

PROPOSED SOLAR FARM FOR GREENTECH SOLAR PROJECT NO. 3 PTY LTD

A Regionally Significant Development

Western Regional Planning Panel Reference No: PPSWES-164

ASSESSMENT REPORT

CARRATHOOL SHIRE COUNCIL

(DA2023/012)

Prepared by: Carrathool Shire Council Building and Regulatory Services Department

February 2023

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Attachment B	Solar Energy Facility – Traffic Impact Assessment Report dated 18/10/2022 Project No.210905 prepared by TrafficWorks Pty Ltd
Attachment C	Noise and Vibration Impact Assessment dated 20/10/2022 Project ID 14362 prepared by Assured Environmental
Attachment D	Glint and Glare Assessment Report dated June 2022 Final Issue prepared by Environmental Ethos
Attachment E	Flora and Fauna Assessment Report dated 15/08/2022 prepared by Habitat Environmental Services
Attachment F	Decommissioning Management Plan dated 08/11/2022 prepared by Jane Bai
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1. OVERVIEW OF ASSESSMENT REPORT

Panel Reference	PPSWES-164
DA Number	DA2023/012
LGA	Carrathool Shire Council
Proposed Development	Construction of a 4.95 MW Solar Farm and associated Battery Storage infrastructure
Street Address	Lot 5 DP 1210276, 2245 Tabbita Lane, Goolgowi
Applicant/Owner	Applicant: ACEnergy Pty Ltd Landowners: Rodney Fenwick and Christopher Morton
Date of DA lodgement	25 October 2022
Number of Submissions	NIL public submissions received
Recommendation	Approval with Conditions
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	Section 5 – Private infrastructure and community facilities over \$5 million (a) Electricity generating works
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Primary Production) 2021 • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • NSW State Plan 2021 • Riverina Murray Regional Plan 2041 • NSW Renewable Energy Action Plan 2018 • Carrathool Local Environmental Plan 2012 • Suitability of the site for development; • Environmental and social impacts of the development; • Agency referrals and comments; • Publicly notified and advertised for 28 days;
List all documents referenced in this report for the Panel's consideration	<p>Attachment A: Statement of Environmental Effects dated October 2022 Ref:22127 prepared by Chris Smith and Associates Pty Ltd</p> <p>Attachment B: Solar Energy Facility – Traffic Impact Assessment Report dated 18/10/2022 Project No.210905 prepared by TrafficWorks Pty Ltd</p>

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Report prepared by	Carrathool Shire Council Building and Regulatory Services Department
Report date	February 2023

Summary of s4.15 matters

Yes

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

Legislative clauses requiring consent authority satisfaction

Yes

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

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

Clause 4.6 Exceptions to development standards

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

Not Applicable

Special Infrastructure Contributions

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

Not Applicable

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

Further Application Details:

DA Lodgement Date:	25/10/2022
Additional Information received?	Additional Information received from the Proponent: 23 October 2022
Estimated Construction Value of Development:	\$7,090,439.00
Capital Investment Value:	\$6,445,854.00

2. GLOSSARY OF ABBREVIATED TERMS

ABS	Australian Bureau of Statistics
CLEP	Carrathool Local Environmental Plan 2012, as amended
CLM	Contaminated Land Management Act 1997, as amended
AHIMS	Aboriginal Heritage Information Management System
EPBC Act	Environment Protection & Biodiversity Conservation Act 2016
BCA	Building Code of Australia
CIV	Capital Investment Value
CLM	Contaminated Land Management Act
DA	Development Application
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
DPI AG	Department of Primary Industries- Agriculture
EP&A(DC&FS)	Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	NSW Environment Protection Authority
GW	Gigawatt
LGA	Local Government Act 1993
MW	Megawatt
NSR	Noise sensitive receiver
PSI	Preliminary Site Investigation
PV	Photovoltaic
RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
RSD	Regionally Significant Development
RFDS	Royal Flying Doctor Service
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
TFNSW	Traffic for NSW
WRPP	Western Regional Planning Panel

3. EXECUTIVE SUMMARY

The Development Proposal

ACEnergy Pty Ltd proposes to develop a new 16.5 hectare photovoltaic solar farm and associated infrastructure on cleared rural land 16 kilometres south from the town of Goolgowi in Carrathool Shire.

The project, with a CIV of \$6,445,854, proposes to employ up to 50 workers during the estimated six-month construction period and local contractors would be deployed to deal with any fault or other matter and to undertake maintenance tasks during the planned 31 years of operations.

The nearest residence is over 1800 metres South of the proposed facility.

The development footprint covers 16.5 hectares. This footprint is located in the south eastern corner of the main allotment, which is zoned RU1 under the Carrathool Local Environmental Plan and which has an area of 1146 hectares.

It is not proposed to subdivide the main allotment to create an allotment on which the proposed solar farm will be located. Instead, the owners of the main allotment have agreed to terms with the Applicant to lease the south-eastern corner of the property from the proposed development for a period of thirty-one (31) years, which will allow 98% of the property to be retained for continued agricultural use.

Essential Energy have not advised that a separate Lot and Deposited Plan is required for each generating unit under the Services and Installation Rules of NSW. This is the Electricity Standard of Best Practice for Customer Connection Services and Installations as at July 2018. For this reason, the project does not require a subdivision.

Material Matters

Flooding

The Project site is not mapped as being flood prone land on Council's mapping system.

Bush Fire Prone Land

Council's mapping indicates that a very small portion of the Western boundary of the Lot is mapped as "Buffer- Vegetation Category 1". This buffer area is located approximately 3.3 km from the proposed development site and, as such, a Bush Fire Assessment Report under Planning for Bush Fire Protection 2019 is not warranted.

The standard of Tabbita Lane

The project site is to be accessed from Tabbita Lane, an existing high standard Regional road managed by Council. There are four dwellings along Tabbita Lane and they are not likely to be impacted by noise or increased road safety risks during the six months construction phase owing to the distance of the existing dwellings from the proposed development.

Council's Manager Infrastructure Services will require certain standards to be complied with in relation to the construction of the proposed access/exit point to the site from Tabbita Lane. These construction standards will be attached as a condition on the development consent.

Other

The Assessment Report also substantively addresses visual impacts, noise and vibration, glint and glare, flora and fauna impacts and decommissioning aspects.

Council and Other Government Agencies

The Application was notified by letter for a period of 29 days to property owners within proximity of the subject site and the proposal was also advertised in two local newspapers between 16th November 2022 and 7 December 2022. At the conclusion of the notification period, no public submissions were received by Council.

Council is supportive of the project.

None of the referral Agencies have raised objections, subject to the application of appropriate conditions of consent and the implementation of suitable mitigation and management measures.

The Community

The Council exhibited the proposal for public comment and no submissions were received. Agency consultation was also undertaken and a summary of the agency comments is provided in tabular form herein.

Western Regional Planning Panel

The Western Regional Planning Panel is the determining authority for this DA pursuant to Section 4.5 (b) of the Environmental Planning and Assessment Act 1979 as the proposed development is classified as “Regionally Significant Development” pursuant to Section 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the proposed development is for private infrastructure works, being electricity generating works, with a capital investment value (CIV) of more than \$5 Million. The capital investment value of the project, as estimated by the Applicant, is \$6,445,854.00 Million (excl. GST).

Conclusion

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality have been assessed during the assessment of this proposal and are considered to be satisfactory in the circumstances of the case subject to the imposition of conditions of development consent.

The site has been assessed for its suitability for the proposed development and is considered to be suitable, subject to conditions.

4. THE ASSESSMENT PROCESS

This Assessment Report has been prepared by the Building and Regulatory Services Department of Carrathool Shire Council.

The following documents and plans have been considered during the assessment process:

- Statement of Environmental Effects dated October 2022 Ref:22127 prepared by Chris Smith and Associates Pty Ltd

- Solar Energy Facility – Traffic Impact Assessment Report dated 18/10/2022 Project No.210905 prepared by TrafficWorks Pty Ltd
- Noise and Vibration Impact Assessment dated 20/10/2022 Project ID 14362 prepared by Assured Environmental
- Glint and Glare Assessment Report dated June 2022 Final Issue prepared by Environmental Ethos
- Flora and Fauna Assessment Report dated 15/08/2022 prepared by Habitat Environmental Services
- Decommissioning Management Plan dated 08/11/2022 prepared by Jane Bai
- Agency Submissions
- AHIMS Search dated 28 September 2022
- Landscape Plan
- Notification Letter to neighbours, dated 14 November 2022;
- Department of Primary Industries-Agriculture letter dated February 6/12/2022;
- Transport for NSW letter dated 6 December 2022;
- Essential Energy advice dated 21 December 2022;
- Carrathool Shire Council Manager Infrastructure Services advice dated 9 December 2022
- Development Application documentation
- Site inspections conducted by Council staff on 24 October 2022 and 13 February 2023.

5. OVERVIEW OF THE PROJECT

The Applicant, ACEnergy Pty Ltd, proposes to develop a Regionally Significant solar farm on rural land located approximately 16 kms south from the town of Goolgowi. See Figure 1 for location of the site (red edging) relative to Goolgowi township.

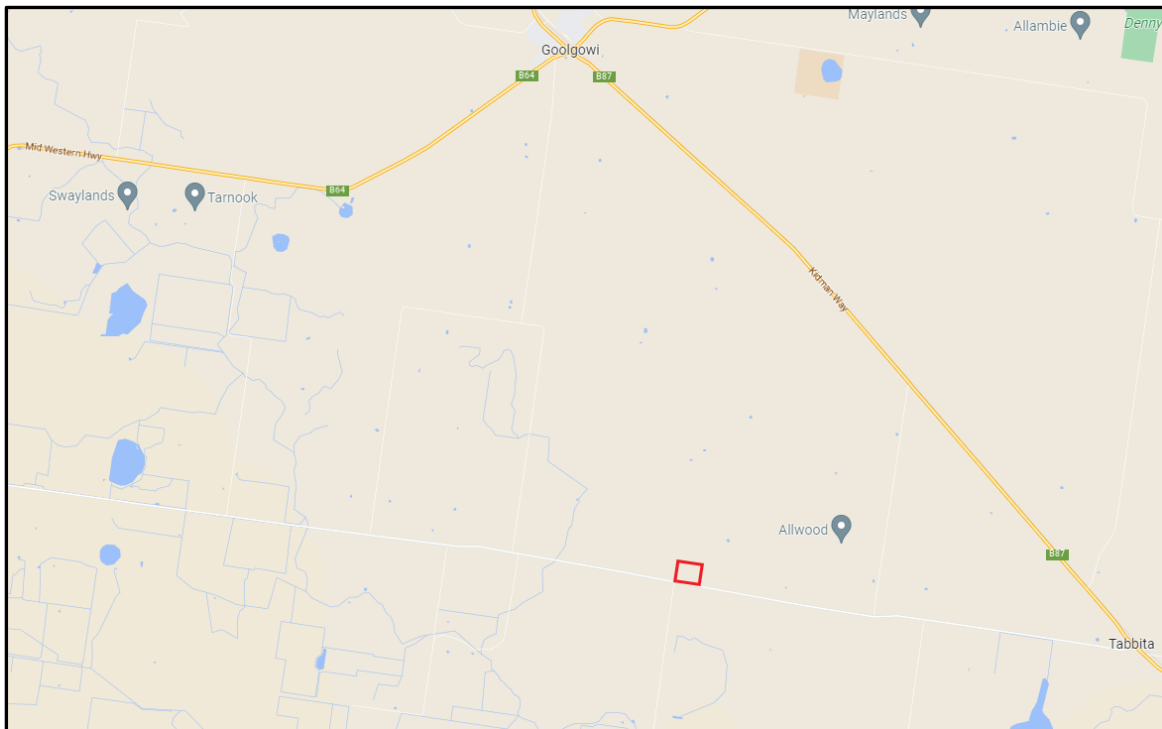


Figure 1: Locality Map. Proposed development site with red border. Source: Google Maps.

The proposed Solar Farm is to be located on a 16.5-hectare portion of Lot 5 DP1210276, 2245 Tabbita Lane Goolgowi. The 16.5-hectare project site is located on Tabbita Lane – a dual carriageway bitumen sealed Regional Road managed by Carrathool Shire Council. See Figure 2 below for an aerial photo of the proposed site.

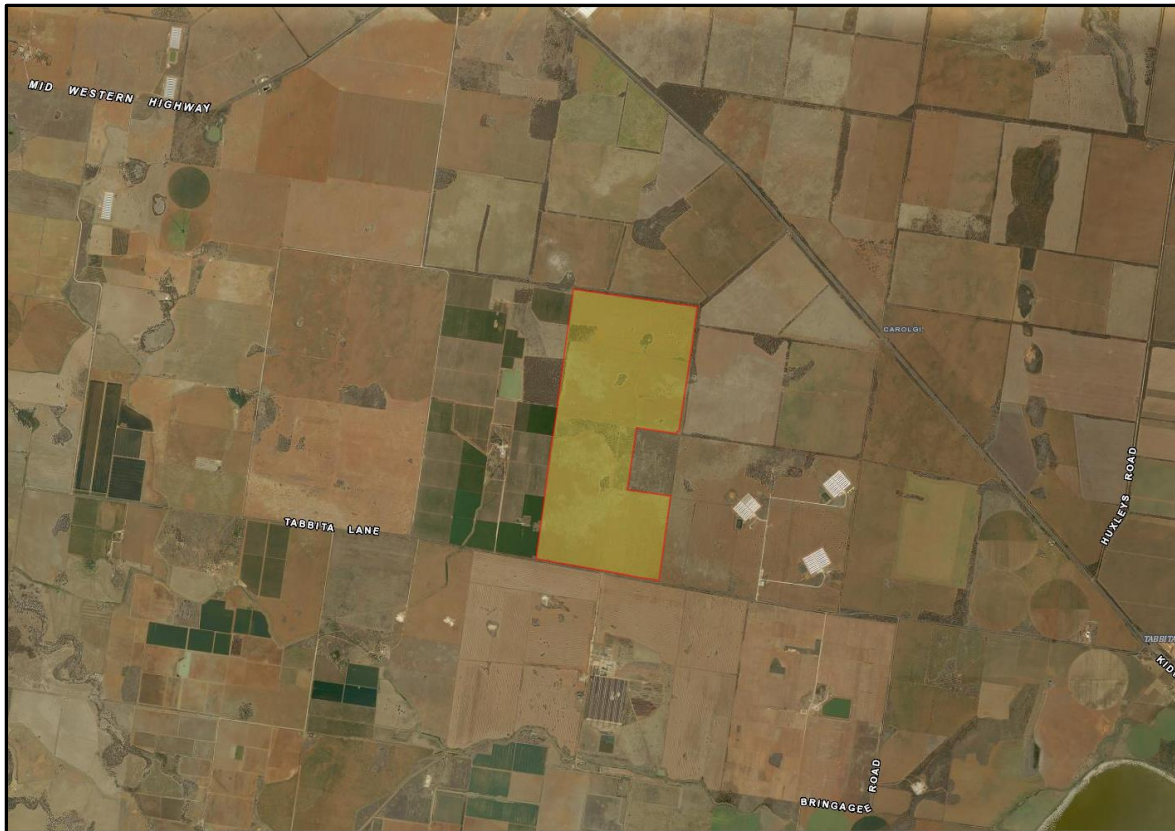


Figure 2: Proposed Development site (Lot 5 DP1210276) coloured yellow. Source: SIXMaps

The proposed development is for the construction and operation of a photovoltaic (PV) solar farm and associated infrastructure, with a capacity of no more than 4.95 megawatts (MW) of electricity to the local distribution network.

The solar farm is proposed to be constructed in one go and construction is expected to span a six to seven -month time frame.

The 16,128 solar panels will be configured into arrays that are mounted on 192 single axis tracking arrays, each of 2.2 metres by 1.1 metres, with a maximum height of approximately 2.2 metres above ground level at maximum rotation. The panels will be installed on mounting structures running north south with approximately six metre spacing between the rows to allow access for maintenance. The mounting system is proposed to be constructed on steel piles driven into the ground to a depth to be determined at Construction Certificate stage, but is usually 1.2 metres.

The panels are designed to rotate to track the sun's daily path from east to west. The hub height of each tracker is 1.4 metres reaching an approximate height of 2.2 metres when the array is fully tilted to 60 degrees from horizontal in the early mornings and late evenings.

It is proposed to also install four Battery Energy Storage Systems positioned centrally within the facility, each of which will be 10 metres long, 2 metres wide and 3 metres high. One Central Inverter, 13 metres long, 3 metres wide and 3 metres high will also be installed on the site and will be the

primary conduit for electricity from the facility prior to being transferred via overhead lines into the nearby energy distribution network. The inverter station houses high and medium voltage switch gear connected by underground cables to the existing 33 kV power line that runs along the southern side of Tabbita Lane to the nearby transformer.

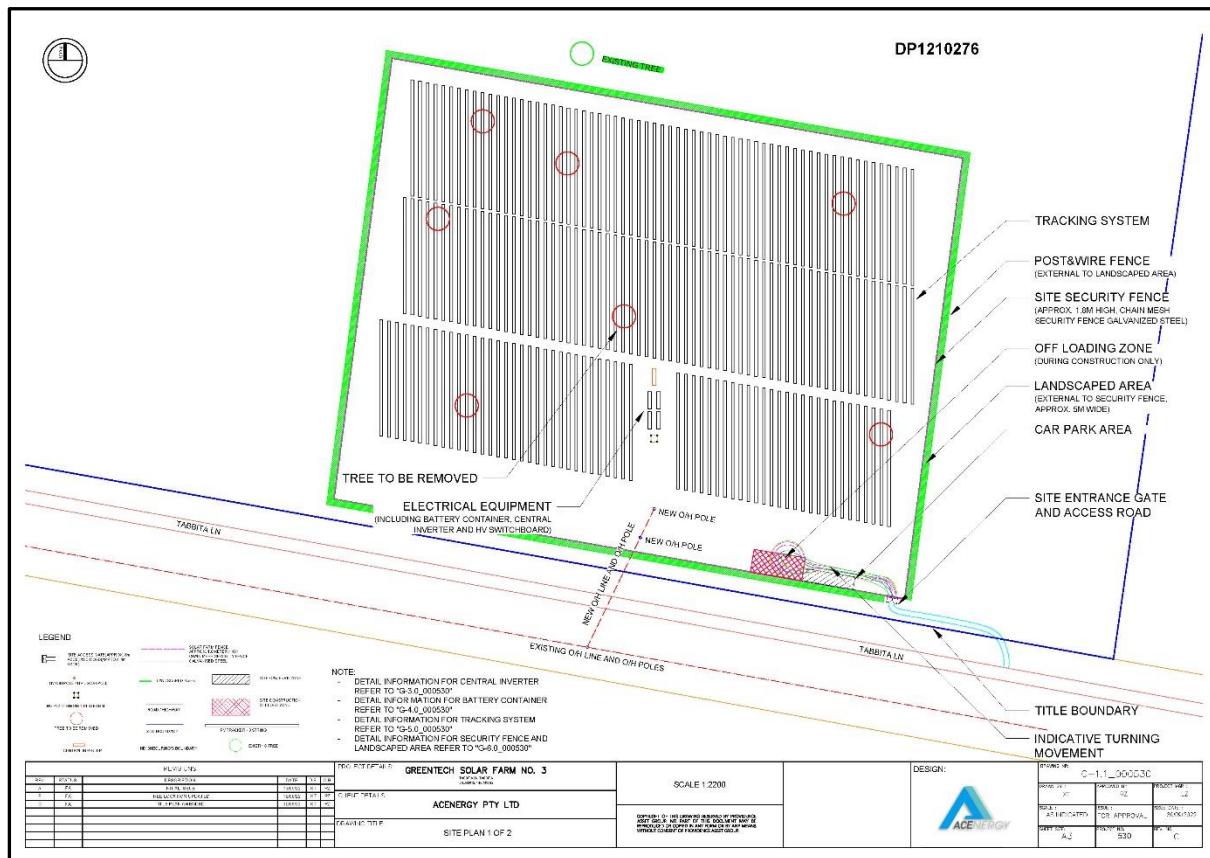


Figure 3: Proposed Solar Farm Design Plan

A new access is proposed to be constructed off Tabbita Lane. The proposal also includes the construction of an "Off Loading Zone" and a "Car Park Area" for the construction phase. The construction compound would include laydown areas for materials and it will be cleared, levelled and resurfaced. Once the solar farm is operational, the construction compound would be decommissioned.

The proposal includes the construction of a 1.8 metre high chain mesh steel, security perimeter fence around the entire perimeter of the facility, including a gate along the southern front boundary of the compound. The arrays will have setbacks from the fence ranging from 13 metres to the furthest setback distance of 54 metres. The fence is described as having variable setbacks from the property (Lot 5 DP 1210276) boundaries with a 70 metre setback from the front southern boundary, 179 metre and 184 metre setback to the eastern side boundary, and large distances to the rear northern boundary and western side boundary.

Internal access tracks approximately 4 metres wide between the solar arrays will be provided.

On site facilities will include portable toilets and staff amenities. These will be temporary as they will be for the construction period only.

The information submitted in support of the proposal makes reference to the decommissioning of the infrastructure at the project's end. The decommissioning of the solar farm and subsequent rehabilitation of the land will include removal of all infrastructure followed by on site works to ensure the property is returned to its current agricultural capacity.

The subject site is zoned RU1 Primary Production and is currently used for agricultural/grazing purposes which is consistent with the objectives and the range of permissible uses in the RU1 Zone. Land immediately surrounding the subject site, is currently also used for similar purposes, in conjunction with associated scattered residences.

The site has been essentially cleared in the past to facilitate agricultural use of the land – mostly for dryland wheat production and sheep grazing. There are a minimal number of scattered native paddock trees to the north and west of the proposed site.

The nearest stand of vegetation is woodland vegetation which occurs in the road reserve which borders the proposed site to the south. Also, there are patches of woodland vegetation occurring approximately 1.3 km to the north of the proposed site.

The proposed development envelope is currently used for agricultural purposes and it has not been mapped as Biophysical Strategic Agricultural Land, nor is it identified as being classified as significant agricultural land. The land/soil capability of the site has been identified as Class 4 by the Department of Primary Industries-Agriculture, based on the biophysical features of the soils and landscape.

Given the small size of the footprint on the agricultural holding and the relatively temporary nature of the proposal it is not anticipated that it would significantly impact on agricultural production at a local or regional level.

The property is slightly sloping and is not mapped as flood prone land under Council's mapping.

There are four residences not associated with this development located along Tabbita Lane. All of these residences are located considerable distances to the road and the development site.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	<p>The project includes:</p> <ul style="list-style-type: none"> • Construction of a 4.95MW Solar Farm and associated infrastructure • 16,128 solar panels and associated infrastructure.
Project area	<ul style="list-style-type: none"> • Site: 1146 hectares with a total development footprint of 16.5 hectares
Access route	<ul style="list-style-type: none"> • Via Tabbita Lane from the Kidman Way and Mid Western Highway
Site entry and road upgrades	<ul style="list-style-type: none"> • Project site entry to be located at the south-east corner of the Development Site off Tabbita Lane; • Access to the site from Tabbita Lane to comply with the requirements of Council's Manager Infrastructure Services as per email dated 9 December 2022; • Tabbita Lane to be maintained by the Proponent during the construction phase; • Dust suppression to be applied to the internal road during construction of the facility, as required;
Construction	<ul style="list-style-type: none"> • The construction period to be approximately 6 to 7 months. • Construction hours limited to Monday to Friday 7 am to 6 pm, and Saturday 8 am to 1 pm. No work is to be undertaken on Sundays or public holidays.
Operation	<ul style="list-style-type: none"> • The expected operational life of the project is approximately 31 years. However, the project may involve infrastructure upgrades that could extend the operational life of the development if appropriate additional consents are in place.
Decommissioning and rehabilitation	<ul style="list-style-type: none"> • The project also includes decommissioning at the end of the project life, which would involve removing all infrastructure.
Hours of operation	<ul style="list-style-type: none"> • Daily operations and maintenance would be undertaken Monday to Friday 7am to 6pm, and Saturday 8am to 1pm.
Direct Employment	<ul style="list-style-type: none"> • Up to 50 construction jobs and 2 operational jobs involving inspections a maximum of three times per month for general inspections, maintenance of equipment or landscaping and for security inspection purposes.
Capital investment value	<ul style="list-style-type: none"> • \$6,445,854.00 Million

6. MATERIAL ENVIRONMENTAL AND SOCIAL MATTERS

6.1 Flooding

The Project site is not mapped as flood prone land under Council's mapping system, nor is it mapped as being affected by Groundwater Vulnerability, Wetlands, or Riparian Lands and Watercourses.

6.2 Roads & Traffic

The district-wide access route to the project site is via the Kidman Way and then into Tabbita Lane. Access to the site can also be gained from the Mid Western Highway to the West and then into Tabbita Lane. Tabbita Lane is a high standard, bitumen road and is an unclassified Regional Road under the control of Carrathool Shire Council. All access roads and their existing condition are not considered likely to be substantially compromised by six months of heavy and over-sized construction traffic, especially if there is wet weather due to their bitumen sealing.

Council's Manager Infrastructure Services has provided proposed construction requirements of the new access to the site and these construction requirements will be attached as conditions to the DA consent.

There are four (4) private residences along Tabbita Lane and they will not be adversely impacted by noise and dust and increased road safety risks during the six months construction phase.

The salient road information is as follows:

- Tabbita Lane is an unclassified Regional Road that is under the control of Carrathool Shire Council as the road authority;
- Tabbita Lane intersects with the Mid Western Highway to the west and the Kidman Way to the east, which are both classified state roads.
- The road access entrance to the site will be located at the south-eastern corner of the Development site.
- Council's Manager Infrastructure Services will require the following construction standards for the proposed new access to the development site:
 - a) An RRJ300 culvert, 20 metres in length, is to be installed on the North side of Tabbita Lane.
 - b) An entrance apron of 15 metres width is to be provided adjoining Tabbita Lane. The apron must have an extended length of 25 metres into the driveway. The apron must have a compacted subgrade with 150mm of 20mm DGS gravel cover with a 14mm/7mm precoat bitumen seal.
 - c) A 4.5 metre overtaking lane is to be installed so that vehicles can safely turn into the property driveway. The subgrade is to be boxed out and 150mm of 20mm DGS compacted gravel cover with a 14mm/7mm precoat aggregate bitumen seal.
 - d) The Applicant is to install one Give Way Sign at a distance of 5 metres from the end of the driveway seal.
 - e) The Applicant is to install one W2-4AL Warning Sign indicating "Road on Left" at a distance of 150 metres from the entrance to the East bound lane.
 - f) The Applicant is to install one W2-4AR Warning Sign indicating "Road on Right" at a distance of 150 metres from the entrance to the West bound lane.

- g) Vegetation clearance is to be carried out for a distance of 150 metres either side of the entrance on Tabbita Lane. The road access entrance to the Project site will be located at the north-east corner of the Development site.

6.3 Visual Amenity

There are four (4) private residences along Tabbita Lane and there is the slight prospect of the visual landscape of residents being altered from rural to industrial by virtue of the erection of a solar farm. The proposed facility will only occupy approximately 16.5 hectares of land which is a relatively small area of agricultural land when compared to other larger renewable energy facilities. Nevertheless, to ameliorate possible impacts, the Proponent proposes to soften the visual amenity of the facility through the use of landscape screening and the existing vegetation along active/visible frontages. Therefore, the cumulative impact of the proposed facility when viewed in the context of its surroundings, is minimal.

6.4 Waste Management

Council has limited solid and liquid waste management infrastructure and the Proponent will require a plan to remove Project-related solid and liquid wastes from the Shire for recycling or disposal at suitably approved facilities.

Initial reviews of waste facilities outside of the Carrathool Council local government area indicate that Griffith City Council is likely to have the appropriate facilities for use during the project lifecycle. Griffith City Council currently operates two waste facilities with specific requirements of certain materials. These facilities offer recycling services of paper, cardboard, glass and plastic bottles and aluminium cans. There are also a number of scrap metal business which operate within the Griffith area.

The project will generate most waste during the construction and decommissioning phases. To comply with the NSW legislation and polices, the waste will be recycled or re-used where possible and only disposed of if no alternative is available. The Applicant has advised that their sub-contractor agreements stipulate that each trade is to manage and remove their own waste.

Cardboard, scrap metal and wood from the construction phase can be recycled. Plastics and general waste will require disposal at an appropriate waste facility. Prior to construction, a Waste Management Plan (WMP) will be developed which will devise strategies to reduce waste, a tracking register of waste, recycling management and procedures to ensure correct disposal of all materials.

Decommissioning of the project will occur after approximately 31 years of operation. Options for recycling of the PV panels will be reviewed as the project progresses and in accordance with the relevant regulations at the time.

Portaloo facilities will be installed on-site as required. Details of this will be determined by the Construction Contractor (yet to be engaged) and will be a part of its Construction Environment Management Plan (CEMP) which all staff will be required to adhere to.

6.5 Glint & Glare

The Applicant has undertaken a glint and glare assessment as part of the development application. This assessment considered dwellings and transport routes within 2km of the proposed development.

The photovoltaic panels are designed to absorb rather than reflect sunlight, and it is deemed that the project would not cause noticeable glint or glare compared to other building surfaces nor any impacts on local roads within 2km of the Project.

The flight paths of a nearby local airstrip approximately 2km to the South of the Project were also considered in the assessment and it was concluded that no glare is geometrically possible at the airstrip and therefore no impact is likely.

6.6 Construction Impacts: Noise & Dust

Noise

Noise generated during the proposed six (6) months construction phase and any subsequent upgrading and decommissioning activities is expected to comply with the relevant criterion of 50 dB(A) in the EPA's *Interim Construction Noise Guideline* (ICNG) for standard daytime construction hours at all residences.

To assist in minimising noise impacts on residents located on Tabbita Lane the hours of construction will be limited from 7am to 6pm Monday to Friday, and 8am to 1pm Saturday, public holidays excepted.

Road traffic noise during construction of the project is expected to comply with the relevant criteria in the EPA's *Road Noise Policy*. Any exceedance is expected to be relatively short term, only during the day and of low volume, which is considered acceptable. It is understood that in the existing environment, heavy vehicles regularly traverse Tabbita Lane.

The Proponent will also have a complaint handling procedure to promptly respond to any noise issue.

Dust

During construction the Applicant will apply water for dust suppression on the internal access road. Watering will be on an as needed basis. The Proponent will also have a complaint handling procedure to promptly respond to any dust issue.

In relation to construction impacts it is considered that appropriate conditions consent would satisfactorily address matters such as:

- Hours of construction activities;
- Roads and traffic management;
- Noise and dust management;
- Waste management; and
- Parking and toilet facilities.

6.7 Bushfire

The flammability of the solar farm is considered to be low as the components are predominantly

constructed of glass, silicon, steel and aluminium.

The subject site is not identified on NSW RFS Bushfire Prone Land Map as being potentially bushfire prone nor is it mapped as being on bushfire prone land on Council's mapping layer.

The proposal does not require a Bush Fire Safety Authority from the Commissioner of the NSW Rural Fire Service (NSW RFS) under section 100B of the Rural Fires Act.

The development site is located on cleared rural land with only grass cover in existence. Should grazing or land management techniques not be employed within the development footprint there is the potential for an increase in fuel loads. This matter can be suitably addressed via stock grazing.

The construction phase also requires some consideration in relation to potential bushfire management with the movement of machinery, use of welders and grinders and the like, storage of flammable liquids, etc. These matters will need to be identified and managed on site with measures reflected in a Fire Management Plan to be approved by the NSW RFS.

7. STATUTORY CONTEXT

EP&A Act: Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 4.15 (1) (Evaluation) of the *Environmental Planning and Assessment Act 1979*, as amended.

A. State Environmental Planning Policies (SEPPs)

The following SEPPs have been considered in connection with this development:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapters 3 and 4 of this SEPP aim to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure a permanent free-living population are maintained over their present range and reverse the current trend of Koala population decline.

The Carrathool Shire is not listed in Schedule 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 and as such is not subject to the provisions of this SEPP.

Section	Subject	Comments
Section 4.4	Land to which this Chapter applies	Land to which Chapter applies 1) This Chapter applies to each local government area listed in Schedule 2. 2) The whole of each local government area is— (a) In the koala management area specified in Schedule 2 opposite the local government area, or (b) If more than 1 koala management area is specified, in each of those koala management areas. 3) Despite subsection 1), this Chapter does not apply to – (a) Land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i> , or acquired under Part 11 of that Act, or

		<p>(b) Land dedicated under the <i>Forestry Act 2012</i> as a State forest or a flora reserve, or</p> <p>(c) Land on which biodiversity certification has been conferred, and is in force, under Part 8 of the <i>Biodiversity Conservation Act 2016</i>, or</p> <p>(d) Land in the following land use zones, or an equivalent land use zone, unless the zone is in a local government area marked with an * in Schedule 2 –</p> <ul style="list-style-type: none"> i. Zone RU1 Primary Production, ii. Zone RU2 Rural Landscape, iii. Zone RU3 Forestry.
	Local Government Areas	Carrathool Shire Council is not a local government listed in this schedule.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 aims to promote remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Section	Subject	Comments
Section 4.6	Contamination and remediation to be considered in determining development application	<p><i>1) A consent authority must not consent to the carrying out of any development on land unless:</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> <p>Pursuant to Section 4.6 of this SEPP there is no apparent reason to consider that land to be impacted by the Proposal would be contaminated.</p> <p>In regard to the potential for any site contamination from past/present activities on the land, it is noted under Table 1 of the EPA Planning Guidelines for Managing Land Contamination that agricultural/horticultural activities have been identified as an activity that may cause contamination.</p> <p>The Applicant has undertaken a Preliminary Site Investigation (PSI) as part of the site feasibility and site history. The proposed development is on a site that has been used for dryland agricultural activities such a cropping</p>

		<p>and livestock grazing for an extended period of time. There has been no known historical use that would cause the land to be contaminated. Further to this a review of the NSW Contaminated Sites notified to the EPA indicated that no statutory notices have been issued under the provisions of the CLM Act.</p> <p>The property has been cleared and farmed for many years and is listed on a Council Register of potentially contaminated land. NSW Health advise that the use of farm chemicals such as pesticides and fertilisers is not considered to contaminate soils to the extent that remediation is required.</p> <p>During all farming activities, no evidence was observed that indicated previous site contamination, or that suggested previous major land-use changes. Specifically, the following were NOT observed:</p> <ul style="list-style-type: none"> • Sheep dips or intensive animal handling facilities; • Portions of unusually bare or discoloured soils; • Scums or discoloured waterbodies; • Operational, or disused, sheds or other built structures; • Chemical storage facilities; • Evidence of land-based waste disposal or dumping; and • Evidence of land disturbance, filling or excavation. <p>On this basis a formal preliminary investigation has determined there is a very low potential for land and water contamination of the sites and further assessment is not warranted.</p> <p>In this regard, Council advises the following:</p> <ul style="list-style-type: none"> • The subject site is not identified as being potentially contaminated on Council's information system. • A review of Council's electronic and hard copy files for the properties has not identified any past land uses that would be likely to result in site contamination. • A site inspection did not reveal any apparent signs of contamination. • The proposed development does not constitute a sensitive land use. <p>On the basis of the above, the undertaking of a further Detailed Site Investigation was not considered necessary in this instance and the subject site is considered as suitable for the proposed development.</p>
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State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of Chapter 2 Infrastructure of this SEPP is to facilitate the effective delivery of infrastructure across the State.

Part 2.3 - Development Controls

Division 4 Electricity generating works or solar energy systems

Section	Subject	Comments
2.36	Development permitted with consent	<p>1) <i>Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—</i></p> <p>(a) <i>in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,</i></p> <p>(b) <i>in any other case—any land in a prescribed rural, industrial or special use zone.</i></p> <p>The application submitted for consideration, is for the construction and operation of a town-scale photovoltaic (PV) electricity generating system.</p> <p>The subject land is currently zoned RU1 under CLEP 2012, which is identified as being a prescribed rural zone under SEPP (Transport and Infrastructure) 2021.</p> <p>As such, the proposal is permissible with consent under Section 2.36 of SEPP (Transport and Infrastructure) 2021.</p> <p>Additionally, Section 2.36 (9) states:</p> <p>(9) <i>Solar energy systems</i> <i>Development for the purpose of a solar energy system may be carried out by any person with consent on any land.</i></p> <p><i>solar energy system means any of the following systems—</i></p> <p>(a) <i>a photovoltaic electricity generating system,</i></p> <p>(b) <i>a solar hot water system,</i></p> <p>(c) <i>a solar air heating system.</i></p> <p>As such, the proposal is also considered to be permissible with consent under Section 2.36 (9) of SEPP (Transport and Infrastructure) 2021.</p>

Division 17 - Roads and traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Section	Subject	Comments
2.119	Development with frontage to classified road	<p>According to Transport for NSW (TfNSW), Tabbita Lane is an unclassified Regional Road and therefore this Section is Not Applicable. In addition, none of the other Sections of Division 17, Subdivision 2 are applicable to the proposed development. Notwithstanding that the concurrence/approval of TfNSW was not required, nevertheless the application was referred to TfNSW for comment and the comments</p>

		<p>received from TfNSW will be attached as conditions to the Development consent.</p> <p>Therefore, in the light of the above statement, the provisions of Section 2.119 do not require further consideration.</p>
2.122	Traffic-generating development	The development is not considered to be traffic generating under Schedule 3 of SEPP (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Primary Production) 2021

Section	Subject	Comments
2.1	Aims of Chapter 2	<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p>The assessment of this application has considered the aims of this Chapter.</p> <p>The proposal is not for the purposes of primary production. The proposed solar farm will not entirely alienate the use of agricultural land as the applicant has advised that the site within and surrounding the Development footprint can still be used for agricultural purposes. The land will remain productive agricultural land reflective of recent agricultural use.</p> <p><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p>The proposal has a limited life span (proposed 31 years) and a footprint that does not exclude ongoing agricultural use of the land. It is unlikely that the development as proposed will result in any land use conflicts or sterilise the land for future primary production purposes.</p>
		<p>It is proposed to decommission the solar plant at the end of the project's life cycle, removing all infrastructure from the site. At that point, the land would again be suitable for primary production purposes.</p> <p>The development area on the site has been previously cleared of any native vegetation and has been extensively used for dryland cropping and grazing purposes. Given the historical use of the property here will be insignificant impacts on either native vegetation or biodiversity.</p> <p><i>(a) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p>

		<p>The subject site is not identified as State significant agricultural land. It has been identified by Department of Primary Industry as Class 4 land and soil capability.</p> <p><i>(b) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p>This clause does not apply to this proposal.</p> <p><i>(c) to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p>The application for the development of a solar farm is not development for the purposes of agriculture.</p> <p><i>(d) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p>This clause is not applicable to this proposal.</p> <p><i>(e) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p> <p>This clause is not applicable to this proposal.</p>
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State Environmental Planning Policy (Planning Systems) 2021

Section	Subject	Comments
3	Aims of Chapter	<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to identify development that is State significant development,</i></p> <p><i>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</i></p> <p><i>(c) to identify development that is regionally significant development.</i></p> <p>The assessment of this application has considered the aims of this Chapter.</p>
2.19	Declaration of regionally significant development	<p><i>1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.</i></p> <p>The proposed development is identified as being Regionally Significant Development (RSD) under Section 5 of Schedule 6 of the SEPP, being for the purposes of:</p>

		<ul style="list-style-type: none"> Private infrastructure works over \$5 million for the purposes of electricity generating works that has a capital investment value of more than \$5 million. <p>The Applicant has advised that the development has a CIV of \$6,500,000.00.</p>
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B. NSW State Plan 2021

Clause	Subject	Comments
Goal 22 of the State Plan Protecting our Natural Environment	Increase renewable energy	The proposed development is consistent with this goal.

C. Riverina Murray Regional Plan 2041

Clause	Subject	Comments
Objective 13	Support the transition to net zero by 2050	<p><i>Within 15 years, 75% of the state's coal powered electricity generation is expected to reach the end of its technical life. Replacing these energy sources and building the infrastructure needed to connect new energy sources is essential. The NSW Government has committed to net zero emissions by 2050, requiring greater renewable electricity generation, transmission and storage. Renewable energy is now the cheapest form of new electricity generation and is key to the net zero target. It is expected electricity demand will increase as people change how they power homes, transport, industry and business. The Australian Energy Market Operator forecasts a step-change in the transition away from fossil fuels and higher electrical demand. This transition requires fundamental changes in how electricity is generated, transported, stored and used. Careful management will ensure the region benefits from employment opportunities and the potential for the new electricity systems to coexist with existing and future industries and residents. Land use planning can help to guide an orderly transition and maximise benefits.</i></p> <p><i>The Riverina Murray's climate, resources and strategic connections to utility infrastructure place it in a strong position to contribute to and capitalise on the net zero target and electricity infrastructure plans. In recent years, large-scale solar farms account for more than 50% of major projects.</i></p>

		The proposed development is not inconsistent with Objective 13 expressed in the Murray Riverina Regional Plan.
	Strategy 13.1	<p><i>To prepare for the transition to net zero emissions, strategic and statutory planning will:</i></p> <ul style="list-style-type: none"> <i>Appropriately consider opportunities to minimise land use conflict for the future South West Renewable Energy Zone (REZ), renewable energy generation and associated infrastructure outside the REZ.</i> <p>The proposed development is not inconsistent with Strategy 13.1 expressed in the Murray Riverina Regional Plan</p>

D. Carrathool Shire Community Strategic Plan Towards 2030 (CSP)

Objective 3c	Promote opportunities for local economic diversity	<p>Planning Priority 1.3 of the Carrathool 2040-Local Strategic Planning Statement (discussed below) is consistent with Objective 3c and also gives effect to the Riverina Murray Regional Plan 2036 Direction 11 which is to “promote the diversification of energy supplies through renewable energy generation”.</p> <p>The proposed development will provide economic diversification at a local level through lease payments to the landowner, wage payments to the employees and the use of local service providers. This diversification will help strengthen the local economy in times when agricultural activity is low and speaks to the Carrathool Shire Council’s motto <i>“Promoting our future through diversity”</i>. The proposed development further provides renewable energy and thus contributes to the environmental sustainability of the region.</p>
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E. Carrathool 2040- Local Strategic Planning Statement (LSPS)

Planning Priority 1.3	Manage and support the transition to renewable energy	<p>The NSW Transmission Infrastructure Strategy released by the NSW Government in 2018 identified a “South-West Energy Zone” (as being one of the State’s “Priority Energy Zones), which includes the south-west portion of Carrathool. Moreover, most of the LGA has been identified as a “Solar Energy Zone”.</p> <p>Although the proposed solar farm is located outside the “future renewable energy corridor” as shown on the Structure Plan Map of the CSP, Planning Priority 1.3 also states that outside the precinct, Council will generally support renewable energy and will promote an “open for business” attitude around renewable energies in the LGA. While the proposed project site is outside of the future Renewable Energy Corridor, it can have more immediate benefits for the community.</p>
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F. Local Environmental Plan (LEP)

The provisions of the ***Carrathool Local Environmental Plan 2012*** have been given consideration as follows:

Clause	Subject	Comments
Part 1 – Preliminary CLEP Clause 1.2	Aims of Plan	<p><i>The aims of the Carrathool Local Environmental Plan are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) To promote development that is ecologically sustainable</i> <i>(b) To promote the orderly and economic use and development of land within Carrathool</i> <i>(c) To conserve and protect rural lands which are the economic base of Carrathool and resulting rural activities and rural industries</i> <i>(d) To encourage the proper management of the natural and human made resources of Carrathool</i> <i>(e) To minimise land use conflicts and adverse environmental impacts</i> <i>(f) To strengthen the local economic base by encouraging a range of employment generating activities, including rural industries, which respond to emerging markets and changes in technology, whilst protecting local amenity, character and environmental values</i> <i>(g) To protect and promote the use of rural resources for agricultural and primary production and related processing services and value adding industries</i> <i>(h) To provide a range of housing choices that match the needs of the local community</i> <i>(i) To allow for equitable provision of social services and facilities for the community, including open space</i> <i>(j) To protect places and buildings of archaeological or heritage significance including Aboriginal relics and places</i> <p>The proposed solar farm satisfies the aims of the CLEP. The proposed development is sustainable, promotes the economic use of the land by providing short/medium term alternative income streams while not entirely alienating the agricultural use of the land. The proposal is unlikely to generate land use conflict and conditions of consent can ameliorate and mitigate any potential adverse environmental impacts. In the immediate term up to 50 jobs will be created through the six-month construction phase and it is predicted that one or two contractors will be involved in maintenance periodically.</p>

Part 2 – Permitted or prohibited development CLEP Clause 2.1	Land use zones	The land is currently zoned RU1 Primary Production under CLEP 2012. This Zone has a 40-hectare minimum subdivision allotment size.
CLEP Clause 2.3	Zone objectives and Land Use Table	<p><i>Objectives of zone</i></p> <ul style="list-style-type: none"> • <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> • <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> • <i>To minimise the fragmentation and alienation of resource lands.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> • <i>To facilitate farm adjustments</i> • <i>To enable agricultural support facilities to be carried out on land within the zone in a manner which does not significantly reduce the agricultural and horticultural production potential of land in the locality</i> • <i>To encourage eco-tourist facilities and tourist and visitor accommodation that minimise any adverse effect on primary industry production and scenic amenity for the area.</i> <p>The development as proposed is considered to be consistent with the applicable zone objectives. The proposal is however a <u>prohibited use</u> under the provisions of Clause 4 of the Land Use Table. The proposed use is prohibited use in the RU1 Zone because a “solar farm” is not expressly listed as permitted with or without consent.</p> <p>SEPP (Transport and Infrastructure) states in Section 2.7 (1) that “<i>if there is an inconsistency between this Chapter and any other environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.</i>”</p> <p>Further, Sections 2.369(1) and 2.36(9) of SEPP (Transport and Infrastructure) states that the development is permitted with consent within the RU1 zone.</p> <p>The use of the land for a solar farm will not conflict with adjoining agricultural land use. It is noted further that should the solar farm be decommissioned, it is possible to restore the site back to its pre-existing</p>

		agricultural capacity. This is in fact one of the recommendations of the Department of Primary Industries - Agriculture.
Part 6 Additional Local Provisions CLEP Clause 6.1	Earthworks	<p>Earthworks</p> <ol style="list-style-type: none"> 1) <i>The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> (a) <i>to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</i> (b) <i>to allow earthworks of a minor nature without requiring separate development consent.</i> 2) <i>Development consent is required for earthworks unless—</i> <ol style="list-style-type: none"> (a) <i>the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i> (b) <i>the earthworks are ancillary to other development for which—</i> <ol style="list-style-type: none"> i. <i>development consent has been given, or</i> ii. <i>for which development consent is not required.</i> 3) <i>Before granting development consent for earthworks, the consent authority must consider the following matters—</i> <ol style="list-style-type: none"> (a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</i> (b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both,</i> (d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i> (e) <i>the source of any fill material and the destination of any excavated material,</i> (f) <i>the likelihood of disturbing relics,</i> (g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> (h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> <p>The development proposes minor earthworks to facilitate the development. This includes some minor excavation to a shallow depth for accessways, footings for the inverters, security fence posts and for the panel mounting frames.to enable road base to be laid down for accessways. The footings for the invertors and security fence strainer posts will involve excavation to a depth of 750mm. The footings for the mounting frames will require excavation to a depth of 1500mm. There is also a necessity to trench to a possible depth of 1200mm for the purposes of 1.1 cabling.</p>

		<p>Minimal earthworks will be required for the development as the tracking system will be supported by piles either mechanically driven or screwed into the ground. Minor earthworks required for substation.</p> <p>It is considered that the earthworks associated with this proposal will have minimal environmental impact.</p>
CLEP Clause 6.2	Flood planning	<p>1) <i>The objectives of this clause are as follows—</i></p> <p>(a) <i>to minimise the flood risk to life and property associated with the use of land,</i></p> <p>(b) <i>to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i></p> <p>(c) <i>to avoid significant adverse impacts on flood behaviour and the environment.</i></p> <p>2) <i>This clause applies to land at or below the flood planning level.</i></p> <p>3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i></p> <p>(a) <i>is compatible with the flood hazard of the land, and</i></p> <p>(b) <i>is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p>(c) <i>incorporates appropriate measures to manage risk to life from flood, and</i></p> <p>(d) <i>is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></p> <p>(e) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p> <p>4) <i>A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</i></p> <p>5) <i>In this clause—flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.50 metres freeboard.</i></p> <p>None of the Project site is mapped as being flood prone land under Council's mapping layers.</p>
CLEP Clause 6.3	Terrestrial biodiversity	<p>1) <i>The objective of this clause is to maintain terrestrial biodiversity by—</i></p> <p>(a) <i>protecting native fauna and flora, and</i></p> <p>(b) <i>protecting the ecological processes necessary for their continued existence, and</i></p>

		<p><i>(c) encouraging the conservation and recovery of native fauna and flora and their habitats</i></p> <p>2) <i>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</i></p> <p>3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <p><i>(a) whether the development is likely to have—</i></p> <ul style="list-style-type: none"> <i>i. any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i> <i>ii. any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i> <i>iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i> <i>iv. any adverse impact on the habitat elements providing connectivity on the land, and</i> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"> <i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> <i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i> <i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>The proposal is located in a highly modified rural landscape that contains very limited native vegetation and key habitat features require to support locally occurring fauna and flora species. The proposed development will directly impact eight (8) low condition native vegetation comprising eight mature trees and low diversity of native shrubs and ground cover species. The site contains low quality habitat for locally occurring threatened species. Provided that the mitigation measures as outlined in the Flora and Fauna Assessment Report are adhered to, no significant impacts are likely to occur to threatened species or populations of threatened ecological communities as a result of the proposed development. The various mitigation measures will be attached as conditions on the Development Consent. In addition, none of the Project site is mapped as being “Biodiversity” on the Terrestrial Biodiversity Map.</p>
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<p>CLEP Clause 6.4</p>	<p>Groundwater vulnerability</p>	<ol style="list-style-type: none"> 1) <i>The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> (a) <i>to maintain the hydrological functions of key groundwater systems,</i> (b) <i>to protect vulnerable groundwater resources from depletion and contamination as a result of development.</i> 2) <i>This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</i> 3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</i> <ol style="list-style-type: none"> (a) <i>the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</i> (b) <i>any adverse impacts the development may have on groundwater dependent ecosystems,</i> (c) <i>the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</i> (d) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> 4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i> <ol style="list-style-type: none"> (a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> (b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> (c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>As all the activity associated with the Development is on the land surface or near surface, there will be no impact on groundwater resources. In addition, none of the Project site is mapped as being “Groundwater Vulnerable” on the “Groundwater Vulnerability Map”.</p>
<p>CLEP 2 Clause 6.6 Wetlands</p>		<ol style="list-style-type: none"> 1) <i>The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</i> 2) <i>This clause applies to land identified as “Wetland” on the Wetlands Map.</i> 3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i> <ol style="list-style-type: none"> (a) <i>whether or not the development is likely to have any significant adverse impact on the following—</i>

		<ul style="list-style-type: none"> i. <i>the condition and significance of the existing native fauna and flora on the land,</i> ii. <i>the provision and quality of habitats on the land for indigenous and migratory species,</i> iii. <i>the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</i> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"> <i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> <i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> <i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>There is no physical evidence of any aspect of the Project site that could be described as a wetland. Furthermore, there is no vegetative evidence to suggest a wetland. The subject land was cropped in 2022.</p>
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G. Section 4.15: The provisions of any draft environmental planning instrument

There are no draft planning instruments which would have any bearing upon this application.

H. Section 4.15: The provisions of any development control plan

Carrathool Shire Council does not have a Development Control Plan in place.

I. Section 4.15: The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Council and the Proponent will not be securing a Planning Agreement for the proposed development.

J. Section 4.15: The provisions of the regulations

Relevant Sections of the Regulations have been considered during the assessment of this proposal.

K. Section 4.15: The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This assessment has been undertaken having regard to various issues, as follows:

Given that the minimum distance between each of the rows of panels would be 6m, grass groundcover in this area would remain and provide potential feed for grazing if required. Additionally, as the panels

will track the sun throughout the day it is expected that the groundcover will also remain and grow under the arrays themselves. The arrays also provide additional water onto the ground in winter from overnight dew.

Given the limited life and the passive nature of the proposal it is unlikely that there will be adverse onsite impacts. There will be short term offsite impacts including dust and noise generated by the use of the internal road, in the event that it remains unsealed. There is potential noise from on-site construction activities.

Noise from large scale agricultural activity in the area is not uncommon and it is unlikely that noise generated during the six-month construction period will cause adverse local impact. These offsite impacts can be mitigated by the imposition of conditions of development consent.

The village of Goolgowi is the closest village to the Project site and has a population of 416. Agriculture is currently the dominant industry and ABS figures indicate that unemployment rates are lower in Carrathool Shire than reflected in the rates of both NSW and Australian figures. Notwithstanding these figures – additional employment opportunities are considered to be of a positive nature and will provide an ongoing economic benefit to the LGA.

The proposed development represents significant investment into the renewable energy sector within the Carrathool Shire. The development aligns with strategic documents for the Riverina Murray Region and is generally consistent with community values, which broadly supports investment and growth in renewables to transition away from our current reliance on carbon intensive energy which has been linked to contributing to climate change.

The proposed development is expected to bring with it social and economic benefits both during the six-month construction phase with the creation of approximately 50 full time jobs, plus the multiplier flow on benefits for the local economy, and 2 positions during the 31-year operational phase of the project, with site inspections carried out periodically. Indirect benefits that can flow on to the local economy from the development include, but are not limited to, road building/upgrades, food and beverage, transport and logistics, tree planting services, fencing, water supply, waste management service provision, equipment hire, specialist consultants, trades and accommodation, to name a few.

There have been no objections to the proposal which indicates that some local residents living along Tabbita Lane anticipate no adverse impacts from the development should it proceed.

L. Section 4.15: Suitability of the site for the development

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

- The land is zoned RU1 Primary Production with the proposed development being permissible under Section 2.36 of SEPP (Transport and Infrastructure).
- Given the relative passive nature of the development being for solar harvesting, the proposed development is considered to be consistent with the zone objectives and would be unlikely to result in any land use conflicts or restrict the use of adjoining land;
- The site is located a considerable distance from non-related sensitive receivers and as such impacts from the development are expected to be adequately managed with minimal impacts on adjoining properties; and
- The site would not impact on higher value agricultural land.

Access to and from the development site is via Tabbita Lane which is a high standard, bitumen sealed, authorised B-double and Road Train route.

M. Section 4.15: Any submissions made in accordance with the Act and Regulations

The proposal was referred to Government Agencies for comment. The agencies have all responded and the summary of comments is found below.

Summary of Agency Responses below:

Referral Agency:	Response Date:	Summary of Responses:
Department of Primary Industries- Agriculture	6 December 2022	<p>The Department of Primary Industries- Agriculture have identified the land as Class 4 Land and Soil Capability which is not constrained. The Department supports the proposals outlined in the SEE as follows:</p> <ul style="list-style-type: none"> • Native Ground Cover to be restored and maintained during and following construction. • Complete removal of all above and below ground infrastructure so that the land can be returned to agricultural production upon decommissioning. • Protocols being adopted for the management of potential biosecurity and emergency animal disease impacts on agricultural operations during and post construction.
Essential Energy	21 December 2021	<p>Essential Energy comment on potential safety risks arising from the proposed development, as follows:</p> <ul style="list-style-type: none"> • Minimum safety clearance requirements are to be maintained from the proposed overhead powerline to the site. • Any security fencing and tree planting in the area of the proposed overhead powerline or any activities within the location of existing electricity infrastructure close to the property is to comply with <i>ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure</i>. • The Applicant must enter into a Connection Agreement with Essential Energy for the development. • Prior to carrying out any works, a "Dial Before You Dig" enquiry is to be undertaken in accordance with the requirements of <i>Part 5E of the Electricity Supply Act 1995</i>.
Transport for NSW (TfNSW)	6 December 2022	TfNSW is mainly concerned with the provision of safe access between the development site and the public road network and the impact of the development on the safety and efficiency of the

		road network. TfNSW emphasises the need, particularly during the construction and decommissioning periods to minimise impact on the road network, especially the intersection of Tabbita Lane with the Kidman Way, which TfNSW considers to be constructed to a standard that does not require upgrading as a result of the development. TfNSW requires that a Traffic Management Plan be prepared addressing eleven issues.
Transgrid	15 November 2022	Transgrid advised that there was no impact to Transgrid of the proposed development and therefore no assessment was necessary.

N. Section S4.15: Any submissions made in accordance with the Act or the Regulations

Public submissions

The submitted DA was publicly exhibited in accordance with Council's adopted Community Participation Plan. The Application was notified for 28 days to property owners within in proximity of the subject site and was also advertised in two newspapers servicing the area. At the conclusion of the notification period no submissions were received by Council.

O. Section S4.15: The Public Interest

The proposed development is considered to be in the public interest for the following reasons:

- (a) It is consistent with the aims of CLEP 2012 and is permissible with consent within the zone;
- (b) The application meets with broad objectives relating to sustainable development;
- (c) The on-going development of renewables is considered to be of social and economic importance to the wider LGA and will provide benefits to the local economy during construction and on completion;
- (d) The proposed development is considered to accord with Local, Regional and State Plans and the consequent directions to increase investment in renewable energy; and
- (e) The development has been designed and reduced to minimise its environmental impacts and potential adverse impacts can be mitigated by the imposition of conditions of development consent.

The proposal would not set an undesirable precedent in the locality.

P. EPA Act Section 10.4: Political Donations and Gifts

The Applicant has indicated that no reportable political donation or gift has been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Carrathool Shire Council.

8. EVALUATION AND CONCLUSION

Council is supportive of the project and none of the referral agencies have raised objections subject to the attachment of appropriate conditions of consent and the implementation of appropriate mitigation and management measures. With respect to statutory matters:

- 1) The proposed development has been assessed in accordance with SEPP (Transport and Infrastructure) 2021 and is considered to be permissible under Section 2.36 of the SEPP.
- 2) The proposed development has been assessed in accordance with Section 2.36 of SEPP (Transport and Infrastructure) 2021 and is considered to be satisfactory subject to the imposition of conditions of development consent.
- 3) The subject site has been assessed in accordance with SEPP (Biodiversity and Conservation) 2021 and found not to contain potential Koala habitat.
- 4) The proposed development site has been assessed in accordance with Section 4.6 of SEPP (Resilience and Hazards) and is considered to be suitable for the proposed development.
- 5) The proposed development has been assessed in accordance with Section 2.1 of SEPP (Primary Production) 2021 and is considered to be satisfactory.
- 6) The proposal is Regionally Significant Development under Section 2.19 of SEPP (Planning Systems) 2021.
- 7) The proposal is generally consistent with the relevant provisions of the NSW State Plan 2021, the Murray- Riverina Regional Plan 2036, the Carrathool Shire Community Strategic Plan Towards 2030 .and the Carrathool 2040-Local Strategic Planning Statement
- 8) There are no draft environmental planning instruments that apply to this proposal.
- 9) Council and the Proponent will not be securing a Planning Agreement for the proposed development.
- 10) The relevant Sections of the Regulations have been considered during the assessment of this proposal.
- 11) The Application was notified for 28 days to property owners in the vicinity of the subject site and was also advertised in two newspapers that service the area. No submissions were received at the end of the notification period.
- 12) The proposed development is considered to be consistent with the relevant planning controls.
- 13) The development site has been inspected and assessed for its suitability for the proposed development and is considered to be suitable for the purposes of a solar farm, subject to the imposition of conditions of development consent.
- 14) Transport for NSW have assessed the proposed development and provided their assessment of potential impacts road impacts and recommendations regarding proposed conditions of consent.
- 15) NSW DPI-Agriculture have assessed the proposed development and provided their assessment of the potential impact on the agricultural use of the land. Conditions of consent have been provided.
- 16) Transgrid have assessed the proposed development and advise that the proposal will not impact Transgrid infrastructure.
- 17) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic in the locality have been assessed during the assessment of this proposal and are considered to be satisfactory in the circumstances of the proposal, subject to the application of recommended conditions of development consent.

Having regard to the matters considered throughout this report and the assessment of the Application against the relevant heads of consideration under Section 4.15(1) of the EP&A Act, the proposal is considered to be in the public interest for the following reasons:

- 1) It is considered to accord with Local, Regional and State Plans and the consequent directions to increase investment in renewable energy;
- 2) It meets with broad objectives relating to sustainable development;
- 3) The on-going development of renewable energy generation facilities is considered to be of environmental, social and economic importance to the wider LGA, the state of NSW and Australia more broadly by avoiding the use of thermal coal to generate electricity. The Project will also provide direct and indirect benefits to the local economy during construction and on completion;
- 4) The development has been designed to minimise its environmental impacts and potential residual adverse impacts can be mitigated by the imposition of conditions of development consent; and
- 5) The proposal would not set an undesirable precedent in the locality.

As a result of this assessment, the proposed development is recommended for conditional consent. Schedules 1, 2 and 3 to this report contain all relevant conditions.

The Newbury principles have been given consideration in the drafting of the proposed conditions of development consent. The principles are as follows:

- the condition must be imposed for a planning purpose;
- the condition must fairly and reasonably relate to the development proposed in the application; and,
- the condition must be reasonable.

Recommendation

- 1) That having regard to the assessment of the Application, Development Application 2023/012 be granted conditional consent in the terms set out in the Recommended Draft Conditions attached hereto.**

9. DEVELOPMENT CONSENT: RECOMMENDED DRAFT CONDITIONS

Development	Electricity Generating Works - 4.95MW Solar Farm and Battery Storage
Address	Lot 6 DP1287937, 2245 Tabbita Lane Tabbita NSW 2652
Applicant	ACEnergy Pty Ltd
Determining Authority	Western Regional Planning Panel
Reference	Planning Panel: PPSWES-164 Carrathool Shire Council: DA2023/012

The Development Application for the 4.95MW Solar Farm and Battery Storage is approved, subject to the conditions herein.

The development shall be undertaken generally in accordance with the stamped approved plans detailed as follows except where modified in red or by any of the following conditions:

SCHEDULE 1: ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- 1) In meeting the specific environmental performance criteria established under this consent, the Applicant must implement effective measures to prevent any material harm to the environment that may result from the construction, operation, upgrading/refurbishment or decommissioning of the development.

Terms of Consent

- 2) The Applicant must carry out the development:
 - (a) generally, in accordance with the Statement of Environmental Effects and related documentation, including conditions received from Government and Other Agencies, amended plans, commitments and any undertakings given in writing by the Applicant during the assessment and determination process; and
 - (b) in accordance with the conditions of this consent.
- 3) Development consent is granted for use of the site as an **electricity generating works** as defined by the Carrathool Local Environmental Plan 2012 including the following works/components:
 - (a) AC capacity of 4.95 MW;
 - (b) Capital Investment Value of \$6,445,854.00;
 - (c) To be sited on the south-eastern corner of Lot 5 DP1210276, 2245 Tabbita Lane Tabbita;
 - (d) Junction boxes;
 - (e) Above and underground electrical conduits and cabling;
 - (f) Internal access driveway;

- (g) A temporary car parking area for up to 50 vehicles during the construction phase;
 - (h) Security fencing;
 - (i) Vegetative amenity screening;
 - (j) Construction of an access to the site from Tabbita Lane;
 - (k) Decommissioning of the solar energy system at the end of the consent and removal of all components to an approved facility located outside the Carrathool Shire.
- 4) If there is any inconsistency between the various assessment documents and related correspondence, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
- 5) The Applicant must at all times comply with any requirements of the Council arising from the Council's assessment of:
- (a) any plans or correspondence that are submitted in accordance with this consent;
 - (b) any reports or reviews commissioned by the Council regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

Limits of Consent

- 6) This consent will lapse five years from the date of consent unless the works associated with the development have substantially and materially commenced.

Structural Adequacy

- 7) The Applicant must ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the *Building Code of Australia*.
- 8) Prior to commencement of any works, a Construction Certificate must be obtained from Council or a Private Accredited Certifier. Plans submitted with the Construction Certificate must incorporate all the conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least five (5) Business Days prior to the commencement of any works.
- 9) Before release of a Construction Certificate by Council or a Private Accredited Certifier the Applicant must prepare and receive Council approval for the following Plans for the development:
- 1) Construction Management Plan;
 - 2) Construction Noise and Vibration Management Plan;
 - 3) Construction Environmental Management Plan;
 - 4) Operational Environmental Management Plan;
 - 5) Bushfire Management Plan;
 - 6) Traffic Management Plan;
 - 7) Waste Management Plan.

- 10) The Applicant is to obtain an Occupation Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from the Principal Certifier.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 3 of the EP&A(DC&FS) Regulation 2021 sets out the requirements for the certification of the development.*

Monetary Contributions

- 11) The monetary contributions set out in the following table are to be paid to Council prior to the issue of a Construction Certificate. The contribution rate is set as at the date of this consent and is levied in accordance with the Carrathool Shire Council Section 7.12 Fixed Levy Plan October 2021. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment.

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
s 7.12 Contribution	\$7,090,439.00	1%	\$70,904

- 12) For work of \$250,000 or more, a Long Service Levy shall be paid to the Council. The current levy rate is 0.25% of the value of building and construction works costing \$250,000 or more (inclusive of GST). Evidence of payment is to be provided to Council or an Accredited Certifier prior to the issue of a Construction Certificate.

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
Long Service Levy	\$7,090,439.00	0.25%	\$17,726

Final Layout Plans

- 13) Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Council for approval, including details on the siting of solar panels and ancillary infrastructure.

Note: If the construction of the development is to be staged, then the provision of these plans may also be staged.

Work-As-Executed Plans

- 14) Prior to commencing operations, or following any upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work-as-executed plans of the development to the Council.

Note: If the construction of the development is to be staged, then the provisions of these plans may also be staged.

Notification of Council

- 15) Prior to commencing construction, operations, upgrading/refurbishment or decommissioning of the development or the cessation of operations, the Applicant must notify the Council in writing of the commencement date of each of those phases at least 10 Business Days beforehand.

If any of these phases of the development are to be staged, then the Applicant must notify the Council in writing at least 10 Business Days prior to the commencement of the relevant stage, and clearly identify the development that would be carried out during that relevant stage.

Staging of the Development

- 16) The Applicant may construct, operate and decommission the development in stages. Where staging of the development is proposed, the conditions of this consent are required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

Upgrading or Refurbishment of Solar Panels and Ancillary Infrastructure

- 17) Over time, the Applicant may upgrade or refurbish the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site, are in accordance with the approved scope and magnitude of the existing development and in accordance with the consent conditions herein. Prior to carrying out any such upgrades or refurbishments, the Applicant must provide revised layout plans and details of the development incorporating the proposed upgrades to the Council, for its prior written approval.

Demolition

- 18) The Applicant must ensure that any demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Protection of Public Infrastructure

- 19) Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

- 20) The Applicant must at all times ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and

- (b) operated in a proper and efficient manner.

Development Records

- 21) A copy of the Development Consent is to be kept onsite at all times. The Builder must at all times maintain, on the job, a legible copy of the plans and specification approved with the Construction Certificate.

On site Facilities

- 22) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - (a) an accredited sewage management facility approved by Council, or
 - (b) if that is not practicable, any other sewage management facility approved by Council.

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

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

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

SCHEDULE 2: ENVIRONMENTAL CONDITIONS - GENERAL

Roads, Traffic and Transport

Over-Dimensional and Heavy Vehicle Restrictions

- 1) The Applicant must ensure at all times that no more than 10 light vehicle movements (defined as one vehicle entering and leaving the site) and an average of 3 truck and trailer movements (defined as one vehicle entering and leaving the site) per day occur on the site. The development must also:
 - (a) not generate, on the public road network, more than:
 - i. Five (5) heavy and/or over-dimensional vehicle movements (defined as one vehicle entering and leaving the site) a day during each of the construction, upgrading and decommissioning phases; and
 - ii. Two (2) heavy vehicle movements a day during operations;
 - (b) ensure that the length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 19 metres, unless the Council agrees otherwise.
- 2) The Applicant must keep at all times accurate records of the number of over-dimensional and heavy vehicles entering and leaving the site each day.

Designated Over-Dimensional and Heavy Vehicle Access Route

- 3) Any over-dimensional and heavy vehicles associated with the development must at all times travel to and from the site via the Kidman Way or Mid Western Highway and Tabbita Lane and use the designated site access point on Tabbita Lane.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the public road network.

Site Access

- 4) Prior to commencing construction, the Applicant must upgrade the access to the site as per Attachment L (Rural Driveways RS-056). No work can commence on site until these works have been approved by Council.

Operating Conditions

- 5) The Applicant must at all times ensure:
 - (a) the internal road is constructed as an unsealed crushed rock based all-weather road;
 - (b) there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
 - (c) all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
 - (d) development-related vehicles leaving the site are in a clean condition to minimise debris being tracked onto the public road network.

Traffic Management Plan

- 6) Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development that is subject to the written approval of Council. This plan must include:
 - (a) nominated heavy vehicle access routes for construction and operational stages and any upgrades/refurbishment and decommissioning, including details on volumes and nature of heavy, over size and/or over mass vehicles;
 - (b) input from Council and any relevant school bus service providers;
 - (c) a protocol for undertaking independent road dilapidation surveys to assess the:
 - i. existing condition of local roads on the transport route prior to construction, upgrading/refurbishment or decommissioning activities; and
 - ii. condition of local roads on the transport route following construction, upgrading/refurbishment or decommissioning activities;
 - (d) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during construction, upgrading/refurbishment or decommissioning works;
 - (e) details of the road upgrade works required by conditions 4 and 5 of Schedule 2;
 - (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading/refurbishment or decommissioning works,

including:

- i. temporary traffic controls, including detours and signage;
 - ii. informing the local community in advance about project-related traffic impacts;
 - iii. a traffic management system for managing over-dimensional vehicles;
 - iv. procedures for receiving and satisfactorily addressing complaints from the community about development- related traffic;
 - v. devising operational plans to avoid impacting the safety of school bus traffic and school bus stops and other motorists;
 - vi. car-pooling and shuttle buses to transport the construction workforce to and from the site;
 - vii. water cart activity to suppress dust generated by traffic on Norwood Lane;
 - viii. scheduling of haulage vehicle movements to minimise convoy length;
 - ix. responding to local climate conditions that may affect road safety such as wet weather, dust and fog; and
 - x. responding to any emergency road repair or maintenance requirements.
- (g) a driver's code of conduct that stipulates:
- i. travel speed management;
 - ii. driver fatigue management;
 - iii. compliance procedures to ensure that drivers adhere to the designated transport routes; and
 - iv. compliance procedures to ensure that drivers implement safe driving practices.
- (h) a flood response plan detailing procedures and options for safe access to and from the site in the event of significant flooding.

Following receipt of the Council's written approval, the Applicant must at all times implement the Traffic Management Plan.

Construction, Upgrading and Decommissioning Hours

- 7) Unless the Council agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities that generate noise with heavy equipment on site between:
- (a) 7am to 6pm Monday to Friday;
 - (b) 8am to 1pm Saturdays; and
 - (c) at no time on Sundays and NSW public holidays.

The following construction, upgrading/refurbishment or decommissioning activities may be undertaken outside these hours without the approval of the Council:

- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

Noise

- 8) The Applicant must not generate intrusive or offensive noise during construction, upgrading or decommissioning activities and must implement best practice safeguards as outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

Dust

- 9) The Construction Environmental Management Plan as required by Condition 10(3) in Schedule 1 is to consider whether or not a water cart is required on-site during construction activities to minimise and prevent dust generation so as to avoid community complaints.

Visual

General

- 10)
 - (a) The Applicant must liaise with the Council to monitor any off-site visual impacts of the development on residents in Tabbita Lane, including the potential for glint or glare from the solar panels.
 - (b) The Applicant must ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in with and is sympathetic with the surrounding landscape; and
 - (c) The Applicant must not mount any advertising signs or logos on site, except where these are required for identification or safety purposes. No signage shall be erected adjacent to or opposite existing residences.

Lighting

- 11) The Applicant must:
 - (a) minimise any off-site lighting impacts of the development; and
 - (b) ensure that any external lighting associated with the development:
 - i. is installed as low intensity down lighting (except where required for safety or emergency purposes);
 - ii. does not shine above the horizontal; and
 - iii. complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

Soil & Water

Water Supply

- 12) The Applicant must ensure at all times that it has sufficient water for all stages of the development, and if necessary, adjust or curtail development activities to match its available water supply.

Water Pollution

- 13) The Applicant must ensure at all times that the development does not cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act.

- 14) The Applicant must minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version.

Protection of Heritage Items

- 15) During construction, the development is to proceed with caution. If any Aboriginal heritage items, objects or relics are found, all construction works must cease immediately and the NSW Office of Environment and Heritage and the local Aboriginal Lands Council immediately contacted. All workers on the site must be made aware of this condition. There are penalties for non-compliance with this consent condition.

Hazards

Bushfire Management

- 16) The Applicant must at all times:
- (a) minimise the fire risks of the development;
 - (b) ensure that the development:
 - i. includes at least a 10-metre defendable space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - ii. manages the defendable space and solar array areas as an Asset Protection Zone;
 - iii. complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2019* and *Standards for Asset Protection Zones*;
 - iv. retains on-site suitable equipment to respond to any fires at the facility or in the local area;
 - (c) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - (d) prior to commencement of construction, notify the local RFS of the development.

Storage and Handling of Dangerous Goods

- 17) The Applicant must at all times store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*, if the chemicals are liquids;
 - (c) Ensure that there are no off-site impacts resulting from the storage and handling of all chemicals, fuels and oils used on site.

In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement must prevail to the extent of the inconsistency.

Emergency Management Plan

- 18) Prior to commissioning the development, the Applicant must prepare an Emergency Management Plan and detailed emergency procedures for the development, to the satisfaction of the NSW Rural Fire Service and State Emergency Services. The Applicant must retain a copy of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
 - (b) identify the fire and flood risks (if any) and controls of the development; and
 - (c) include procedures that would be implemented if there is a fire or flood on-site or in the vicinity of the site.

Following approval, the Applicant must at all times implement the Emergency Management Plan.

Waste

- 19) The Applicant must at all times:
- (a) minimise the waste generated by the development;
 - (b) classify all waste generated on-site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (c) store and handle all waste on site in accordance with its classification;
 - (d) not receive or dispose of any waste on the site or surrounding land or water;
 - (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility preferably for recycling or, if necessary, disposal;
 - (f) provide on-site portable toilet facilities are required to meet Council's waste management requirements;
 - (g) Ensure windblown litter must be prevented and weekly litter collection pickups must be undertaken.

Land Management

- 20) Prior to any activity or construction taking place on the land, Applicant must prepare a baseline soil report. This is intended to inform performance measures and rehabilitation plans to assist in the decommissioning. A copy of this report is to be provided to the Council.
- 21) Following any construction, upgrading/refurbishment or decommissioning on the site, the Applicant must:
- (a) restore the ground cover of the site as soon as practicable;
 - (b) at all times maintain the ground cover with appropriate perennial herb or grass species; and
 - (c) at all times proactively control and eliminate weeds within this ground cover.

Accommodation of Employees

- 22) Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Plan for the development to the prior written satisfaction of Council. The Plan must:
- (a) prioritise the employment of local workers for the construction and operation of the development; and
 - (b) provide the accommodation plans for the transient workforce associated with the development.

Following Council's approval, the Applicant must implement the Plan.

Decommissioning and Rehabilitation

- 23) Within 12 months of the site being decommissioned, the site must be returned, as far as practicable, to its condition prior to the commencement of construction, in consultation with the relevant landowner.
- 24) All solar panels and associated above ground structures including but not necessarily limited to, the inverter, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, must be removed from the site unless otherwise agreed by the Council and the Landholder.
- 25) All other elements associated with the project, including the internal site access road, shall be removed unless otherwise agreed to by the Council.

SCHEDULE 3: ENVIRONMENTAL MANAGEMENT AND REPORTING

Environmental Management

Environmental Management Plan

- 1) Prior to commencing construction, the Applicant must prepare an Environmental Management Plan for the development to the satisfaction of the Council. This Plan must:
- (a) identify the statutory approvals that apply to the development;
 - (b) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (c) describe the procedures that will be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to and record complaints;
 - resolve any disputes that may arise with local stakeholders;
 - respond to any non-compliance;
 - report any non-compliances;
 - respond to emergencies;
 - keep Council informed on a monthly basis of any current or emerging issues,

and include references to any plans approved under the conditions of this consent; and

- following the Council's approval, the Applicant must implement the Environmental Management Plan.

Revision of Plans and Programs

- 2) The Applicant must:
 - (a) update the plans required under this consent to the satisfaction of the Council prior to carrying out any upgrading/refurbishment or decommissioning activities on site; and
 - (b) review and, if necessary, revise the plans required under this consent to the satisfaction of the Council within 1 month of the:
 - submission of an incident report under condition 4 of Schedule 3;
 - submission of an audit report under condition 7 of Schedule 3; or
 - any modification to the conditions of this consent.

Updating and Staging of Plans

- 3) With the approval of the Council, the Applicant may submit any plan required by this consent on a progressive basis.

To ensure the plans under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised plans to the Council for approval.

Notes:

- *While any plan may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies or plans at all times.*
- *If the submission of any plan is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the plan applies, the relationship of this stage to any future stages, and the trigger for updating the plan.*

Compliance

Incident Notification

- 4) The Council must be verbally notified immediately and within 24 hours in writing upon the Applicant becoming aware of an incident relating to the development. The notification must provide full details of the incident.

Non-Compliance Notification

- 5) The Council must be notified in writing within seven (7) days of the Applicant becoming aware of any non-compliance with the conditions of this consent. The notification must set out the condition of consent for which the development is non-compliant, the manner in which it is or was non-compliant, the reason(s) for the non-compliance, what actions

have been taken to correct the non-compliance and what preventative actions have been taken to avoid a recurrence.

Compliance Reporting

- 6) The Applicant must provide regular annual compliance performance reports to the Council on the development in accordance with the relevant *Compliance Reporting* requirements (DPE 2018). These reports are to be placed on Council's website and the Applicant's website and publicly accessible.

7) **Independent Environmental Audit**

Within six (6) months of the end of construction, or as directed by the Council, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must, inter alia:

- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (DPIE, May 2020);
- (b) be led and conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Council and DPIE;
- (c) be carried out in consultation with the relevant agencies;
- (d) assess whether the development complies with the relevant requirements in this consent, and any plan required under this consent; and
- (e) recommend appropriate measures or actions to improve the environmental performance of the development and any plan required under this consent.

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Council. Such audits are to be undertaken every five years.

Access to Information

- 8) The Applicant must at all times make the following information promptly and publicly available on its website as relevant to the stage of the development:
- the Statement of Environmental Effects;
 - the final layout plans for the development;
 - the statutory approvals for the development;
 - approved plans required under the conditions of this consent;
 - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - how complaints about the development can be made;
 - a complaint register;
 - compliance reports;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - any other matter required by the Council; and
 - keep this information current in a timely manner.

REASONS FOR THE CONDITIONS

The conditions stated above have been imposed to ensure the proposed development:

- 1) Is in accord with the objectives of the Environmental Planning and Assessment Act, 1979;
 - 2) Complies with the provisions of all relevant environmental planning instruments;
 - 3) Is in accord with the aims and objectives of relevant Codes, Policies, Strategic Plans and Environmental Planning Instruments.
 - 4) Meets the increased demand for public amenities and services attributable to the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act, 1979;
 - 5) Does not in any material sense adversely impact on the amenity and character of land adjoining and in the general locality; and
 - 6) Minimises any potential adverse environmental, social or economic impacts.
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