

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-169
DA Number	212/2022(1)
LGA	Griffith City Council
Proposed Development	Electricity Generating Works – Proposed construction of a 5.7mW DC private solar farm and transmission line to provide an alternative energy source Casella Winery and processing plant
Street Address	Lot 1 DP: 1113806, LOT: 2 DP: 1246187, LOT: 2 DP: 1256549, LOT: 1 DP: 1280599, Lots 515, 595, 596, 617, 619, 620, 836, 837 DP 751728 726 Northern Branch Canal Road, Nos. 99, 175, 1521, 1526, 1547, McClure Road, 25 McDonough Road, 1523 McDonough Road, 1523 Cemetery Road and 34 Wakley Road YENDA
Applicant/Owner	Applicant: Cogency Aust Pty Ltd Owners: <ul style="list-style-type: none">• Casella Wines• NYXYN Group• A & F Bianchini• Casella Management• MN & G Casella• GM, MN & G Casella
Date of DA lodgement	17 October 2022
Total number of Submissions	<ul style="list-style-type: none">• Zero submissions
Number of Unique Objections	
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development 5 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes— (a) ..., electricity generating works, ...
List of all relevant s4.15(1)(a) matters	i.e. any: <ul style="list-style-type: none">• Griffith Local Environmental Plan, 2014• Griffith Development Control Plan No 1 – Non-Urban Development
List all documents submitted with this report for the Panel's consideration	i.e. any: <ul style="list-style-type: none">• Assessment Report• Draft Conditions of Consent
Clause 4.6 requests	<ul style="list-style-type: none">• N/A
Summary of key submissions	<ul style="list-style-type: none">• N/A
Report prepared by	Barnson (Town Planning contractor to Griffith City Council)
Report date	15 May 2023

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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)?

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

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes



Development Assessment Report

PART A: GENERAL ADMINISTRATION

DA No:	212/2022(1)
Property Information:	<p>LOT: 1 DP: 1113806, LOT: 2 DP: 1246187, LOT: 596 DP: 751728, LOT: 595 DP: 751728, LOT: 2 DP: 1256549, LOT: 617 DP: 751728, LOT: 836 DP: 751728, LOT: 620 DP: 751728, LOT: 837 DP: 751728, LOT: 619 DP: 751728, LOT: 1 DP: 1280599, LOT: 515 DP: 751728</p> <p>726 Northern Branch Canal Road, McClure Road, 99, 175, 1521, 1526 & 1547 McClure Road, 25 & 1523 McDonough Road, 1523 Cemetery Road, 34 Wakley Road YENDA</p>
Proposed Development:	Private Solar Farm - 5.7mW DC behind the meter system
Brief Description of Proposal	Proposed construction of a private solar farm and transmission line to provide an alternative energy source Casella Winery and processing plant.
Type of Development:	Local
Lodgement Date:	17 October 2022
Statutory Timeframe:	40 days
Value of Development:	\$8,848,488 (\$8,044,080 not inc GST)
Applicant's Details:	Cogency Aust Pty Ltd, Shop 7 - 222 Exhibition Street MELBOURNE VIC 3000
Land Owner's Details:	Casella Wines Pty Ltd, PO Box 281 YENDA NSW 2681
Report Author/s:	Consultant – Barnson Pty Ltd Josh Eagleton Senior Planner Jim Sarantzouklis RPIA No. 8135

PART B: EXECUTIVE SUMMARY

- It is recommended that the *Electricity Generating Works* in the form of a 5.7MWdc 'behind the meter' solar farm at 726 Northern Branch Canal Road Yenda (Lot 1 in DP 1113806), servicing the electricity needs of Casella Winery and Processing Plant at Yenda located along Wood Road Yenda (Lot 1 in DP 1280599) application be approved based on the details contained in report.
- The Project meets the criteria for regionally significant development as outlined in the Planning Systems SEPP (PS SEPP) under Section 2.19(1) and Schedule 6.5. According to this section, development listed in Schedule 6 is considered regionally significant if it has a capital investment value (CIV) of more than \$5 million, and the Project's CIV is approximately \$8 million.
- The application has been referred to the Western Regional Planning Panel on the basis of the requirements of Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021).

PART C: PROPOSAL

The project is for the construction of *Electricity Generating Works* in the form of a 5.7MWdc 'behind the meter' solar farm at 726 Northern Branch Canal Road Yenda (Lot 1 in DP 1113806), servicing the electricity needs of Casella Winery and Processing Plant at Yenda located along Wood Road Yenda (Lot 1 in DP 1280599). The project aims to produce electricity to meet approximately 30% of the winery's needs.

The Statement of Environmental Effects prepared by Cogency Australia (Dated 23rd of March 2023) provides a detailed description of all works. The works include:

Solar Panel and Mounting System

The Project entails the implementation of around 8,730 solar panels that are affixed to Trina Tracker Vanguard single-axis tracking systems. These panels are engineered to follow the sun's movement throughout the day. The panels will not be taller than 2.57 meters when laid flat and will reach up to 4.43 meters at the highest tilt. The mounting system will be embedded into the ground using piles, and each module is operated by DC stringlines. A minimum distance of 7 metres will be maintained between rows of panels.

General Site arrangement is shown in Figure 1.

Investors and Transformers

The Project comprises of a single containerized unit that houses both an inverter and a transformer. The inverter changes the DC power produced by the panels into AC power, and the transformer subsequently adjusts the output voltage to 33 kV for transmission to the Casella processing facility.

Cabling and Trenches

The electrical cables connecting the panels and inverter will be placed in trenches and along access tracks, as per the guidelines outlined in AS 3000:2007 Electrical Installations. The trenches will be filled with a combination of retained topsoil and the excavated material, and sand may also be used to create cable beds or as additional fill. Topsoil will be saved to use in rehabilitation, as necessary.

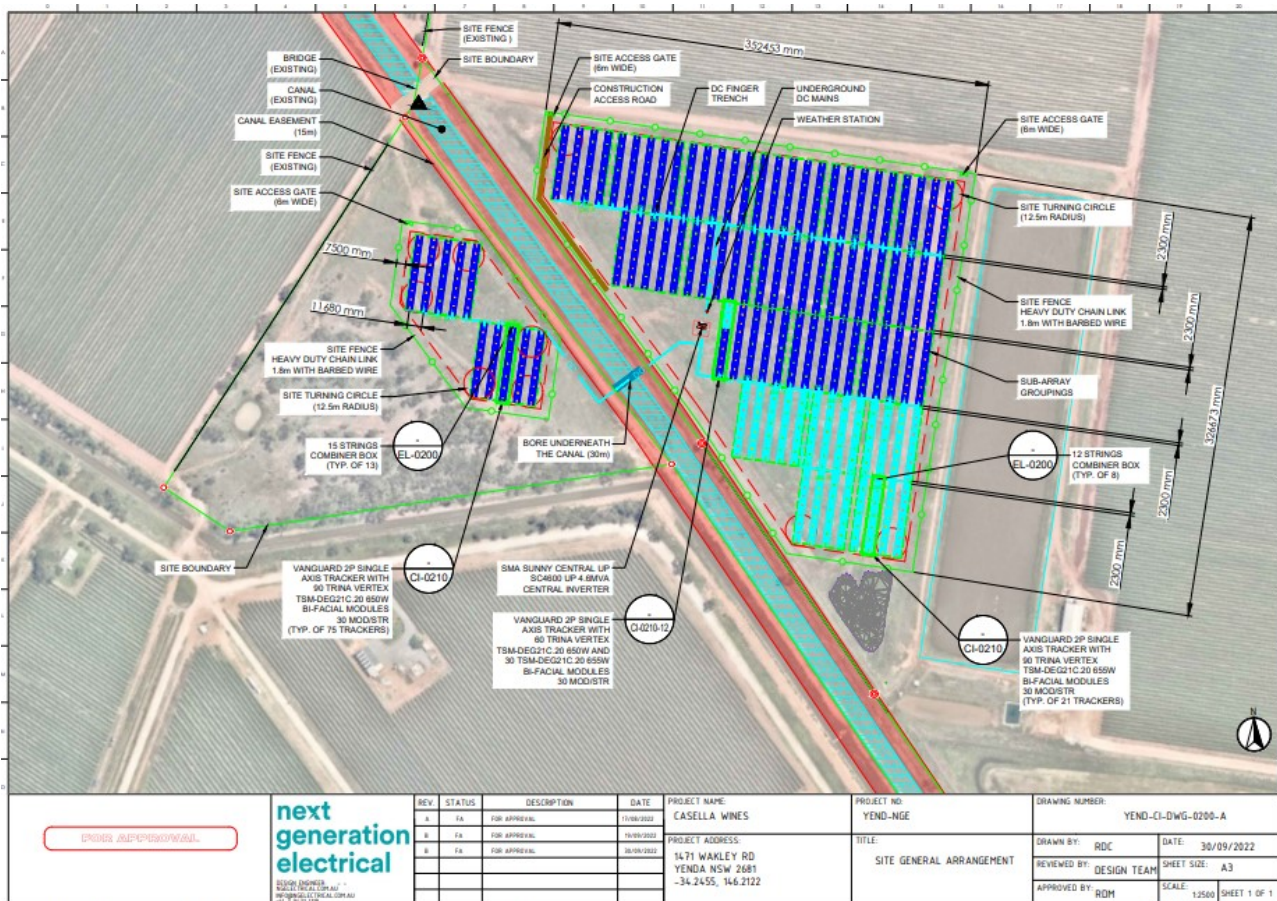


Figure 1: Site General Arrangement Source: Next Generation Electrical (Attachment 1 of SEE)

Site access and internal tracks

The Project includes a site access point at Northern Branch Canal Road. This is an existing, gated entrance that involves box culverts over two canals to reach the site. Further engineering will be undertaken to assess the load bearing capabilities of these culverts. Upgrades may also be required to the intersection with Northern Branch Canal Road to ensure traffic safety. To reach the site access point, a route using McClure Road has been chosen based on traffic engineering advice. This road intersects with Burley Griffith Way from Cemetery Way. Minor upgrades, such as localised pavement widening, may be required to this road to facilitate truck access for construction purposes. Refer to Figure 2 below.

Within the site there are series of internal access tracks to provide access to the panels. The proposed access and internal tracks are to be formed from engineered fill and topped with crushed stone pavement, with widths of 4-6 m wide. These tracks are also to be crowned to facilitate drainage. The plan also includes adequate provision of turning-circle areas along the site's periphery to enable emergency services access.

Fencing

The Project includes the installation of 1.8 m high heavy-duty, chain-link fencing with barbed wire around the perimeter of the north and south sections of the Site. Six (6) metre wide gated entry points occur at the northwest corner of each section; the northern section further includes a second 6 m wide gate at its northeast corner. The fence is intended to secure the energy needs of the Winery and reduce the risk of unwanted access to the facility.

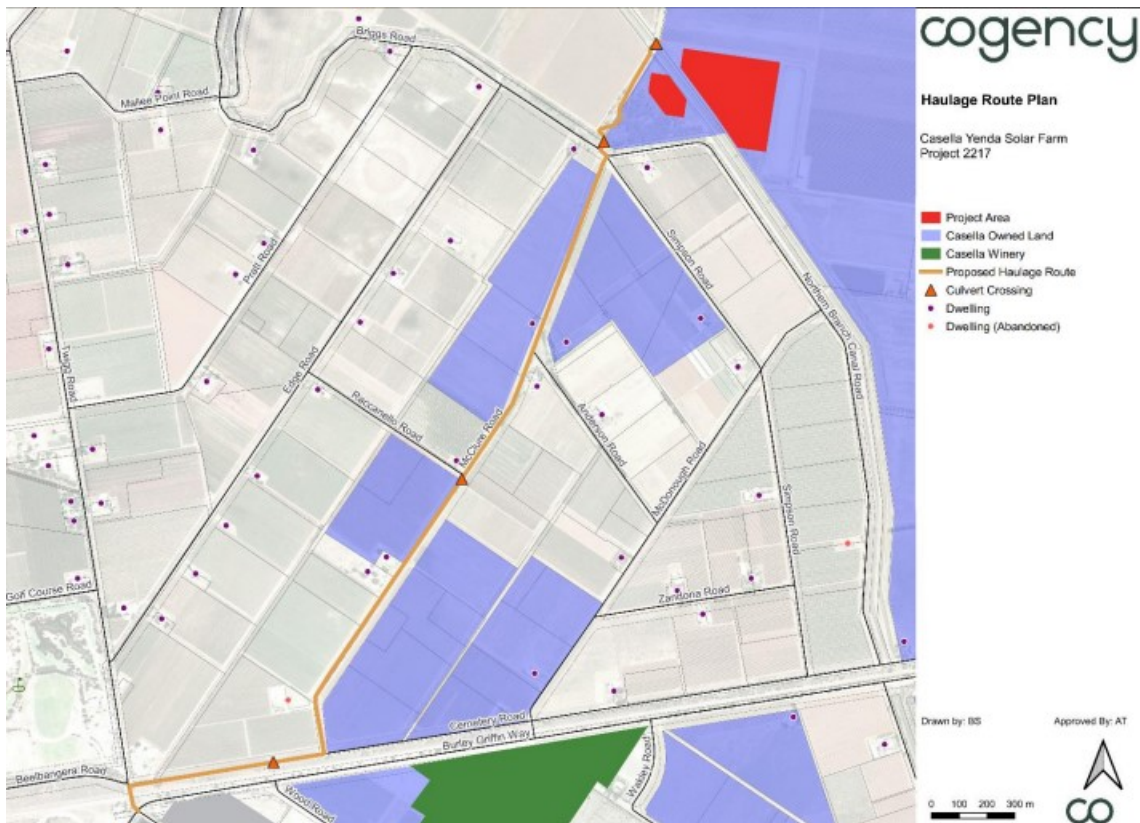


Figure 2: Haulage Route Plan Source: Coagency

Transmission line

Transmission line to the Casella Winery, a 33 kV transmission line is proposed to connect the solar farm with the Casella Winery at 34 Wakley Road, Yenda. The transmission line will be installed underground with a combination of trenched and bored cable. The route has been chosen based on land ownership, the number of sensitive receptors, roadside vegetation, and traffic engineering considerations. Broadly, the route will utilise land associated with the Casella family along McClure Road, cross the McClure Road reserve, across private Casella land, before crossing underground across Walter Burley Griffin Way and the railway line, before ending at Casella Winery. Refer to Overall Site Layout prepared by Next Generation Electrical (**Attachment 3**).

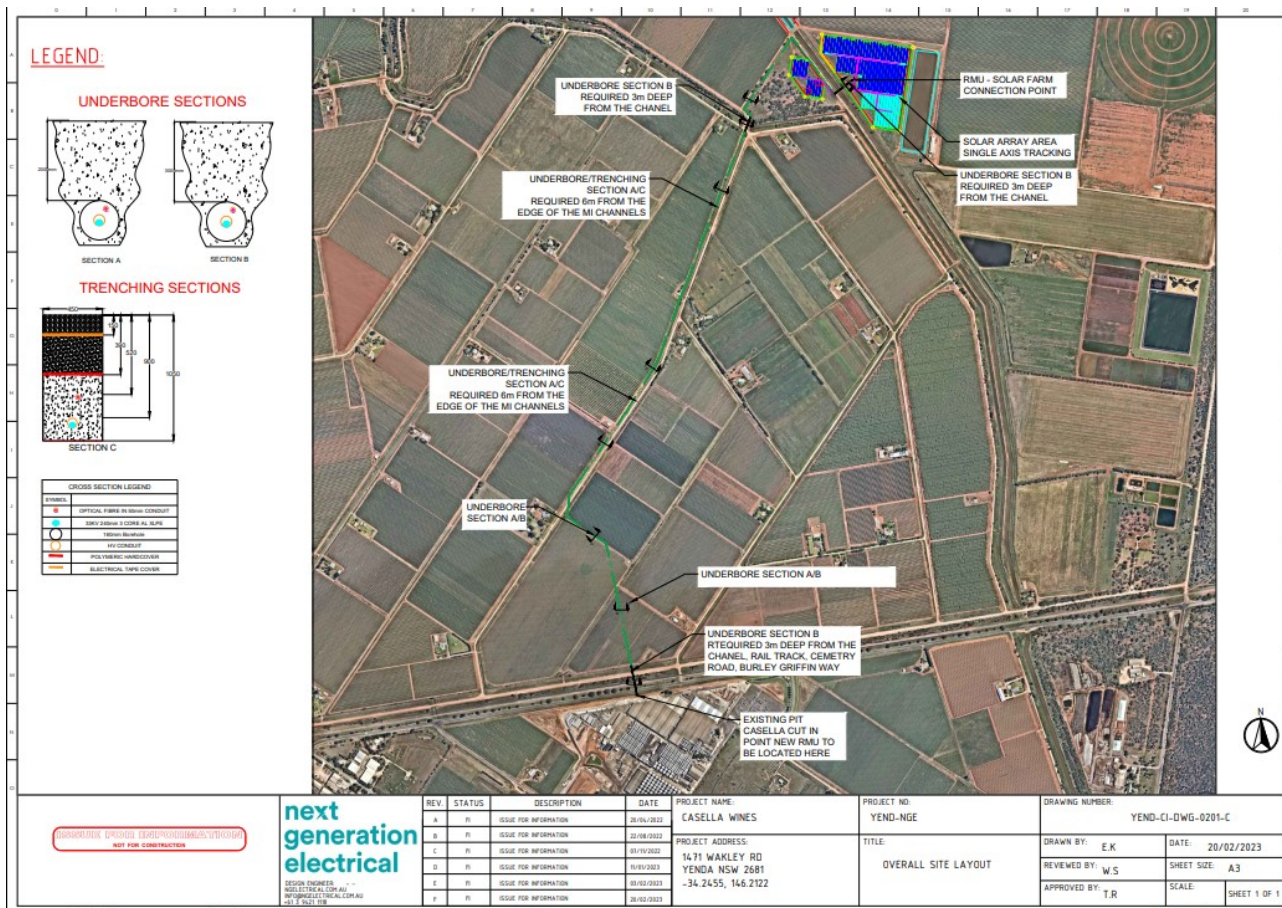


Figure 3: Overall Site Layout Source: Next Generation Electrical

PART D: SITE DESCRIPTION AND LOCALITY

The Solar Farm (or *Electricity Generating Works*) is proposed to be located over a portion of 726 Northern Branch Canal Road (Lot 1 in DP 1113806), located 3.5km north east of Yenda (site identified in red below – **Figure 4**). The site is generally be divided into northern and southern sections, divided by the Northern Branch Canal, with a total land area of 206 Hectares.

The site's southern boundary has road frontage to Briggs Road and Northern Branch Canal Road. The site is currently accessed via Northern Branch Canal Road. This is an existing, gated entrance that involves box culverts over two canals to reach the site. Both sections are comprised of predominantly introduced grassland and have historically served ancillary agricultural uses such as storage and laydown to support the surrounding vineyard.



Figure 4: Existing Site Plan Source: sixmaps

The development area (**see Figure 5**) is a flat, 11.3-hectare area which forms part of a larger 206-hectare lot (Lot 1 DP 1113806), mostly used for grapevine cultivation. It can be divided into two sections, separated by the Northern Branch Canal. Both sections are mostly made up of introduced grassland and have been used for supporting activities for the surrounding vineyard, such as storage and laydown. An unsealed dirt track that connects the two sections crosses the Northern Branch Canal using concrete pipe and slab culverts.

The northern section of the development area, which covers 8.3 hectares, is mostly composed of exotic grasses with limited native vegetation. There are signs of soil disturbance caused by past ploughing. The southern section, which covers 1.5 hectares, has a similar groundcover to the northern section but has not been ploughed. There is evidence of vehicle tracks and recent drainage activities that have led to minimal soil disturbance.

It is worth noting that the southwestern side of the southern section borders a cluster of remnant native vegetation, which has been avoided in the design of the Project. The Project also includes appropriate setbacks to protect areas with ecological value. Additionally, there are significant earth mounds running parallel to the canals that were formed from spoil excavated during canal construction. These mounds block views of the northern section of the Project area from the south and east. Similarly, the eastern side of the northern section is shielded by a large irrigation reservoir with substantial above-ground embankments. The pond supports Casella's irrigation water demand and prevents views of the Project area from the west.

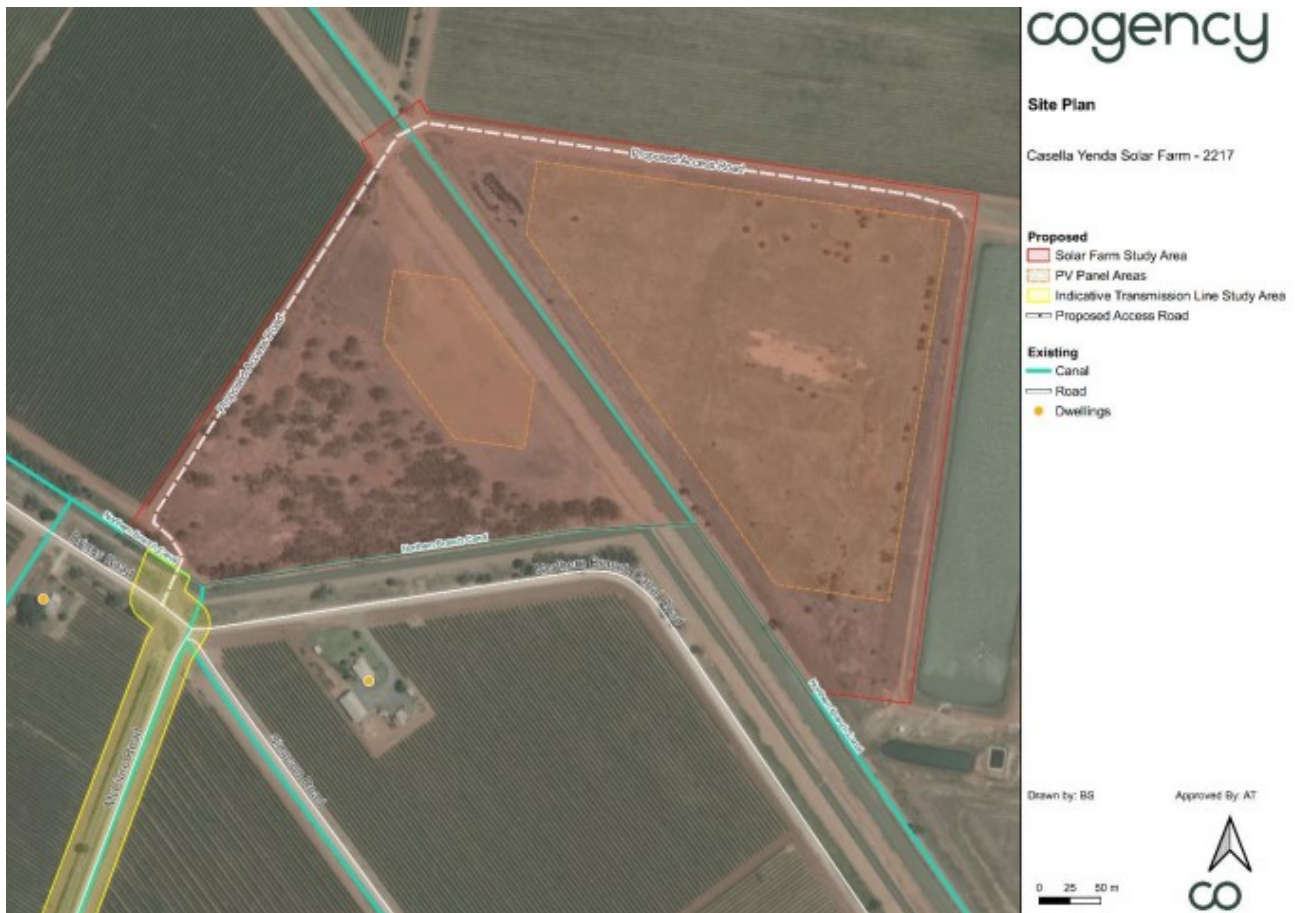


Figure 5: Site Development Plan Source: Statement of Environmental Effects – prepared by Cogency Pty Ltd

The development also includes the construction of High Voltage Lines that will connect the Solar Farm to the Casella Wine. Casella Wines is located South of the Solar Farm, along Burley Griffin Way – being Lot 1 in Deposited Plan 1280599 – **Figure 6** Below



Figure 6: Location Plan Source: Statement of Environmental Effects – prepared by Cogency Pty Ltd

A 33 kV transmission line is proposed to connect the solar farm with the Casella Winery at 34 Wakley Road, Yenda. The transmission line will be underground with a combination of trenched and bored cable. The route has been chosen based predominately on Casella land ownership, amount of sensitive receptors, roadside vegetation, and traffic engineering considerations. Broadly, the route will utilise land associated with the Casella family along McClure Road, cross the McClure Road reserve, across private Casella land, before crossing underground across Walter Burley Griffin Way and the railway line, before ending at Casella Winery.

PART E: BACKGROUND INFORMATION AND HISTORY OF THE SITE

Pre-Lodgement

Prior to the application being lodged with Griffith City Council, the proponent for the development had attended two (2) pre-lodgement discussions with Council Officers. The dates of these meetings were 22 March 2022 and 10th of August 2022. During the pre-lodgement discussions the following issues were raised verbally (or in writing):

- Construction and operational traffic impact.
- Removal of Native Vegetation.
- Use of land (which may be mapped as State Significant Agricultural Land).
- Use of irrigable land for solar farm.
- Construction of operational visual impact.
- Potential dust impact.
- Cost of Development.
- Planning Approval Pathway.
- Security.
- Landscape.

Development Assessment Panel

The matter was considered at the Development Assessment Panel meeting on 18/10/2022 and the following matters were raised during the preliminary assessment of the application which are potential issues or where further information from the applicant is required:

- Investigate whether integrated development due to work in road reserve and rail corridor
- Requires Planning Panel determination
- Biodiversity assessment – does it cover proposed work in road reserve
- Noted that roadside vegetation mapping – is of low conservation value

A further information letter dated 31 October 2022 was issued to the applicant requiring:

- A Quantity Surveyor to provide estimate of cost
- Traffic impact assessment for construction traffic, including a map of likely construction routes
- Amended plan indicating underground power reticulation along McClure Road (in place of high voltage overhead lines)
- Biodiversity assessment to cover roadside works

Later additional information was requested in relation to written landowner consents, along with a landscape concept which arose as a matter during the WRPP site inspection.

Development History of Site

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives. Based on the information available the following can be established:

- The subject site has historically served ancillary agricultural uses such as storage and laydown to support the surrounding vineyard.

PART F: STATUTORY REFERRALS

The following statutory referrals were considered as part of the assessment of the application:

AGENCY	LEGISLATION	APPLIES
DPI	Fisheries Management Act 1994 Mines Subsidence Compensation Act 1961 Mining Act 1992 Petroleum (Onshore) Act 1991	Yes/No
EE&S	National Parks, & Wildlife Act 1974 Protection of the Environment Operations Act 1997 Water Management Act 2000	Yes/No
NSW Heritage	Heritage Act 1977	Yes/No
Transport for NSW	Roads Act 1993 SEPP Infrastructure – Division 17 Roads and Traffic	Yes/No
RFS	Rural Fires Act 1997	Yes/No
Transport NSW	SEPP Infrastructure – Division 15 Railways	Yes/No

Referral	Date Sent	Date Received
Transport for NSW (Classified Road)	28 th November 2022	22 nd of December 2022
Transport for NSW (UGL Regional Linx)	13 th December 2022 / 15 Feb 2023 as previous case had technical issues through portal	5 April 2023
Essential Energy	29 th December 2022	3 rd January 2023

Submissions received in response to the abovementioned referrals are addressed in Part G: Matters for Consideration, s4.15(1)(d) – any Submissions Made in Accordance with the Act or Regulation.

PART G: SECTION 4.15 EVALUATION

In determining a development application, a consent authority is to take into consideration Section 4.15 of the Environmental Planning and Assessment Act 1979. The following matters are of relevance to the development the subject of the development application.

SECTION 4.15(1)(a)(i) any environmental planning instrument.

Griffith Local Environmental Plan 2014

(a) Permissibility

The proposed development is for Private Solar Farm - 5.7mW DC and this falls under the definition of *Electricity Generating Works* in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

Electricity Generating Works – Means are Building or place used for the purpose of –

- a) *Making or generating electricity, or*
- b) *Electricity storage.*

The subject land is zoned RU1 Primary Production and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 an *Electricity Generating Works* is not listed as a development that is permitted with the consent of Council, i.e. it is prohibited development. Nonetheless, Electricity Generating Works is permitted within Part 2.3, Division 4 of the SEPP – Transport and Infrastructure 2021 which overrides the GLEP 2014 in regard to the inconsistency in permissibility.

(b) *Aims and Objectives*

The proposed development has been considered with regard to the aims of Griffith Local Environmental Plan 2014 as set down in Part 1, clause 1.2(2) which states:

- (a) *to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
- (b) *to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
- (c) *to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) *to manage and protect areas of environmental significance,*
- (e) *to recognise the historical development of the area and to preserve heritage items associated with it.*

The objectives for Zone RU1 Primary Production set down in the Land Use Table are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit a range of activities that support the agricultural industries being conducted on the land and limit development that may reduce the agricultural production potential of the land.*
- *To permit tourist facilities that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.*

The proposed solar farm is in accordance with the objectives of the RU1 – Primary Production land zoning under Griffith LEP 2014. By utilising renewable energy resources to generate electricity, the solar farm aligns with the goal of promoting sustainable primary industry production. This not only helps maintain and enhance the natural resource base but also reduces dependence on fossil fuels, in line with the first objective.

Furthermore, the development of the solar farm has minimal impact on the resource lands. It occupies only a relatively small footprint, and its construction can coexist with existing agricultural practices. The solar farm development does not conflict with the land use regulations within the

adjoining zones. Additionally, the development does not compromise the agricultural production potential of the land. Overall, the development application for the solar farm fulfills the objectives of the RU1 – Primary Production land zoning and is an environmentally-friendly initiative for the region.

(c) *Principal Development Standards & other LEP Provisions*

Clause	Clause Requirement & Assessment Comment
7.1 Earthworks	Assessment Comment: Addressed Below.
7.3 Terrestrial Biodiversity	Assessment Comment: Addressed Below
7.10 Essential Services	Assessment Comment: Connecting power is the key essential service, which is addressed in the proposal.

Clause 7.1 Earthworks

- (1) *The objective of this clause is 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.*
- (2) *Development consent is required for earthworks unless—*
- (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

Comment: Development consent is required.

- (3) *In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

Comment: The proposed development includes ancillary earthworks which is associated with the construction of the solar farm. The earthworks shall be minimal and should not alter any existing drainage patterns or be detrimental to the soil stability in the area. Other earthworks shall be undertaken within proximity to Northern Branch Canal with the potential to impact on the waterway. This is to be addressed as part of the construction works and as part of any conditional consent.

Clause 7.3 Terrestrial Biodiversity

- (1) *The objective of this clause is to maintain terrestrial biodiversity by—*
- (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*

Comment:

Clause 7.3 of Griffith Local Environmental Plan 2014 applies to the proposed development as a small amount of the southern section of the project area occupies an area of terrestrial biodiversity. The project area has been overlayed which confirms the only potential impact on the overlay is associated with the works undertaken on the southern portion of the project area.



Figure 7: Part of Development Area (RED) and Terrestrial Biodiversity overlay (GREEN)

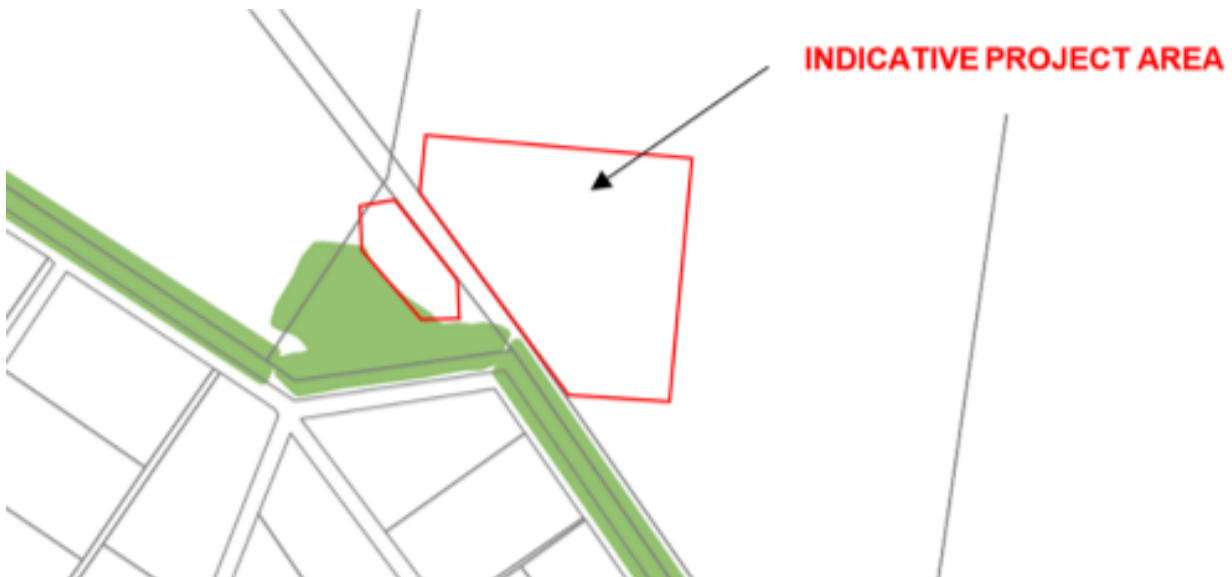


Figure 8: Project Area and Terrestrial Biodiversity Overlay Source: E-planning viewer

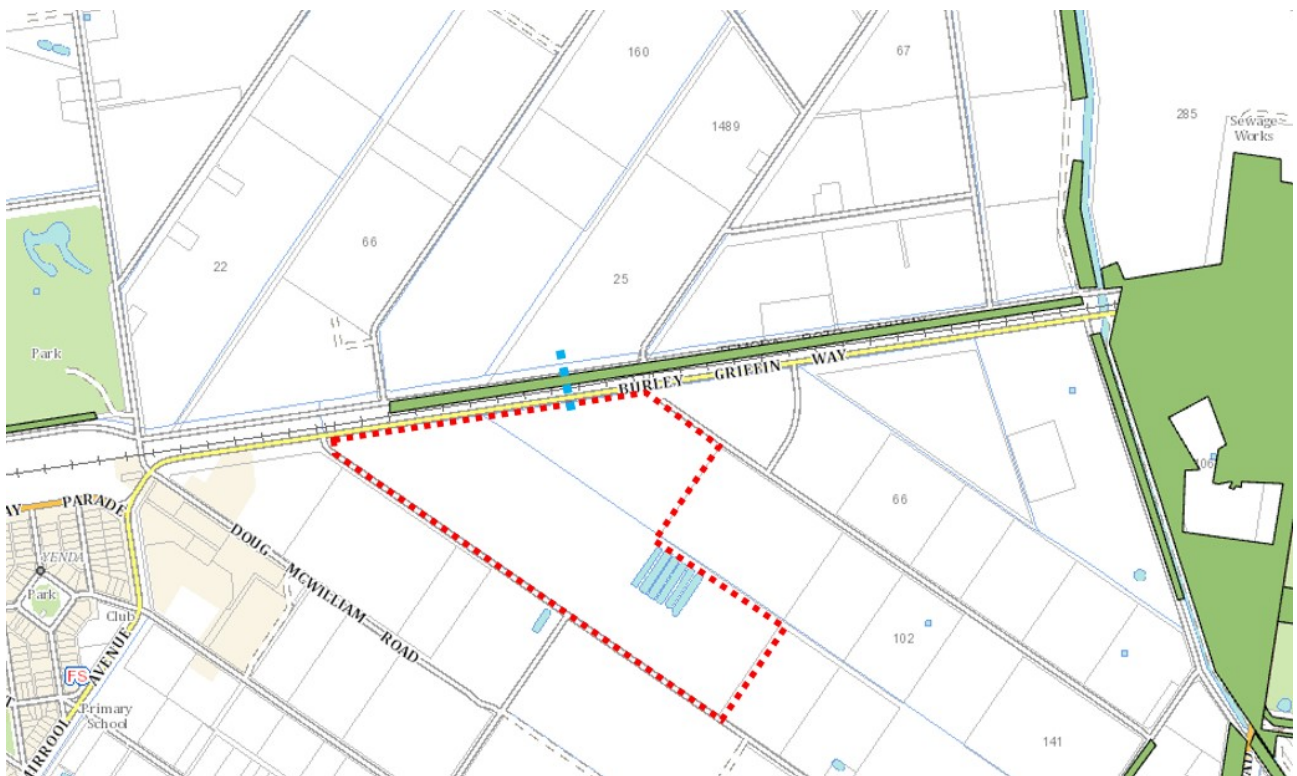


Figure 9: Part of Casella Wines (RED) and Terrestrial Biodiversity overlay (GREEN) Source: E-planning viewer

- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
- (a) whether the development is likely to have—
- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and

- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: As part of the preparation of the Development Application the applicant NGH Consulting to prepare a Biodiversity Assessment. The assessment confirms that .15ha of native vegetation would be removed by the proposed. This is comprised of:

- 14ha of PCT 105 Poplar Box Grassy woodland on flats mainly in the Cobar Peneplain Bioregion and Murray Darling Depression Bioregion.
- .01ha of planted native vegetation.
- 9.99ha of exotic vegetation would be removed.

The proposed project would have both direct and indirect impacts on the environment.

Direct impacts would include the loss of habitat for small fauna, such as foraging resources for non-threatened animals. Additionally, three mature native trees would be removed, and temporary disturbances from noise, vibration, and light would occur during the construction phase. However, these disruptions would only occur during daylight hours and are not expected to interfere with the activities of nocturnal animals.

Indirect impacts would involve minor ongoing disturbances to the surrounding habitat from human activity and noise, including the use of power tools during working hours and the daily operation of the solar farm. However, given the project's small scale and pre-existing agricultural infrastructure, such disturbances could be tolerated by the majority of species likely to be present at the site. It is important to note that the indirect impacts are not expected to have a significant effect on endangered entities. Furthermore, no threatened flora or fauna will be removed as part of this project.

Notably the development is unlikely to have a significant effect on threatened species, populations or ecological community.

Mitigation measures have been included in Section 6 of the Biodiversity Assessment and these requirements have been conditioned within the Determination Notice.

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

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

(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

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The proposed development is designed and sited in a way that aims to prevent any significant harm to the environment. Specifically, the project is a site-responsive approach that accounts for the unique characteristics of the site, such as its topography, natural features, and existing infrastructure.

The solar farm will be located in an area of the site that is mostly clear of vegetation, resulting in only minor impacts. The design of the solar farm will also fit within the existing topography of the site, which will minimise the need for extensive grading or excavation. Furthermore, the project team has identified and preserved any natural features that could be impacted by the development, such as streams or vegetation, and has incorporated them into the design of the solar farm.

Overall, the site-responsive design of the proposed development, combined with its careful siting, will help to ensure that any environmental impacts are minimised and that the project will have a positive contribution to the local community.



Figure 10 - Road side vegetation mapping Source: Council GIS

- ☒ ☒  Roadside Veg Assesmer
- ☒  HCV
- ☒  MCV
- ☒  LCV
- ☒  Endangered Ecological C

State Environmental Planning Policies

The following is a list of State Environmental Planning Policies that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

SEPP TITLE

APPLIES

Design Quality of Residential Apartment Developments	Yes/No
BASIX 2004	Yes/No
Exempt and Complying Codes 2008	Yes/No
Biodiversity and Conservation 2021	Yes/No
Housing 2021	Yes/No
Industry and Employment 2021	Yes/No
Planning Systems 2021	Yes/No
Primary Production	Yes/No
Resilience and Hazards 2021	Yes/No

SEPP TITLE

APPLIES

Transport and Infrastructure 2021
Resources and Energy 2021

Yes/No
~~Yes~~/No

State Environmental Planning Policy – Planning Systems 2021

Clause 2.19 of SEPP – Planning System

2.19 Declaration of regionally significant development: section 4.5(b)

(1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.

(2) However, the following development is not declared to be regionally significant development—

- (a) complying development,
- (b) development for which development consent is not required,
- (c) development that is State significant development,
- (d) development for which a person or body other than a council is the consent authority,
- (e) development within the area of the City of Sydney.

Schedule 6 of SEPP – Planning System

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

- (a) air transport facilities, **electricity generating works**, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,
- (b) affordable housing, childcare centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

Comment:

The Project meets the criteria for regionally significant development as outlined in the Planning Systems SEPP (PS SEPP) under Section 2.19(1) and Schedule 6.5. According to this section, development listed in Schedule 6 is considered regionally significant if it has a capital investment value (CIV) of more than \$5 million, and the Project's CIV is approximately \$8 million.

State Environmental Planning Policy – Primary Production (Chapter 2 – Primary production and rural development)

The aims of this Chapter are as follows—

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (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,
- (c) 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,
- (d) 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,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) 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.

Comment:

In Section 2.8, it is established that land is deemed State significant if it is included in Schedule 1. However, as of time of lodgement of the Development Application, Schedule 1 to this SEPP has yet to be finalised. Therefore, the development is not located on State significant agricultural land.

The proposed use of the Site will aid a well-established agricultural business by providing a cheaper and more sustainable power source. As a result, it will complement the continuing use of the remaining Casella property for vineyards and support the longevity and viability of the agricultural business.

State Environmental Planning Policy – Transport and Infrastructure 2021

Part 2.3 Development Controls

Division 4 Electricity Generating Works and Solar Energy Systems

2.36 Development permitted with consent

(1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—

- (a) 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,*
- (b) in any other case—any land in a prescribed non-residential zone.*

Comment:

The guidelines for the development of *electricity-generating works* and *solar energy systems* are outlined in Division 4 of Part 2.3. According to Section 2.35:

solar energy system -means any of the following systems—

- (a) a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—*
 - (i) carried out on the land on which the system is located, or*
 - (ii) carried out by the owner of the system on adjoining land,*
- (b) a solar hot water system,*
- (c) a solar air heating system.*

electricity generating works means a building or place used for the following purposes, but does not include a solar energy system—

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

As a result, the classification of "electricity generating works" is more appropriate for the project. The electricity generating works is also being undertaken on land zoned RU1 – Primary Production, which falls under the category of "prescribed not – residential zone" under Section 2.35 of the SEPP.

(2) Development for the purpose of a back-up electricity generating plant that operates for not more than 200 hours in any year may be carried out by any person with consent on any land.

Comment: Not applicable.

(3) Development for the purpose of the expansion of existing electricity generating works may be carried out by or on behalf of a public authority with consent on any land that is adjacent to the existing works.

Comment: Not applicable.

(4) Consent is not required to carry out any such development on land if the development could, but for subsection (3), be carried out on that land without consent.

Comment: Not applicable.

(5) Development for the purpose of, or resulting in, a change of fuel source of an existing coal or gas fired generating works by a proportion of more than 5 per cent in any 12 month period may only be carried out with consent.

Comment: Not applicable.

(6) If, under any environmental planning instrument (including this Chapter), development for the purpose of—

(a) industry, or

(b) a waste or resource management facility,

may be carried out on land with consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person with consent on that land.

Note—Thermal energy from waste development is regulated by Division 28.

Comment: Not applicable.

(7) Without limiting subsection (1), development for the purpose of a small wind turbine system may be carried out by any person with consent on any land.

Comment: Not applicable.

(8) However, subsection (7) only applies in relation to land in a prescribed residential zone if—

(a) the small wind turbine system has the capacity to generate no more than 10kW, and

(b) the height of any ground-mounted small wind turbine in the system from ground level (existing) to the topmost point of the wind turbine is no more than 18m.

Comment: Not applicable.

(9) Solar energy systems Development for the purpose of a solar energy system may be carried out by any person with consent on any land.

Comment: Not applicable.

Division 5 Electricity Transmission and Distribution Networks

Part 2.3, Division 5 lists the general planning requirements for 'electricity transmission or distribution'. Section 2.43 to Division 5 defines an 'electricity transmission or distribution network' as including any of the following:

electricity transmission or distribution network includes the following components—

(a) above or below ground electricity transmission or distribution lines (including related bridges, cables, conductors, conduits, poles, towers, trenches, tunnels, access structures, access tracks and ventilation structures) and telecommunication facilities that are related to the functioning of the network,

(b) above or below ground electricity switching stations or electricity substations, feeder pillars or transformer housing, substation yards or substation buildings,

(c) systems for electricity storage associated with a component specified in paragraphs (a) and (b).

Comment: The development includes the construction of below ground electricity cables that will connect the electricity generating works to Casella Wine.

2.48 Determination of development application – other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

Comment: Section 2.48 further determines that the consent authority must ‘give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given’, when determining whether to approve a DA.

Council notified Essential Energy of the Development Application on the 29/12/22. A response was received by Essential Energy and has been attached at 3/1/23 of this report. The response does not object to the development and outlines certain safety risks.

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Comment: Council notified Essential Energy of the Development Application on the 29/12/22. A response was received by Essential Energy on and has been attached at 3/1/23 of this report. The response does not object to the development and outlines certain safety risks.

Division 15 Railways

2.97 Development involving access via level crossing

(1) This section applies to development that involves—

(a) a new level crossing, or

(b) the conversion into a public road of a private access road across a level crossing, or

(c) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing as a result of the development.

Comment: This Section of the SEPP applies as the construction of the development will significantly increase the total number of vehicles using the existing level crossings over Temora Roto Railway (along Twig Road)

(2) Before determining a development application for development to which this section applies, the consent authority must—

(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and

(b) take into consideration—

(i) any response to the notice that is received within 21 days after the notice is given, and

(ii) the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety, having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and

(iii) the feasibility of access for the development that does not involve use of level crossings.

Comment: The development application was referred to Transport for NSW (UGL Regional Linx) on the 13th December 2022. A response was received on the 5/04/2023.

(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor.

Comment: Concurrence from UGL Regional Linx has been provided on 05/04/2023. The concurrence has been attached to the consent.

(4) In determining whether to provide concurrence, the rail authority must take into account—

(a) any rail safety or operational issues associated with the aspects of the development, and

(b) the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.

Comment: Concurrence from UGL Regional Linx has been provided on 05/04/2023. The concurrence has been attached to the consent.

(5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor if 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.

Comment: Concurrence from UGL Regional Linx has been provided on 05/04/2023. The concurrence has been attached to the consent.

(6) The consent authority must provide the rail authority for the rail corridor with a copy of the determination of the application within 7 days after the determination is made.

Comment: Noted

2.99 Excavation in, above, below or adjacent to rail corridors.

(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—

(a) within, below or above a rail corridor, or

(b) within 25m (measured horizontally) of a rail corridor, or

(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or

(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

Comment: Section 2.99 to Division 15 is triggered by the transmission cabling and boring under the railway corridor

(2) Before determining a development application for development to which this section applies, the consent authority must—
(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and
(b) take into consideration—
(i) any response to the notice that is received within 21 days after the notice is given, and
(ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.

Comment: The development application was referred to Transport for NSW (UGL Regional Linx) on the 13th December 2022. A response was received on the 05/04/2023

(3 Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.

Comment: The development application was referred to Transport for NSW (UGL Regional Linx) on the 13th December 2022. A response was received on the 05/04/2023

(4) In deciding whether to provide concurrence, the rail authority must take into account—
(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—
(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Comment: The development application was referred to Transport for NSW (UGL Regional Linx) on the 13th December 2022. A response was received on the 05/04/2023

(5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if—
(a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or
(b) in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant concurrence.

Comment: The development application was referred to Transport for NSW (UGL Regional Linx) on the 13th December 2022. A response was received on the 05/04/2023

Division 17 Road and Traffic

Section 2.118 Development on proposed classified road.

(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—
(a) subdivision that results in the creation of an additional lot with dwelling entitlements,
(b) development with a capital investment value greater than \$185,000,
(c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.

Comment: Council notified Transport for New South Wales of the Development Application on the 28th November 2022 as the development has a capital investment of more than \$185,000.00. A response was received by Transport for New South Wales on 22nd December 2022 generally supportive of the development subject to conditions. Refer to response enclosed.

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—
(a) give written notice of the application to TfNSW within 7 days after the application is made, and
(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Comment: A response was received by Transport for New South Wales on 22nd December 2022 supporting the proposed development subject to conditions.

(3) In deciding whether to grant concurrence to proposed development under this section, TfNSW must take the following matters into consideration—
(a) the need to carry out development for the purposes of a classified road or a proposed classified road,
(b) the imminence of acquisition of the land by TfNSW,
(c) the likely additional cost to TfNSW resulting from the carrying out of the proposed development.

Comment: Transport for New South Wales has provided their concurrence. These requirements form part of the condition within the determination notice.

(4) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.

Comment: Noted – Council will provide Transport for New South Wales a copy of the determination within 7 days of the determination being made.

(5) The consent authority may grant consent to development to which this section applies without the concurrence of TfNSW if—
(a) the consent authority has given the chief executive officer notice of the development application, and
(b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant the concurrence.

Comment: TfNSW concurrence has been provided.

Section 2.119 Development with frontage to classified road

(1) The objectives of this section are—
(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Comment: The development application was referred to Transport for New South Wales for assessment and comment. Transport for NSW has provided a number of conditions that must be met to ensure the development is consistent with the objectives abovementioned.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
- (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: TfNSW is generally supportive. A road capacity assessment had been included in the TIA with several mitigation measures included to address the potential road capacity concerns. The measures are to form conditions of consent.

SECTION 4.15(1)(a)(ii) any draft environmental planning instrument.

With regard to Section 4.15(1)(a)(ii) at the Griffith City Council Ordinary Council meeting held on 24 January 2023, Council resolved to place Planning Proposal – PP 2022-3697 on public exhibition for a period of 28 days and seek public submissions.

The Planning Proposal proposes to amend the Griffith Local Environmental Plan 2014 however those amendments are not relevant to this application or the subject land.

SECTION 4.15(1)(a)(iii) any development control plan.

The following is a list of development control plans that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

DCP No.	DCP TITLE	APPLIES
DCP No. 1	Non-Urban Development	Yes/No
DCP No. 3	Industrial Development	Yes/No
DCP No. 11	Urban Subdivision	Yes/No
DCP No. 19	Mixed Development	Yes/No
DCP No. 20	Off Street Parking Policy	Yes/No
DCP 2020	Residential Development Control Plan	Yes/No

Table X: DCP No.1 Non Urban Development		
Design Element	Minimum Development Standard	Assessment
(a) Bulk, scale, setbacks and general amenity issues	- The structure is to be setback a minimum of ten (10) metres from the front boundary or setback a minimum of one hundred (100) meters from the front boundary where the lot has frontage to an “arterial road” or “proposed by-pass route”.	The site front boundaries include Briggs Road and Northern Branch Canal Road. The development sits more than 10m from these boundaries. The development does not sit adjacent to an arterial road.

DA 212/2022(1)

b) Open space, additional buffer areas	- A minimum buffer distance (by way of an easement) of fifty (50) metres shall apply from natural watercourses.	N/A – there are no natural watercourses within the sites boundary.
	- A minimum buffer distance (by way of an easement) of twenty (20) metres shall apply over drainage lines and canals.	The site is split by the Northern Branch Canal Road. A minimum buffer distance of 20m has been met.
	- A minimum buffer distance (by way of an easement) of forty (40) metres shall apply from adjoining agricultural lands (Refer to DCP 28 - Land Use Buffer Controls).	N/A
	- All buffer areas are to be planted out using tree species and shrubs that are suitable to the area. The above information shall be incorporated in the Management Plan to be submitted to Council.	N/A Noting that passive screening exists with a berm and trees. It is recommended that a condition requiring additional landscaping along adjoining roadway be included.
(c) Landscaping	- The required setback area in sub clause (a) to all boundaries is to be soft landscaped to a minimum of 90% of that part of the lot.	Added vegetation is proposed for certain buffer areas, to increase the environmental quality of these areas and to mitigate visual impacts. Notably setbacks around the southern portion of the properties is afforded with existing native vegetation cover which acts as a vegetated buffer which softens the development when viewed from North Branch Canal Road and Briggs Road

	<ul style="list-style-type: none"> - No more than 10% of the front yard is to be paved or sealed. Note: Soft landscaping can be trees, gardens, lawns and the like of the applicant/owners choice but does not include improvements such as driveways, parking areas, swimming pools (including coping decking and development ancillary to the pool) and ancillary dwelling structures/sheds/garages and the like 	N/A
(d) Site access	<ul style="list-style-type: none"> - Where the access way connects to a sealed road, the access way and suitable tapers are to be bitumen sealed or equivalent hard surface between the property boundary and the road carriageway. - Where the access connects to a gravel road, the access way and suitable tapers are to be constructed to gravel road standard, between the property boundary and the road carriageway. - Concrete pipe culvert with standard headwalls is to be constructed at a suitable location relative to the table drain and clear of the edge of the road carriageway. Design and construction is to be to Council's standard. - Existing channel crossings are to be used to service all existing and proposed structures on the allotment. Only one channel crossing per road frontage shall be permitted to be used to access allotments. Where additional channel crossings are proposed consent shall be obtained from Murrumbidgee Irrigation and Council prior to construction. 	<p>The project connects to a gravel road/access point at North Branch Canal Road. This is an existing, gated entrance that involves box culverts over two canals to reach the site.</p> <p>Upgrades may be required to the access/road network as a conditional requirement for construction traffic.</p>

	<ul style="list-style-type: none"> - In 1(a) Rural and 1(b) Rural Agricultural Protection zones, where the access connects to a sealed Council road (except arterial roads) and there is no change to the agricultural utilization and/or no additional access points to existing dwellings and the access ways are well constructed and maintained, bitumen sealing will not necessarily be imposed. (Note: Should the development change, then the situation should be reviewed.) Driveways shall be a minimum of six (6) metres wide between the edge of the road carriageway and the property boundary. Internal driveways shall be a minimum of three (3) metres wide. 	
(f)(i) Fire management – All structures where a fire threat has been Identified on Council's 'Environmental and Bushfire Threat' map	<ul style="list-style-type: none"> - Adequate provision is to be made for the access of fire fighting- and emergency service vehicles. - An adequate supply of water is to be made available for fire fighting purposes. A minimum supply of twenty thousand (20 000) litres of water shall be provided solely for fire fighting purposes. A suitable connection is to be made available for the purpose of the Rural Fire Service. (Reference Planning NSW 'Planning for Bushfire Protection', 2001, Chapter 4: Bushfire Provisions – Development Stage, Chapter 5: Construction Standards for Bushfire Protection) - Consultation required with the NSW Rural Fire Service. - Developments shall also incorporate measures to promote bushfire protection through site selection, 	<p>The site has not been identified to be Bushfire Prone Land. In addition, the risk of a bushfire in the immediate area is low as a result of the existing land uses around the site and the land having maintained and low fuel loads.</p> <p>Nonetheless, the proposal ensures that adequate provisions for firefighting access has been provided through the implementation of turning circles and access track upgrades within the development area.</p> <p>Ensure relevant Planning for Bushfire Protection measures are adopted.</p>

	building design and materials and garden vegetation management.	
(f)(ii) Fire management – fire access trails and firebreaks are to be sensitively sited within the landscape especially in steep terrain	Mowing and slashing is the preferred method of construction of firebreaks. -	Noted – land is not mapped as bushfire prone

SECTION 4.15(1)(a)(iia) any planning agreement.

N/A at this stage.

SECTION 4.15(1)(a) (iv) the regulations.

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 61-63 of the Environmental Planning and Assessment Regulation 2021. No demolition or erection of buildings requiring fire safety measures are proposed.

SECTION 4.15(1)(b) the likely impacts of the development.

In taking into consideration section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 Council must evaluate the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality.

a) Impact on Built Environment

In terms of assessing and evaluating the impact on the built environment, the following matters have been taken into consideration:

Bulk, scale and character

The proposed solar farm project is located in the beautiful rural area of Griffith, which is well-known for its vineyards and bountiful farmlands. To ensure that the solar farm development does not adversely impact the character of the area, it has been thoughtfully designed to seamlessly blend with the natural surroundings. Specifically, the project will be set back from the neighbouring properties and appropriately landscaped to minimize any amenity impacts. Furthermore, the proposed solar farm project is site-responsive, taking advantage of the existing topography and native vegetation both within and surrounding the development. By utilizing these natural features, the project aims to eliminate any potential amenity impacts onto neighbouring properties or within the surrounding area.

Aboriginal Heritage

An aboriginal Heritage Due-Diligence Assessment was prepared by NGH (Dated February 2023). The assessment determined, in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, and on the basis of a site inspection by a qualified archaeologist, that there is

'is no indication of repeated use of the area by Aboriginal peoples... and that the heavy modification of the landscape makes the potential for preservation of in situ materials is highly unlikely'.

The assessment further notes that the construction activities will only minimally disturb the ground surface. A search of relevant heritage registers for Aboriginal sites and places identified 12 Aboriginal Heritage Information Management System (AHIMS) sites within 5 km of the Project area, however none within 4 km. It is considered that the Project would not damage any sites of Aboriginal heritage value.

European Heritage

The site does not accommodate any local or state heritage items nor is it part of a heritage conservation area. Notably, there are no heritage items located within close proximity to the site. Therefore, the development will not have any impact on any European Heritage items.

Transport and Traffic

The construction and operational periods of the solar farm will generate the vehicular traffic shown below:

Table 5-1: Development traffic generation – construction period (5 months)

Vehicle type	Frequency
19m semi-trailer	3 to 4 per day over a period of 2 weeks and 5 additional deliveries over the construction period
Side loader	1 delivery only (for the SMA converter)
Flat-bed truck	5 to 8 over the construction period
Ute	8 utes per day during the construction period
Crane trucks	5 to 10 over the construction period

Table 5-2: Development traffic generation - operational period

Vehicle type	Frequency
4WD Ute	3 times per month (max.)
Small truck with mower attachment	2 times per year

Source Transport Impact Assessment (TIA) Turnbull)

Conservatively, assuming an additional 16 trips in each direction to the development site per day during the peak period of construction, the impact on the capacity of the road network will be negligible. Capacity upgrades are not considered necessary

The construction period, lasting 5 months, will have the most significant impacts, while traffic generated during the facility's operation is expected to be negligible. The solar farm will be self-operating and unmanned during its operational period, with only occasional maintenance required. Mitigation measures should focus on the impact of semi-trailers traveling to and from the site during the construction period and the construction of the underground transmission line along the north-eastern section of McClure Road on private property. The largest vehicle accessing the site will be a 19-meter long semi-trailer. A haulage route plan has been prepared. A road safety assessment had been included in the TIA and several non-compliances are detailed in Section

5.1.2 of the report. Several mitigation measures have been included to address the potential road concerns. The mitigation measures should form part of any conditional consent.

There is no cycling facility in the vicinity of the site and it is expected that demand for cycling would be very low given the sparse resident and worker populating in the area and the lack of any infrastructure connecting the site with the village of Yenda. Similar to cycling, there are no dedicated pedestrian facilities in the immediate area surrounding the site nor are there any connecting it to the village of Yenda. The local population is minimal, as is the number of regular workers who tend to the vineyards in the vicinity. These factors, combined with the fact that the land parcels themselves offer opportunities for walking (as exercise can take place within the properties), all indicate that there is little demand for pedestrian activity in the local region. Although there are some walking trails available in Cocoparra National Park to the north-east of the site, these are typically accessed by motor vehicle along Whitton Stock Route Road, which intersects with Burley Griffin Way near Yenda Cemetery. There is currently no public transport access to the development site. Parking in the vicinity of the site is enabled through the extensive grass verges adjacent to the nearby unsealed roads.

b) Impact on Natural Environment

In terms of assessing and evaluating the impact on the natural environment, the following matters have been taken into consideration:

Soil

The soils are considered stable. It is not considered that the solar farm will create significant soil disturbance or cause erosion problems. Construction earthwork in the form of trenching and excavation will be undertaken. These site disturbances will be managed by a Construction Environmental Management Plan.

Air Quality

A solar farm is inherently non-polluting and can satisfy the energy requirements of heavy electricity users, thus aiding in the achievement of Local, State, and Commonwealth climate objectives while reducing ongoing emissions. Although any temporary air quality effects during construction, like dust, can be controlled through the Construction and Environment Management Plan.

Biodiversity

A biodiversity assessment was prepared by NGH in December 2021. The evaluation found that carrying out the 2021 Project would have both direct and indirect impacts on the clearance of native vegetation. Direct impacts would involve minor losses of fauna habitats, including foraging resources for non-endangered animals, as well as temporary disruption from noise, vibration, and light during the construction phase. This disruption is anticipated to be limited to daylight hours and is unlikely to affect the activities of nocturnal animals, such as those utilizing adjacent hollows for coming and going. Indirect impacts would include minor ongoing disturbance to surrounding habitats from human activity and noise. This disturbance may include the use of power tools during working hours and the day-to-day operation of the solar farm. Considering the scale of the Project, which is small, and the presence of existing agricultural infrastructure, most species likely to be present at the site could tolerate such disturbance.

Waste

Waste is not adequately addressed in the DA supporting information. Waste materials during construction should be considered in the Construction Environmental Management Plan. All waste materials should be collected and disposed to an appropriate landfill site.

Bushfire

The risk of uncontrolled fire damaging the solar farm is not considered significant as a result of land in and around the solar farm being maintained with low fuel levels.

Acoustic

A Noise Impact Assessment was prepared by MAC dated 19 September 2022 – see enclosed. As part of the assessment, MAC identified potential sensitive receivers that may be affected by noise from in particular during construction activities. A number of mitigation measures have been recommended and will be included in conditions of consent.

Visual

A Visual Impact Assessment was prepared by NGH Consulting dated Dec 2022. The project will have minimal to low visual impact on the surrounding areas. The Project's region to the north of the canal is concealed by significant raised berms/mounds that run parallel to the canal, while the southern area is concealed by substantial remaining vegetation that can be supplemented as required. Furthermore, the visual impact assessment concluded that regarding glint and glare, the panels would not typically create a noticeable glare compared to an existing roof or building surface.

The visual impact of the underground transmission line is considered negligible, as the proposed line would be underground, and have no above ground visual impact during operation. The only visual impact would be temporary construction impacts of vehicle/machinery presence and landscape disturbance that would be rehabilitated reversing any temporary impacts.

Energy

The proposed development involves a renewable source of power to support Casella Winery which is considered a positive economic impact.

c) Social Impact in the Locality

The proposed development is unlikely to pose any significant social impact in the locality. The proposal is to support an existing enterprise and the related community.

d) Economic Impact in the Locality

The primary objective of the Project is to provide sustainable support for the Casella winery by enhancing its longevity and intensifying its operations, while concurrently fulfilling local employment and economic goals. As a vital contributor to the regional economy and a significant regional employer, Casella's continued success is paramount. Therefore, providing affordable electricity through the Project is deemed a valuable initiative.

Additionally, the Project is expected to create employment opportunities during its construction and operation phases. At its peak, the construction phase is projected to generate approximately 35 jobs opportunities for local employment, including earthworks contractors, engineers, electricians, fencers, civil contractors, and cabling experts, prior to the onset of construction.

e) Cumulative Effects

The likely impacts on the built and natural environments, and the social and economic impacts of the development in the locality, cannot be looked at in isolation and in this regard the cumulative effects have also been considered. The Project's design and location have been strategically planned to address potential cumulative effects. Its small scale, remote location from vulnerable receptors, and absence of comparable facilities in the region reduce its capacity to generate significant cumulative impacts.

Moreover, the Project's environmentally sensitive design, removability, and location further minimise the likelihood of cumulative impacts emerging. By implementing measures to prevent or mitigate potential cumulative effects, the Project aims to ensure that its development is sustainable and compatible with the preservation of the natural environment and the wellbeing of the local community.

SECTION 4.15(1)(c) the suitability of the site.

The site for the proposed 'electricity generating works' development has been carefully selected due to its suitability for accommodating the intended project. The development has been thoughtfully planned with a site-responsive design that takes into account the unique characteristics of the location, including its proximity to sensitive receptors, topography, and environmental conditions. This approach ensures that the development seamlessly fits into the surrounding landscape and community while not compromising the quality of life for those in the area.

The development's design also incorporates best practices in construction and operation, minimizing any potential negative impacts on adjacent land uses or transport infrastructure. Furthermore, the project has been deemed economically viable and expected to contribute to the long-term success of the Casella Wines business, a major regional employer that makes a significant contribution to the local economy.

The location for the development has also been assessed to have minimal environmental impact, and measures have been implemented to mitigate any potential negative effects. These measures include the use of environmentally sensitive design, the development's removability, and careful selection of its location. Additionally, the project has been carefully assessed to ensure that it is consistent with the underlying RU1 Primary Production land zone objectives and is not subject to natural hazards that cannot be managed or mitigated against.

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.

SECTION 4.15 (1) (d) any submissions made in accordance with the Act or the Regulation

The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2021 and Community Participation Plan set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

In addition to the statutory referral process identified in Part F of this report, the notification of the development included the following:

Notification Description	Required	Submission Period
Publication in Council Catchup and on Facebook	YES	- 16 December 2022 – 20 January 2023
Letters to Neighbours	YES	13 th of December 2022 – 20 th January 2023
External Referrals	Date Sent	Date Received
TfNSW UGL	YES	05/04/2023
TFNSW	YES	22 nd of December 2023
Endeavour Energy	YES	05/01/2023

As a result of the public participation process, Council received zero of submissions in response to the notification and referral of the development application.

SECTION 4.15 (1) (e) the public interest

The provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 provides an overarching requirement to take into account the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

On the basis of a thorough review and analysis of the proposed development plan, it has been determined that the plan is in alignment with various crucial planning policies and instruments that govern land use and development in the Griffith region. Specifically, the proposed development is consistent with the aims and objectives of Griffith Land Use Strategy: Beyond 2030, Griffith Local Environmental Plan 2014, and other relevant environmental planning instruments, development control plans, or policies.

In light of this comprehensive assessment, it can be concluded that the proposed development is unlikely to give rise to any issues that are contrary to the public interest. The development plan adheres to the highest standards of responsible land use and development, and as such, it is expected to benefit the community by providing necessary infrastructure and services while preserving the natural environment.

PART H: MONETARY CONTRIBUTIONS

Section 7.12 Contributions (Environmental Planning & Assessment Act 1979)

Section 7.12 of the Environmental Planning and Assessment Act 1979 states that if a consent authority is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area, it may grant the development consent subject to a condition requiring the payment of a monetary contribution in accordance with an approved contributions plan. The proposed development involves construction of a new electricity generating work and is subject to the policy.

The calculations associated with the section 7.12 contributions payable at 1% of the cost of the development as per Council's policy; i.e. \$88,484.88.

Section 64 Contributions (Local Government Act, 1993)

In this instance no contributions are applicable in relation to water & sewer supply.

PART I: INTERNAL REFERRALS

As part of the assessment process, the following internal referrals were also undertaken.

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	See attached BCA assessment – conditions included	31/10/2022
Engineering	See attached Engineering assessment	12/05/2023
Environment	No comments	
Health	No comments	
Heritage	No comments	
Urban Design	No comments	

The comments received in response to the internal referral place have been addressed in the assessment of the application and where applicable incorporated into the recommendation.

PART J: CONCLUSION AND RECOMMENDATION

Conclusion

The development application has been analysed and evaluated with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified that:

- The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- That where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, or has been addressed by way of a condition of consent.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development
- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of amended plans or conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

On this basis it is considered that the proposal has merit and can be supported.

Recommendation

- a) That Griffith City Council as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 212/2022(1) for (Private Solar Farm – 5.7mW DC) at 726 Northern Branch Canal Road, McClure Road, 99,175, 1521, 1526 & 1547 McClure Road, 25 & 1523 McDonough Road, 1523 Cemetery Road, 34 Wakley Road YENDA subject to conditions set out in Attachment 'B'.

Date

ASSESSING / DELEGATED OFFICER

Name: Josh Eagleton - Barnsons

Position: Outsourced Consultant

REVIEWING / DELEGATED OFFICER

16 May 2023

Name: Kerry Rourke

Position: Acting DA Coordinator

Signature:



Site Photos



Plate 1: Photo near Cemetery Road



Plate 2: Photo near Briggs Rd





