



COUNCIL ASSESSMENT REPORT
WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	[PPSWES-183] – [DA 10.2023.137.1]
PROPOSAL	[Electricity generating works – Installation of a 6.87 MW photovoltaic electricity generating system and associated works]
ADDRESS	Lot: 9 DP 756592 [206 Gonn Road BARHAM NSW 2732]
APPLICANT	Power Generation Co. Pty Ltd.
OWNER	Graham Lindsay Heffer & Tanya Joy Heffer
DA LODGEMENT DATE	19/5/2023
APPLICATION TYPE	Development Application - Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19 (1), Section 5(a) of Schedule 6 within the State Environmental Planning Policy (Planning Systems) 2021
CIV	\$8,576,032.00 (excluding GST)
SECTION 4.6 REQUESTS	Not Applicable
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none">• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i>• <i>State Environmental Planning Policy (Planning Systems) 2021;</i>• <i>State Environmental Planning Policy (Primary Production) 2021;</i>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i>• <i>Wakool Local Environmental Plan 2013;</i>• <i>Wakool Development Control Plan 2013;</i>• <i>Planning agreements: Nil</i>
TOTAL & UNIQUE SUBMISSIONS	1 total submission 1 unique submission
KEY ISSUES	Proximity to residence Conservation of environmentally sensitive area Preservation of agricultural land Risk of floods and bushfires
DOCUMENTS SUBMITTED FOR CONSIDERATION	6.87MW General Layout Master Plan – Version 3 - 28/8/2023 - Greenbox Solutions Pty Ltd (DS A8146379)

	<p>Solar Array Type A Detail – Version 4 - 22/10/2022 - Greenbox Solutions Pty Ltd</p> <p>PV Array Side Elevation Detail – Version 1 - 22/10/2022 - Greenbox Solutions Pty Ltd</p> <p>Gate and Fance (sic) Detail – Version 1 - 22/10/2022 - Greenbox Solutions Pty Ltd</p> <p>Jinko ESS UNIT Review – Version 1 – 2/2/2022 - Greenbox Solutions Pty Ltd</p> <p>Feature and Level Survey Barham Solar Farm – Version 1 - 28/6/2021- Northern Land Solutions</p> <p>Decommission Waste Management Plan – Barham Solar Farm – Undated – Power Generation Co. Pty Ltd</p> <p>Barham Solar Farm Construction Environmental Management Plan – Version 1.1 – 18/3/2023 – Greenbox Solutions Pty Ltd</p> <p>AHIMS Web Services (AWS) Search Result 28 February 2023 – Power Generation Co Pty Ltd</p> <p>Statement of Environmental Effects – Undated - No author details</p> <p>Barham Solar Farm – Traffic Management Plan – Version 1.0 – 16/3/2023 - Greenbox Solutions Pty Ltd</p> <p>Memorandum - Environmental assessment of proposed solar farm development area, 206 Gonn Road, Barham – 20 October 2022 – Steve Hamilton, Hamilton Environmental Services</p> <p>Memorandum - Environmental assessment of proposed solar farm development area, 206 Gonn Road, Barham – 1 September 2023 – Steve Hamilton, Hamilton Environmental Services</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A only 7.12 Applicable
RECOMMENDATION	Approval subject to conditions of consent
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	7 December 2023
PLAN VERSION	28 August 2023 Revision 3
PREPARED BY	Chris O'Brien – Senior Town Planner
DATE OF REPORT	24 November 2023

EXECUTIVE SUMMARY

The development application DA 10.2023.137.1 seeks consent for the construction and operation of a 6.87MW solar farm on Lot: 9 DP 756592 – 206 Gonn Road BARHAM NSW 2732. The footprint of the proposed development comprises approximately 11ha of the development sites 194 hectares.

As noted within the SEE lodged in support of the proposal, the proposed development includes the following:

- ***“Approximately 12,168 solar panels, mounted on single axis tracking arrays, each having the following specification: ▪ Nominal dimensions of 2.84m by 1.13m.***
- *Maximum height of 3.7m above ground (when at maximum rotation).*
- *The panels will be arranged in **44 individual rows**,*
- ***2,25m high chain mesh perimeter fence*** around entire perimeter of facility,
- ***Landscaping*** along the all perimeters of the facility will be required.

The proposed development aims to ensure compliance with the relevant State Environmental Planning Policies and the Wakool Local Environmental Plan 2013 and Wakool Development Control Plan 2013 and an assessment against the relevant pieces of legislation has been provided throughout this report. It is the intent of the development to ensure the proposal is consistent with the development outcomes envisaged for the development site and wider Barham locality. The sites characteristics (natural) have also been considered as part of this assessment to achieve the best possible design outcome.

The subject land is known as Lot 9 DP 756592 - 206 Gonn Road BARHAM NSW 2732 ('the site') and is generally a rectangular shaped parcel with a total area of approximately 191 hectares. The land is currently a vacant allotment and access to the site is provided via Moulamein Road and Gonn Road. The site is existing farming land, of which the majority has previously been cleared, however there is some vegetation remaining on the property. The locality can be described as agricultural, whilst the Koondrook State Forest directly adjoins the site to the north and east.

The site is zoned RU1 Primary Production in accordance with the *Wakool Local Environmental Plan 2013 (WLEP 2013)* and is mapped as River Murray lands under Chapter 5 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. The land is partially mapped as Terrestrial Biodiversity (Native Vegetation), Bush Fire Prone Land and Wetlands. The land is not mapped as an Urban Release Area, Flood Prone Land, Key Fish Habitat (Aquatic Biodiversity), RAMSAR Wetlands, a Watercourse, mining resources or contaminated land. The land does not contain any known items of environmental heritage significance. The site is rectangular in shape, whilst the majority of the site is clearing agricultural land.

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal, these are:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Primary Production) 2021;*
- Wakool Local Environment Plan (LEP) 2013; and
- Wakool Development Control Plan 2013.

There were no formal concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). The application however was referred to DPE Biodiversity and Conservation Division (BCD) under Chapter 5 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. BCD have advised the application is required to be supported with additional information to address biodiversity concerns, of which following the original Panel meeting was provided and assessed by BCD. The application also included referral

to Essential Energy and Transport for NSW (Roads) pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021*, and to DPI Agriculture as a General Referral.

The application was placed on public exhibition from 1 June 2023 to 30 June 2023 pursuant to the *Environmental Planning and Assessment Act 1979*. One (1) public submission was received which is addressed in this report.

The application is referred to the Western Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section (5)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *electricity generating works* with a CIV over \$5 million.

The application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is now deemed consistent with the requirements. A Biodiversity Report has been provided by the Applicant, which has enabled the Consent Authority to be satisfied the proposal complies with the *Biodiversity Conservation Act 2016*. It is considered the proposed development is unlikely to adversely impact upon the natural environment and is an appropriate development for the site. It is therefore recommended the proposed development be approved subject to conditions of consent.

1. THE SITE AND LOCALITY

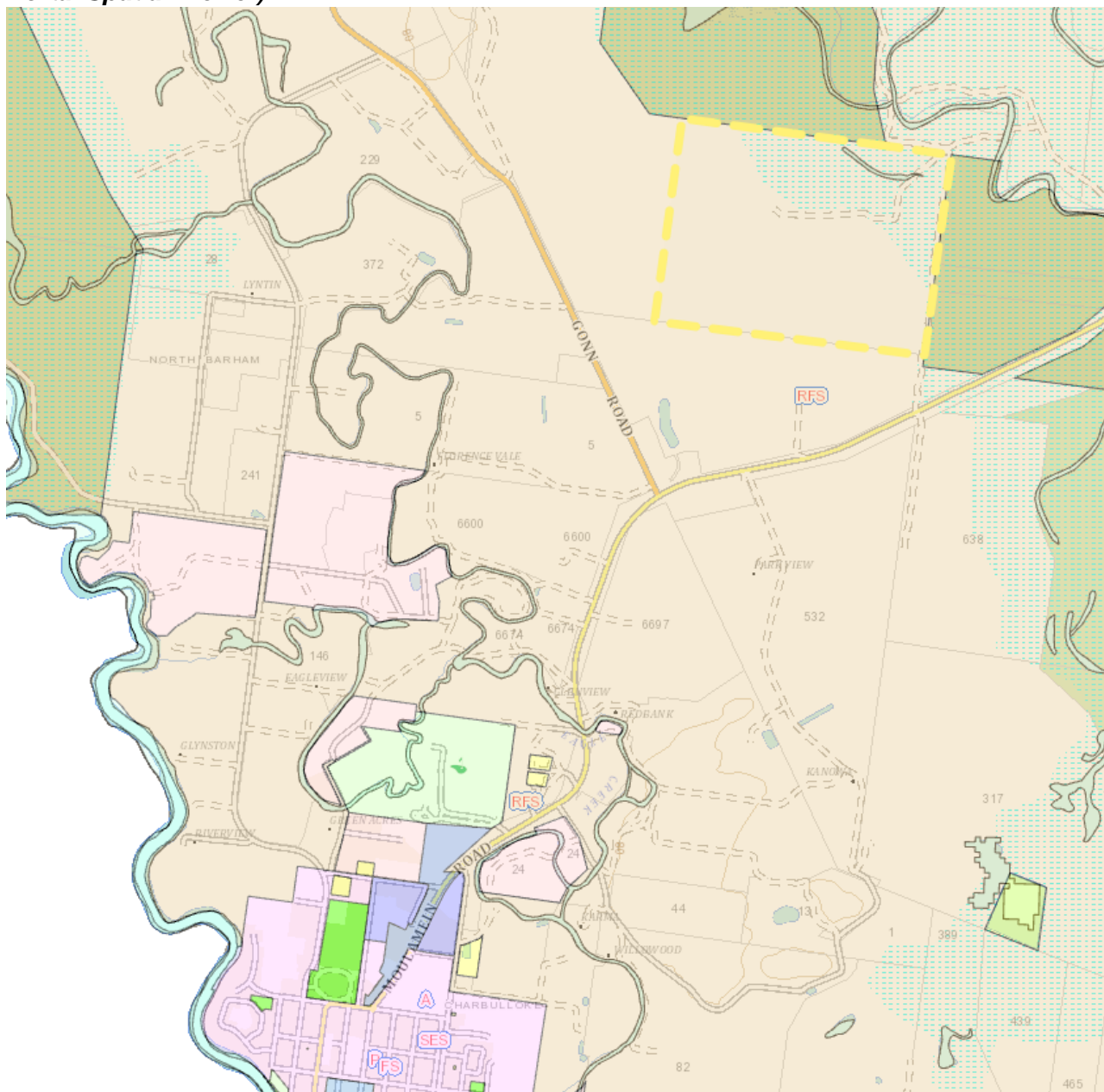
1.1 The Site

The site subject to this development application is located at 206 Gonn Road BARHAM NSW 2732 on Lot 9 DP 756592. The site has a total area of approximately 191 hectares. The lot is zoned RU1 Primary Production under the Wakool LEP 2013. The land is mapped as River Murray land under Chapter 5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The land is partially mapped as Terrestrial Biodiversity (Native Vegetation), Bush Fire Prone Land and Wetlands. The land is not mapped as an Urban Release Area, Flood Prone Land, Key Fish Habitat (Aquatic Biodiversity), RAMSAR Wetlands, a Watercourse, mining resources or contaminated land. The land does not contain any known items of environmental heritage significance. The site is rectangular in shape, whilst the majority of the site is clearing agricultural land.

Figure 1 – Aerial photograph of subject site. Subject land marked by red outline. (Photo taken November 2020)



Figure 2 – Location map. Subject land marked by yellow outline. (Source NSW Planning Portal Spatial Viewer)



1.2 The Locality

The site is existing farming land, of which the majority has previously been cleared. There is some vegetation remaining on the property. The locality can be described as agricultural, whilst the Koondrook State Forest directly adjoins the site to the north and east.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

This application has sought consent to develop a 6.87 MW photovoltaic electricity generating system and associated works on the abovementioned allotment. It is noted the proposal is not considered to be Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* nor has the proposal been identified as Designated Development under Section 4.10 of *EP&A Act*.

The following Key components can be identified within the development proposal as per the Applicant's submitted correspondence:

- Solar tracking installation comprising of approximately 12,168 solar panels mounted on a north facing fixed tilted frame.
- Other electrical generation infrastructure is proposed on the site including a Power Conversion Station (PCS) consisting of inverters, transformer, switchgear and auxiliary plant.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	Approximately 191 hectares
GFA	Approximately 10.9 hectares
FSR (retail/residential)	Not applicable
Section 4.6 Requests	Not applicable.
No of apartments	Not applicable
Max Height	3.7m
Landscaped area	TBC
Car Parking spaces	Not applicable
Setbacks	Refer to Figures below for setbacks and site overview of proposal

It is noted the proposed development will be required to incorporate landscaping around the perimeters of the development to reduce potential visual impact. A detailed Landscaping Plan will be required to be supplied prior to the issue of a Construction Certificate and which consists of vegetation indigenous to the local area.

The below diagrams indicate the nature of the proposal.

Figure 3– Proposed site plan

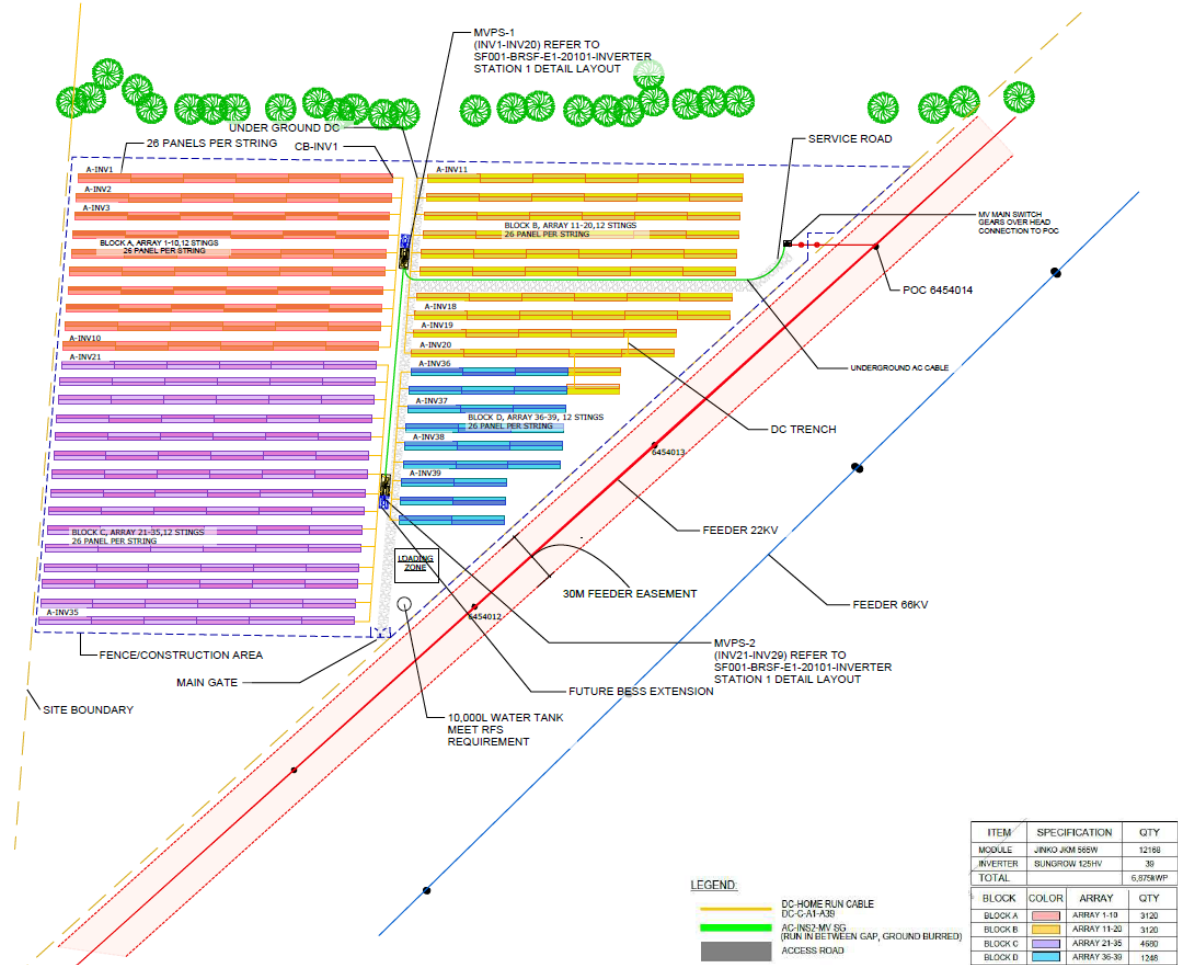


Figure 4– Submitted plans

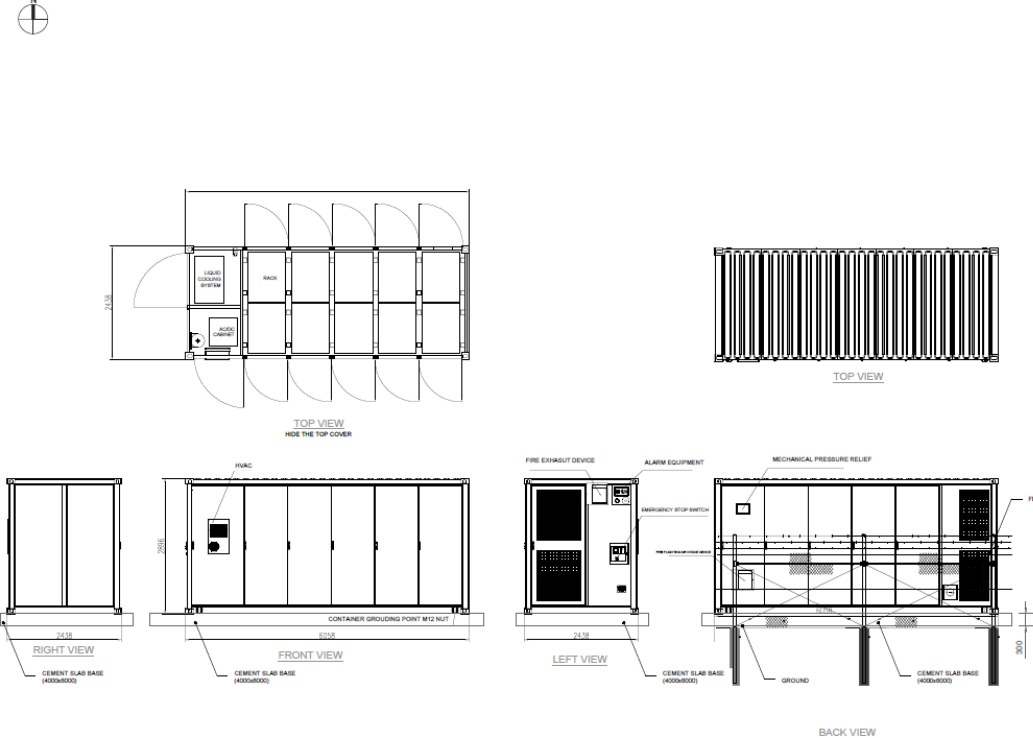


Figure 5– Submitted plans

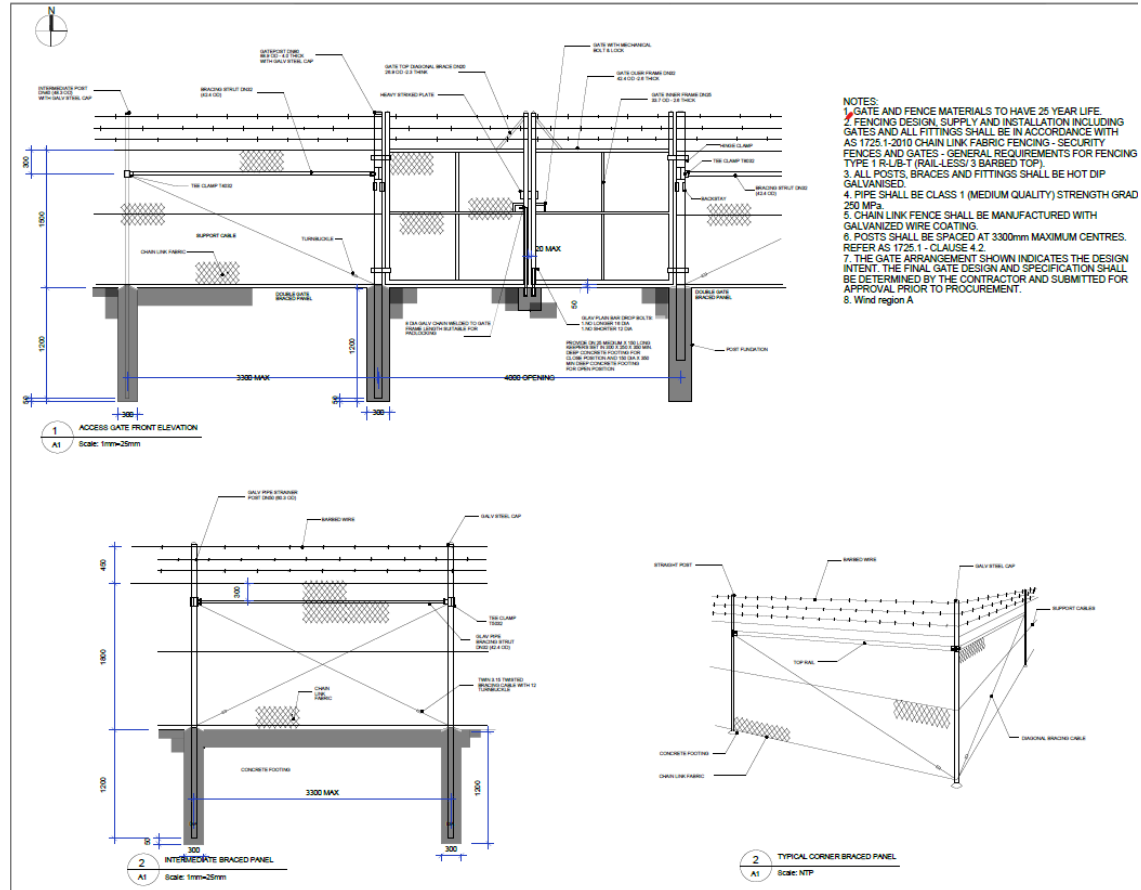


Figure 6– Submitted plans

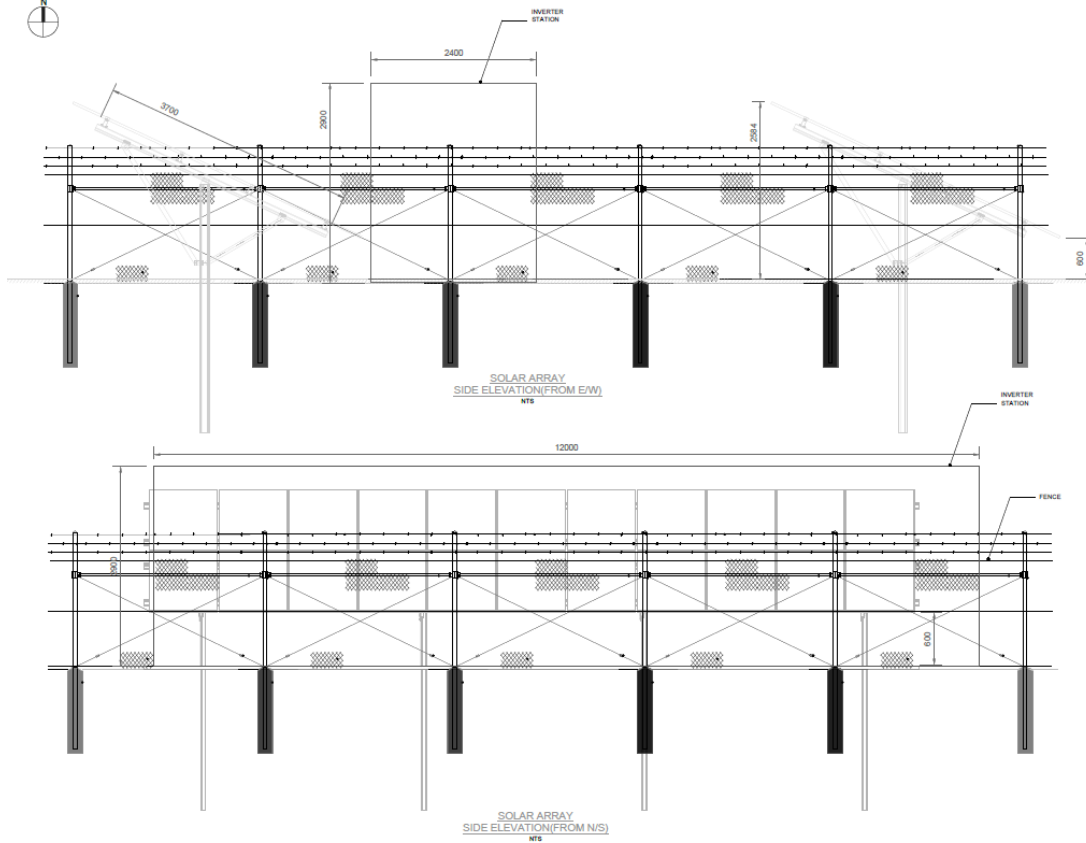
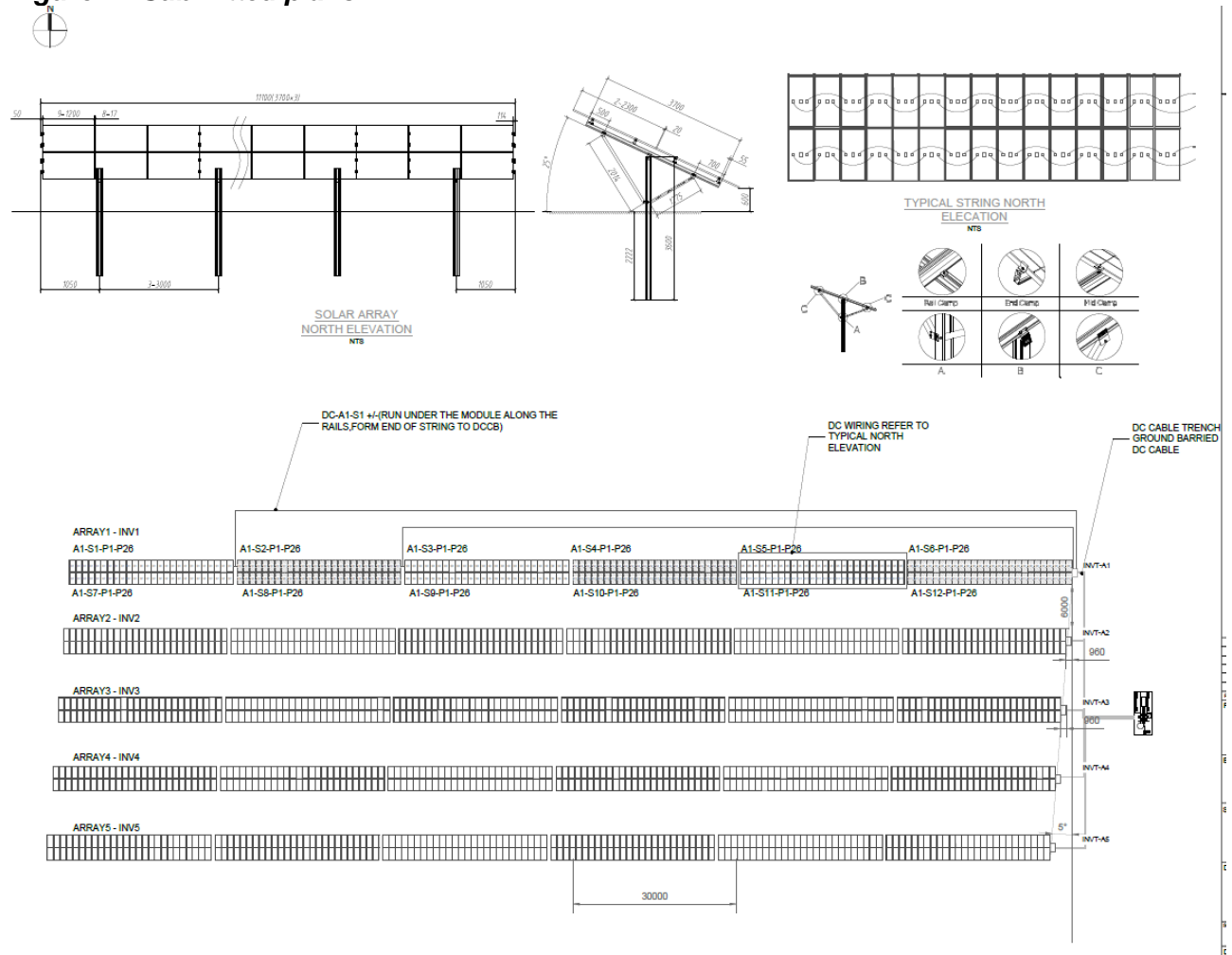


Figure 7– Submitted plans



2.2 Background

The development application was lodged on **19 May 2023**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
19 May 2023	DA lodged
1 June 2023	DA referred to external agencies
1 June 2023	Public exhibition of the application
16 June 2023	Response from Essential Energy received requesting additional information
19 June 2023	Response from Transport for NSW received
22 June 2023	Response from DPE BCD received requesting additional information
11 August 2023	Additional information from Applicant received
29 August 2023	Panel briefing
1 September 2023	Additional information from Applicant received in response to DPE BCD request
16 October 2023	Applicant response to submissions received.
13 November 2023	Final Response from Essential Energy received
16 November 2023	Final Response from DPE BCD received (including that submitted biodiversity information is adequate)

2.3 Site History

It is noted neither Council's Development Approval register nor the GIS Mapping system indicate that the site subject of this Application has development approval to use land for any other purposes.

3. STATUTORY CONSIDERATIONS

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

(a) *the provisions of —*

(i) *any environmental planning instrument, and*

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

(iii) *any development control plan, and*

(iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

(v) *(Repealed)*

that apply to the land to which the development application relates,

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

(c) *the suitability of the site for the development,*

(d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

These matters are further considered below.

It is noted the proposal is not considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence (s4.13)
- Crown DA (s4.33)

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

The following Environmental Planning Instruments and DCP's are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Primary Production) 2021*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- Wakool Local Environmental Plan (LEP) 2013; and
- Wakool Development Control Plan 2013.

A summary of the key matters for consideration arising from these EPIs and DCP's are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments, draft instruments, DCPs (Preconditions in **bold**)

EPI/DCP	Matters for Consideration	Comply (Y/N)
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	<ul style="list-style-type: none"> • Section 2.19 (1), Section 5(a) of Schedule 6 declares the proposal as regionally significant development. 	Y
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<ul style="list-style-type: none"> • Chapter 3 - Hazardous and offensive development; • Chapter 4 - Remediation of land. 	Y
<i>State Environmental Planning Policy (Primary Production) 2021</i>	<ul style="list-style-type: none"> • Chapter 2: Primary production and rural development 	Y
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<ul style="list-style-type: none"> • Chapter 2, Part 2.3, Division 4, Section 2.36 - Development permitted with consent • Chapter 2, Part 2.3, Division 4, Section 2.42 - Determination of development applications for solar or wind electricity generating works on certain land 	Y
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<ul style="list-style-type: none"> • Chapter 3 - Koala habitat protection 2020; • Chapter 5 - River Murray lands 	Y
LEP	Under the Wakool LEP 2013, the proposed development is prohibited on land zoned RU1. As such the Application relies upon the State Environmental Planning Policy (Transport and Infrastructure) 2021 for permissibility.	N
Proposed instruments	No relevant proposed instruments apply to the site. It is noted Council is in the process of preparing the draft Murray River Local Environment Plan 2024. As per the plan, the site has been identified as RU1 Primary Production and the same inconsistency	N/A

	applies. It is noted however the draft MRLEP 2024 has not been identified as a proposed instrument as per Section 4.15 (1)(a)(ii) of the <i>EP&A Act 1979</i> .	
DCP	The Wakool Development Control Plan (MDCP) 2013 does not contain specific design criteria for the proposed development.	Y

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to section 2.19 of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Section 5(a) of Schedule 6 of the SEPP as the proposal is development for *electricity generating works* with a CIV over \$5 million. Accordingly, the Western Regional Planning Panel is the consent authority for the application. It is noted the proposal is not inconsistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* have been considered in the assessment of the development application.

Chapter 3 – electricity generating works (including battery storage) are not identified as potentially offensive or hazardous within the guidelines. It is also considered the proposed development would not meet the definition of potentially offensive development.

Chapter 4 – Section 4.6(1)(a) requires the consent authority to consider whether the land is contaminated, and 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.

A search of the NSW EPA contaminated land public record of notices identified no records within or near the development site in Barham. A search of the POEO Act register identified no current POEO licensed facilities in Barham.

The subject land has been utilised for agricultural purposes, namely livestock grazing and cropping. The project is considered broadly consistent with the established activity pattern on the development site, given the low intensity operations occurring after construction. The proposed development would be remotely operated for the most part, and a more sensitive land use is not considered appropriate. Regarding Chapter 4 of the SEPP, the site is considered suitable for its intended use and further investigation is not considered necessary at this time.

State Environmental Planning Policy (Primary Production) 2021

State Environmental Planning Policy (Primary Production) 2021 applies to the proposal due to the zoning of the land. It is considered the proposed development is not specifically inconsistent with the requirements of the Chapter.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 includes provisions for infrastructure and services to facilitate the effective delivery of infrastructure across the state. Permissibility for the purposes of electricity generation is provided pursuant to Division 4 Section 2.36 which states:

(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 rural, industrial or special use zone.

These provisions prevail over any inconsistency in any other planning instruments, inclusive of the Wakool LEP 2013. As such, the proposed development is permitted with consent pursuant to the Transport and Infrastructure SEPP. In addition, Section 2.48 of the SEPP relates to determination of development applications – other development – electricity transmission and states the following:

(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,

Subsequently, the application was referred to Essential Energy for comment, who provided the following final response after requesting and receiving additional information:

“Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- *A safe distance of 20 metres is required to the centreline of the High Voltage 22KV powerline , 35 metres is required to the centreline of the High Voltage 66KV powerline.*

Please note, site plans submitted by Arjun Vinod 19.09.2023 to the NSW planning portal, along with a conversation between myself, Arjun and Gen Li for clarity around the plan, Essential Energy is satisfied that the site plans display adequate clearance so as to comply with Essential Energy’s safety advice.

Essentials 22KV overhead power line is the only one impacted by the development and we are satisfied the development complies with our Safety advice.

Essential Energy makes the following general comments:

- *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- *Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*
- *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and*
- *It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*
- *Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au).*

- *If the applicant would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.*
- *Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed".*

In the event the application is approved, these comments made by Essential Energy can be suitably conditioned within the development consent.

The Application was also referred to Transport for NSW for general notification. A response was provided on 19 June 2023 (no objections, general comments received).

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas.

Comment: The subject land is zoned RU1 Primary Production therefore this chapter does not apply.

Chapter 3 – Koala Habitat Protection 2020

The development site is zoned RU1 Primary Production within Murray River Council, which is a local government area specified in Schedule 1 of State Environmental Planning Policy (Koala Habitat Protection) 2021 and is not marked with an * in that Schedule. Chapter 3 is therefore applicable. The development site is also larger than 1ha, therefore this Chapter is applicable. The subject land is not known to be core koala habitat, however may be land which is potential koala habitat.

Chapter 4 – Koala Habitat Protection 2021

The development site is zoned RU1 Primary Production therefore this Chapter is not applicable.

Chapter 5 – River Murray lands

The subject site is mapped as River Murray land under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Part 5.1 Introduction

5.1 Aims of this Chapter

Comment: DPE BCD advised additional information is required to support the proposed development, which was ultimately provided by the Applicant. As the additional information provided outlines no significant adverse impact is likely to occur as a result of the proposed development, it is considered the proposal is not inconsistent with the aims of this Chapter.

5.2 Objectives of this Chapter

Comment: DPE BCD advised additional information is required to support the proposed development, which was ultimately provided by the Applicant. As the additional information outlines no significant adverse impact is likely to occur as a result of the proposed development, it is considered the proposal is not inconsistent with the objectives of this Chapter.

Part 5.2 Planning principles

5.8 General principles

Comment: DPE BCD advised additional information is required to support the proposed development, which was ultimately provided by the Applicant. As the additional information outlines no significant adverse impact is likely to occur as a result of the proposed development, it is considered the proposal is not inconsistent with the general principles of this Chapter.

5.9 Specific principles

Comment: It is considered the proposed development is not inconsistent with the specific principles of the Chapter.

Part 5.3 Planning requirements and consultation

5.12 Planning Control and Consultation Table

Comment: The application was referred to BCD under this section. BCD have advised additional information was required to be provided to support the application, which the Applicant ultimately provided.

5.13 Building setbacks—special provisions

Comment: Noted.

Wakool Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the *Wakool Local Environmental Plan 2013* ('the LEP').

Part 1 Preliminary

1.2 Aims of Plan

Comment: The proposed development is not inconsistent with the aims of the Wakool LEP 2013.

1.9A Suspension of covenants, agreements and instruments

Comment: For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument which restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

Part 2 Permitted or prohibited development

2.3 Zone objectives and Land Use Table

Zone RU1 Primary Production

- *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 promote the use of agricultural land for efficient and effective agricultural production without the encroachment of urban land uses.*
- *To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.*
- *To allow the development of complementary non-agricultural land uses that are compatible with the character of the zone.*

Comment: The proposed development is not inconsistent with the objectives of the zone. It is noted however the State Environmental Planning Policy (Transport and Infrastructure) 2021 is required to be utilised to achieve permissibility of the proposal.

2.6 Subdivision—consent requirements

Comment: Not applicable.

2.7 Demolition requires development consent

Comment: Noted.

2.8 Temporary use of land

Comment: Not applicable.

Part 3 Exempt and complying development

Comment: Noted. The proposed development cannot be classed as exempt or complying development as it does not meet all development controls.

Part 4 Principal development standards

Comment: Not applicable.

Part 5 Miscellaneous provisions

5.3 Development near zone boundaries

Comment: Not applicable.

5.4 Controls relating to miscellaneous permissible uses

Comment: Not applicable.

5.10 Heritage conservation

Comment: The site does not contain any known items of Environmental Heritage Significance. It is the responsibility of the Applicant to ensure compliance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. In the event consent is issued, the consent will include the standard condition regarding protection of Aboriginal Cultural Heritage.

5.13 Eco-tourist facilities

Comment: Not applicable.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Comment: Not applicable.

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

Comment: Not applicable.

5.18 Intensive livestock agriculture

Comment: Not applicable.

5.20 Standards that cannot be used to refuse consent—playing and performing music

Comment: Not applicable.

5.21 Flood planning

Comment: Part of the subject land is mapped as Flood Prone Land, therefore this section applies to the proposal. It is considered the proposal is not inconsistent with the requirements of this section and can be approved subject to appropriate conditions of consent.

5.22 Special flood considerations

Comment: Noted.

5.24 Farm stay accommodation

Comment: Not applicable.

5.25 Farm gate premises

Comment: Not applicable.

Part 6 Additional local provisions

6.1 Earthworks

Comment: Development consent is required for the earthworks to facilitate the proposed development. It is considered the proposal is not inconsistent with the requirements of the section.

6.2 (Repealed)

6.3 Terrestrial biodiversity

Comment: Part of the subject land is mapped as Terrestrial biodiversity, therefore this section is applicable. It is noted BCD advised additional biodiversity information is required to support the proposed development, whilst the Applicant has ultimately provided. As the biodiversity information outlines no significant adverse impact is likely to occur to biodiversity values, it is considered the proposed development is not inconsistent with the requirements of this section.

6.4 Riparian land and watercourses

Comment: Not applicable. The proposed development is not occurring on riparian land.

6.5 Wetlands

Comment: Part of the subject land is mapped as Wetlands. It is considered the proposed development is appropriately designed and sited and will be managed to avoid any significant adverse environmental impact.

6.6 Development on river front areas

Comment: Not applicable. The subject land is not classed as a river front area.

6.7 Development on river beds and banks

Comment: Not applicable. The proposed development is not occurring on a river bed or bank.

6.8 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

Subsection	Comment
<i>(a) the supply of water,</i>	Not applicable.
<i>(b) the supply of electricity,</i>	Electricity is available.
<i>(c) the disposal and management of sewage,</i>	Not applicable.
<i>(d) stormwater drainage or on-site conservation,</i>	Not applicable.
<i>(e) suitable road access</i>	To be conditioned.

Proposed instruments

Comment: No relevant proposed instruments apply to the site.

3.2(a)(iii) Any development control plan

Comment: Wakool Development Control Plan 2013 applies to the proposal.

Chapter B.1 Residential & Ancillary Uses

Comment: Not applicable.

Chapter B.2 Industrial & Higher Impact Uses

Comment: Not applicable.

Chapter B.3 Commercial, Retail & Other Uses

Comment: Not applicable.

Chapter B.4 Agricultural Uses

Comment: The subject land is zoned RU1 Primary Production, however the proposed development is not covered by this chapter.

Chapter B.5 Subdivision

Comment: Not applicable.

Chapter B.6 Other Types of Development

Comment: Not applicable.

Chapter C Site-Specific Controls

C.1 Natural Environment

Comment: DPE BCD originally requested additional information regarding the biodiversity which the Applicant subsequently provided.

C.2 Hazards

Comment: The proposed development is not specifically inconsistent with the requirements of this Chapter.

C.3 Heritage & Culture

Comment: The site does not contain any known items of Environmental Heritage Significance. It is the responsibility of the Applicant to ensure compliance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. In the event consent is issued, the consent will include the standard condition regarding protection of Aboriginal Cultural Heritage.

C.4 Access & Parking

Comment: The proposed development is not specifically inconsistent with the requirements of this Chapter and can be conditioned accordingly.

C.5 Urban Area Character Statements

Comment: Not applicable.

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

- *S7.12 Development Contributions Plan 2011*

This Contributions Plan has been considered and any consent issued will include an appropriate condition of consent.

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

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

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

The regulations have been considered in the assessment of this application. It is considered the application is not inconsistent with the objectives of the regulations.

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

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

- **Amenity**

The proposed development is considered to have an acceptable impact on local amenity. There will be some localised visual and construction noise impacts on a small amount of receivers. Mitigation measures are considered to be able to be satisfied via conditions of consent (in the event approval is granted).

- **Waste**

- Waste would be generated during the construction phase and predominantly be classified as solid waste. Such examples include; packaging materials, excess building materials, scrap metal and cabling materials. Masonry products including concrete waste, excavation of top soils and vegetation clearing and bio wastes.
- All waste generated on site during all phases of the development will be managed in accordance with the *Protection of the Environment Operations Act 1997* and adhere to the objectives of the *Waste Avoidance and Resource Recovery Act 2001*.
- Waste produced during construction will be required to be disposed of at a licensed facility.
- Any green waste (e.g. low lying grass) will be mulched and rehabilitated at the site or appropriately removed.
- Upon decommissioning of the proposed development (20–30-year life span), all infrastructure including cabling and panels and mounting frames including footings and inverters will be disassembled and removed from the site.

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

- **Context and setting**

- The proposed development is unlikely to adversely impact upon the built environment. The built form is considered to appropriately respond to the site's natural features.
- From a visual perspective, the composition of materials utilised throughout the development is not considered to adversely impact the public domain.
- The proposed development conforms to the site's natural landform and is considered to be appropriate for the location given its uniform layout, and subsequently is not considered to create any adverse bulk and scale impacts.

- **Access and traffic**

- A Traffic Management Plan has been undertaken in support of the Application.
- The application was referred to Council's Infrastructure Department and Transport for NSW, no objections were received regarding access arrangements (subject to conditions where applicable).
- In the event consent is granted, appropriate conditions will be required to be included regarding access and traffic.

- **Utilities**

- Reticulated water and sewer services are not required to be provided to the proposed solar farm as there are no permanent staff or amenities proposed on site.

- **Heritage**

- The site is not subject to any heritage conservation provisions.
- Aboriginal Cultural Heritage - No known items identified on the subject land. In any event statutory requirements would trigger contingency measures if any Aboriginal Cultural Heritage was subsequently identified.

- **Water/air/soils impacts**

- Air quality within the locality is typical of the rural region. It is generally high however dust raised during drier months contributes to sporadic reductions in air quality, with increase in the level of particulate matter in the air due to the burning of agricultural residues and soil cultivation for cropping.
- During the operational phase of the development, soils at the site will be stable and vegetated with perennial grass cover. Dust generation will be closely managed as it is harmful to the effectiveness of the solar array to generate electricity and cause nuisance to surrounding receptors. Solar farms have very low air emissions of air pollutants whilst in operation.

- **Natural environment**

- DPE BCD advised additional biodiversity information is required to support the proposed development due to the potential impact the proposal will create on the biodiversity values of the site. The Applicant provided this information which was referred to BCD for comment. The biodiversity information outlined the proposal is unlikely to significantly adversely impact upon the biodiversity values of the site, therefore it is considered the proposal can be approved subject to appropriate conditions of consent. It is further noted BCD did not object to the granting of consent subject to conditions of consent.

- **Noise and vibration**

- The operation of the project will involve noise emissions from transformers and inverters used in the development site. Due to the size of the project, noise associated with maintenance works would be limited to the daytime hours only and maintenance noise related impacts are not anticipated.
- Based on the above, and given the rural zoning of the development site, the proposal is considered to have negligible impact on noise emissions and will not result in adverse impacts on surrounding rural residential receivers.

- **Construction and operational impacts**

- Nuisance or unacceptable level of noise / vibration amenity may arise from the construction or operational activities associated with the development. It is expected the impact from operational noise and vibration will be negligible with the implementation of appropriate management measures. Such can be suitably conditioned in the event the application is approved.

- **Natural hazards**

- The development site is partially mapped as bush fire prone land and flood prone land.
- Regarding Bush fire, Planning for Bushfire Protection 2019 contains specific bushfire mitigation measures relating to solar farm development and outlines standard construction bushfire risk reduction and management measures including availability of fire-suppression equipment, access and water and appropriate bushfire emergency management planning should be in place, in addition to solar farm specific measures, such as:
 - Solar farms require certain consideration to allow for adequate clearances to combustible vegetation as well as firefighting access and water the following mitigation measures will need to be included for the proposed development.
 - A minimum 10m APZ for the structures and associated buildings / infrastructure; and
 - The APZ must be maintained to the standard of an inner protection area (IPA) for the life of the development

- Infrastructure for the purposes of requiring an APZ excludes road access to the site and power or other services to the site and associated fencing.
- A Bush Fire Emergency Management and Operations Plans is required to be prepared in the event approval is granted which will be required to outline appropriate management and

maintenance of bushfire protection measures, for the life of the development, This plan is to be development in consultation with the RFS.

- **Safety, security and crime prevention**

- The proposed development is considered to satisfy the principles of Crime Prevention Through Environmental Design (CPTED). In this regard, a number of security features have been introduced:
 - Landscaped areas will be required to be maintained to a good standard;
 - Clear delineation between public and private areas;
 - Design minimises public access to restricted areas.
- Based on the above provisions, the requirement of CPTED is deemed to be met.

- **Social impact**

- The development as proposed is not considered to create any adverse social impacts.

- **Economic impact**

- The proposed development is considered to create positive economic effects to the community whilst under construction.

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

It is considered the site is suitable for the proposed development. The Applicant has provided additional information to address the initial concerns of DPE BCD and Essential Energy. This document outlined the proposal is unlikely to cause any significant adverse environmental impacts. The subject site is zoned RU1 Primary Production and is appropriately located away from the Barham town centre.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) - Not applicable			
Referral/Consultation Agencies			
DPE - Environment, Energy and Science (Biodiversity and Conservation Division)	Section 1.7 of the EP&A Act and Chapter 5 of BC SEPP	<p>The Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment requested additional information to support the application. Response from BCD dated 22/6/2023 outlined below:</p> <p><i>“Thank you for your referral via the Planning Portal dated 1 June 2023, seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment (the Department).”</i></p>	Y

		<p><i>BCD has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats) and flooding.</i></p> <p><i>The proposal is within the riverine environment of the River Murray established by Chapter 5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP).</i></p> <p><i>We have reviewed the documents supplied and provide the following comments. Detailed advice is included in Attachment A.</i></p> <p><u><i>Flooding</i></u></p> <p><i>The proposal relies on an existing levee system to provide protection from riverine flooding. BCD recommends that the proposed Flood Management Plan includes an initial audit of the existing levee system to ensure it provides the required level of protection for the duration of construction and operation. Any necessary works or regular maintenance should then be identified in the plan.</i></p> <p><u><i>Biodiversity</i></u></p> <p><i>The Environmental Assessment memorandum (Hamilton Environmental Services, 20 October 2022) has a study area limited to the location of the proposed solar array. Any potential impacts, either direct or indirect, outside this area have not been assessed.</i></p> <p><i>Given the proximity of the proposal to extensive habitat to the north and east, on private and public land, BCD considers the assessment approach insufficient. The application does not include sufficient information to determine the likelihood of impacts on threatened species and their habitats according to Part 7 of the Biodiversity Conservation Act 2016.</i></p> <p><i>BCD recommends that Council require a Test of Significance (ToS) be prepared consistent with the Department's Guidelines. A ToS should assesses potential impacts to biodiversity within the subject site and any additional areas likely to be affected by the proposal, either directly or indirectly. All ancillary works must be included in the</i></p>	
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		<p>assessment, including construction access, transmission connections and flood mitigation measures.</p> <p>ATTACHMENT A Detailed comments on DA2023.137 - Solar Farm – 206 Gonn Road, Barham</p> <p><u>Flooding</u></p> <p><i>The proposal site is within the floodplain between Eagle and Barbers Creeks to the north of Barham. This proposal is located just outside the study area for several flood studies, namely the Barham Flood Study 2014 and the Barham Floodplain Risk Management Study and Plan 2017 (Barham FRMS&P).</i></p> <p><i>The proposal is within the study area of the Wakool River (Moama-Moulamein Railway to Gee Gee Bridge): Stage 2 - Rural Floodplain Management Plan 2010 (RFMP). The RFMP indicates that the proposal is likely outside of the designated floodway and is likely protected by the existing rural levee (known as the “Arc levee”) to the east and north of the site. It is unclear whether references to the “private levee” in the Construction Environmental Management Plan (CEMP) is a reference to the Arc levee. The alignments appear very similar.</i></p> <p><i>The Barham FRMS&P identifies the Arc levee as providing some flood protection to Barham, although the risk of Barham being inundated from a breach of the Arc levee is considered low. However, any breaching of this levee in this vicinity is likely to result in inundation of the proposal site.</i></p> <p><i>BCD recommends that the Flood Management Plan proposed in the CEMP includes a section detailing the need for a levee audit. The audit should assess whether the levee will function as intended and provide the anticipated level of flood protection for the life of the proposed development. In addition any necessary regular maintenance or inspections should be identified.</i></p> <p><u>Biodiversity</u></p> <p><i>The proposal includes clearing of native vegetation. The Environmental Assessment memorandum</i></p>	
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		<p><i>(Hamilton Environmental Services, 20 October 2022) has determined that the 'area clearing' and 'Biodiversity Values Map' thresholds for the Biodiversity Offset Scheme (BOS) have not been met.</i></p> <p><i>Proponents are also required to carry out a Test of Significance (ToS) for proposals that do not exceed the thresholds. A ToS determines whether a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.</i></p> <p><i>The assessment does not include a ToS on the basis that the site does not include any habitat for threatened species or entities. However, the assessment has a study area limited to the location of the proposed solar array. Any potential impacts, either direct or indirect, outside this area have not been assessed.</i></p> <p><i>Given the landscape context of the proposal, particularly the proximity to extensive habitat to the north and east, BCD considers the assessment approach insufficient. BCD considers indirect impacts to adjoining and connected habitats may arise from this proposal and may impact threatened species and communities.</i></p> <p><i>The access route(s) for construction and ongoing operations, and temporary construction staging areas have not been clearly identified in the documents provided. It is not clear if the potential impacts of these activities have been assessed.</i></p> <p><i>A ToS should assesses potential impacts to biodiversity within the subject site AND any additional areas likely to be affected by the proposal, either directly or indirectly. All ancillary works must be included in the assessment, including access routes, temporary construction facilities, transmission connections and any flood mitigation measures.</i></p> <p><i>BCD recommend that Council require a ToS be prepared, consistent with the Department's Guidelines. If a significant impact to threatened species is identified as likely then the BOS applies and a Biodiversity Development Assessment Report (BDAR) must be prepared.</i></p>	
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		<p><i>If the ToS determines the BOS does not apply, any measures to avoid and minimise biodiversity impacts identified in the ToS should be translated into consent conditions, should consent be issued.</i></p> <p><i>The findings of any revised biodiversity assessment should also be reflected in a revised CEMP, particularly Section 15 – Flora and Fauna Management Plan.</i></p> <p><i>The proposed security fencing will be topped with barbed wire. Barbed wire is a hazard to wildlife, particularly when it adjoins areas of quality habitat. We recommend Council require a fencing plan that excludes barbed wire.</i></p> <p>Following the initial Panel Meeting, the Applicant provided additional biodiversity information which was referred to BCD for comment. Following assessment of the submitted information, BCD does not object to the granting of consent subject to conditions.</p>	
Transport for NSW (TfNSW)	General referral under WDCP 2013 and Section 4.15 (1) (b) of the EP&A Act	TfNSW did not object to the granting of consent and provided general comments for consideration.	Y
Essential Energy	Section 2.42 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>Following additional information being provided by the Applicant, Essential Energy did not object to the granting of consent (subject to conditions). Response dated 13/11/2023 outlined the following;</p> <p><i>“Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:</i></p> <ul style="list-style-type: none"> <i>A safe distance of 20 metres is required to the centreline of the High Voltage 22KV powerline , 35 metres is required to the centreline of the High Voltage 66KV powerline.</i> <p><i>Please note, site plans submitted by Arjun Vinod 19.09.2023 to the NSW planning portal, along with a conversation between myself, Arjun and Gen Li for clarity around the plan, Essential Energy is satisfied that the site plans display adequate clearance so as to comply with Essential Energy’s safety advice.</i></p>	Y

		<p><i>Essentials 22KV overhead power line is the only one impacted by the development and we are satisfied the development complies with our Safety advice.</i></p> <p><i>Essential Energy makes the following general comments:</i></p> <ul style="list-style-type: none"> <i>• If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;</i> <i>• Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</i> <i>• Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;</i> <i>• Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and</i> <i>• It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</i> <i>• Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au).</i> <i>• If the applicant would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy’s website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are</i> 	
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		<p><i>advised that fees and charges will apply where Essential Energy provides this service.</i></p> <ul style="list-style-type: none"> <i>Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed".</i> <p>As per the above response, subject to imposition of above conditions on any consent granted the DA can proceed.</p>	
Department of Primary Industries – Agriculture	General referral under <i>MDCP 2012</i> and Section 4.15 (1) (b) of the <i>EP&A Act</i>	DPI Agriculture did not object to the granting of consent and provided general comments for consideration	Y

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Infrastructure Department	<p>The DA was referred to Council's Infrastructure Department, with the following requested:</p> <ul style="list-style-type: none"> - Assessment of Traffic Management Plan required. - Please provide Section 7.11/12 Development Contributions applicable. - Any other relevant Engineering/servicing related requirement or conditions of consent. <p>The following response was provided:</p> <p>Please read the below:</p> <p>Traffic Management Plan:</p> <p>Further clarification needed on the Traffic Management Plan.</p> <ul style="list-style-type: none"> • Designated access point and Map 1, how will the access be managed to ensure it is not restricted by other trucks / vehicles using the truck parking / rest area, while also not 	Y

	<p>restricting the area available for trucks / vehicles to park in the rest area?</p> <ul style="list-style-type: none"> Was an alternate access point considered so the parking area was not impacted? For example, there appears to be another existing access point 150m west of the parking area, off Moulamein Road, that leads to the same destination point? Provide clarity on the various vehicle movements and their departing location. For example, in Section 3.4.6 and Map 2 caption, delivery is stated from Port Adelaide but Melbourne is also referenced and is shown in the map. Then in Section 3.8.1 and Table 2, further references to Adelaide are mentioned regarding the mobilisation phase. Sydney is then mentioned in Table 4 but the same information regarding vehicle routes from Melbourne is not provided for Sydney, or Adelaide. Table 1 has a mobilisation phase scheduled for March 2019. Table 3 has a construction phase scheduled for March 2019 to August 2019. <p>If the access point is to maintain from the rest area, a dilapidation survey of the rest area (including pavement and other infrastructure) prior to commencement onsite will need to be provided to Council for review.</p> <p>Final detailed engineering drawings to be provided to Council and approved prior to commencement onsite.</p> <p>Provide an onsite stormwater management plan.</p> <p>Also prior to Construction Certificate issue:</p> <ul style="list-style-type: none"> A RAN will need to be organised for this address at Lot 9 DP756592 (for postage / deliveries / emergency services) The 7.12 contribution that is applicable to the construction is 1% OR \$85,760.32 (based on 1% of estimated total construction costs ex GST on page 3 of DOC/23/14002 – financial summary of proposed works) IF works are proposed in the Roads Reserve, an application must be lodged via the NSW Planning Portal (Roads Act application under section 138) and the access must cater for the largest of vehicles anticipated to be entering and exiting site. 7.11 cost as you would normally charge for rural works? 	
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	<p>A clause (condition to consent) can be added suggesting:</p> <p>An updated Traffic Management Plan must be submitted with the Construction Certificate application for this project.</p> <p>Any works proposed in the Roads Reserve will require an application under the Roads Act via the NSW Planning portal.</p> <p>It is considered the above can be included as conditions of any consent issued.</p>	
Waste & Compliance Team	<p>The DA was referred to Council's Waste & Compliance Department for comment.</p> <p>Council's Waste Management Coordinator has confirmed that the submitted decommission Waste Management Plan is satisfactory.</p> <p>In light of the above, the submitted Waste Management Plan will be recommended to be incorporated with any consent granted.</p>	Y

4.3 Community Consultation

The proposal was notified in accordance with the *WDCP Plan 2013* from 1 June 2023 until 30 June 2023 whilst it was also advertised on the NSW Planning Portal and in the local newspaper.

A total of one (1) unique submission, comprising one (1) objection was received. The issues raised in the submission included the following:

1. ***"PROXIMITY TO RESIDENCE"***
My residence is less than 1km from the site of the proposed solar farm. I am concerned about the impact the solar farm will have on the surrounding area e.g. the heat that will be generated especially during our hot summers, glare from the panels and visual impact.
2. ***CONSERVATION OF ENVIROMENTALLY SENSITIVE AREA***
This solar farm will be in close proximity to the Pollack Wetland which is a 700ha flora and fauna native reserve. The wetland is of significant cultural heritage to the Barapa Barapa people. This site was once an ecologically rich area, viable of supporting our First Nation's People. The impact the solar farm will have on the surrounding sensitive environment including the Koondrook State Forest which is situated next to the site needs to be looked at closely.
3. ***PRESERVATION OF AGRICULTURAL LAND***
My property is surrounded by agricultural land that needs to be preserved, the solar farm will have a negative effect on this land. Solar farms belong in more arid areas not on productive fertile land.

4. RISK OF FLOODS & BUSHFIRES

The solar farm will be constructed on a flood plain. What will the implications of another flood have on the solar farm and the areas surrounding it? The same questions are raised with bushfire, as the solar farm is to be constructed next to the State Forest”.

Consideration of submission:

The above submission was forwarded to the Applicant on 3/7/2023. In response to the objection, the Applicant provided the following response:

“Response to – PROXIMITY OF RESIDENCE

Heat Generation: *Solar panels do generate some heat, but it is minimal and localized. The panels are designed to efficiently convert sunlight into electricity, and any heat generated is well within safe limits and is limited within the site’s boundaries. The site itself will be fenced. Our solar farm project will adhere to all safety and environmental regulations to ensure there is no adverse impact on the surrounding area.*

Glare from Panels: *Solar panel glare is generally not a significant issue; especially as modern panels are designed to minimize reflection and glare. Our project will use the latest technology in solar panel design to further mitigate glare. Additionally, the panel placement is in such a way to ensure that the orientation of panels minimizes any potential glare issues. Considering that your property is over 1 km away and that are tall trees as part of the landscape surrounding the project and between your property and out project site, the site itself will not be visible from your property.*

Visual Impact: *We understand your concerns about the visual aspect of the solar farm. Our design team is committed to integrating the solar farm aesthetically into the landscape. We will employ landscaping and other visual mitigation techniques to reduce the visual impact and ensure the solar farm complements the surrounding environment. Considering that your property is over 1 km away and that are tall trees as part of the landscape surrounding the project and between your property and out project site, the site itself will not be visible from your property.*

Response to – CONSERVATION OF ENVIROMENTALLY SENSITIVE AREA

As part of the development, we had done a *comprehensive environmental impact assessment, conducted by experts in the field. This assessment will thoroughly evaluate the potential impact on site itself and the immediate surroundings. There is no adverse impact on the Environment, Flora and Fauna.*

We acknowledge the cultural significance of the Pollack Wetland to the Barapa Barapa people. As part of the development, we did check the site for cultural significance on the Aboriginal Heritage Information Management System. There are 0 Aboriginal sites in on near the project location. Aso, 0 Aboriginal places have been declared in or near the project location.

Response to – PRESERVATION OF AGRICULTURAL LAND

We share your commitment to preserving fertile agricultural land. Our project aims to work in harmony with the environment and local agriculture. We have conducted thorough soil and environmental studies to ensure that the land we use for the solar farm is of lower agricultural value. The land that the proposed site sits on, has been used as grazing lands only.

The location of our solar farm was chosen after extensive research and consultation. We considered factors like sunlight exposure, access to the power grid, and environmental impact. While it may be ideal to place solar farms in arid regions, our project is designed to maximize the utilization of available land while minimizing interference with productive agricultural areas.

We understand the importance of coexistence with local agriculture. Solar farms can offer additional benefits to the community, in some cases, grazing opportunities for livestock. We are

committed to exploring ways to ensure that the solar farm contributes positively to the local agricultural economy.

Response to – RISK OF FLOODS & BUSHFIRES

Solar farms are typically designed with permeable ground cover, which allows rainwater to be absorbed into the soil. This can have a positive effect in reducing surface runoff and slowing down the flow of water into natural water bodies.

Solar panel arrays are elevated and do not obstruct the natural flow of water during floods. They are designed to allow water to pass beneath them.

Our project adheres to stringent floodplain management regulations and works in close coordination with local authorities to ensure that the solar farm's construction and operations are in line with flood mitigation strategies.

It's important to note that the design of the solar farm did consider these factors to ensure that it does not contribute to worsening floods. Instead, the project aims to work in harmony with the environment, mitigating potential impacts.

The choice of materials for the solar panels and supporting infrastructure is carefully considered to be fire-resistant. This reduces the likelihood of the solar farm becoming a source of ignition during bushfires. Our project will adhere to all local regulations and fire safety guidelines to ensure that it is aligned with the best practices for bushfire risk reduction”.

As part of the assessment process, the DA was referred to various agencies including DPE BCD, Essential Energy and DPI Agriculture for comment. These agencies did not object to the proposal subject to imposition of relevant conditions and advice on any consent granted. It is considered the applicant has provided sufficient information to outline the proposals suitability for the site. Any consent issued will include appropriate conditions of consent to aim to protect the amenity of the area.

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

The public's interest has been taken into consideration in the assessment of this development application. It is considered the proposed development will have a net community benefit. The application has now demonstrated compliance with all relevant planning legislation, following the outstanding Test of Significance being provided.

5. RECOMMENDATION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning requirements, including controls and issues raised, it is considered the application can be supported. The previously outstanding Biodiversity information has now been provided which outlined the proposal will not cause significant impact to biodiversity values. It is therefore recommended the application be granted development consent subject to conditions.

6. ATTACHMENTS

It is noted the following attachments are relevant and available on the Planning Portal:

1. 6.87MW General Layout Master Plan – Version 3 - 28/8/2023 - Greenbox Solutions Pty Ltd (DS A8146379
2. Solar Array Type A Detail – Version 4 - 22/10/2022 - Greenbox Solutions Pty Ltd
3. PV Array Side Elevation Detail – Version 1 - 22/10/2022 - Greenbox Solutions Pty Ltd
4. Gate and Fence (sic) Detail – Version 1 - 22/10/2022 - Greenbox Solutions Pty Ltd
5. Jinko ESS UNIT Review – Version 1 – 2/2/2022 - Greenbox Solutions Pty Ltd
6. Feature and Level Survey Barham Solar Farm – Version 1 - 28/6/2021- Northern Land Solutions

7. Decommission Waste Management Plan – Barham Solar Farm – Undated – Power Generation Co. Pty Ltd
8. Barham Solar Farm Construction Environmental Management Plan – Version 1.1 – 18/3/2023 – Greenbox Solutions Pty Ltd
9. AHIMS Web Services (AWS) Search Result 28 February 2023 – Power Generation Co Pty Ltd
10. Statement of Environmental Effects – Undated - No author details
11. Barham Solar Farm – Traffic Management Plan – Version 1.0 – 16/3/2023 - Greenbox Solutions Pty Ltd
12. Memorandum - Environmental assessment of proposed solar farm development area, 206 Gonn Road, Barham – 20 October 2022 – Steve Hamilton, Hamilton Environmental Services
13. Memorandum - Environmental assessment of proposed solar farm development area, 206 Gonn Road, Barham – 1 September 2023 – Steve Hamilton, Hamilton Environmental Services