional screening proposed to be conditioned will further screen the site. The site will be visible for moments from the road, when passing the site, however this will not be significant and is considered not to result in unacceptable impacts from the public domain.

Byrnes Road is not as well screened from the development site, however, the development footprint is over 500m from the road, which will help mitigate its impacts. The additional screening condition will help mitigate any visual impacts. Impacts will be apparent for longer than on Burkes Creek Road due to the greater distance involved, however, it is still not considered significant, and overall, will not result in unacceptable impacts from the public domain.

#### *Overall visual assessment*

Overall, with regard to visual impacts from the development, these impacts are considered to be very minor, not significant, and relatively fleeting. The solar farm is not substantial in scale, being only 15ha, which further significantly reduces its impacts. As such, it is considered that the visual impacts of the development are acceptable.

#### *Glint and glare impacts*

Given the above visual impact assessment, whereby it was demonstrated that visual impacts are likely to be very minor, and given the very low traffic volumes on surrounding roads, it is considered that the potential for glint and glare impacts is limited. As such, a specialist assessment was not carried out.

To provide protection in this regard, it is recommended that a condition of consent be imposed requiring that the development be operated to ensure that unacceptable glint and glare impacts do not occur on surrounding dwelling, roads and other infrastructure, and that if they do arise, adjustment to the operation (such as resting angles, changes to tracking or additional screening) shall be deployed.

#### **Access, transport and traffic**

Operationally, the development will result in very minimal extra traffic movements, with staff only visiting the site on an as needs basis. Therefore minimal impacts are anticipated.

During construction there is anticipated to be an increase in traffic.

A Traffic Impact Assessment was prepared for the development. The TIA identified that during peak construction, an average 20 workers would be on site at any one time, resulting in 20 inbound movements in the morning, and 20 outbound movements in the evening. In addition, 1 heavy vehicle movement inbound and outbound is anticipated per hour (with a maximum of three in-out movements a day anticipated). The construction phase is expected to last for 6-

12 months with the bulk of the traffic movements in the first 3 months. During the operational phase there will be no permanent staff on site, with visits to the site only occurring once every few months.

Overall, this is considered to result in negligible impact on the road network, and for residents living along the route, given the relatively small number of vehicle movements and the finite time frame within which the impacts will exist.

As discussed in detail in part (a)(iii) there is potential for damage to roads as a result of the vehicles associated with the construction of the development. Conditions have been recommended in this regard.

Proposed access to the site is considered acceptable.

### **Services**

The proposed development will connect to the electricity grid. Works to facilitate this will be carried out under Part 5 of the Environmental Planning and Assessment Act 1979.

### **Heritage**

There are no listed items of environmental heritage on the site.

An AHIMS search carried out did not identify any recorded Aboriginal objects. There are no landscape features that indicate the presence of Aboriginal objects. The site is considered to be disturbed land.

Following the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales the development can proceed with caution.

It is recommended that standard conditions of consent regarding the protection of items of Aboriginal Cultural Heritage be imposed.

### **Natural Hazards**

Bushfire has been considered under part(a)(iii) of this assessment report.

Natural hazard impacts are considered acceptable.

### **Human-Made Hazards**

Hazardous or offensive development and potential contamination on the site from previous activities is discussed in detail in the SEPP (Resilience and Hazards) 2021 assessment in part(a)(i) of this assessment report.

Solar farms and batteries are not considered to be a potentially contaminating land use.

### **Economic Impact in the Locality**

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. The development is predicted to employ 20 staff during construction.

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

### **Social Impact in the Locality**

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.

### **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.

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.

The "loss" of agricultural land is discussed in detail in part (a)(i) of this assessment report in considering the objectives of the RU1 zone. It is established in that discussion that while the proposed development will result in limitations on the agricultural use of the land for approximately 30-years, that overall, both within the local area, region, and state-wide, this impact is not significant on Class 1-3 agricultural land, both in isolation, and when considered against all past and possible future solar farms.

Overall, it is considered that the development will not have a significant impact on land resources.

### **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. Assessments submitted with the Development Application have demonstrated that post-development flows will meet pre-development flows.

There is potential for dust impacts, particularly on Burkes Creek Road during construction. It is noted that any impacts would already exist as a result of vehicles using this public road, with impacts to only increase in regularity due to additional traffic. Overall this impact is assessed as acceptable.

A hydrological report submitted with the application has demonstrated that stormwater can be managed subject to detailed design at construction stage. Specifically, the report concluded:

*A high-level hydraulic assessment of the proposed Solar Farm/BESS facility site has been undertaken. The site has been confirmed as not being subject to any mainstream flooding following review of the available flood studies and interrogation of available LiDAR data.*

*A review of the surrounding catchment has indicated that runoff from the catchment area north of the site is likely to be captured within the existing drainage channel running along the northern property boundary, and subsequently discharged to the west of the site. Runoff to be managed within the site is therefore likely to be limited to rainfall landing on the site itself, plus the relatively small catchment area to the east.*



*A concept water management strategy has been prepared for the site to illustrate how surface flows can be managed to both protect the proposed solar farm and BESS facility from erosion and prevent any material increase in flood risk or erosion risk to the southern portion of the lot, and to downstream receptors. The general approach of the water management strategy is to maintain the existing drainage regime as much as reasonably possible.*

*No detention storage is considered necessary given the predicted increases in runoff are considered small enough (in the context of the overall catchment) not to significantly impact on downstream receptors. Similarly, the impact of the Solar Farm/BESS facility on surface water quality is considered negligible.*

*Therefore, the management of surface water through the site can be adequately achieved through the provision of appropriate stormwater infrastructure.*

An inspection carried out by Council's Development Engineer confirm assumptions of the existing catchment made in the report. It is recommended the conditions of consent be imposed requiring the development of a detailed stormwater management strategy prior to Construction Certificate to ensure the development does not increase the rate of stormwater flows onto adjoining properties.

To manage the risk of spills and leaks, it is recommended that a condition of consent be imposed requiring chemical storage and battery be contained within a fully bunded area.

Regular monitoring should be incorporated into proposed conditions of consent to monitor the quality of water emanating from the site.

### **Flora and fauna**

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

### **Noise and Vibration**

#### Noise

An acoustic assessment was carried out as part of the Statement of Environmental Effects.

The assessment concluded that during construction:

*Noise impacts from construction activities are predicted to comply with the "Noise Affected" level of 45 dB(A) set by the NSW EPA's Interim Construction Noise Guideline (ICNG) (based on the assumed background noise level of 35 dB(A) for a rural area).*

It is recommended that a condition of consent be imposed requiring the preparation of a Construction Noise and Vibration Management Plan (CNVMP) for the site. The CNVMP should provide mitigation measures for potential sensitive receivers. Sensitive receivers should be notified of the construction activities that would likely be audible.

During operation the SEE noted that the only source of noise from the panels is the tracking motors, the BESS and inverter. Predicted noise levels do not exceed the project-specific trigger levels for the proposed development.

Overall, noise impacts from the proposed development are unlikely to be significant, and are assessed as being acceptable.

#### Vibration

The SEE notes that given the distance to nearest receivers, it has been assessed that impacts are expected to be negligible. No concerns are raised with this assessment.

**Energy Impacts**

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

**Site Design and internal design**

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

**Construction**

Construction impacts have been assessed throughout the report in the relevant sections. A construction management plan is recommended to be required as a condition of consent.

**Cumulative Impacts**

The development is within a locality not currently occupied by similar development. The main impacts associated with the development are visual. Cumulative impacts in this regard would generally require the infrastructure to be in the same visual catchments.

**The Principles of Ecologically Sustainable Development***The Precautionary Principle*

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.

*Inter-generational Equity*

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

*Conservation of Biological Diversity and Ecological Integrity*

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

*Improved Valuation, Pricing and Incentive Mechanisms*

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**

The land is appropriately zoned for the land use that is permissible under the provisions of SEPP (Transport and Infrastructure) 2021 and the WWLEP 2010. The proposed land use does differ to the historical use of the land for agricultural purposes but is one that can be suitably located and managed on this land with an acceptable degree of impact.

The site is appropriate for a solar farm due to its predominantly cleared nature, clear of higher slopes, within close proximity to existing electricity infrastructure. 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**

The Development Application was referred externally to Essential Energy and APA Group.

##### **Notification and Advertising**

The application was placed on public exhibition from 2<sup>nd</sup> December 2024 to 16<sup>th</sup> December 2024 in accordance with the provisions of the WWDCP 2010. Upon request, extensions to make submissions were granted until 7<sup>th</sup> January 2025.

##### **Public Submissions and those from public authorities**

48 public submissions (all by way of objection) were received, all of which were unique, as well as one petition with 103 signatures. 15 of the written submissions were from landholders located within 5km of the site. A further 4 were from other landholders in The Rock locality. The remainder were from elsewhere within the Wagga Wagga Local Government Area (17), from outside the Wagga Wagga LGA (excluding The Rock locality in Lockhart Shire) (7), and 3 could not be identified.

Submissions were received from Essential Energy and APA Group during the course of the Development Application.

##### Submissions from public authorities

###### Essential Energy

The Essential Energy submission is discussed in part(a)(i) of the assessment report.

###### APA Group

The APA Group submission is discussed in part(a)(i) of the assessment report.

##### Public submissions

48 public submissions (all by way of objection) were received, all of which were unique, as well as one petition with 103 signatures.

Due to the volume of submissions, each submission cannot be addressed individually in this assessment report. All, however, have been considered in full and have informed the overall development assessment in this report. Issues and key points raised in submissions are addressed below:

##### Development proposed on agricultural land / prime agricultural land

A substantial number of submissions raised concerns about the proposed development being located on agricultural land or prime agricultural land. The matters raised can be summarised as follows:

- Loss of agricultural land / prime agricultural land
- Land needs to be preserved for food production / food security impacts
- Minimal suitable land for farming in Australia and this removes more

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. As such impacts on agricultural land and prime agricultural land are not considered to be significant.

*Inconsistent with the objectives of the RU1 Zone of the WWLEP 2010 / Prohibited under the WWLEP 2010 / Prohibited under SEPP (Transport and Infrastructure) 2021*

An assessment under part (a)(i) of this assessment report addresses in detail consistency with the WWLEP 2010.

The development is not prohibited under the WWLEP 2010 or SEPP (Transport and Infrastructure) 2021.

*Inconsistent with the Riverina Murray Regional Plan (sited outside the South West Renewable Energy Zone)*

Locating solar farms outside the South West REZ is not inconsistent with the Riverina Murray Regional Plan.

The 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.

*Uncertainty about decommissioning*

Issues raised can be summarised as follows:

- Who will be responsible
- Need for a bond to be submitted
- Risk landowners will be left with infrastructure
- Ratepayers left to pay cleanup bill
- Waste created from panels

It is recommended that a condition requiring the preparation and submission of a decommissioning plan prior to decommissioning be imposed. The condition should require that an initial plan is developed prior to operation of the site, with a final plan at the time of decommissioning. Panels and all associated infrastructure will be removed at decommissioning and will need to be disposed of or recycled at an appropriate facility.

The cost of decommissioning is subject to agreement between the property owner and the developer. There is no clear reason why ratepayers would be required to decommission the site. Conditions of consent requiring decommissioning of the facility are enforceable on both the landowner and the operator of the development. A bond is not necessary as Council would not incur decommissioning costs.

*Traffic impacts during construction*

Issues raised can be summarised as follows:

- Traffic Impact Assessment is insufficient
- Current condition of Burkes Creek Road and further impacts on it from heavy vehicles
- Burkes Creek Road cannot sustain the extra traffic
- Burkes Creek Road not acceptable for access

As outlined in part (a)(i), (a)(iii) and (b) of this assessment report, traffic impacts are considered acceptable, given the relatively small daily volumes expected, and the limited period of time in which impacts will be experienced.

Conditions of consent have been recommended to manage potential damage to roads and to ensure that the developer makes good any damage caused, including during works where considered necessary.

#### Visual Impacts

Issues raised include:

- Impact on landscape and character of the area
- Existing vegetation does not provide adequate screening
- Existing vegetation to the south of the development site removed by landowners
- Visual impacts on farmland (where farmers work) not considered
- Visual impacts on future dwelling sites not considered

Visual impacts are discussed in detail in part (b) of this assessment report. Impacts are considered to be not significant, both on residential receivers and from the surrounding road network.

Additional screening has been recommended to be conditioned in this assessment to help further mitigate visual impacts. This includes buffer plantings to the south of the development site.

It is considered that the solar farm will not be unreasonably intrusive when viewed from the bulk of neighbouring farmland occupied intermittently in conjunction with farm work, due to existing and proposed vegetation. However, in any case, the weight of any such impacts in consideration of the Development Application is not significant, given the nature of the use of this land.

Impacts on future dwellings cannot be reasonably assessed, as no Development Consent has been sought for any such dwellings. As a result, these potential impacts carry little weight in the assessment. Nonetheless, existing and proposed screening is expected to mitigate visual impacts in the event a dwelling is developed in future.

#### Glint and Glare

Glint and glare impacts are discussed in detail in part (b) of this assessment report. Recommended conditions of consent are considered sufficient to manage glint and glare in the circumstances.

#### Impacts on Flora and Fauna

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

#### Fire risk / Full PHA should be carried out

The development has been assessed in accordance with PBP 2019, including specific provisions on solar farms. The development application was accompanied by a Bush Fire Assessment Report prepared by a Level 3 BPAD Accredited Practitioner. Appropriate measures are proposed to manage fire risk, including a Bush Fire Emergency Management and Operations Plan.



In relation to the BESS, which contains Class 9 goods (i.e. lithium-ion batteries), these sit outside the typical screening process for determining if the development is potentially hazardous development under SEPP (Hazards and Resilience) 2021. However, the Department of Planning, Housing and Infrastructure's 'Large-Scale Solar Energy Guideline' states that

*If the project includes battery energy storage that has a capacity of more than 30 MW, the applicant must do a preliminary hazard analysis in accordance with Hazardous Industry Planning Advisory Paper No 4 – Risk Criteria for Land Use Safety Planning, Hazardous Industry Planning Advisory Paper No 6 – Hazard Analysis and Assessment Guideline –Multi-level Risk Assessment.*

This is supported by the general Planning Secretary's Environmental Assessment Requirements for Large-scale Solar Energy which say:

*PHAs are not required for lithiumion batteries below 30MW*

The battery has a capacity of 11MW, and therefore is not considered to be potentially hazardous development.

Despite not exceeding thresholds, the screening report does make recommendations for the BESS which have been recommended to be conditioned. These are:

- *The BESS shall be designed and laid out in accordance with the battery manufacturer's requirements, including separation distances in accordance with UL 9540A test results.*
- *An Asset Protection Zone (APZ) of no less than 10 m around the BESS shall be included in the site layout. This is not in addition to any APZ specified with respect to bushfire risk, and is likely to be fully addressed by the bushfire APZ.*

Fire risks are considered to be appropriately managed through the design of the development and proposed conditions of consent.

*Suggestion that there are examples elsewhere in Australia where neighbours cannot get "fire insurance" due to solar farms on adjoining land*

The Insurance Council of Australia, in a statement from November 2024 and published on their website say:

*The expansion of wind and solar farms and supporting transmission infrastructure across regional Australia presents a growing trend of landholders either hosting or neighbouring energy infrastructure.*

*The Insurance Council is aware of concerns raised by landholders about the impact these projects may potentially have on their public liability insurance. ICA members who provide farm insurance continue to offer coverage for liability risk based on an assessment of the individual circumstances of a specific landowner.*

*Current information indicates that insurers generally do not have specific concerns related to a property hosting transmission lines or neighbouring energy infrastructure. At the time of writing, the Insurance Council is not aware of any instances where Insurance Council members have been unable to provide insurance or have increased premiums as a result of a farm (or a neighbouring property) hosting energy infrastructure.*

*However, wherever you live in Australia – whether you're directly exposed to extreme weather impacts or not – insurance premiums are rising because of the escalating costs of natural disasters, the increasing value of homes and vehicles, making them more expensive to replace, inflation pushing up building and vehicle repair costs, and the increasing cost of doing business for insurers.*

*As with any insurance policy, a number of factors are considered by an insurer when offering coverage relating to the individual circumstances of the policyholder. Likewise, any subsequent claim under an insurance policy will be determined on the wording of the particular policy of the policyholder. Landholders with concerns as to how any energy infrastructure may impact their insurance coverage are encouraged to contact their insurance broker or insurer directly.*

The statement also references observations and recommendations made by the Australian Energy Infrastructure Commissioner (AEIC). These acknowledge that some landholders, particularly neighbours of large-scale transmission or energy infrastructure projects, have expressed concerns about perceived impacts on insurance coverage or property use. However, the AEIC does not present any evidence of systemic insurance issues, and instead encourages clear and consistent neighbour agreements as a tool for managing expectations and potential legal or financial concerns. His comments appear intended to support best-practice engagement rather than reflect any known limitations in the insurance market.

The full statement is available here:

[https://insurancecouncil.com.au/wp-content/uploads/2024/05/Updated-ICA\\_Briefing\\_Farm-Insurance-and-Energy-Infrastructure\\_November-2024.pdf](https://insurancecouncil.com.au/wp-content/uploads/2024/05/Updated-ICA_Briefing_Farm-Insurance-and-Energy-Infrastructure_November-2024.pdf)

It is considered that, based on the advice available, this concern is not substantiated.

#### *Impact on gas pipeline*

A referral was provided to APA Group who raised no objection subject to the imposition of a number of conditions. Fire risk is discussed above.

#### *Toxicity of solar panels / contamination of land from solar panels / contamination of water from solar panels / contamination from damaged solar panels / contamination from batteries*

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. It is noted that the Department of Planning Environment document Frequently Asked Questions Large-Scale Solar Energy Guideline states:

#### *Do solar panels contaminate soil?*

*The metals in solar panels (including lead, cadmium, copper, indium, gallium and nickel) cannot be easily released into the environment. This is because metals such as cadmium telluride (CdTe) or cadmium sulfide (CdS) are enclosed in thin layers between sheets of glass or plastic within the solar panel. Because of this, the use of metals in solar panels has not been found to pose a risk to the environment.*

*To readily release contaminants into the environment, solar panels would need to be ground to a fine dust.*

This advice has been accepted in recent Independent Planning Commission decisions on large-scale solar farms in the state.

It is noted that cleaning the panels, the operator of the site will still be bound by the Protection of Environment Operations Act which makes it an offence to pollute waterways.

The risk of contamination from the BESS is via leakage. This is not the ordinary operation of the facility and would represent a catastrophic failure. The probability of this occurring is considered low. Conditions requiring the bunding of the battery area have been recommended.

*Development does not take into account a lifecycle assessment of carbon emissions (i.e. manufacturing and transport of panels)*

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

*Impacts on property values*

Impacts on property values themselves are not a relevant planning consideration. Potential impacts that could lead to them have been assessed under each relevant impact.

*Sets a precedent for other solar farms in area*

Any future Development Application would be assessed on its individual merits.

*Inadequate consultation by the developer / timing of public notification*

There is no requirement for consultation to be carried out by the developer.

Public notification timing was unavoidable due to the timing of the application, however, an extension for submissions was provided given the clash with harvest.

*Loss of local jobs servicing farming operations / social impacts from the loss of farmers to solar farms / limited economic benefits for the community vs farming*

It is considered that the proposed development will not have a significant impact in this regard, occupying only a small percentage of the total farmland in the district. The overall broader impact of this type of development in the state is also likely to be negligible, given the small percentage of the total state's farmland likely to be required to meet energy needs.

*Heat island effect*

Department of Planning Advice in report to the Independent Planning Commission references a study commissioned by Greater Shepparton Council in 2018 that showed while temperatures can increase above panels, they are localised and would be negligible at 30m from the development footprint. Reducing further where vegetation screening is provided.

The Department of Planning, Housing and Infrastructure 'Large-Scale Solar Energy Guideline' states that "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 30 m to mitigate any heat island effect". Panels are proposed to be setback more than 30m from adjoining farmland (with Burkes Creek Road providing a buffer to the west).

*Hydrological impacts and erosion risk*

A hydrological report submitted with the application has demonstrated that stormwater and erosion can be managed subject to detailed design at construction stage. This is discussed in part (b) of the assessment report. Impacts are considered acceptable.

Concerns about contamination were also raised in relation to runoff. These are discussed under the relevant section above.

Impacts on electricity network

Key issues raised under this umbrella were:

- The current network will not be able to accommodate the solar farm and upgrades will be required.
- Who will pay for the upgrades.
- Additional works not detailed in the application will be required to connect to the grid.
- The application references “associated infrastructure” – what is this?
- Will the development result in additional power lines over neighbours land?

The applicant has confirmed the “associated infrastructure” that forms part of this Development Application is “a PV switchboard, inverter station, underground cabling for customer-owned connections, and connection to existing Essential Energy (EE) 22kV distribution lines”.

These works have been considered as part of the Development Application.

The applicant has further advised that:

*The development will require some upgrading works to the electrical network which are currently being separately assessed and approved by Essential Energy (EE) under Part 5 of the Environmental Planning and Assessment Act 1979.*

Part 5 of the Act is for works that do not require development consent to be carried out. A range of works associated with Electricity Distribution Networks are prescribed under SEPP (Transport and Infrastructure) 2021 as not requiring Development Consent. These works do not form part of this Development Application and will be subject to their own environmental assessment, however, there is no indication that additional power lines will be required to service the development, with works foreshadowed being upgrades to existing infrastructure.

The cost for carrying out these works is not a matter for this Development Application and is between Essential Energy and the Applicant.

The Livestock Production Assurance (LPA) program now requires producers to declare if their stock graze under solar farms

The Livestock Production Assurance (LPA) program now requires producers to declare whether livestock have access to infrastructure such as solar panels and wind turbines. The LPA is Australia’s national on-farm assurance initiative for the red meat industry, covering cattle, sheep, and goats. It is managed by the Integrity Systems Company (ISC), a subsidiary of Meat & Livestock Australia (MLA), which is a producer-owned, not-for-profit company serving the red meat sector.

It is important to note that the LPA program does not require producers to declare the presence of solar farms, wind turbines, or other renewable infrastructure on neighbouring land. As such, there is no direct implication for adjoining landowners arising from this requirement.

The rationale for this recent change is not clearly articulated in public LPA or ISC materials. However, the broad scope of the requirement, covering multiple infrastructure types, suggests a highly precautionary approach by ISC and MLA. It appears aimed at prompting producers to consider theoretical risks associated with infrastructure degradation. For example, the Department of Planning and Environment has noted that for solar panels to release contaminants into the environment, they would need to be “ground to a fine dust,” an extremely unlikely scenario under normal grazing conditions.

The following guidance is provided on ISC’s official FAQ page:

*Does LPA prohibit or restrict the installation of infrastructure including solar panels or wind turbines on land which is also used for livestock production and grazing?*

*No. LPA does not prohibit or restrict the installation of equipment including solar panels, electrical transformers, capacitors, hydraulic equipment, coal seam gas structures or wind turbines on land which is also used for livestock production and grazing.*

*Why does LPA ask livestock producers to identify potential chemical or physical risks, including those related to the installation of equipment such as solar panels, when applying for LPA accreditation or reaccreditation?*

*While it is safe for livestock to graze in a paddock which also contains solar panels, wind turbines or other equipment producers need to be aware of the potential risk of contamination as equipment degrades or reaches end of life.*

*On 1 September 2024, ISC updated the LPA accreditation and reaccreditation process. This included adding a question to prompt producers to consider the potential contamination risk of having equipment and infrastructure installed where livestock graze.*

*The updated guidance in the Self-Assessment and the Recommendations Report, which is downloadable after completing the assessment, is designed to assist producers in identifying these potential risks and prompt them to consider any risk mitigation that may be required.*

*As part of LPA accreditation or reaccreditation, producers are required to complete a Property Risk Assessment. This assessment is one component of the LPA program which is designed to ensure Australian red meat remains safe to eat. This ‘Property Risk Assessment template’ is a useful resource for completing this part of the accreditation.*

This update was introduced on 1 September 2024 and is reflected in the LPA accreditation and reaccreditation self-assessment. It forms part of a broader Property Risk Assessment framework, which supports the LPA program’s objectives around food safety and traceability in red meat production.

Ultimately, the inclusion of this requirement in the LPA self-assessment is a matter for ISC and MLA, and its implications are primarily relevant to producers participating in the program. Based on the evidence available, the risk of contamination arising from this Development Application, including to livestock on adjacent properties, is considered to be very low and acceptable.



Impacts on nearby tourism operators

As set out throughout this report, impacts of the proposed development, including visual impacts, are considered acceptable. As such, it is considered that impacts on tourism activities will also not be significant or unreasonable.

No VPA has been entered into – there is no community benefit

There is no requirement for a VPA to be entered into to justify a development.

The development does not address its obligations under the EPBC Act, South Australia's planning guidelines and international conventions

Relevant matters have been addressed. It is noted the South Australia's planning guidelines do not apply to the Development Application.

Other matters

A range of other submissions touched on the disharmony in the local community, ownership of the solar farm, supply chains in the manufacture of solar panels and batteries, commentary on renewables and their suitability for electricity supply, the need for nuclear energy, and that there will be an oversupply of electricity during daylight hours. These are not considered to be relevant planning considerations.

**(e) - the public interest**

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 employment opportunities during the construction phase.

It is also in the public interest to consider relevant strategic planning documents that, while not statutory, inform and guide regional planning priorities. The *Riverina Murray Regional Plan 2041*, under *Objective 13 – Support the transition to net zero emissions by 2050*, identifies the region's capacity to contribute to renewable energy generation and the importance of land use planning in facilitating an orderly and beneficial transition. The plan states that "planning for the region's economy needs to support well-located renewable energy industries and the consequent transition away from fossil fuels."

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 1.7 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)

According to clause 7.7(2) of the BC Act, if the proposed development is likely to significantly affect threatened species, the development application is to be accompanied by a biodiversity development assessment report (BDAR). In order to determine if the development is likely to significantly affect threatened species three key tests are required as follows:-

1. Is the subject site identified as an area of declared 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.  
*The minimum lot size is 200ha, and therefore the threshold for native vegetation clearing is 1ha. Clearing is confined to Category 1-exempt land and thus the threshold would not be exceeded.*
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.  
*Taking into consideration the flora and fauna assessment, which concludes that there is minimal risk to native vegetation and flora and fauna as a result of the development, it is concluded that a significant impact to threatened species listed under the Biodiversity Conservation Act is unlikely.*

### **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 DCP2010. The risk of flood to the development site is not assessed as significant as the site is not identified on Council's mapping as being flood prone.

#### *Bush Fire Risk Assessment*

The development has been considered against the relevant provisions of the WWLEP2010 and DCP2010. The risks associated with the type of development necessitate the need for bush fire protection measures to be considered. Conditions have been recommended.

### **Council Policies**

No additional Council policies apply to this development.

### **Development Contributions - Section 7.11/7.12 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000**

#### **s7.11/s7.12**

Sections 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034* enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. As the cost of development is over \$100,000 a section 7.12 contribution of 1% of the development cost is payable. The calculation is as follows:

$$\begin{aligned} &0.01 \times \$5,956,020 \\ &= \$59,560 \end{aligned}$$

#### **s64 Sewer and Stormwater**

Section 64 of the *Environmental Planning and Assessment Act 1979*, Section 306 of the *Water*

Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

**s64 Sewer**

No Section 64 sewer contribution is payable for this development as the development does not require connection or have any impact on Council's sewer networks.

**s64 Stormwater**

No Section 64 stormwater contribution is payable for this development as the development is not within a stormwater DSP area. Furthermore, the development does not connect to Council stormwater infrastructure.

**Other Approvals**

No other approvals have been applied for.

**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.

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## RECOMMENDATION

It is recommended that application number DA24/0452 for Electricity Generating Works - 6.3 MW Solar Farm and 11MW Battery Energy Storage System (BESS) facility and Associated Electrical Infrastructure be approved, subject to the following conditions:-

## CONDITIONS OF CONSENT FOR APPLICATION NO DA24/0452

### 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/Doc Title	Prepared by	Issue	Date
Site Plan	Green Gold Energy	C	21/10/24
Chain Wire Mesh Security Fence & Gate	Green Gold Energy	B	27/07/23
Typical Amenities Building Elevations	Green Gold Energy	A	28/11/23
Typical Array Elevations	Green Gold Energy	A	8/11/23
Typical Electrical Equipment Elevations	Green Gold Energy	A	8/11/23
Statement of Environmental Effects (excluding all appendices unless otherwise referenced in this table individually)	ARUP	02	28/10/24
Bush Fire Assessment Report	Bushfire Consulting Services	3	18/10/24
Flora and Fauna Assessment Report	Habitat Innovation & Management		30/09/24
Preliminary Risk Screening	ARUP	01	15/10/24
Traffic Impact Assessment	ARUP	Final	15/10/24
Hydraulic Assessment	ARUP		27/2/25

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 Prior to the release of any Construction Certificate, conditions C.7 - C.18 of this consent shall be satisfied.

### Requirements before the commencement of any works

- C.3 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.4 Prior to the commencement of works, a Construction Certificate must be obtained, pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended, from Council or an Accredited Certifier.
- C.5 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.6 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.7 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 \$59,560 must be paid to Council, prior to the commencement of works. 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 137.7.

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.8 Prior to the commencement of works 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.

NOTE 5: The Section 64 Sewer base figure is \$0

NOTE 6: The Section 64 Stormwater base figure is \$0

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.9 Prior to the commencement of works a detailed stormwater drainage design and management plan 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) measures to prevent erosion and protect water quality.
- iii) stormwater outlets designed to dissipate flow and minimise erosion.
- iii) Identification of testing points for regular water samples.
- iv) Stormwater testing procedure prepared by a suitably qualified person that includes but is not limited to the following:
  - Methodology for sampling procedure - including appropriate standards
  - Baseline levels
  - Acceptable levels
  - Timings for sampling and reporting
  - Response procedures should unacceptable levels of contaminants be found.
  - Availability of results - at a minimum it is expected that the results be made available through the operator's website on an annual basis.

- C.10 Prior to the commencement of works a Traffic Management Plan shall be prepared by a suitably qualified person 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 and from the site be via Burkes Creek Road to the north (including measures to give effect to this).
  - ii) Maximum size of vehicle is a 19m 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.
  - viii) Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic.
  - iv) Proposed hours for vehicle movements and deliveries.
  - v) 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.
  - vi) Loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles. infrastructure.
  - vii) Procedures for informing the public where any road access will be restricted as a result of the project.
  - viii) Any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project.
  - ix) 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.
  - x) Details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site, including site manager details.
  - xi) Processes and measures to be implemented to ensure that the road pavement and verge on Burkes Creek Road from the Olympic Highway is maintained at the predevelopment standard throughout construction works, including measures for repairs and maintenance that in the opinion of the General Manager, are necessary to be carried out.

The approved plan shall be made available to all employees and contractors and

shall be complied with at all times.

- C.11 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/Burkes Creek Road intersection 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.12 Prior to the commencement of 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 cultural heritage management.
  - vi) Biodiversity management.
  - vii) Bushfire management.
  - viii) Soil and Water Management including any required earthworks, stabilising batters where required and protection of waterways.
  - ix) Details of what methods 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 foreperson contact details.
  - xi) A Construction Noise and Vibration Management Plan, including procedures for notifying sensitive receivers of construction activities that would likely be audible.
  - xii) Incorporation of any other approved management plans, such as the traffic management plan.
  - xiii) Outline a process for the receipt of, and response to, complaints.
  - xiv) Hours of construction activities.

The approved plan shall be made available to all employees and contractors and shall be complied with at all times.

- C.13 Prior to the commencement of any works, a detailed amended site plan and documentation, for all anticipated works, including all dimensions (including setbacks, spacing between rows) and heights of solar arrays, shall be submitted to Council, to

the satisfaction of the General Manager or delegate. The plan shall also include the following:

- Relocation of the boundary fence to behind the buffer plantings required under this consent when viewed from off-site.
- A defined Asset Protection Zone (APZ) of no less than 10 metres around the Battery Electricity Storage System (this is not in addition to any APZ required for bushfire purposes).
- The 13 metre wide Inner Protection Area Asset Protection Zone on all sides of the solar array and ancillary buildings for bushfire protection, as required under condition C.17
- Location of proposed water tanks for firefighting purposes.
- All plans which include the area of the ethane transmission pipeline easement must have the easement clearly identified with hatching 3m either side of the easement. The area must also be clearly labelled as 'high pressure gas pipeline right of way - no works to occur without the prior authorisation of the pipeline operator'.

- C.14 Prior to the commencement of any works, amended plans shall be submitted to Council, to the satisfaction of the General Manager or delegate, showing bunded areas around the Battery Electricity Storage System and any chemical/fuel storage areas.

The bunded areas, including any stormwater management system for the bunds, shall be designed (including capacity) by an appropriately qualified person, to the satisfaction of the General Manager or delegate.

- C.15 Prior to the commencement of any works, a detailed landscape plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The Plan shall provide additional buffer plantings, a minimum 3 metres in width, to the north, west and south of the development footprint, to ensure that the buffer plantings, at maturity, achieve a solid screen when viewed externally from the site. The plan shall detail:

- a. Species, spacing and rows, pot size and time to reach maturity.
- b. Proposed buffer height and width.
- c. Groundcover within the site.

The fencing location shall be indicated on the plan, and shall be amended to be located behind the landscape buffer when viewed from offsite.

The landscape plan shall be accompanied by an ongoing landscape strategy, outline measures for the successful establishment, ongoing management and ongoing maintenance of the plantings, including processes for identifying the need for, and carrying out of replacement plantings.

- C.16 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 (including operation of the Battery Electricity Storage System and the prevention and management of



- battery fires);
- 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;
- appropriate bush fire emergency management planning; and
- emergency contact details for a site manager or other person responsible for the site.

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.17 Prior to the commencement of any works, amended plans clearly detailing a 13 metre wide Inner Protection Area Asset Protection Zone on all sides of the solar array and ancillary buildings shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The APZ shall meet the standards in Appendix 4 of Planning for Bushfire Protection 2019, and the RFS document 'Standards for Asset Protection Zones'. The APZ shall be in place prior to the commencement of any works and shall be maintained for the life of the development.

NOTE: The APZ must be located so as to not incorporate any land associated with the landscape buffer required under this consent.

- C.18 Prior to the commencement of any works, and to inform detailed design, the applicant must conduct electrical hazard studies in accordance with (the requirements of) Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise). The applicant must address any relevant requirements and any recommendations and/or actions must be implemented to the satisfaction of APA Group. All costs associated with the study, and implementing its recommendations and/or actions are to be borne by the applicant. The applicant must complete validation testing upon completion of construction

Prior to the commencement of works, evidence of APA Group's satisfaction, shall be submitted to Council, to the satisfaction of the General Manager or delegate.

- C.19 Prior to the installation of the Battery Energy Storage System, a detailed design shall be completed, and any additional control measures identified in this process implemented.
- C.20 Prior to the commencement of any works within 3 metres of the gas transmission pipeline, the proponent must seek a third party works authorisation from APA for approval. Works approved by APA must comply with any conditions attached to a third party works approval.
- C.21 Prior to the commencement of any works, and during construction, the boundary of the gas pipeline easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area.

- C.22 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 Zones 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.

Tree Protection Zone fencing shall not be relocated or disrupted once established. TPZ fences shall remain in place until the end of construction.

- C.23 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.24 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.25 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) <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

### **Requirements during construction or site works**

- C.26 The permitted construction hours are Monday to Friday 7:00am to 6:00pm and Saturday 7:00am to 5:00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.27 All-weather access, manoeuvring and parking areas shall be provided and maintained within the site, in accordance with the details approved within the Traffic Management Plan and Construction Management Plan under Conditions C.10 and C.12.
- C.28 The following requirements of Essential Energy shall be complied with during works:
- Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be

undertaken in accordance with the latest industry guideline currently known as '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 property encroach on the electricity infrastructure.

- 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](http://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' and 'Code of Practice - Work near Underground Assets'.
- C.29 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, at full cost to the developer.
- C.30 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, to the satisfaction of the General Manager or delegate, in accordance with the plan approved under Condition C.15.
- C.31 During all site works reasonable steps must be taken to suppress dust (including on Burkes Creek Road) 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.32 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.33 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work likely to affect the site found must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. Heritage NSW 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 Heritage NSW.
- C.34 The Battery Energy Storage System shall be designed and laid out in accordance with the battery manufacturer's requirements, including separation distances in accordance with UL 9540A test results.
- C.35 Buildings, structures, roadway, pavement, pipeline, cable, fence, change in ground level, or any other improvement on or under the land within the transmission pipeline easement must not be constructed without prior consent in writing from APA Group. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
- C.36 The Bomen to Culcairn transmission pipeline easement will not be permitted to be used for movements of construction traffic or for ongoing vehicular access. The

transmission pipeline easement must not be used for storage of material or parking of vehicles.

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

- C.37 Prior to the operation, 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 4.0m.
- C.38 Prior to operation of the solar farm, a minimum of 40,000 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.39 Prior to the operation of the solar farm, access roads shall comply with Table 7.4a of the Planning for Bush Fire Protection 2019.
- C.40 Prior to the operation of the facility, where practicable, electrical transmission lines are to be underground. Where applicable, reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.
- C.41 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, the battery energy storage system, all above and below the ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development. Details of proposed disposal locations and arrangements shall also be included in the plan. 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 also form part of the decommissioning plan.

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

- C.42 Following the completion of construction works, but prior to operation of the facility, a post-development survey/dilapidation report for the construction vehicle route, from the Olympic Highway 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, at full cost to the developer.
- C.43 Prior to the operation of the facility, buffer plantings, as set out in the approved landscape plan under Condition C.15, shall be established, to the satisfaction of the General Manager or delegate.

- C.44 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. Detail ongoing management of the site, including security, ground cover and weed management.
  - c. Specify measures and commitments for the ongoing management of bushfire protection measures in accordance with Planning for Bushfire Protection 2019 (as amended and superseded).
  - d. Measures to give ongoing effect to the Bush Fire Emergency Plan approved under this consent.
  - e. Outline a process for the receipt of complaints, such as noise complaints, and measures for regular community engagement/consultation.
  - f. Dust mitigation measures.
  - h. Waste management.
  - i. Processes and arrangements for the management of buffer plantings.
  - j. Details for ongoing review and update of the plan, consistent with the requirements of condition C.53.

The plan shall be complied with at all times, and may be updated from time-to-time with the consent of the General Manager or delegate.

- C.45 Prior to operation of the facility a management plan that specifically addresses the monitoring, management and rectification of any significant glare impacts must be prepared by a suitably qualified person and shall be submitted to Council to the satisfaction of the General Manager or delegate.

Regular monitoring shall be carried out in the first 24 months of operation, and physical site surveys of significant glare impacts are to be prepared with quarterly reporting to Council. Ongoing monitoring shall be carried out for the life of the development, as necessary.

The approved management plan will be implemented for the life of the facility and shall include rectification measures to be implemented where the monitoring program identifies significant glare impacts at a receptor (including transport infrastructure). The mitigation measure should include adjustments to the tracking angle during backtracking and/or additional landscaping.

- C.46 A positive covenant shall be registered over Lot 42 DP 754563, requiring the maintenance of the vegetative buffer in the south-eastern corner of the lot, as it stands at the date of this consent, for the life of the development approved under this consent.

The covenant shall require that any vegetation that is removed or dies is replaced within 12 months of its death or removal.

Prior to the operation of the facility the following shall be submitted to Council, to the satisfaction of the General Manager or delegate:



- a. Evidence of the registration of the positive covenant.
- b. Aerial or drone imagery of the existing buffer plantings subject to the covenant, taken as soon as practical, but no longer than 6 months after the date of this consent.

- C.47 Prior to the operation of the facility, the bunding of the Battery Energy Storage System, as approved under Condition C.14, shall be in place.
- C.48 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.49 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.50 Prior to the operation of the facility 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.51 Twelve months prior to the carrying out of decommissioning works, the decommissioning plan approved under Condition C.41 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.52 The solar energy system and Battery Energy Storage System shall be decommissioned within 12 months of terminating operations in accordance with the details approved under Condition C.41 as amended by Condition C.51.
- C.53 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.54 Twelve 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.
- C.55 The development shall be operated at all times to ensure that significant glint and glare impacts (in the opinion of the General Manager or delegate) do not occur at sensitive receivers (including transport infrastructure) and the facility is managed in accordance with the Glint and Glare Management Plan approved under Condition C.45.
- C.56 Hazardous materials shall be stored away from bushfire hazards.
- C.57 The recommendations of the Preliminary Risk Screening Report, prepared by ARUP, and dated 15 October 2024 shall be implemented and abided by at all times.
- C.58 The following storage thresholds for dangerous goods shall not be exceeded on the site at any time:
  - Class 3 - 250 Litres
  - Class 6 - 250 Litres
  - Class 8 - 250 Litres
  - Class 9 - 11MWh of battery capacity

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

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 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)
  - (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
  - (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
  - (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
  - (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.

- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply-
  - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section -  
relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

#### E.2 Erection of signs (clause 70 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a 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 certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be-
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- (4) This section does not apply in relation to-
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

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

N/A