

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-98 – 10.2021.166.1
PROPOSAL	5 MW Electricity Generating Works (Solar) and associated works
ADDRESS	Lot 56 DP 753757 269 Back Henty Road, Culcairn
APPLICANT	NSW Community Renewables (Culcairn) Pty Ltd c/-SLR Consulting Pty Ltd
OWNER	Regmont Pty Ltd
DA LODGEMENT DATE	09 August 2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5(a), Schedule 7 of the SRD SEPP: Development that has a capital investment value of more than \$5 million for the purpose of private electricity generating works.
CIV	\$ 7,195,770 (excluding GST)
CLAUSE 4.6 REQUESTS	Not applicable
KEY SEPP/LEP	State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 33 – Hazardous and Offensive Development State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Primary Production and Rural Development) 2009 State Environmental Planning Policy (Koala Habitat Protection) 2019 Greater Hume Local Environmental Plan 2012
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	

SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Nil
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	Select Date
PLAN VERSION	Select Date Version No
PREPARED BY	Habitat Planning
DATE OF REPORT	15 November 2021

EXECUTIVE SUMMARY

Council is in receipt of development application (DA 10.2021.166.1) which seeks consent for 5 MW solar electricity generating works and associated works ('the proposal') on a 15 hectare portion of the land at 269 Back Henty Road, Culcairn ('the subject site').

The application is referred to the Southern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Clause (5)(a) of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* being development for *electricity generating works* with a CIV over \$5 million.

The proposal is to be known as the Back Henty Road Solar Farm. The applicant, Providence Asset Group has committed to delivering a number of solar proposals across regional Australia.

The subject land is described as Lot 56 in DP753757 and is addressed as 269 Back Henty Road, Culcairn. It is located on the western side of the Olympic Highway approximately 2.8 kilometres north of Culcairn. The southern part of the subject land is to comprise the proposed development, within the nominated 'lease area' on the proposed development plans. This area is a square shape of approximately 15 hectares at the south east corner with frontage to Back Henty Road and Watson Road.

The subject land is occupied by a number of sheds and buildings associated with a feedlot facility located in the centre of the lot. There is a relatively dense planting of trees to the eastern boundary fronting the Olympic Highway and through the centre of the lot. These plantings separate the lease area from the central part of the land containing the feedlot and associated buildings. The northern part of the land is generally open paddocks with scattered vegetation along boundaries.

The land is accessed from Back Henty Road from an intersection at the Olympic Highway approximately midway along the frontage of the lot. Back Henty Road is an unsealed and formed rural road which extends parallel to the Olympic Highway and Main Southern Railway line.

The proposed development is for the construction and operation of a solar electricity generating works on a 15 hectare portion of the subject land. The application notes that the facility will generate up to 5 Megawatt (MW) of solar electricity and will be connected into the existing Culcairn zone substation to the south of the site. It is noted that the application seeks approval for the construction of the solar facility on site however that connection to the Culcairn zone substation is not sought within the current application.

Specifically, the proposal includes:

- Construction of a 5 MW Solar electricity generating works (Solar Farm) consisting of an estimated 13,932 solar PV panels and 188 ground mounted single axis trackers;
- Associated infrastructure including a Power Conversion Unit (PCU) consisting of inverters, transformer switchgear and auxiliary plant.
- Associated Operations and Maintenance Shed
- Construction of new 4.5m wide access road from Back Henty Road and internal hardstand and turning areas;
- 2.3 metre high perimeter security fencing
- Earthworks for onsite stormwater detention/diversion

The site is located within the RU1 Primary Production Zone ("the RU1 zone") within the Greater Hume Local Environmental Plan 2012 ('the LEP'). The site represents an entirely rural context and is very flat and largely cleared for agricultural production. The proposal generally meets the objectives of the zone in that the proposal represents a sustainable development which enables the ongoing productive capacity of the subject land, significantly with the majority of the land being retained for productive capacity. It is of a smaller scale and has a defined life period prior to eventual decommissioning. Therefore, it will minimise the fragmentation of land and potential land use conflicts.

Electricity generating works are not listed within either item 2 or 3 of the land use table for RU1 and therefore default to 'any development not listed at item 2 or 3' which prohibits the development in the zone. However, Part 3 Division 4 of the *State Environmental Planning Policy (Infrastructure) 2007* ('ISEPP') identifies the RU1 Primary Production zone as a prescribed zone within which electricity generating works may be carried out with development consent despite any provisions to the contrary in another environmental planning instrument. Clause 8 of the ISEPP states that if there is an inconsistency between this Policy and any other environmental planning instrument, the ISEPP prevails to the extent of the inconsistency. As a result, the proposed development is a type which is permissible with consent pursuant to ISEPP despite the provisions of the LEP.

The application was placed on public exhibition from 25 August 2021 to 9 September 2021, and no submissions were received. The application was also referred to agencies for comments during the same period, with a response received from APA Group containing no conditions.

The subject site is considered to be suitable for the establishment of a new solar energy facility. It is noted that the planning policy encourages establishment of solar energy facilities within rural contexts, subject to proper site analysis and impact consideration. Council is satisfied that the site has suitable attributes to be considered for such a facility and that the surrounding context is not incompatible with this type of development. The technical assessment carried out in relation to noise, visual impacts demonstrate that the adjacent amenity will not be impacted and environmental assessments have confirmed that the site is not sensitive or subject to any significant landform features.

The proposed development will generate a supply of electricity capable of powering approximately 2,000 homes during daylight and save around 200,000 tonnes of carbon dioxide production throughout the overall lifespan of the project. This is considered significant in that it will improve electricity services and stability to the Culcairn community generally. The proposal also represents continued investment in renewable energy infrastructure for small rural communities. The construction phase of the development will also support creation of new jobs and demand for local trades and services. During operation, it is expected that there may be a number of new positions created, and there may be further ongoing demand for maintenances and technical trades and services from the local area.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 10.2021.166.1 is recommended for **approval** subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject land is described as Lot 56 in DP753757 and is addressed as 269 Back Henty Road, Culcairn. The subject land is located on the western side of the Olympic Highway approximately 2.8 kilometres north of Culcairn.

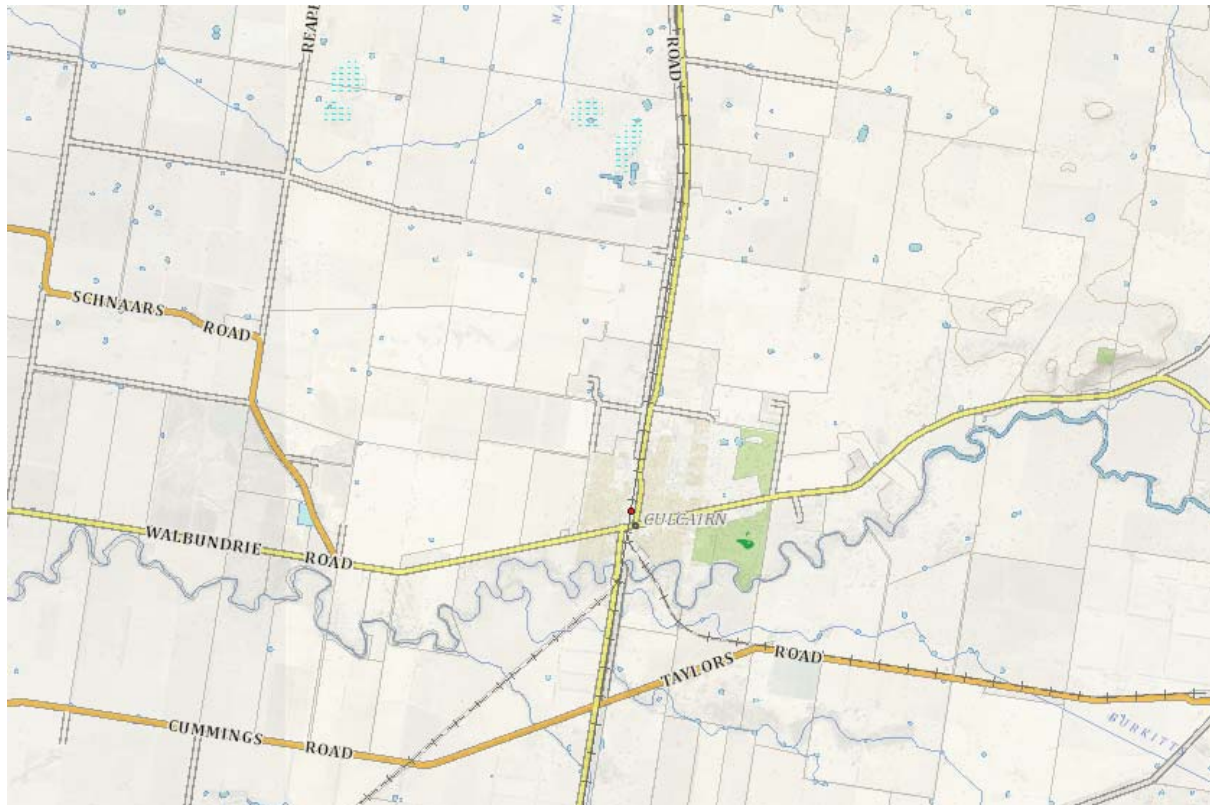


Figure 1 - Site Context Plan



Figure 2 - Map of subject site

The subject land comprises a rectangular portion of land alongside the Olympic Highway and Main Southern Railway line. It has dimensions of approximately 1,605 metres along the west and east boundaries and 587 metres and 413 metres for the south and north boundaries. The lot curves in response to the Olympic Highway reserve along the eastern boundary.

The southern part of the subject land is to comprise the proposed development, within the nominated 'lease area'. This area is a square shape of approximately 15 hectares at the south east corner with frontage to Back Henty Road and Watson Road.

The subject land is occupied by a number of sheds and buildings associated with a feedlot facility in the centre of the lot. There is a dense planting of trees along the eastern boundary fronting the Highway and through the centre of the site separating the existing feedlot area from other parts of the site and surrounding interfaces. The northern part of the land is generally open paddocks with scattered vegetation along boundaries.

The land is accessed from Back Henty Road from an intersection with Olympic Highway approximately midway along the frontage of the lot. Back Henty Road is an unsealed and formed rural road which extends parallel to the Olympic Highway and Main Southern Railway line.



Figure 3 - Aerial view of the proposed development area within the subject land

1.2 The Locality

The land surrounding the site generally represents open, cleared and flat areas of agricultural land, with the surrounding landscape also being generally flat. There are generally no major landscape features with the short to medium distance views, other than patches of vegetation.

A number of rural dwellings are located within the surrounding areas on rural lands. A dwelling is located immediately to the south of the site, being approximately 30 metres south of the site opposite Watson Road. Another, separated by Watson Road and while the next closest is approximately 650m northeast, it is separated by Back Henty Road and the Olympic Highway.

The nearest residence is owned by the landowner of the site and is therefore associated with the development.

2. THE PROPOSAL

The proposed development is for the construction and operation of a 5 Megawatt (MW) solar electricity generating works on a 15 hectare portion of the land at 269 Back Henty Road, Culcairn.

It is noted that the application seeks approval for the construction of the solar facility on site and that a connection is to be made to the zone substation. However, the current application does not include the connection to the zone substation.

Specifically, the proposal includes:

- Construction of a 5 MW Solar electricity generating works (Solar Farm) consisting of an estimated 13,932 solar PV panels and 188 ground mounted single axis trackers;
- Associated infrastructure including a Power Conversion Station (PCS) consisting of inverters, transformer switchgear and auxiliary plant.
- Associated Operations and Maintenance Shed
- Construction of new 4.5m wide access road from Back Henty Road and internal hardstand and turning areas;
- 2.3 metre high perimeter security fencing
- Earthworks for onsite stormwater detention/diversion

The proposal will comprise a single axis tracking system containing 13,932 solar PV panels connected to 188 ground mounted trackers. The trackers are to be arranged in rows, running north-south to optimise solar generating capabilities. The trackers will rotate 60 degrees in either direction throughout the day.

The mounting structure will be installed by pile driving steel posts into the ground for a depth of approximately 1.5 metres. Support structures are then attached to the steel posts and the PV panels are fixed to the supports.

Supporting infrastructure for the facility includes a single Power Conversion Unit (PCU) which is a containerised structure which contains the inverters, transformer switchgear and auxiliary plant. The PCU will have dimensions of approximately 12 metres x 2.5 metres and will be fixed in place either by concrete slab on ground or similar fixings. The purpose of the PCU is to collect and convert power from the PV Panels to the grid network.

An associated Operations and Management (O&M) shed building will be constructed adjacent to the Power Conversion Unit.

Vehicular access to the facility will be made via a new constructed gravel driveway from Back Henty Road and Watson Road. The works propose improvement works on Back Henty Road and extending a short distance along Watson Road before entering the subject site via a new crossover. Once within the site, a new gravel access will be constructed along the boundary and to access an internal loop road which serves the purpose for accessing construction areas and operational areas (PCU and O&M building). The loop road is designed with dimensions to facilitate turning manoeuvres for a B-Double combination.

A construction laydown area is to be established within the centre of the proposed loop road, and will include various construction buildings, storage areas and laydown/loading areas.

New stormwater management will be constructed adjacent to the internal access road and loop road/hardstand area. Two shallow basins will be constructed in the north and south of the access alignment, corresponding to two catchments nominated by the submitted stormwater assessment. The northern basin will hold 124.7m³ and the southern swale basin will hold 21m³. Each of the basins will have a low flow outfall and rock beaching to allow surface runoff from the basins to the site.

The site is to be enclosed by a new 2.3 metre high security fence surrounding within the site boundary. The fence will be setback 10 metres from the east (Back Henty Road) and south (Watson Road) and on the lease boundary at the west and north. A wide main entry with 2 x 4 metre wide gates will be installed at the main entry in the south east corner. Two emergency access gates of 2 x 2 metre wide gates will be installed at the north east and west boundaries.

The proposal also nominates new landscape plantings along the eastern and southern boundaries of the site, within the 10 metre setback between the existing farm fencing and new security fencing. The proposed landscaping nominated by the plans is a 3-4 metre

wide planting strip containing informal planting of native shrubs with heights of 1 metre up to 4 metres.

2.1 Background

A pre-lodgement meeting was held prior to the lodgement of the application where various issues were discussed and general feedback was provided. No major issues or concerns were discussed at the pre-lodgement meeting.

The development application was lodged on 19 August 2021. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 1: Chronology of the DA

Date	Event
19 August 2021	DA lodged
25 August 2021	Exhibition of the application
25 August 2021	DA referred to external agencies
9 September 2021	Exhibition period completed
26 November 2021	Council Assessment Report completed for Panel consideration

3. STATUTORY CONSIDERATIONS

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

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

These matters are further considered in detail below within this assessment report.

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2009; •*
- *State Environmental Planning Policy (Koala Habitat Protection) 2019*
- *Greater Hume Local Environmental Plan 2012;*

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

Table 2: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
SRD SEPP	<ul style="list-style-type: none"> • Clause 20(1) sets out proposals which are classified as being of regionally significant development. This development is considered to be regionally significant development pursuant to Clause 5 of Schedule 7. 	Y
SEPP 55	<ul style="list-style-type: none"> • Clause 7 – The application has included a summary of existing conditions and historical land uses which is considered satisfactory to address the requirements. Appropriate conditions of consent are included. 	Y
Infrastructure SEPP	<ul style="list-style-type: none"> • Clause 34 – Development permitted with consent. An electricity generating works is identified as development which is permissible with consent in the RU1 zone. • Clause 45 – Determination of development applications - other development. The proposal is satisfactory subject to conditions. 	Y

	<ul style="list-style-type: none"> • Clause 101 – Development with frontage to classified road • Clause 102(2) – Impact of road noise or vibration on non-road development • Clause 104(3) – Traffic-generating development 	
Koala Habitat Protection SEPP 2021	<ul style="list-style-type: none"> • The proposed development site has been assessed as not part of Koala Habitat. 	Yes

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP') aims to identify development that is state or regionally significant and to confer functions on the relevant Regional Planning Panel to determine certain development applications.

Clause 20(1) of the SRD SEPP refers to certain development applications which are considered to be regionally significant development. Schedule 7 of the SEPP subsequently identifies the thresholds for which an application is regionally significant. The proposed development represents *electricity generating works* and has a capital investment value of more than \$5 million. Therefore, the proposal qualifies as regionally significant development pursuant to the criteria at Clause 5(a) of Schedule 7 of the SRD SEPP.

The Southern Regional Planning Panel is therefore the consent authority for this application.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy 55 - Remediation of Land ("SEPP 55") provides a state-wide planning approach to the remediation of contaminated land. The policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

SEPP 55 requires the consent authority to consider whether the subject site is contaminated when determining a development application. If the site is contaminated, the consent authority must be satisfied that the site 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.

Specifically, clause 7 of the SEPP sets out contamination and remediation to be considered in determining a development application and states:

- (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.*

The provisions of ('SEPP 55') have been considered in the assessment of the development application. The application report provided by the applicant notes that a search of contaminated sites has been carried out and that no sites are identified in the surrounding area. The site is also acknowledged as being an open and vacant portion of rural land which has not accommodated any potentially contaminating uses.

Council is satisfied that the site is not likely to be contaminated and that no remediation is required which would require remediation under the SEPP for the proposed development to proceed.

State Environmental Planning Policy (Infrastructure) 2007

The aim of *State Environmental Planning Policy (Infrastructure) 2007* ("ISEPP") is to facilitate the effective delivery of infrastructure across the State. Part 3 of this SEPP includes provisions which are specifically related to development for the purpose of electricity generating works and therefore relevant for consideration against this application.

Clause 34(1)(b) of the SEPP refers to development which is permitted without consent. It states that electricity generating works may be carried out by any person with consent on land within a prescribed zone. The RU1 zone is a prescribed zone for purposes of Part 3, Division 4 of the SEPP. Therefore, development for the purpose of electricity generating works is a type of development permissible with consent pursuant to the SEPP and prevail over the *Greater Hume Local Environmental Plan 2012*.

Clause 45 of the SEPP refers to "Development likely to affect an electricity transmission or distribution network" and applies to development that is carried out within proximity to or will affect an electricity transmission line. It is considered that this provision applies to the proposed development as it seeks to connect to the local electrical transmission network and also includes a proposal to relocate an existing transmission line within the site. Clause 45 requires Council to notify the relevant electricity supply authority of the proposed development and take into consideration any comments received from that authority in its determination of the development. Council referred the application to Essential Energy during the notification period. At the time of this report, no response has been received.

Clause 104 of the SEPP relates to Traffic Generating Development. The proposal is not classified as a traffic-generating type of development under Schedule 3 of the SEPP and therefore no referral to Transport for NSW is required.

SEPP (Primary Production and Rural Development) 2019

The aim of this Policy is to facilitate the orderly economic use and development of lands for primary production and to reduce land use conflict and sterilisation of rural land.

The subject site is not identified as State significant agriculture land as per Schedule 1.

It is noted that the proposal will only occupy a portion of the overall subject land and that remainder of the subject land will maintain its existing use for agricultural purposes. The proposal will provide a diversity in land use in the area and provide public benefit given that it will be producing solar energy to be fed into the electricity grid.

The proposal will have elevated structures placed on the lease area of the land over the land and therefore has the capacity to be utilised for limited agricultural purposes such as livestock grazing to supplement other activities on the land.

The proposal also has a limited lifetime and is expected to be decommissioned at the conclusion of the functional life of the facility and will enable the land to return to agricultural production.

State Environmental Planning Policy (Koala Habitat Protection) 2021

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas through the identification of core koala habitat and by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.

The SEPP is relevant to the proposal noting that the Greater Hume Shire is a listed LGA in Schedule 1 and the proposal involves an area more than 1 hectare in size.

Council Officers are satisfied that the provisions of the SEPP have been considered and that the proposal will not impact Koala habitat.

Greater Hume Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Greater Hume Local Environmental Plan 2012* ('the LEP'). The aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to encourage sustainable economic growth and development in Greater Hume,
- (b) to protect and retain productive agricultural land,
- (c) to protect, conserve and enhance natural assets,
- (d) to protect built and cultural heritage assets,
- (e) to provide opportunities for the growth of townships.

The proposal is considered to be consistent with these aims as the proposal is for a renewable energy facility and involves construction measures which minimise the extent of impact on the land. It will occupy only a portion of the subject land and will enable the majority of the site to continue to function as a mixed agricultural property. The proposal therefore represents an appropriate and sustainable use of the land and will preserve natural and agricultural assets.

Zoning and Permissibility (Part 2)

The site is located within the RU1 Primary Production Zone ('the RU1 zone') pursuant to Clause 2.2 of the LEP.

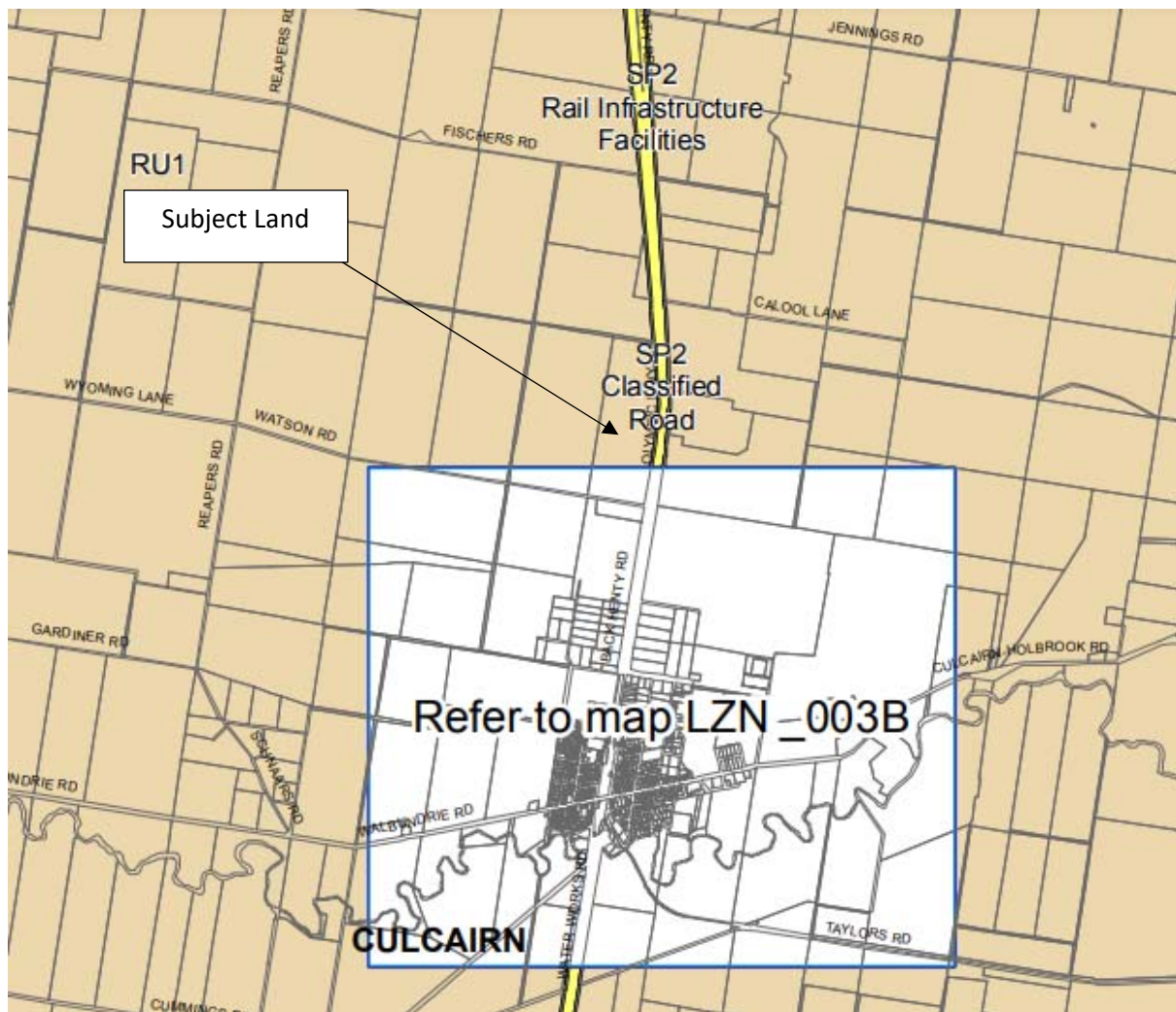


Figure 4 - Extract of Land Zoning Map

The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural landscape character of the land.

The proposal generally meets the objectives of the zone in that the proposal represents a sustainable development which enables the ongoing productive capacity of the subject land, significantly with the majority of the land being retained for productive capacity. It is of a smaller scale and has a defined life period prior to eventual decommissioning. Therefore, it will minimise the fragmentation of land and potential land use conflicts.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal is most appropriately defined as 'electricity generating works' which means *"a building or place used for the purpose of—(a) making or generating electricity, or (b) electricity storage."*

Electricity generating works are not listed within either item 2 or 3 of the land use table for RU1 and therefore default to 'any development not listed at item 2 or 3' which prohibits the development in the zone.

Pursuant to ISEPP, development for the purpose of electricity generating works may be carried out by any person with consent in prescribed zone. Part 3 Division 4 of the ISEPP identifies the RU1 Primary Production zone as a prescribed zone within which electricity generating works may be carried out with development consent despite any provisions to the contrary in another environmental planning instrument.

Clause 8 of the ISEPP states that if there is an inconsistency between this Policy and any other environmental planning instrument, the ISEPP prevails to the extent of the inconsistency. As a result, the proposed development is a type which is permissible with consent pursuant to ISEPP despite the provisions of the LEP.

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

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

Table 3: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	100 hectares	The proposal does not seek any subdivision of the land and therefore this provision is not relevant for consideration	N/A
Height of buildings (CI 4.3(2))	None applies	There is no height of building control adopted for the subject land	N/A
FSR (CI 4.4(2))	None applies	There is no floor space ratio control adopted for the subject land	N/A
Heritage (CI 5.10)	<p>The subject land does not contain any identified heritage items or conservation areas.</p> <p>A Due Diligence Assessment has been undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010). The assessment has identified that there is 5 items within 1 kilometre of the site and 2 of these within 200 metres of the site. The Assessment concludes that the site does not contain any landscape features but recommends that further investigation be completed.</p>		Yes

Earthworks (CI 6.1)	<p>Minor earthworks are proposed for establishing initial components such as access and drainage infrastructure.</p> <p>The works are described in the application and are not of a type that require development consent under this clause.</p> <p>Impacts resulting for earthworks are addressed within this assessment and are considered acceptable. Appropriate mitigation strategies will be implemented to ensure this will have a minimum impact on the surrounding context.</p>	Yes
Terrestrial Biodiversity (CI 6.3)	<p>A small portion of the subject land is identified as terrestrial biodiversity mapping. This does not occur within the area to be developed for the proposed solar facility.</p> <p>The provisions of this clause are not considered relevant. Notwithstanding, the application includes a due diligence environmental assessment that confirms the site does not contain any significant native vegetation and does not contain any significant biodiversity features.</p>	Yes
Wetlands (CI 6.4)	<p>A portion of the western boundary of the subject land is mapped as 'wetlands' on the Riparian Lands, Watercourses and Wetlands Map. The mapped area is not within the area to be developed.</p> <p>As a result the proposal is not expected to cause any adverse impacts to the wetland conditions including surface and groundwater characteristics.</p>	Yes
Essential services (CI 6.7)	<p>Clause 6.7 requires that:</p> <p><i>... development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p>(a) <i>the supply of water,</i></p> <p>(b) <i>the supply of electricity,</i></p> <p>(c) <i>the disposal and management of sewage,</i></p> <p>(d) <i>stormwater drainage or on-site conservation,</i></p> <p>(e) <i>suitable vehicular access.</i></p> <p>The proposal does not require provision of urban services and is largely reliant upon on-site services to carry out construction and operational uses. The</p>	

	detail provided within the application confirms that the necessary essential services are available and/or can be made available prior to the development commencing. Council is satisfied that the proposal is consistent with clause 6.7.	
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The proposal is considered to be generally consistent with the LEP.

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

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, and which may be relevant to the proposal.

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

The following Development Control Plan is relevant to this application:

- *Greater Hume Development Control Plan 2013* ('the GHDCP')

The DCP is arranged into sections which correspond to development type. There is no chapter which specifically relates to electricity generating works, however 'industrial development' is considered to be an appropriate best fit consideration.

3.0 Industrial Development

The specific objectives of the controls are to:

- encourage industrial development, which by its design, amenity and facilities will not detract from the quality of the surrounding environment;
- minimise the impact of the development on the natural features of the area;
- encourage the development of industrial undertakings which will be employment generating development;
- inform, assist and guide applicants, developers and consultants, Council and the general public, on Council's planning controls within the industrial estates, particularly in relation to setbacks, materials and landscaping;
- focus the development of industries outside of commercial and residential areas so as to minimise conflict between the different uses;
- direct different types of industrial development to locations best suited for that activity;
- provide for a range of industrial activities in industrial precincts;
- provide a level of amenity in industrial areas for those that visit and work there; and
- ensure that development incorporates safe and functional movement of vehicles on and off site.

The table below considers the proposal against the relevant matters of Chapter 3.0 Industrial Development of the GHDCP.

Table 4: Consideration of Chapter 3.0 DCP Controls

DCP Requirement	Compliance	Comment
3.1 Appearance 1. Buildings are to have their main building facade and entries	Complies	The proposal includes only minimal buildings on site, in the form of an O&M building and PCU container. These are of a very small scale when

<p>addressing the primary street frontage.</p> <ol style="list-style-type: none"> 2. High quality materials and finishes should be used for building exteriors as well as any fences. 3. All building surfaces (with the exception of the roof) shall be of a nonreflective nature (e.g. not white or silver), details of which are to be supplied to Council at the time of lodging the development application. 4. Office components shall be generally located at the street frontage to enable the placement of windows and doors to 'break up' the façade. 5. Sites are to be maintained in a neat and tidy condition at all times. 		<p>considered in context to the overall site.</p> <p>The design of these facilities are respectful to the surrounding character, including use of appropriate materials and colour schemes and orientation so as to be identifiable from main entries.</p> <p>The proposed buildings will not be of a reflective or offensive colour scheme.</p>
<p>3.2 Landscaping</p> <ol style="list-style-type: none"> 1. All industrial sites are to be appropriately landscaped. 2. A minimum 1m wide landscaping strip shall be provided across the street frontage of industrial lots (except for access points). 3. A minimum 3 metre wide landscaping strip shall be installed and maintained on industrial sites where they adjoin non-industrial land uses, including future residential land. Landscaping within this strip shall consist of plant species that will provide a tall and dense screen. 4. Proposed landscaping elements are to be clearly identified on development application plans submitted to Council with a comprehensive landscape plan required to show all areas of vegetation, pathways and vehicles access areas. 	<p>Complies</p>	<p>The proposal includes a landscape plan supporting the development, indicating that landscaping is to be applied along the southern and eastern site boundaries which interface roads and adjoining dwellings.</p> <p>The proposed landscape strips exceed the minimum dimensions of the DCP and are considered to be of appropriate proportions to achieve the required screening outcome.</p> <p>Appropriate landscape conditions are to be applied to ensure delivery of the intended landscape outcome</p>

<p>5. Landscaping areas are to be protected from vehicle movement areas to prevent their damage.</p> <p>6. A range of plant species of various heights should be used in the landscaping of industrial sites to create visual interest, improve amenity and help screen external activity areas such as storage and car parking areas.</p> <p>7. Where ever possible, native plant species are to be utilised in landscaping with preference given to drought tolerant species.</p> <p>8. Landscaping must be designed to ensure low maintenance.</p> <p>9. Existing mature trees should be incorporated in the development where possible.</p>		
<p>3.3 Building Setbacks</p> <p>1. All buildings shall be setback a minimum of:</p> <ul style="list-style-type: none"> • 7.5 metres from any boundary adjoining a main road; and • 4.5 metres from the boundary of any other road. <p>2. In the case of corner allotment, the minimum setback required for the secondary frontage is 5 metres, provided that this frontage does not address a main road.</p> <p>3. Where a development occurs on land adjoining a residential property, the minimum setback to the common boundary is 3 metres.</p> <p>4. Fencing is permissible within the setback area if it is:</p> <ul style="list-style-type: none"> • open type fencing (e.g. green coloured open mesh security fencing), provided that it is not closer than 5 meters to a road; and/or 	<p>Complies</p>	<p>The proposed buildings are located towards the centre of the site and are small in scale. Overall, the proposed buildings are considered proportional to the site and have appropriate setbacks,</p>

<ul style="list-style-type: none"> • low fencing (less than 500mm high) which does not obstruct the view of landscaping from the street and the driver's view from driveway to road. <p>5. Signs may be approved within the minimum setback area (see below).</p>		
<p>3.4 Parking and Access</p> <ol style="list-style-type: none"> 1. Parking is to be provided on-site at the following minimum rates: 2. Council may consider a reduction in these standards if it can be demonstrated the proposed use of the premises does not warrant such provision. However Council will take into consideration the nature of the proposed activity. Applicants must demonstrate there is sufficient room on the site to provide parking in accordance with the standards should the use of the premises change. 3. Council may require on-site parking at a rate in excess of the above if the proposed use of the premises warrants such an outcome. 4. Parking spaces must be physically separated from access ways, loading and unloading areas, and manoeuvring areas. 5. All parking areas are to be constructed so as to allow for the catchment and disposal of stormwater to a point of discharge agreed to by Council 6. Driveways should generally comprise a width of at least 8 metres, allowing two-way 'in' and 'out' movements. 7. Access and internal layout must ensure all vehicles (including 	<p>Complies</p>	<p>The DCP sets out a range of parking rates for different uses. It is considered that the proposed use does not directly correspond to any land uses listed at the table to the DCP.</p> <p>'Industrial' land uses are assigned a rate of 1 space per 70m² of GFA. The GFA of this proposal is minimal and the applicant has explained that the proposal will have large hardstand areas for construction traffic and then will be subject to very few vehicles at operation. Therefore, the site is considered to be provided with appropriate parking given the circumstances of the development.</p> <p>Matters regarding design of access and suitable road and turning dimensions have been considered in the consideration of traffic impacts and within the detailed provided by the applicant. Overall, the proposed access arrangements are considered to be sufficient.</p>

<p>trucks) are able to enter and exit the site in a forward direction.</p> <p>8. Developments should be designed to allow a heavy vehicle to complete a three point or semi-circular turn on site without interfering with parked vehicles, buildings, landscaping or outdoor storage and work areas.</p> <p>9. Development shall be designed to accommodate the largest vehicle expected to access the site. If the development is likely to be accessed by larger vehicles, the appropriate access and manoeuvring areas are to be shown on plans provided with the development application.</p> <p>10. All parking, loading or unloading of vehicles is to be carried out on the development site.</p> <p>11. Truck turning areas will not be permitted either wholly or partly within the minimum setback area.</p>		
<p>3.5 Outdoor Areas</p> <p>1. Outdoor storage and work areas should be located behind the front building line of the building where possible.</p> <p>2. Outdoor storage and work areas are to be substantially screened from any public roads and/or adjoining lots by suitable landscaping.</p> <p>3. Outdoor storage and work areas must be suitably surfaced to prevent dust raising from vehicle movements or wind.</p> <p>4. Fencing of a 'transparent nature' (i.e. wire mesh) is permitted to a maximum height of 2.4 metres. This fencing is permitted in front of the building line.</p>	<p>Complies</p>	<p>The proposal will include some outdoor storage areas during construction however these will be temporary and removed once construction is completed. These areas are to be established on hardstand areas within the site and will be located some distance from the site boundaries and screened by landscaping to public interfaces.</p> <p>No ongoing outdoor storage areas are proposed by the application.</p> <p>The proposed outdoor storage areas are considered to be suitably located and designed and acceptable in that they will be temporary during construction.</p>

<p>5. Fencing behind the building line should be no greater than 1.8 metres if 'opaque' or solid fencing is proposed.</p>		
<p>3.6 Amenity</p> <ol style="list-style-type: none"> 1. All development is required to comply with the requirements of the Protection of the Environment Operations Act 1997 (as amended) and its Regulation. 2. Applications for potentially hazardous or offensive development are to submit information demonstrating compliance with SEPP 33- Hazardous and Offensive Development. 3. Outdoor areas must be treated and maintained to prevent dust raising. 4. All stormwater is to be appropriately managed. 5. A trade waste agreement is to be entered into with Council for disposal of liquid waste to Councils sewerage system for certain activities. 6. Industrial activities in land zoned primarily rural use should ensure appropriate operational conditions which ensure the primary agricultural capacity of the surrounding area is not compromised. 7. Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts. 8. Land uses or development considered by Council to potentially have a detrimental 	<p>Complies</p>	<p>The proposal includes appropriate design provisions relating to outdoor areas and operation of the facility.</p> <p>The application does not involve any potentially hazardous or offensive development and is noted that no battery storage or similar uses are proposed that may require SEPP33 considerations.</p> <p>Stormwater from the new hardstand areas can be appropriately managed and treated as per the details provided by the applicant and detailed elsewhere within this assessment.</p>

<p>impact on existing or future residential areas through noise or air emissions (e.g. dust or odour) will be discouraged without the submission of a relevant Impact Statement by the applicant demonstrating otherwise. Compliance with the Impact Statements will then become a condition of consent.</p>		
<p>3.7 Signage</p> <ol style="list-style-type: none"> 1. Signage to be restricted to identifying and promoting the business activity occupying the site and the goods and services it offers only. 2. Signage relating to a product, activity or service unrelated to the business on the site is not permitted. 3. Advertising signs and structures shall be of a size, colour and design which are compatible with the building to which they relate. 4. Signs should be proposed in a manner which does not visually dominate the area of building walls nor should they extend above the roof of the building. 	N/A	<p>No signage is proposed by the application. Any future signage will be subject to a separate application as required.</p>
<p>3.8 Non industrial uses</p> <ol style="list-style-type: none"> 1. Retailing and the display of goods in association with industrial activities will only be considered where it is ancillary to the principal industrial use onsite. 2. Neighbourhood shops, take-away food and drink premises or like developments are permitted within industrial areas where they provide for the daily convenience needs of the workforce in the surrounding industrial area. 	N/A	<p>No other uses not associated with solar electricity generate works are proposed.</p>

<p>3. Office space is to be ancillary to the principal industrial land use onsite.</p> <p>4. An office shall not detrimentally affect the trading performance, singularly or cumulatively, of existing commercial centres.</p> <p>5. Commercial activities in industrial areas will only be considered if: – suitable land is not available in the town centre; – the commercial viability of the town centre will not be detrimentally affected; and – they do not conflict with existing or future industrial activities.</p> <p>6. A managers or caretakers residence shall be: – no more than 100m² in gross floor area; – subservient and incidental to the industrial use of the site; – only used in association with an approved industrial activity on the site; – justified on site due to the nature of the industrial activity ; – restricted in associated with or in the vicinity of hazardous or offensive industries; and – restricted to sites within close proximity to the amenities and services of existing townships.</p>		
<p>3.9 Pollution Control</p> <p>1. The emission of air impurities, as defined under the Protection of the Environment Operations Act (POEO Act), is to be controlled to the satisfaction of Council at all times. 2. If the premises are subject to licence under the POEO Act, any conditions of such licences shall form part of any development approval. 3. Any machinery or activity considered to create a noise nuisance shall adequately sound proofed in accordance with the provision of the POEO Act</p>	<p>Complies</p>	<p>The proposal does not include components that would be expected to generate or be at risk of generating emissions.</p> <p>Appropriate conditions are included by Council in relation to minimising impact from the development.</p>

10.0 Notification Policy

Chapter 10.0 of the GHDCP sets out Council's policy for notifying development applications. As discussed elsewhere within this assessment, the proposal has been notified as per the policy requirements of Council.

Development Contributions

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

- Greater Hume Council Section 7.12 Development Contributions Plan 2021

Council's Development Contributions Plan requires the payment of a development contribution at a rate of 1% of the total estimated value of a development for development applications with a value exceeding \$100,000.

The Capital Value Estimation submitted with this development application has the value of the proposed development at \$7,195,770.00 (excluding GST). Accordingly, a Contribution would be payable under the provisions of this plan at a rate of 1%. The total contribution payable equates to \$71,957.70.

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

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

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

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

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. These sections have been reviewed in relation to the proposed development and Council Officers are satisfied that there are no additional matters prescribed by Division 8 that have implications for the assessment and determination of this development application.

Recommended conditions of consent have been drafted to include the prescribed conditions of consent referenced by Division 8A relevant to the proposed development.

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

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

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

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Context & setting	The subject land forming the proposed lease area is a square portion of land at the southern corner of Lot 56. It is an open, cleared and flat portion of agricultural land, with the surrounding landscape also being generally

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flat. There are generally no major landscape features with the short to medium distance views, other than patches of vegetation.

The lease area abuts the Back Henty Road to the eastern frontage and Watson Road to the south. It also has a frontage to the Main Southern Railway Line and Olympic Highway corridors to the east. The latter represent generally high volume traffic routes, with Watson Road and Back Henty Road generally comprising minor rates of local traffic only.

There is scattered vegetation throughout the surrounding area, notably along Olympic Highway and scattered groupings along Watson Road and Back Henty Road to lesser extents.

A visual impact analysis has been carried out for the development which considers the potential impact resulting on sensitive areas surrounding the site, including roads and nearby dwellings. Visual impacts are considered separately below.

**Access &
Traffic**

The potential heavy vehicle traffic impacts from the development would be an increase traffic associated with the development during construction and operation.

The TIA submitted with the application estimates the peak traffic generation to be 18 vehicle trips per hour in the AM and PM peak periods. In the AM peak, this comprises 10 inbound employee trips, 6 movements by roadworks and other plant and 2 deliveries by heavy rigid and articulated vehicles. In the PM peak, this comprises 10 outbound employees 6 movements by roadworks and other plant and 2 deliveries by heavy rigid and articulated vehicles. Construction of the facility is estimated to be up to 6 months.

Once operational, the facility is expected to generate only 2 vehicle trips per hour based on occasional trips for maintenance. These activities will also generally be carried out by utility vehicles.

Access to the development will be made from a new gravel access driveway from the Watson Road frontage of the site and circulate through the site via a new gravel access driveway. The new entry at the site will comprise an upgraded and widened road surface which will extend from Back Henty Road along Watson Road a short distance and then turn into the site. The application notes that access to the site during construction will involve vehicles travelling north along Olympic Highway, before turning into Back Henty Road via the Feedlot Road level crossing and then into the site at Watson Street.

The TIA has assessed existing road conditions and operation and concludes that all intersections will operate with uninterrupted flow during and after construction. While noting that both Back Henty Road and Watson Road are unsealed, it does not recommend any upgrade or improvement works, other than the new access driveway into the site. It

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also notes that the intersection and access via the Olympic Highway and Feedlot Road intersection will operate without interruption or impact.

Both Council officers and Transport for NSW have noted that the rail crossing at the Olympic Highway is not an approved B-Double route and that any construction traffic will therefore need to use Back Henty Road and Watson Road for access to the site.

Having regard to the comments and consideration above, it is proposed to include conditions requiring a Traffic Management Plan be prepared for the development. Specifically, the TMP should detail and confirm the proposed access arrangements for construction and operation of the facility and will be considered by Council prior to works commencing. The TMP should also undertake dilapidation surveys and consider potential repair and upgrade works if required during and post-construction of the facility.

In terms of access and circulation within the site, internal all weather access tracks that will adequately cater for heavy vehicles will provide heavy vehicle access onsite and all vehicles will park onsite. Internal tracks will cater for two-way movements.

Parking

The proposal does not comprise any defined building or clear traffic generating uses, however will generate parking demands during construction and very little parking demand during operation.

The development includes the establishment of a large hardstand parking area with dimensions of 50 metres x 60 metres and with defined movement path for heavy vehicles. This area is considered to be sufficient for accommodating parking demand of construction vehicles.

During operation, the facility will operate with an O&M and PCU facility, with adequate provision for on-site parking to accommodate the occasional parking of maintenance vehicles.

Utilities

The proposal comprises a grid connected ground mounted solar electricity generating works. The application proposes that the development be connected to the Culcairn Zone Substation which is located approximately 1.67 kilometres south of the subject site. However, the applicant specifically notes that the connection to the grid is not proposed at this stage and will be subject to a separate application. Therefore, the application is to be conditioned acknowledging that separate approvals will be necessary for off-site infrastructure connection.

The nature of the proposal is such that there is no requirement to connect to other utility services.

The proposed development has been referred to Essential Energy as the relevant energy provider for the locality, however no response or conditions have been received.

ISSUE	RESPONSE
Heritage	<p>The proposed development is not located in a heritage conservation area or situated in the vicinity of any State or Locally listed items of environmental heritage.</p>
Cultural Heritage	<p>An Aboriginal Due Diligence Assessment has been carried out for the subject land to consider the potential for any cultural heritage occurring on site.</p> <p>The Due Diligence Assessment has been undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010). The assessment has been carried out at a desktop level only and has identified that there is 5 items within 1 kilometre of the site and 2 of these within 200 metres of the site. The Assessment concludes that the site does not contain any landscape features but recommends that further investigation be completed.</p> <p>A condition of consent is to be included requiring the applicant to follow appropriate protocols in the event of identification of any cultural heritage items as part of the proposed works.</p>
Noise	<p>The potential noise resulting from a solar facility is generally during the construction period and decommissioning, with some operational impacts through noise from operation of electricity generating infrastructure. Potential noise impacts are identified in that there are a number of nearby dwellings, including a concentration of dwellings on the fringe of the Culcairn township.</p> <p>The applicant has submitted a Noise Assessment report in support of the proposal and identified the various sensitive receptors surrounding the site. The three closest dwellings (R04, R01 and R03) are identified as being in the same ownership as the landowner. The Noise report excludes these dwellings from the modelling assessment.</p> <p>In relation to construction noise impacts, the Noise Assessment determines that the proposal will not exceed the acceptable noise thresholds at each receptor. The Assessment also recommends a number of mitigation measures:</p> <ul style="list-style-type: none"> • a construction noise management protocol to minimise noise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community; • where feasible, the use of localised mobile screens or hoarding around plant to act as barriers between construction works and receivers, particularly where equipment is near the site boundary and/or a residential receiver including areas in constant or regular use (eg unloading and laydown areas); • operating plant in a conservative manner (no over-revving), shutdown when not in use, and be

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- parked/started at farthest point from relevant assessment locations;
- selection of the quietest suitable machinery available for each activity
- minimise noisy plant/machinery working simultaneously where practicable;
- minimise impact noise wherever possible;
- utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm; provide toolbox meetings, training and education to drivers and contractors visiting the site during construction so they are aware of the location of noise sensitive receivers and to be cognisant of any noise generating activities;
- signage is to be placed at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site; and
- utilise project related community consultation forums to notify residences within proximity of the site with project progress, proposed/upcoming potentially noise generating works, its duration and nature and complaint procedure.

The Noise Assessment also models the impact resulting from operational noise and concludes that noise generated by the facility will not exceed relevant noise criteria at all receivers modelled. The assessment recommends that further efforts be made by the applicant during operation to minimise potential noise emissions and undertaking further validation monitoring assessment to quantify operational noise emissions.

There are potential for impacts related to vibration during construction works on nearby dwellings. The construction activities will involve driving the posts into place to fix the panels in place. These works will be undertaken at reasonable distances from nearby residences and will be carried out in accordance with appropriate construction noise management protocols to minimise noise emissions. Appropriate conditions of consent are recommended in response.

Stormwater

To adequately collect runoff from the site, the development will include two new onsite detention stormwater detention basins for each of the nominated catchments. A Stormwater Management Plan has been prepared and sets out the design requirements for stormwater catchment and recommended sizing and design requirements.

The northern basin adjacent to the construction and hardstand area will comprise a shallow basin with a capacity of 124.740m³. The basin will discharge via a new gabion rock outfall for flow and erosion control.

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	<p>The southern basin adjacent to the main road access will be a narrow basin having a capacity of 21.0m³ and outfalling to natural surface areas via new gabion outfall.</p> <p>The basins are intended to comprise a shallow basin with a small bank, enabling a more natural basin design. Proposed outfalls from the basin will be provided with rock beaching to allow runoff at pre-developed levels to be made without increasing erosion risk.</p>
Soils & erosion	<p>As identified above, the potential for erosion is likely to be increased during construction works, although the nature of construction activities means that likelihood of significant erosion is low.</p> <p>The site is very flat and drains via overland flow. The construction works will include appropriate soil and water management measures as recommended to control soil transfer during heavy rain events. This will predominantly be provided at road and hardstand locations which will be impacted by works.</p> <p>The installation of panels will comprise pile driving and will not disturb the soil to the extent that erosion would be expected.</p>
Flora & fauna	<p>The potential impacts from the development may have direct or indirect impacts on biodiversity within the site or adjacent areas during construction and operation, including increased weed encroachment, and other edge effects from development.</p> <p>The subject site overall is cleared and has been assessed as having no identified threatened species or threatened ecological communities. The desktop environmental assessment determines that the site contains no major environmental significance.</p> <p>The applicant has provided an assessment of the Biodiversity Offset Scheme Threshold Entry Tool and determines that the development will not trigger the Biodiversity Offset Scheme. Therefore proposed development is not expected to have a significant impact on a threatened species or ecological community.</p> <p>Potential indirect impact on scattered native trees surrounding the site and habitat within the site can be adequately mitigated through the design and operational stages.</p> <p>The impact on flora and fauna is considered to be minimal.</p>
Flooding	<p>The site is not flood prone and the proposed works are not expected to increase any flood risk to the site or the surrounding area.</p>
Bushfire	<p>The subject land is not mapped as having a vegetation category presenting as a bushfire risk. Notwithstanding, the development is proposed to incorporate best practice design for bushfire mitigation, including the ability to create asset protection buffers surrounding the panels to the site boundaries. An 8 metre separation will be provided</p>

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	<p>between the panels and the security fencing, and a further 10 metre separation of the security fencing from the south and east lot boundaries.</p>
Technological hazards	<p>The proposal is not exposed to any technical hazards.</p> <p>It is noted that the proposal does not include any battery storage or any other potential chemical or dangerous material storage on site. If any of these uses of materials are proposed to occur on site, separate approval and consideration will be required.</p>
Visual	<p>Glint and glare from PV panels can have potential safety or amenity impacts to surrounding sensitive receivers, including potential to impair observers through inducing an after image. An assessment of the potential impact of the proposal has been undertaken in accordance with the US Federal Aviation Administration (FAA) glare guidelines.</p> <p>Generally, solar panels will not create significant glare with other commonly existing surfaces. PV panels are designed to collect sunlight to convert to energy and therefore absorb the majority of light received. The panels are designed using anti-reflective coatings during manufacture to reduce reflection and will typically absorb 80-90% of the light received. PV are generally less reflective than other naturally occurring elements such as soils and crops. A tracking system will allow the proposal to follow the sun through the day and can have the angle of incidence reduced. It is also possible to 'back track' panels at certain periods of the day to reduce potential impacts.</p> <p>The application includes a 'Reflectivity Statement within the Visual Impact Assessment, which relates to glint and glare impacts. It is noted that the proposal is not within proximity of any airports.</p> <p>The site does adjoin the Olympic Highway and Main Southern Railway Line. The assessment determines that there will be no impact from the proposal on any aviation locations, as all are well removed from the site. There will be no impact of glare on motorists to the Olympic Highway, however there may be some impact of glare on Watsons Road. The applicant proposes mitigation by way providing 2 metre high continuous landscaping of the southern boundary to remove the impact of glare.</p> <p>In relation to the railway corridor, the assessment determines that the proposal will have no glare impact on the rail traffic if in a normal tracking operation mode. It does note however that for fixed tilt in a horizontal position or east facing position may have reflection impacts on rail traffic, although it is modelled to be within the acceptable TI value ranges. It is also noted that the impacts will be occurring for a period of approximately 10 minutes per day. The installation of landscape screening along the eastern boundary may assist in minimising potential impacts.</p> <p>The modelling also determines that only dwellings immediately south of Watsons Road will be subject to glare impacts. The applicant proposes mitigation by way of providing 2 metre high continuous landscaping of the</p>

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	<p>southern boundary which is noted to have the effect of removing the impact of glare to the dwelling.</p>
	<p>Appropriate conditions of consent are recommended to ensure that impacts of glare and visual impact are appropriately mitigated as per the applicant's technical analysis.</p>
Construction	<p>The construction process has potential for dust generated by earthworks, excavation of footings, ancillary structure including the substation, establishment of internal roads and heavy vehicles utilising internal roads during the construction and decommissioning phases. The applicant proposes to utilise construction and dust suppression techniques during works on the property</p>
Landscaping	<p>The proposal also nominates new landscape plantings along the eastern and southern boundaries of the site, within the 10 metre setback between the existing farm fencing and new security fencing. The proposed landscaping nominated by the plans is a 3-4 metre wide planting strip containing informal planting of native shrubs with heights of 1 metre up to 4 metres.</p>
	<p>The plans indicate that existing scattered perimeter landscaping around the subject land is to be retained.</p>
Social and Economic Impact	<p>The proposed development is a smaller scale solar facility however will have moderate social and economic benefits for the locality and wider region through ongoing investment in the region, employment generation and stability of energy supply in the local network.</p>
	<p>The proposed development would generate a supply of electricity capable of powering approximately 2,000 homes during daylight and save around 200,000 tonnes of carbon dioxide production throughout the overall lifespan of the project. Noting the dwelling population of Culcairn this impact is considered significant in improving services and stability of those services to the Culcairn community.</p>
	<p>The proposal also represents continued investment in renewable energy infrastructure for small rural communities.</p>
	<p>The construction phase of the development would support creation of new jobs and demand for local trades and services. During operation, it is expected that there may be a number of new positions created, and there may be further ongoing demand for maintenances and technical trades and services from the local area.</p>

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

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

The subject site is considered to be suitable for the establishment of a new solar energy facility. It is noted that the planning policy encourages establishment of solar energy facilities within rural contexts, subject to proper site analysis and impact consideration.

The site is suitable for the proposal given the general rural context and minimal development in the immediate surrounds. The very flat topography and generally cleared conditions of the land will enable the facility to have minimal environmental impacts. The site is generally free of development constraints and is accessible to heavy vehicles during construction and decommissioning phases and for ongoing maintenance.

Council is satisfied that the site has suitable attributes to be considered for such a facility and that the surrounding context is not incompatible with this type of development. The technical assessment carried out in relation to noise, visual impacts demonstrate that the adjacent amenity will not be impacted and environmental assessments have confirmed that the site is not sensitive or subject to any significant landform features.

The likely impacts of the development have been considered in this report and supporting documents and have been found to be acceptable subject to appropriate mitigation measures. The site will be decommissioned once complete which will enable future agricultural use of the site.

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

No public submissions have been made to the application

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

The consideration of the public interest is a broad consideration, however in this instance the proposal is considered to be consistent with the public interest. The proposed development will generate a supply of electricity capable of powering approximately 2,000 homes during daylight and save around 200,000 tonnes of carbon dioxide production throughout the overall lifespan of the project.

It is also noted that the application has not generated any public submissions during the notification period.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			

Electricity supply authority	CI 45 – Infrastructure SEPP Development near electrical infrastructure	No referral response has been received from the authority at the time of preparing this report.	Y
APA	CI 45 – Infrastructure SEPP Development near gas infrastructure	Response provided indicated no objection or comments in relation to the development.	N/A3
Rail authority	N/A		N/A
Transport for NSW	Not required – referred for comment given adjacent Olympic Highway	<p>Transport for NSW were provided with a copy of the application and an opportunity to comment give the location of the proposal adjacent to the Olympic Highway corridor.</p> <p>TfNSW provided the following comments:</p> <p><i>TfNSW's main concern is vehicles accessing the site for construction purposes which are larger than general access vehicles (19m), given the distance between the stop (hold) line of the railway crossing and the edge of carriageway of the Olympic Highway. The distance may not be sufficient for storage purposes creating a safety hazard. Additionally, the rail crossing at that location is not an approved B-Double Route.</i></p> <p><i>TfNSW would also condition that a Traffic Management Plan be submitted in due course, prior to the commencement of works.</i></p> <p>The above matters will be addressed via condition of consent.</p>	N/A
Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6** below.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	<p>Engineering staff of Council considered the proposed development and raised no issues. Conditions requested to be included on any development consent were identified:</p> <ul style="list-style-type: none"> • All heavy vehicle B-Double related traffic movements to the solar farm site are to use the Back Henty & Watson Roads (unsealed) due to Olympic Highway / Feed Lot Road intersection (at railway crossing) not being a B-Double vehicle approved route. • Council's 'Typical Rural Driveway Crossover' Specification to be used to construct the new access off Watson Road for the solar farm with appropriate property boundary setback allowing turning manoeuvres of large articulated vehicles. • No removal of road reserve trees during construction without Council permission. • Improve side road access (Watson and Back Henty Roads) and entry to solar farm as per Development Plan - Drawing No. 10170-C-DET-06-1 Road Section Detail Typical. • 'Dial before you dig' – Water mains and other underground infrastructure along Back Henty & Watson Roads Reserve. 	Yes
Building	No comments	
Health	No comments	
Waste	No comments	

There are no outstanding issues raised by Council officers.

4.3 Community Consultation

The proposal was notified in accordance with the Greater Hume Shire DCP Notification Plan from 25 August 2021 until 9 September 2021.

The notification included the following:

- Notification letters sent to adjoining and adjacent properties with assessment material placed upon Councils website;

Council received no submissions to the proposal.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment

of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

As a result of the detailed assessment above, Council is satisfied that the proposal meets the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental and economic impacts.

It is considered that the relevant matters for consideration have been appropriately addressed and the activity can be undertaken appropriately subject to the recommended draft conditions at Attachment A.

6. RECOMMENDATION

That the Development Application [DA No 10.2021.166.1. for a 5 MW Solar Electricity Generating Works and Associated infrastructure at 269 Back Henty Road, Culcairn be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent/reasons for refusal
- Attachment B: Proposed Plans of Development
- Attachment C: Statement of Environmental Effects