

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-101 – [DA 37/2021]
PROPOSAL	Construction and use of a 5MW solar farm and associated infrastructure and minor allotment boundary change.
ADDRESS	Lots 1112 and 1113 DP 754578 – Mary Gilmore Way, Grenfell.
APPLICANT	ITP Developments (Mr Zaed Aznam)
OWNER	Mr Warren Schaefer
DA LODGEMENT DATE	5 July 2021
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 7 of the SRD SEPP: Private Infrastructure and Community Facilities over \$5 million
CIV	\$8,667,599.32 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land. • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy (Koala Habitat Protection 2011). • State Environmental Planning Policy (Primary Production & Rural Development) 2019. • Weddin Local Environmental Plan 2011.
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	Nil

DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment A – Recommended Conditions of Consent Attachment B – Development Plans and SEE Attachment C – Supporting Documents and Reports including: <ul style="list-style-type: none"> • Biodiversity Assessment Report • Cost Breakdown • Landscape, Character and Visual Impact Assessment Rev. B • Water Assessment • Noise Assessment • Glint and Glare Assessment • Fire Assessment • Traffic Impact Assessment • Waste and Decommissioning Assessment Attachment D – External Referral Responses
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	19 October 2021
PREPARED BY	Luke Sheehan
DATE OF REPORT	11 October 2021

EXECUTIVE SUMMARY

Description of Proposal

The development application (DA 37/2021) seeks consent for a 5MW solar farm and associated infrastructure along with a minor boundary realignment to enable access to the site for B-double trucks.

The development will consist of the following:

- Solar array consisting of 12,000 solar modules installed in 138 rows that are approximately 104 metres long.
- Two 3.4MW inverter stations that are 3 metres high, each mounted on a 12.2 metre long skid, located in the centre of the array;
- A 2.9 metres high kiosk to convert high and medium voltage to low voltage electricity suitable for connection to the local system;
- DC-DC converters which are 2.4 metres high and mounted on a 9.3 metre skid;
- Underground high voltage cables to connect to the existing grid;
- A temporary car parking and materials laydown area;

- A 1.8 metre high security fence topped with three rows of barbed wire to give a total height of 2.3 metres;
- Perimeter landscaping on the western side of the security fence with shrubs that will grow to a height of 2.5-3 metres;
- The removal of approximately 7 trees; and
- Upgrades to the existing vehicular access to the property from Mary Gilmore Way.

Description of Site

The development site is formally described as Lots 1112 and 1113 DP 754578. The site is located approximately 4 kilometres south of the township of Grenfell and fronts Mary Gilmore Way, which is a Regional Road.

The development site is located within the RUI- Primary Production zone and has historically been used for agricultural purposes including mixed cropping and grazing. The land surrounding the development site is also predominately used for agricultural related purposes.

Permissibility

The proposed development is defined as electricity generating works, which means a building or place used for the purpose of making or generating electricity, or electricity storage.

Pursuant to clause 34(1) of State Environmental Planning Policy (Infrastructure) 2007, the proposed development may be carried out by any person with consent on land within the RUI zone.

Referrals and Submissions

The development application was referred to both Essential Energy and Transport for NSW. Both agencies raised no objection to the proposed development subject to recommended conditions.

The proposal was notified and advertised in accordance with the requirements of Weddin Shire Council Development Control Plan 2014. No submissions or objections were received.

Reason for Consideration by Western Regional Planning Panel

The proposed development involves private infrastructure with a capital investment value of more than \$5 million. In accordance with clause 5 of schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the proposed development is declared to be regionally significant development and therefore the Western Regional Planning Panel is the consent authority for the application.

Recommendation

An assessment of the development application in accordance with the requirements of the EP&A Act and the Regulations has determined that the proposal is consistent with the objectives of the RUI zone and compatible with its surrounds and adjoining land uses. As a

result of this assessment, the proposed development is recommended for approval subject to the draft conditions included in Attachment A to this report.

I. THE SITE AND LOCALITY

I.1 The Site and Locality

The development site is formally described as Lots 1112 and 1113 DP 754578 (the property) which are located approximately 4 kilometres south of the township of Grenfell (see Figure 1). The allotments are generally rectangular in shape, with Lot 1112 having an area of 40.75 hectares and Lot 1113 having an area of 38.63 hectares. Both allotments are vacant of any buildings or structures.

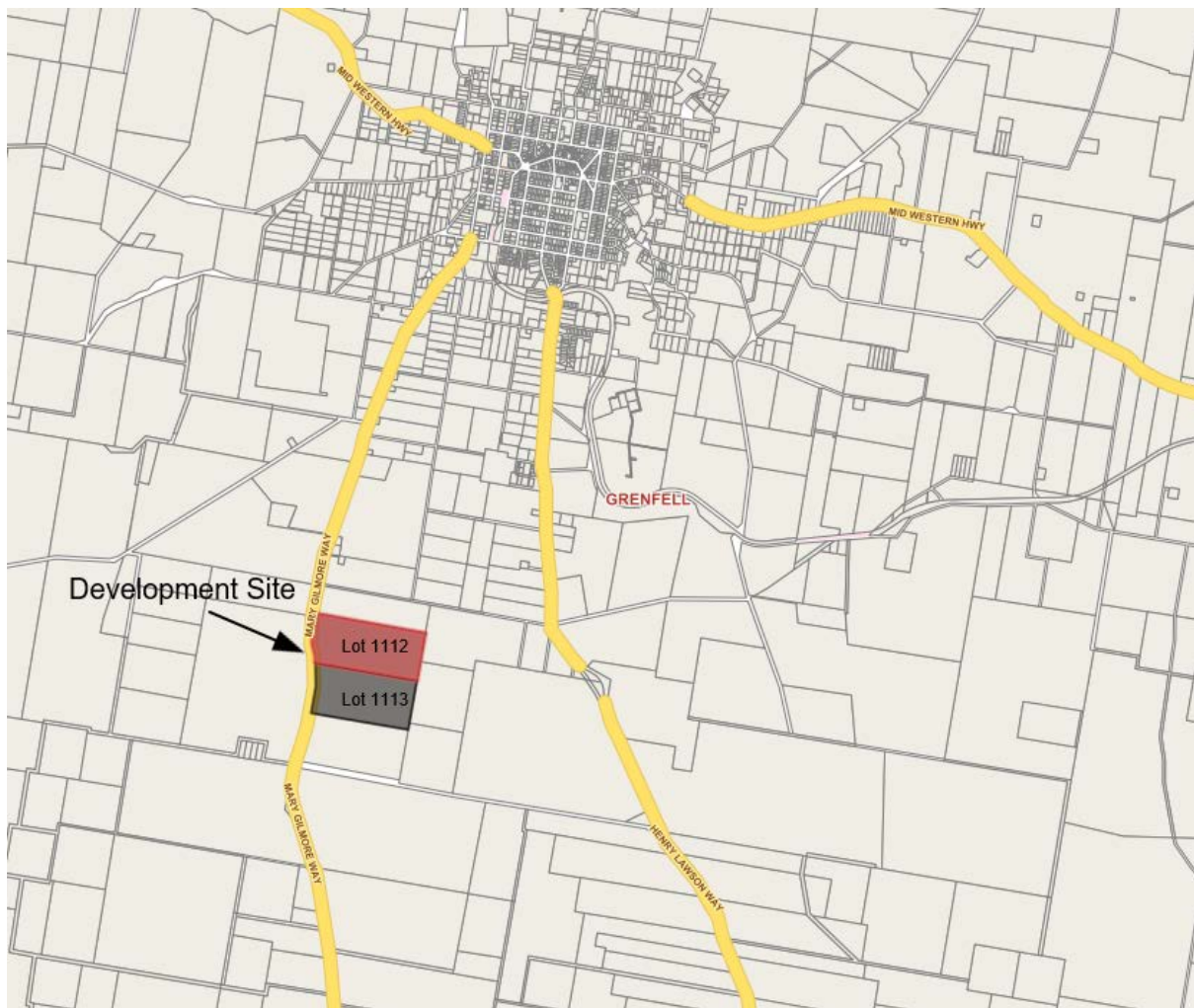


Figure 1. Location of development site in relation to the township of Grenfell.

The properties are located within the RUI- Primary Production zone and have historically been used for agricultural purposes including mixed cropping and grazing. The land surrounding the development site is also predominately used for agricultural related purposes (see Figure 2).

The proposed solar farm is located entirely within the boundaries of Lot 1112. The development includes a minor boundary re-alignment affecting the north-west corner of Lot 1113 to allow B-double trucks to enter the development site.

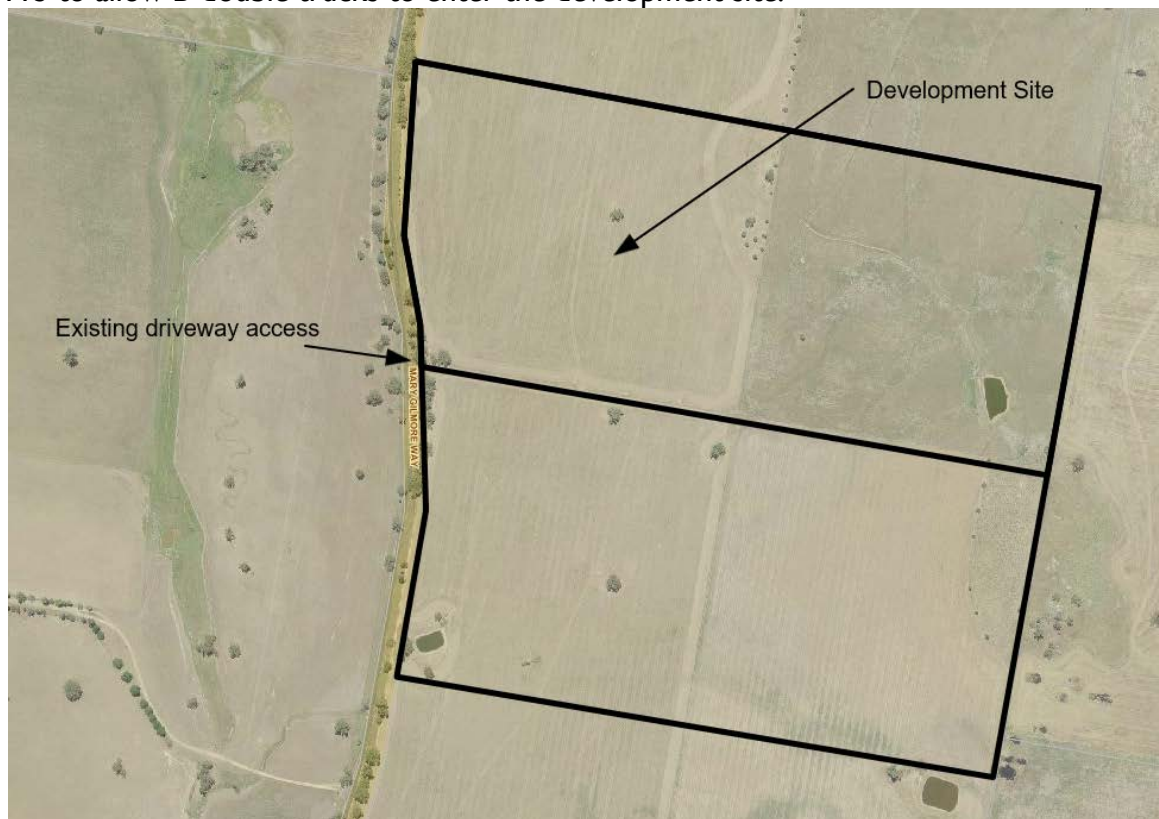


Figure 2. Aerial photo of development site.

A rural dwelling is located on an adjoining property to the north-east and a further dwelling is located on the property located to the west of the development site on the opposite side of Mary Gilmore Way. Both of these dwellings are located in excess of 1 kilometre from the location of the proposed solar farm (see figure 3).

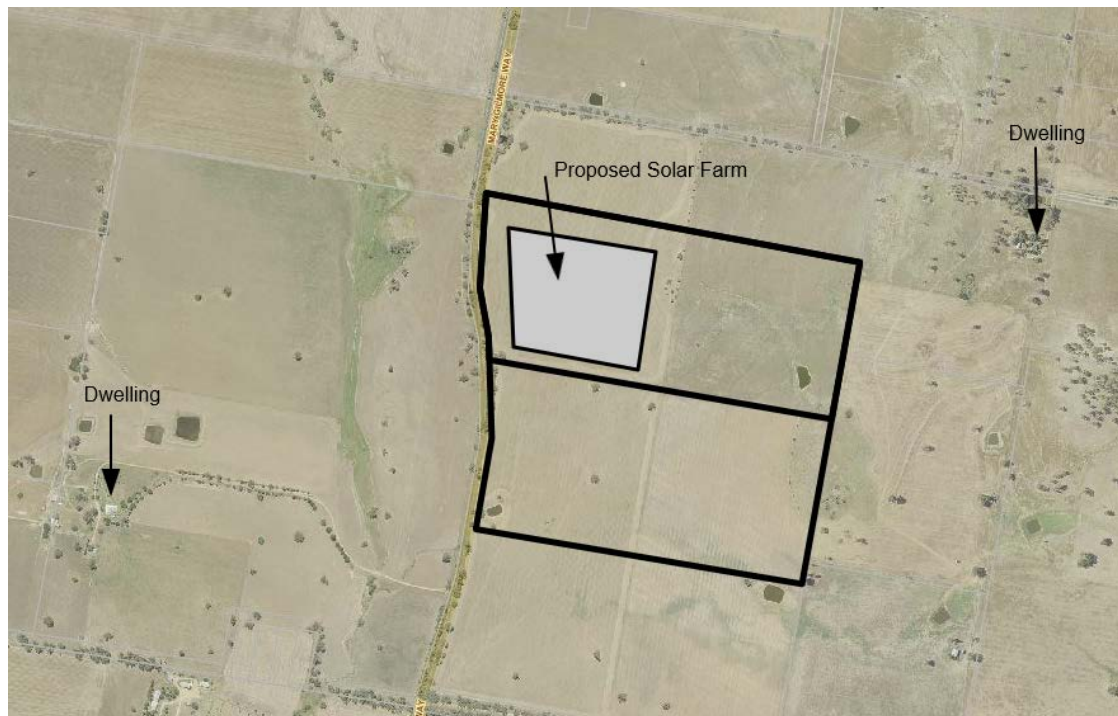


Figure 3. Location of solar farm in relation to nearby dwellings.

The property fronts Mary Gilmore Way which is a sealed regional road. An existing driveway access to the property is located in the south-west corner of the site which is proposed to be upgraded. The land has a gentle fall from east to west and has been mainly cleared of natural vegetation with the exception of a small number of trees scattered around the property. An existing electricity line traverses the property towards the middle of the southern boundary. A farm dam is located in the south-east corner of the property.



Figure 4. Existing access to the development site from Mary Gilmore Way.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

It is proposed to construct a solar farm and associated infrastructure on the western half of Lot 1112. The development will have an AC capacity of 5MW and an estimated capital investment value of \$8,667,600. A minor boundary realignment is also proposed in the north-west corner of Lot 1113 to allow for the required vehicle access upgrade to allow B-double trucks to enter and exit Lot 1112.

The solar array will be contained within an area with dimensions of 327.1 metres by 350.9 metres, covering a total area of 11.32 hectares, which represents 28% of the area of Lot 1112 (see figure 5). The proposed development includes the following structures:

- 12,000 solar modules installed in 138 rows that are approximately 104 metres long. The modules will rotate to track the sun across the sky from east to west each day and will range in height from 1.5 metres to 2.75 metres depending on the time of day. The modules will be installed in rows running north to south with approximately 6.25 metres between the centre line of each row;
- Two 3.4MW inverter stations that are 3 metres high, each mounted on a 12.2 metre long skid, located in the centre of the array;
- A 2.9 metres high kiosk to convert high and medium voltage to low voltage electricity suitable for connection to the local system;
- DC-DC converters which are 2.4 metres high and mounted on a 9.3 metre skid;
- Underground high voltage cables to connect to the existing grid;
- A temporary car parking and materials laydown area;
- A 1.8 metre high security fence topped with three rows of barbed wire to give a total height of 2.3 metres; and
- Perimeter landscaping on the western side of the security fence with shrubs that will grow to a height of 2.5-3 metres.

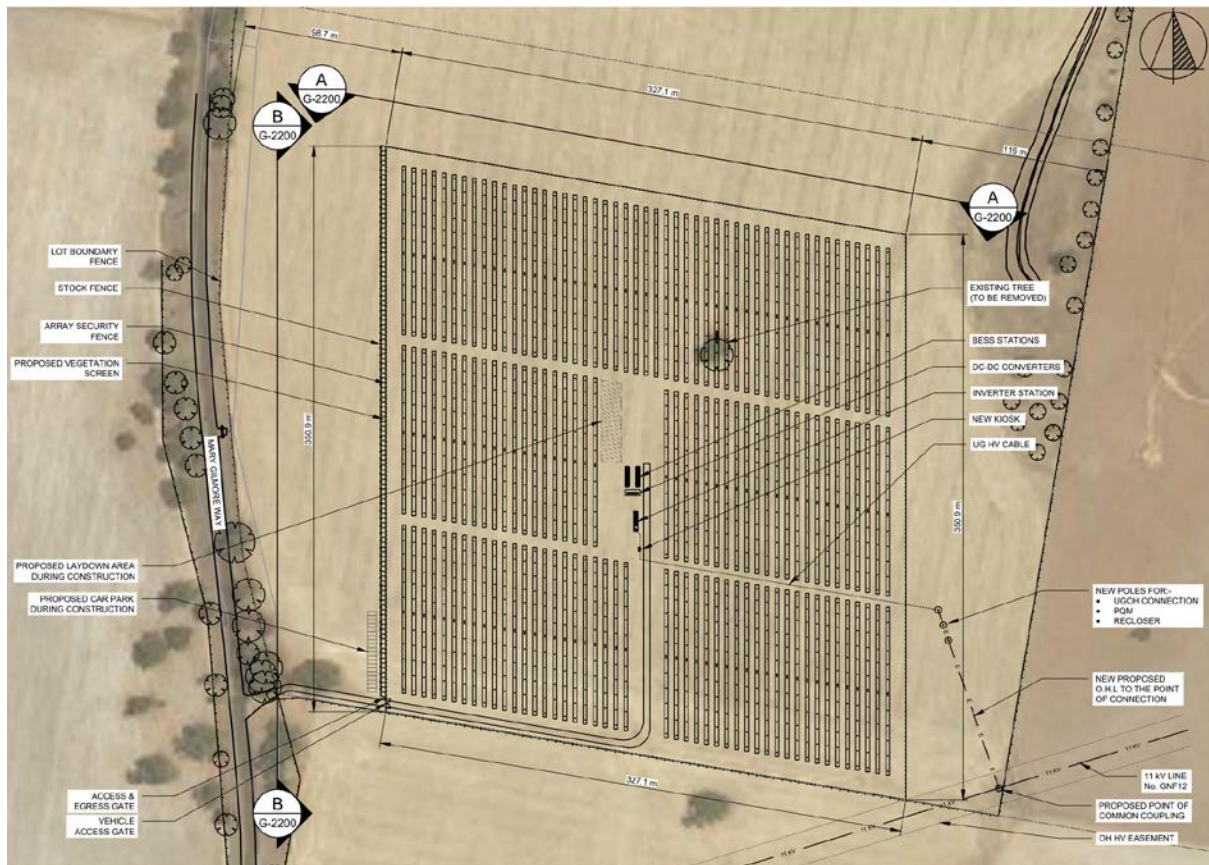


Figure 5. Site Plan showing location of solar farm and associated infrastructure.

The mounting system for the solar panels will be constructed on piles that are driven into the ground using a vibrating pile driver. The piles will be driven approximately 1.5 to 3.5 metres into the ground depending on geotechnical and structural requirements (see figure 6).

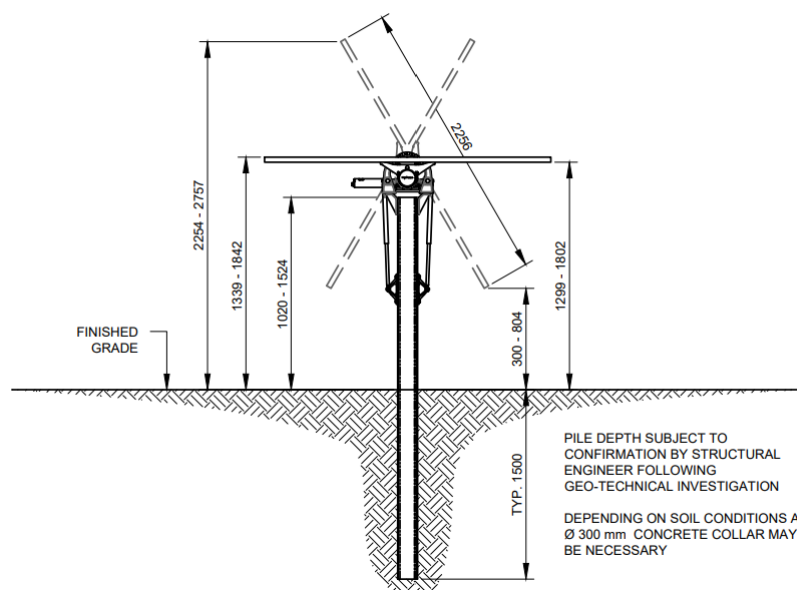


Figure 6. Typical end elevation of solar array.

During the construction phase of the development which is expected to take approximately 3 months, up to 50 personnel will be working on the development site from 7.00am to 4.00pm Monday to Friday. Once the development becomes operational the site will be unmanned. Maintenance of the development is expected to be carried out quarterly by 2 – 3 people.

It is proposed to upgrade and utilise the existing vehicular access point to the property from Mary Gilmore Way, which is located in the south-west corner of the site. A 4 metre wide internal road is proposed to provide access to the centre area of the array. It is also proposed to undertake a small boundary re-alignment in the south-west corner of the allotment in order to cater for the required B-Double access arrangements.

The solar farm will be enclosed within security fencing having a minimum setback of 70 metres from the northern property boundary, 508.5 metres from the eastern property boundary, 66.6 metres from the western property boundary and located on the southern boundary. Native landscaping is proposed adjacent to western side of the security fence to screen the development when viewed from Mary Gilmore Way (see figure 7).

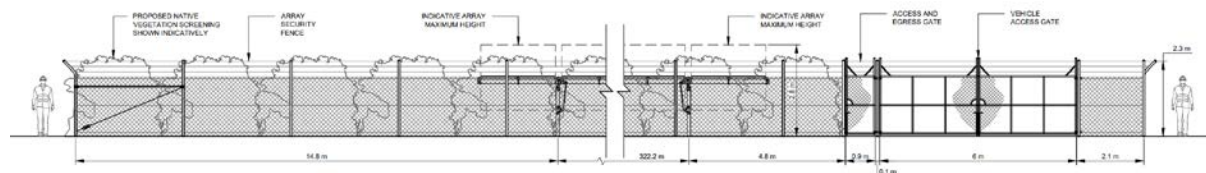


Figure 7. Western elevation of proposed security fencing showing vegetation screening.

A single remnant native tree located within footprint of the proposed solar farm is proposed to be removed along with approximately 6 small trees located in the south-west corner of Lot 1112 to allow for vehicular access within the site. All other trees located on the property will not be disturbed (see figures 8 & 9).



Figure 8. Remnant native tree located within footprint of the proposed solar farm proposed to be removed.



Figure 9. Remnant vegetation to be removed to allow B-double access within site.

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 10 November 2020, where various issues were discussed. The key issues raised during the meeting are outlined below and are also discussed in detail throughout the report:

- Planning Legislation
- Traffic Impacts
- Cost of Works
- Environmental Impacts
- Visual Impacts

The development application was lodged on **5 July 2021**. A chronology of the development application since lodgement is outlined below including the Panel's involvement with the application:

Table 1: Chronology of the DA

Date	Event
5 July 2021	DA lodged
7 July 2021	Exhibition of the application
6 July 2021	DA referred to external agencies
31 August 2021	Panel briefing
3 September 2021	Request for Information from Council to applicant
28 September 2021	Amended plans lodged. Amended SEE, Traffic Impact Assessment Report, Landscape character & visual impact assessment and Biodiversity inspection report.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). The matters that are of relevance to the development application include the following:

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

These matters are further considered below. It is noted that the proposal is not considered to be integrated, designated or crown development.

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

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy (Primary Production & Rural Development) 2019
- Weddin Local Environmental Plan 2011

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** 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) declares the proposal as regionally significant development pursuant to Clause 5 of Schedule 7. 	Y
SEPP 55	<ul style="list-style-type: none"> • Clause 7 - Contamination and remediation has been considered in the SEE. Site inspection has not revealed any evidence of contamination. The proposal is satisfactory subject to conditions. 	Y
Infrastructure SEPP	<ul style="list-style-type: none"> • Clause 45 (Determination of development applications—other development) – the application was referred to Essential Energy. The proposal is satisfactory subject to conditions. • Clause 101 Development with frontage to classified road. The application was referred to TfNSW. The proposal is satisfactory subject to conditions. 	Y
SEPP Koala Habitat Protection	<ul style="list-style-type: none"> • It is assessed that the proposed development will not impact on potential Koala Habitat. 	Y
SEPP Primary Production & Rural Development	<ul style="list-style-type: none"> • The land is not state significant agricultural land. The development is assessed as being consistent with the SEPP. 	Y

State Environmental Planning Policy (State and Regional Development) 2011

In accordance with clause 5 of schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the proposed development is declared to be regionally significant development as it involves private infrastructure with a capital investment value of more than \$5 million for the purpose of electricity generating works. Accordingly, the Western Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of State Environmental Planning Policy 55 - Remediation of Land ('SEPP 55') have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, that 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.

A search of the EPA's List of Notified Contamination Sites and Protection of the Environment Operations Act Public Register has been undertaken which revealed no contaminated site listed in or around the development site. There are no known prior land-uses on the development site that are likely to have resulted in the contamination of the land. A site inspection of the property did not reveal any evidence of contamination. The Statement of Environmental Effects submitted with the application does not mention any previous land uses likely to have resulted in contamination of the site.

It is assessed that no further investigation of the development site regarding land contamination is warranted. As a result it is considered that the site is appropriate for the proposed development as it relates to SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is defined as electricity generating works, which means a building or place used for the purpose of making or generating electricity, or electricity storage.

Pursuant to clause 34(1) of SEPP (Infrastructure) 2007, development for the purpose of electricity generating works may be carried out by any person with consent on land within a prescribed rural, industrial or special use zone. For the purposes of this clause of the SEPP a prescribed rural zone includes the RUI Primary Production Zone. In addition clause 34(7) of the SEPP permits developments for the purpose of a solar energy system to be carried out by any person on any land. Accordingly the proposed solar farm is permissible subject to development consent being issued.

The proposed development will be connected to existing overhead electricity power lines and therefore was referred to Essential Energy as required by clause 45(2) of the SEPP. Essential Energy provided their response on 23 July 2021, which is included in Attachment D. The general comments received have been included in the recommended conditions of consent outlined in Attachment A.

State Environmental Planning Policy (Koala Habitat Protection) 2021

SEPP (Koala Habitat Protection) 2021 applies to the Weddin Shire. The development site is located within the RUI – Primary Production zone and therefore in accordance with clause 6(3)(d), the requirements of the SEPP are not applicable to the site. Notwithstanding this the application has been supported by a biodiversity assessment carried out by Red-Gum Environmental Consulting Pty Ltd to identify potential impacts the development may have on threatened species and endangered ecological communities both on the development site and within the vicinity of the site.

The above-mentioned study identifies that the development site is highly unlikely to be traversed or used by Koalas as the site is generally clear of vegetation, with the exception of isolated trees, and the species are more likely to stay within the connected canopy of the roadside vegetation corridor. The assessment details that the proposed development will not have a significant impact on Koalas or their habitat.

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

SEPP (Primary Production and Rural Development) 2019 applies to the Weddin Shire. The SEPP requires consideration of the economic use and development of lands for primary production along with land use conflict and sterilisation of rural land.

The development site is not identified as state significant agricultural land. The proposed development does not significantly alter the ability of the land owner or surrounding land owners to continue to undertake agricultural pursuits on their land. Given the relatively small footprint of the proposed development (11.32 hectares) it is not expected that the proposal will result in any land use conflict or sterilisation of rural land in the long term. Further, the development has an anticipated lifespan of approximately 30 years, which upon decommissioning of the development, would allow the land to be once again used for agricultural purposes. It is therefore assessed that the proposal is consistent with the requirements of the SEPP.

Weddin Local Environmental Plan 2011

Clause 2.3 – Zone Objectives and Land Use Table

The development site is zoned RUI – Primary Production under the provisions of Weddin Local Environmental Plan 2011. The proposed development is best described as electricity generating works in accordance with the definitions contained in Weddin LEP 2011.

Electricity generating works are prohibited development within the RUI zone. However as discussed previously in this report development for the purpose of electricity generating works may be carried out by any person with consent in the RUI- Primary Production zone in accordance with clause 34 of SEPP (Infrastructure) 2007.

Clause 2.3(2) of the Weddin Local Environmental Plan 2011 requires that “The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The objectives of the RUI – Primary Production 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.

Having regard to the objectives of the RUI zone, it is assessed that:

- The development will not have a significant impact on the ability for sustainable primary industry production to be undertaken in the surrounding area and will not reduce or impede the natural resource base;
- The development does encourage diversity in the primary industries enterprises and systems in the area by allowing alternate on-farm income for the land owner, without unduly impacting on the surrounding agricultural area;
- The development will not result in the fragmentation or alienation of resource land as the development site is not proposed to be subdivided and the solar farm only occupies a relatively small portion of the existing farm holding;
- The development will not result in any significant land use conflict with the predominant agricultural uses within the area and surrounding RUI zone.

Clause 4.1A Boundary changes between lots in certain rural zones

The proposed development includes a minor boundary change in the south-west corner of Lot 1112 to allow for the required entrance upgrades to allow B-double trucks to enter and exit the site.

The objective of clause 4.1A is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone. This clause applies to land within the RUI Primary Production zone.

Despite the minimum subdivision lot size stated in the LEP clause 4.1A permits development consent to be granted for the subdivision of two (2) or more adjoining lots subject to the subdivision not involving the following:

- (a) an increase in the number of lots,
- (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.

Before determining a development application for the subdivision of land under clause 4.1A, the consent authority must consider the following—

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
- (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,

- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
- (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
- (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.

The minor boundary change proposed as part of the development will not increase the number of lots. There are no dwellings on the development site and the proposed boundary change will not impact on the number of dwellings permissible on the applicable allotments. The proposal will not significantly impact on existing and preferred land uses in the area or the natural and physical constraints of the land. The proposed boundary change is unlikely to have any adverse impacts on the environmental values or agricultural viability of the land. It is assessed the proposal satisfies the requirement of clause 4.1A of the LEP.

Clause 5.10 Heritage conservation

The development site does not contain any heritage items listed in schedule 5 of the LEP. A search of the Aboriginal Heritage Information Management Service (AHIMS) did not reveal any Aboriginal site or places in or near the development site.

The Statement of Environmental Effects submitted with the application outlines that the due diligence process outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW was implemented by the applicant. As part of this process the Cowra Local Aboriginal Land Council was contact regarding the proposed development. No response was provided by the Land Council.

Due to development site being highly disturbed due to historical agricultural pursuits on the land, it is assessed that no further investigation is need in regards to heritage conservation. A condition has been included in the recommended conditions of consent (see Attachment A) which requires compliance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW should any evidence of Aboriginal occupation be discovered during construction works.

Clause 5.21 Flood planning

The development site is not identified as being within a flood planning area. Stormwater runoff from the development can be managed onsite to ensure no adverse effects on adjoining land.

Clause 6.1 Biodiversity protection

The development site is not identified as being High Biodiversity Sensitivity or Moderate Biodiversity Sensitivity on the Natural Resource—Biodiversity Map contained in the LEP and therefore clause 6.1 is not applicable to the proposal.

As the development includes the removal of a single remnant native tree located within footprint of the proposed solar farm along with approximately 6 small trees located in the south-west corner of Lot 1112 to allow for vehicular access within the site, the applicant has provided Biodiversity Inspection report completed by Red-Gum Environmental Consulting (see attachment C). This report details that the proposed development is unlikely to have a

significant impact on biodiversity in the area subject to compliance with a number of recommendations, which have been included in the recommended conditions of consent outlined in Attachment A.

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

There are no draft Environmental Planning Instruments which apply to the proposed development.

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

Weddin Shire Development Control Plan 2014 is applicable to the proposed development. The following chapters of the DCP have been considered in connection with the assessment of the proposed development:

Chapter 9 – Rural Development

Clause 9.10 Scenic and Landscape Quality – the development will be a new element in the landscape. A Landscape Character and Visual Impact Assessment has been submitted in support of the application and the development includes landscape screening along the western side (see attachment C).

Clause 9.12 Access – the development site fronts Mary Gilmore Way which is a Regional road. The existing access to the site will be upgraded to comply with Transport for NSW requirements to allow B-double trucks to enter and exit the site during the construction phase of the development.

Clause 9.20 Non-Agricultural Development – the proposed development is considered to be consistent with the objectives of the RUI zone and will not result in land use conflict or adversely impact on agricultural land in the surrounding area.

It is assessed that the proposed development is consistent with Chapter 9 of the DCP.

Chapter 15 – Public Consultation

The development application was notified and advertised in accordance with the requirements of Chapter 15 of the DCP.

3.4 Section 4.15(1)(a)(iiia) – 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

The Environmental Planning and Assessment Regulation 2000 requires the following matters to be taken into consideration by a consent authority in determining a development application:

- Clause 92 – the proposed development includes a decommissioning plan for the cessation of the solar farm development. A condition has been included in the recommended conditions of consent requiring compliance with AS 2601 in accordance with Clause 92(2).
- Clause 93 – The proposal does not involve the change of use of an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 93 is unnecessary.
- Clause 94 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore consideration of the upgrading of buildings into total or partial conformity with the Building Code of Australia is not needed.
- Clause 94A – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

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

The likely impacts of the 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:

- **Context and setting** – the subject land is located within a rural area approximately 4km to the south of Grenfell. The development site and surrounding land is extensively cleared agricultural land used for a variety of mixed farming activities including cropping and grazing. The closest dwellings to the proposed development are in excess of 1km away to the north-east and west.

The proposed solar farm will be a new element in the landscape and will be visible from Mary Gilmore Way and surrounding agricultural land. A Landscape Character and Visual Impact Assessment has been submitted in support of the application (see attachment C).

The visual impacts of the development have been assessed to range from negligible to moderate for the nearby residential receivers. The moderate impact has been identified for a dwelling located to the west of the development site from which there is likely to be unimpeded views of the solar farms which cannot be mitigated by landscape screening. However due to the distance the dwelling is located from the development, it has been identified that the solar farm will only occupy a relatively small component of the total view from the dwelling.

The view impacts of the development from Mary Gilmore Way have been identified as high. While existing vegetation within the road service will partially screen the development, the assessment makes a recommendation for further landscape screening to

be installed along the western side of the solar farm using native plants that grow to a maximum height of 3 metres.

It is assessed that the Landscape Character and Visual Impact Assessment is acceptable provided the recommended landscaping along the western side of the solar farm is installed. It is assessed that the proposal will not result in unreasonable impacts provided the landscape screening is implemented and maintained. An appropriate condition has been included in the recommended conditions of consent (see Attachment A) to require the necessary landscaping.

- **Access and traffic** – the proposed development will utilise an existing access located in the south-west corner of Lot 1112 which provides access to the site from Mary Gilmore Way, which is a Regional Road. It is proposed to upgrade this access to accommodate B-Double truck movements into and out of the site during the construction phase of the development.

A Traffic Impact Assessment report was completed by Price Merrett Consulting and submitted in support of the development application (see Attachment C). The report assessed the existing access arrangement, proposed transport routes and crash history of the area along with a traffic engineering assessment of the traffic impacts of the development and proposed access upgrades. The report identifies the following:

- During the construction phase there will be approximately 45 B-Double vehicles accessing the site to deliver solar panel components;
- It is expected that a maximum of 3 trucks will access the site per day generally between 10am and 2pm;
- A maximum of 50 workers during the construction phase are likely to generate approximately 35 light vehicles entering the site in the morning between 6.30am to 8.00am and leaving the site in the afternoon at around 4.00pm to 5.00pm;
- It is likely that it will take up to 12 weeks to complete the delivery of equipment to the site;
- Upon the completion of the construction of the solar farm, traffic generation at the site will be very low and only comprise infrequent service vehicles;
- Traffic including truck movements generated at the site are highly unlikely to impact the local traffic conditions due to the low number of vehicles; and
- Recommendations for the upgrading of the existing access to the development site.

The Traffic Impact Assessment identifies that the safe intersection site distance requirements for the entrance is 248 metres. An assessment has identified that this required can be achieved (see figure 10).



Figure 10. Location plan showing required Safe Intersection Site Distance.

Due to Mary Gilmore Way being a regional road, the development application along with the traffic assessment were referred to Transport for NSW for comment. Assumed concurrence to the upgrading works of the existing access was provided subject to specified conditions. A copy of the response received from Transport for NSW is provided in Attachment C.

It is assessed that the road network has adequate capacity to cater for the increase in traffic anticipated during the construction phase of the proposed development. The recommended conditions outlined in both the submitted Traffic Impact Assessment and comments received by Transport for NSW have been included in the recommended conditions of consent outlined in Attachment A.

- **Public Domain** – The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.
- **Utilities** – the proposed development does not require the provision of new utilities or the extension of existing utilities in the area given there is no permanent amenities or offices on the site. Portable toilet facilities and tanked water supply are proposed to be installed on development site for use by workers during the construction phase.

An existing 11kV power line traverses the property, through which the solar farm will provide power to the grid. The applicant will be required to meet any requirements of Essential Energy for the connection to the power grid.

- **Heritage** – The development site does not contain any heritage items listed in schedule 5 of the Weddin LEP. A search of the Aboriginal Heritage Information Management Service (AHIMS) did not reveal any Aboriginal site or places in or near the development site.

The Statement of Environmental Effects submitted with the application outlines that the due diligence process outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW was implemented by the applicant. Due to development site being existing highly disturbed agricultural land, it is assessed that no further investigation is need in regards to heritage conservation. A condition has been included in the recommended conditions of consent (see Attachment A) which requires compliance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW should any evidence of Aboriginal occupation be discovered during construction works.

- **Other land resources** – the development site and surrounding land is predominantly used for agricultural activities including cropping and grazing. There are no structures located on the site. It is assessed that the solar farm will not prohibit the continuation of agricultural activities on the remaining parts of the development site or adjoining land.
- **Water/air/soils impacts** – the development application was supported by a water assessment completed by the applicant. It is not expected that the development will have adverse impacts on soil conservation in the area subject to suitable erosion and sediment controls being installed during the construction phase. This is reflected in the recommended conditions of consent.
- **Flora and fauna impacts** - the development includes the removal of a single remnant native tree located within the footprint of the proposed solar farm along with approximately 6 small trees located in the south-west corner of Lot 1112 to allow for vehicular access within the site. The development application was supported by a Biodiversity Inspection report completed by Red-Gum Environmental Consulting which is provided in Attachment C. This report details that the proposed development is unlikely to have any significant impact on biodiversity in the area subject to compliance with a number of recommendations, which have been included in the recommended conditions of consent.
- **Natural environment** – the proposed development does not include large scale excavation works which will change the contours of the land. It is assessed that the development is unlikely to have any significant impact on the natural environment.
- **Noise and vibration** – the development application has been supported by a Noise Assessment prepared by Muller Acoustic Consulting. The results of the noise assessment demonstrates that construction noise and emissions resulting from the operation of the solar farm are expected to satisfy both the noise management levels and operational project noise trigger levels at all identified receiver locations, subject to compliance with a number of recommendations. This has been reflected in the recommended conditions of consent.

The proposed development involves the use of a small pile driver used to drive piles into the ground on which the PV mounting structures are mounted along with the use of a

vibrating roller for the road construction. As part of the noise assessment, vibration impacts on nearby receivers was also been considered. As the closest non project related receivers are greater than 100 metres from the development site, any vibration impacts are likely to be minimal and likely to comply with human response criteria.

- **Natural hazards** – the development site is not identified as being flood prone land under Weddin LEP. Site inspection of the area did not reveal any evidence to suggest that the location of the proposed solar farm would be subject to flooding.

The development site is not mapped as being bushfire prone and therefore Planning for Bushfire Protection 2019 is not applicable to the development. Notwithstanding, a fire assessment completed by the applicant has been submitted in support of the development application. This assessment identifies that the layout of the solar array is proposed to include an Asset Protection Zone (APZ) surrounding the entire site with a 10m setback from a non-combustible chain-link fence. The APZ will not be located on land exceeding a slope of 18 degrees. This 10m APZ is also intended to act as a defensible space and a buffer against radiant heat effects for emergency services. A minimum 10m APZ is also proposed around the battery station and other infrastructure including gravel off-set areas.

Further to the above, the battery energy storage systems associated with the solar farm are located within containers which have a fire detection and suppression system installed (usually inert gas or water deluge) to contain and help prevent the spread of fire. The battery energy storage systems are sourced from a tier-one international equipment manufacturer and certified for compliance with applicable Australian standards, licences and codes.

It is important to note that the development site contains a farm dam which can be used as a static water supply in case of a fire emergency. The development site is also located only 4 km from Grenfell which has a reticulated water supply which can be used by NSW Fire and Rescue and the NSW Rural Fire Service if needed.

- **Safety, security and crime prevention** – the development site is located within a rural area and will not increase anti-social behaviour or safety concerns. The development will be surrounded by a 1.8 metres high security fence, topped with three rows of barbed wire giving a total height of 2.3 metres. It is assessed that this barrier will adequately secure the site.
- **Social impact** – the proposed development is unlikely to have a significant social impact on nearby residents and the wider community.
- **Economic impact** – during the construction phase the development may have a positive economic impact on the local economy. It is anticipated that up to 50 personnel will be directly involved in the construction of the development which is likely to create benefits for local accommodation facilities and retailers. However given the minimal ongoing operational requirements of the solar farm, these benefits are likely to be in the short term only.
- **Site design and internal design** – the proposed solar farm is located in a rural area approximately 1km from the closest residence. The development including the security

fencing has a setback in excess of 60 metres from the western property boundary which adjoins Mary Gilmore Way. Landscape screening is proposed along the western side of the development in order to limit the visual impacts of the solar farm. Due to the topography of the land and the distance from nearby residences, the development is unlikely to have significant noise and visual impacts.

A Glint and Glare Assessment has also been completed by the applicant in support of the application. This assessment indicates that as a result of a GlareGauge analysis, selected observation points and roads are unlikely to receive glare due to the development. Existing roadside vegetation and structures between the solar farm and road users will also further minimise visual impacts of the development.

The development has been designed to allow suitable access and egress for delivery trucks and other vehicles. Internal driveways will also act as fire breaks and aid emergency vehicles to gain access to the main parts of the development if needed.

- **Construction** – the potential impacts from construction of the development have been assessed and appropriate conditions included in the recommendation to minimise impacts on nearby residents.
- **Cumulative impacts** – there has been no potential cumulative impacts associated with the development identified. Visual, traffic and safety impacts have been considered as part of the assessment. The development is considered to be generally consistent with the planning controls for the RUI zone and it is assessed that the development will not result in any adverse cumulative impact.

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 development site is considered suitable for the proposed development for the following reasons:

- The proposed development is considered to be consistent with the objectives or the RUI zone under Weddin LEP;
- The development is generally compatible with its surrounds and provides for diversification of land uses on the land;
- The development is a passive land use and as assessed is unlikely to cause land use conflict;
- Adequate vehicular access is available to the development site for vehicles entering and exiting the property;
- The site is not affected by any natural hazards which would impact on the proposed development;
- The site provides existing above ground electricity infrastructure to allow the solar farm to be connected; and
- There are no adjoining land uses which are prohibitive to the development.

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

The development application was neighbour notified and advertised in accordance with the requirements of Weddin Shire Council DCP 2014 from 7 July 2021 to 28 July 2021. No submissions or objections were received.

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

As discussed previously in this report, the proposed development is consistent with the objectives of the RUI zone as detailed in the Weddin LEP and will not have a significant impact on nearby land or the wider community. The development will not create land use conflict as it is compatible with the agricultural activities which are undertaken on land surrounding the development site. The proposal will also contribute to the provision of renewable energy for the community of Grenfell. On balance the proposal is consistent to the public interest.

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

Table 3: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	CI 45 – Infrastructure SEPP Development near electrical infrastructure	General advice has been provided with regards to responsibilities, safety and clearances. Appropriate conditions have been included in the recommendation. The referral response is attached in Attachment D.	Y
Transport for NSW	CI 101 – Infrastructure SEPP Development with frontage to classified road.	TfNSW provided assumed concurrence to the upgrades of the existing access to the development site subject to certain conditions which have been included in the recommendation.	Y

		The referral advice is attached in Attachment D.	
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4.2 Council Referrals (internal)

The development application was referred to Councils Engineering Department for technical review as outlined Table 4.

Table 4: Consideration of Council Referrals

Officer	Comments	Resolved
Director - Engineering	Council's Engineering Department reviewed the submitted Development Application and raised no objections or concerns subject to compliance with TfNSW requirements.	Y

4.3 Community Consultation

As mentioned previously in this report, the development application was notified to nearby property owners and advertised in accordance with Weddin Shire Council DCP from 7 July 2021 until 28 July 2021. The notification and advertising included the following:

- Letters to 5 nearby property owners advising of the application and providing a link to the NSW Planning Portal to view plans and documentation and to make any submissions.
- An advertisement in the local newspaper, the Grenfell Record on 9, 14 and 21 July 2021. The advertisement provided details of the proposed development and directed people to the NSW Planning Portal to view plans and documentation and to make any submissions;
- Notification of the proposed development on the Weddin Shire Council website and social media.

As previously discussed, no submissions or objections were received

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 and the key issues identified in this report, it is considered that the application can be supported.

The application has been supported with several technical assessments that identify potential impacts and mitigation measures for the development, which have been conditioned within the recommended terms of consent.

It is considered that the key issues have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions detailed in **Attachment A**.

6. RECOMMENDATION

That PAN 115799 (DA 37/2021) for the construction and use of a 5MW solar farm and associated infrastructure and minor allotment boundary change at Lot 1112 & 1113 DP 754578 Mary Gilmore Way Grenfell 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 in Attachment A.

The following attachments are provided:

- Attachment A: Recommended Conditions of Consent
- Attachment B: Development Plans and SEE
- Attachment C: Supporting Documents and Reports
- Attachment D: External Referral Responses