

PROPOSED 5MW SOLAR FARM FOR GREEN GOLD ENERGY (AUSTRALIA) PTY LTD

A Regionally Significant Development

Western Regional Planning Panel Reference No: PPSWES-228

ASSESSMENT REPORT

CARRATHOOL SHIRE COUNCIL

(DA2024/038)

Prepared by: Carrathool Shire Council Building and Regulatory Services Department

NOVEMBER 2024

Table of Contents

1.	OVERVIEW OF ASSESSMENT REPORT	3
2.	GLOSSARY OF ABBREVIATED TERMS.....	5
3.	EXECUTIVE SUMMARY	6
4.	THE ASSESSMENT PROCESS	8
5.	OVERVIEW OF THE PROJECT	9
6.	MATERIAL ENVIRONMENTAL AND SOCIAL MATTERS.....	14
7.	STATUTORY CONTEXT.....	19
8.	EVALUATION AND CONCLUSION	40
9.	DEVELOPMENT CONSENT: RECOMMENDED DRAFT CONDITIONS	43
10.	ATTACHMENTS:	
Attachment A	Statement of Environmental Effects dated 29 January 2024 Ref:230253 prepared by NGH Pty Ltd	
Attachment B	Kidman Way Solar Farm – Traffic Impact Assessment Ref: 686 rep 231221 final dated 21 December 2023 prepared by Amber Traffic & Transportation Direction.	
Attachment C	Preliminary Biodiversity Assessment Report dated 22 January 2024 prepared by The Environmental Factor (TEF).	
Attachment D	Glint and Glare Assessment, Issue 02, dated 23 April 2024, Project Number: 2416 prepared by Moir Landscape Architecture.	
Attachment E	Waste Assessment dated 29 April 2024 prepared by NGH Pty Ltd.	
Attachment F	Aboriginal Heritage Due Diligence Assessment dated 20 March 2024 prepared by NGH Pty Ltd.	
Attachment G	Flood Risk Assessment dated 8 December 2023 prepared by Cumulus Engineering Pty Ltd.	
Attachment H	Agency and Organisation Submissions.	
Attachment I	Site Layout Aerial Image, Project Number NSW-147, Rev D, Sheet 1/1, dated 20 November 2023.	
Attachment J	Development Application	

1. OVERVIEW OF ASSESSMENT REPORT

Panel Reference	PPSWES-228
Development Application Number	DA2024/038
LGA	Carrathool Shire Council
Proposed Development	Construction of a 5MW Solar Farm and Associated Inverter Infrastructure
Street Address	Lot 1 DP 626213, Kidman Way Hillston NSW 2675
Applicant/Owner	Applicant: Green Gold Energy Pty Ltd Landowners: Christopher Yerbury and Christine Yerbury
Date of DA lodgement	9 May 2024
Number of Submissions	No public submissions received.
Recommendation	Approval with Conditions
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	Section 5 – Private infrastructure and community facilities over \$5 million (a) Electricity generating works
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Primary Production) 2021 • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • NSW State Plan 2021 • Riverina Murray Regional Plan 2041 • NSW Renewable Energy Action Plan 2018 • Carrathool Local Environmental Plan 2012 • Suitability of the site for development; • Environmental and social impacts of the development; • Agency referrals and comments; • Publicly notified and advertised for 28 days;
List all documents referenced in this report for the Panel's consideration	<p>Attachment A: Statement of Environmental Effects dated 29 January 2024 Ref:230253 prepared by NGH Pty Ltd</p> <p>Attachment B: Kidman Way Solar Farm – Traffic Impact Assessment Ref: 686 rep 231221 final dated 21 December 2023 prepared by Amber Traffic & Transportation Direction</p> <p>Attachment C: Preliminary Biodiversity Assessment Report dated 22 January 2024 prepared by The Environmental Factor (TEF)</p>

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Report prepared by	Carrathool Shire Council Building and Regulatory Services Department
Report date	November 2024

Summary of s4.15 matters

Yes

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

Legislative clauses requiring consent authority satisfaction

Yes

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

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

Clause 4.6 Exceptions to development standards

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

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (\$7.24)?

Not Applicable

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

Conditions

Yes

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

Further Application Details:

DA Lodgement Date:	9 May 2024
Additional Information received?	Additional Information received from the Proponent: Various dates
Estimated Construction Value of Development:	\$7,362,273.00
Estimated Development Cost:	\$7,362,273.00

2. GLOSSARY OF ABBREVIATED TERMS

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

3. EXECUTIVE SUMMARY

The Development Proposal

Green Gold Energy Pty Ltd proposes to develop a new 12.35 hectare (of a total site area of 62.66 hectares) photovoltaic solar farm and associated infrastructure on cleared rural land 3.5 kilometres south from the town of Hillston in Carrathool Shire.

The project, with an Estimated Development Cost (EDC) of \$7,362,273.00 proposes to employ up to 40 workers during the estimated six to nine-month construction period and local contractors would be deployed to deal with any fault or other matter and to undertake maintenance tasks during the planned 40 years of operations.

The nearest residence is approximately 530 metres North of the proposed facility.

The development footprint covers 12.35 hectares. This footprint is located in the Western portion of the Lot commencing along the Western side boundary and is of a rectangular shape. The Lot is zoned RU1 under the Carrathool Local Environmental Plan 2012 (CLEP) and has an area of 62.66 hectares.

It is not proposed to subdivide the main allotment to create an allotment on which the proposed solar farm will be located. Instead, the owners of the main allotment have agreed to terms with the Applicant to lease the Lot from the owners under a long-term but undisclosed lease period, which will allow 50 hectares of the property to be retained for continued agricultural use.

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

Material Matters

Flooding

The Project site is mapped as being flood prone land on Council's mapping system but will only be partially impacted in a 1% AEP Flood Event. Using the 1% AEP Flood Depths, all infrastructure for the solar farm such as the inverters and switchgear would be unaffected by flood flows as it will be located outside of the 1% AEP Flood Extent. Flood depths across the site vary with deeper flooding occurring in a low point in the Eastern portion of the site where depths could reach 1.35 metres. Depths along the proposed internal access track along the Northern boundary of the site to the Kidman Way would be expected to reach between 900mm and 950mm and would be impassable in a 1%AEP Flood Event, thus impacting access to and from the site. This would pose a risk to the safety of individuals and emergency vehicles, impeding their ability to enter or exit the site during flood events.

The access to the site from Kidman Way is impacted by flood depths of up to 950mm. The Flood Risk Assessment proposes a Flood Response Plan be developed and maintained for the site to ensure the site is evacuated in advance of a flood event in the vicinity of the site. This will be attached as a condition on the development consent as part of an overall Site Emergency Response Plan (Plan), which will require the Plan to be developed prior to the commencement of operations of the solar farm.

The Flood Risk Assessment concludes that the proposed development has been designed in a satisfactory manner and flood risk can be appropriately managed for the construction, operation and decommissioning of the proposal.

Bush Fire Prone Land

Council's mapping indicates that the site is not mapped as being Bush Fire Prone Land. However, as grassfires and electrical fires are possible within solar facilities, the proposed development will incorporate bushfire protection measures into its design and operational plans, in accordance with the NSW Rural Fire Service publication Planning for Bush Fire Protection 2019. The bush fire protection measures incorporate Asset Protection Zones, Landscaping, Emergency Management, Access, Water and Utilities and Construction Standards of ancillary buildings so as not to contribute to spreading fire to nearby vegetation. The preparation of a Bush Fire Emergency Management and Operations Plan will outline appropriate management and maintenance of bushfire protection measures for the life of the development.

The standard of the intersection of the internal Access Road with Kidman Way

The project site is to be accessed from Kidman Way. Access will then proceed along an existing five-metre-wide gravel internal farm access road approximately 750 metres in length.

The intersection of the internal access road and the Kidman Way will require a sealed Basic Right Turn (BAR)/Basic Left Turn (BAL) intersection treatment in accordance with Austroads Guide to Road Design for the posted speed limit and designed for an approved Road Train route. These construction standards and other relevant road construction requirements will be attached as conditions on the development consent.

Other

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

Council and Other Government Agencies

The Application was notified by letter for a period of 30 days to property owners within proximity of the subject site and the proposal was also advertised in two local newspapers between 15 May 2024 and 5 June 2024. At the conclusion of the notification period, no public submissions were received by Council.

Council is supportive of the project.

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

The Community

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

Western Regional Planning Panel

The Western Regional Planning Panel is the determining authority for this Development Application pursuant to Section 4.5 (b) of the Environmental Planning and Assessment Act 1979 as the proposed development is classified as “Regionally Significant Development” pursuant to Section 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the proposed development is for private infrastructure works, being electricity generating works, with an estimated development cost of more than \$5 Million. The estimated development cost of the project, as estimated in a report prepared by Property and Building Assessments Pty Ltd (Quantity Surveyor) on behalf of the Applicant, is \$7,362,273.00 Million (incl. GST).

Conclusion

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

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

4. THE ASSESSMENT PROCESS

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

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

- Statement of Environmental Effects dated 29 January 2024 Ref:230253 prepared by NGH Pty Ltd
- Kidman Way Solar Farm – Traffic Impact Assessment Ref: 686 rep 231221 final dated 21 December 2023 prepared by Amber Traffic & Transportation Direction.
- Preliminary Biodiversity Assessment Report dated 22 January 2024 prepared by The Environmental Factor (TEF).
- Glint and Glare Assessment, Issue 02, dated 23 April 2024, Project Number: 2416 prepared by Moir Landscape Architecture.
- Waste Assessment dated 29 April 2024 prepared by NGH Pty Ltd.
- Aboriginal Heritage Due Diligence Assessment dated 20 March 2024 prepared by NGH Pty Ltd.
- Flood Risk Assessment dated 8 December 2023 prepared by Cumulus Engineering Pty Ltd.
- Agency and Organisation Submissions.
- Site Layout Aerial Image, Project Number NSW-147, Rev D, Sheet 1/1, dated 20 November 2023.

- Notification Letter to neighbours, dated 13 May 2024.
- Department of Primary Industries-Agriculture letter dated 18 June 2024.
- Department of Climate Change, Energy, the Environment and Water dated 29 May 2024.
- Transport for NSW letter dated 21 August 2024.
- Essential Energy advice by email dated 11 June 2024.
- TransGrid Planning Portal advice dated 14 May 2024.
- Civil Aviation Safety Authority email advice dated 14 May 2024.
- Carrathool Shire Council Director Infrastructure Services advice dated 28 June 2024.
- Development Application documentation
- Site inspections conducted by Council staff on 30 August 2024.

5. OVERVIEW OF THE PROJECT

The Applicant, Green Gold Energy Pty Ltd, proposes to develop a Regionally Significant solar farm on rural land located approximately 3.5 kms south from the town of Hillston. See Figure 1 for location of the site (red edging) relative to Hillston township.



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

The proposed Solar Farm is to be located on a 12.35-hectare portion of Lot 1, DP626213, Kidman Way Hillston. The 12.35-hectare project site is located on Kidman Way – a dual carriageway bitumen sealed Classified State Road managed by Transport for NSW. See Figure 2 below for an aerial photo of the proposed site.



Figure 2: Proposed Development site layout (Lot 1 DP626213).

The proposed development is for the construction and operation of a photovoltaic (PV) solar farm and associated infrastructure, with a capacity of no more than 5 megawatts (MW) of electricity to the local distribution network.

The solar farm is proposed to be constructed in one go and construction is expected to span between a six (6) to nine (9) month time frame.

The 11,178 solar panels will be configured into arrays that are mounted on a ground-mounted tracking system in rows on tracker tables and approximately 1,300 array posts mounting structures, each of 2.2 metres in length, with a maximum height of approximately 2.75 metres above ground level at maximum rotation. The panels will be installed on mounting structures running north south with approximately six metres spacing between the rows to allow access for maintenance. The mounting system is proposed to be constructed on steel piles driven into the ground to a depth to be determined at Construction Certificate stage but is usually 1.2 to 1.5 metres.

The panels are designed to rotate to track the sun's daily path from east to west. The hub height of each tracker is 1.7 metres reaching an approximate height of 2.75 metres when the array is fully tilted to 60 degrees from horizontal in the early mornings and late evenings.

A two Inverter station building, including the inverter and transformer, will be installed within the solar arrays and will be 12 metres long, 2.4 metres wide and 2.9 metres high and will be the primary conduit for electricity from the facility prior to being transferred via overhead lines into the nearby 33 kV energy distribution network within the subject land. The Inverters will house high and medium voltage switch gear connected by underground cables to a new 33 kV power line that runs along the Southern side boundary of the site, to the existing 33kV powerline that runs in an East-West direction.

Access to the site will be from Kidman Way, then into an existing 5-metre-wide farm access track as described elsewhere in this report. The proposal also includes the construction of temporary construction phase facilities such as material laydown areas, site offices, car and bus parking areas for construction workers, staff amenities building, portable toilets and waste management areas. The construction compound will be cleared, levelled and resurfaced. Once the solar farm is operational, the construction compound would be decommissioned.

The proposal includes the construction of a two-metre-high chain mesh steel, security perimeter fence around the entire perimeter of the facility, including CCTV and security lighting. The arrays will have setbacks from the proposed new security fence near the Western side boundary fence and near the Southern boundary fence of approximately 10 metres and 50 metres from the Northern side boundary to the existing Hillston Solar Farm.

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

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

The information submitted in support of the proposal refers to the decommissioning of the infrastructure at the end of the projected 40-year life of the solar farm. The decommissioning of the solar farm and subsequent rehabilitation of the land will include removal of all infrastructure followed by on site works to ensure the property is returned to its current agricultural capacity.

The subject site is zoned RU1 Primary Production and is currently used for agricultural/grazing purposes which is consistent with the objectives and the range of permissible uses in the RU1 Zone. Land immediately surrounding the subject site, is currently also used for similar purposes, in conjunction with associated scattered residences. An approved (yet to be constructed) solar farm (Daisy Hill Solar Farm) is located to the East of the development site across Kidman Way. A large, existing solar farm (Hillston Sun Farm) and Essential Energy substation are located to the South of the proposed development on the same side of Kidman Way. Another 5 MW solar farm will be located to the South East of the proposed development and will have access from Norwood Lane.

The site has been essentially cleared in the past to facilitate agricultural use of the land – mostly for dryland wheat production and sheep grazing. The Eastern portion of the land comprises of remnant native vegetation and floodplain wetlands during major flood events and/or periods of heavy rainfall. A man-made drainage channel is located along the Western boundary but is located well clear of the proposed development, which will be located in an area void of native vegetation and historically used for cropping.

The proposed development envelope is currently used for agricultural purposes, and it has not been mapped as Biophysical Strategic Agricultural Land, nor is it identified as being classified as significant agricultural land. The land/soil capability of the site has been identified as Class 5 by the Department of Primary Industries-Agriculture, based on the biophysical features of the soils and landscape.

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

The property is slightly sloping and is mapped as flood prone land under Council's mapping. However, it has been demonstrated in the documentation that the proposed development complies with the

objectives of Section 5.21 “Flood Planning” of the CLEP. The site is not mapped as Bush Fire Prone Land under Council’s mapping.

There are scattered residences not associated with this development located in the area, with the closest residential receiver (dwelling) being located approximately 530 metres North of the proposed development site.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	<p>The project includes:</p> <ul style="list-style-type: none"> • Construction of a 5 MW Solar Farm and associated infrastructure • 11,178 solar panels and associated infrastructure.
Project area	<ul style="list-style-type: none"> • Site: 62.66 hectares with a total development footprint of 12.35 hectares
Access route	<ul style="list-style-type: none"> • Via an internal access road from Kidman Way.
Site entry and road upgrades	<ul style="list-style-type: none"> • Project site entry to be located along the Northern boundary of the Development Site off Kidman Way; • Access to the site from Kidman Way is to comply with the requirements of transport for NSW as per their letter dated 21 August 2024 and Council's Director Infrastructure Services as per email dated 28 June 2024; • All works associated with the upgrade of Kidman Way by the Proponent will be carried out in accordance with the requirements of Transport for NSW during the construction phase and thereafter maintained by Transport for NSW at the completion of the required upgrading works at the completion of the development; • Dust suppression to be applied to the internal access road during construction of the facility, as required;
Construction	<ul style="list-style-type: none"> • The construction period to be approximately 6 to 9 months. • Construction hours limited to Monday to Friday 7 am to 6 pm, and Saturday 8 am to 1 pm. No work is to be undertaken on Sundays or public holidays.
Operation	<ul style="list-style-type: none"> • The expected operational life of the project is approximately 40 years. However, the project may involve infrastructure upgrades that could extend the operational life of the development if appropriate additional consents are in place.
Decommissioning and rehabilitation	<ul style="list-style-type: none"> • The project also includes decommissioning at the end of the project life, which would involve removing all above ground infrastructure to a depth of 1 metre, with some exceptions.
Hours of operation	<ul style="list-style-type: none"> • Daily operations and maintenance would be undertaken Monday to Friday 7am to 6pm, and Saturday 8am to 1pm.
Direct Employment	<ul style="list-style-type: none"> • Up to 40 construction jobs in total at peak construction, however only 20 workers on site at any one time; One worker located off-site during operation and crews on-site of 2 workers involving general inspections, maintenance of equipment and landscaping would be conducted on a rotational basis scheduled consistently throughout the year and on an as-needed basis. The site will be monitored remotely from an off-site location. Staff would not be permanently stationed at the facility.
Estimated Development Cost	<ul style="list-style-type: none"> • \$7,362,273.00

6. MATERIAL ENVIRONMENTAL AND SOCIAL MATTERS

6.1 Flooding

The Project site is mapped as Flood Prone land under Council's mapping system and is mapped as being affected by Wetlands. A Flood Risk Assessment has been prepared for the development and has assessed the flood risk at the site using existing flood data provided by Carrathool Shire Council as part of the Hillston Flood Risk Management Study and Plan completed by Catchment Simulation Solutions in 2022.

As explained elsewhere in this report, using the 1% AEP Flood Depths, all infrastructure for the solar farm such as the inverters and switchgear would be unaffected by flood flows as it will be located outside of the 1% AEP Flood Extent. Flood depths across the site vary with deeper flooding occurring in a low point in the Eastern portion of the site where depths could reach 1.35 metres. Depths along the proposed internal access track along the Northern boundary of the site to the Kidman Way would be expected to reach between 900mm and 950mm and would be impassable in a 1%AEP Flood Event, thus impacting access to and from the site. This would pose a risk to the safety of individuals and emergency vehicles, impeding their ability to enter or exit the site during flood events.

The access to the site from Kidman Way is impacted by flood depths of up to 950mm. The Flood Risk Assessment proposes a Flood Response Plan be developed and maintained for the site to ensure the site is evacuated in advance of a flood event in the vicinity of the site. This will be attached as a condition on the development consent as part of an overall Site Emergency Response Plan to be developed prior to the commencement of operations of the solar farm.

6.2 Roads & Traffic

The district-wide access route to the project site is via the Kidman Way and then into an existing gravel internal farm access road.

Council's Director Infrastructure Services and Transport for NSW will require certain standards to be complied with in relation to the upgrading of the proposed access/exit point at the intersection with Kidman Way, including the provision of sealed Basic Right Turn (BAR) and Basic Left Turn (BAL) intersection treatments in accordance with Austroads Guide to Road Design for the posted speed limit and also designed for an approved Road Train route. These construction standards and other relevant road construction requirements will be attached as conditions on the development consent.

All access roads and their existing condition are not considered likely to be substantially compromised by the six to nine months of heavy and over-sized construction traffic. Following the required upgrading prior to the commencement of construction on the site, the roads will be to a suitable standard after which time Transport for NSW will be responsible for the maintenance of the works.

Council's Director Infrastructure Services supports the proposed BAL and BAR treatments and will require the driveway to be sealed from the road edge to the gate or boundary of the site (whichever is the greater). In addition, detailed road/driveway plans must show drainage, signage and other road construction requirements.

There are no private residences in the area that will be adversely impacted by noise and dust and increased road safety risks during the six to nine months construction phase.

The salient road information is as follows:

- The internal gravel access road will provide access from the Kidman Way to the development site.
- The internal access road intersects with the Kidman Way (a classified State Road) to the East;
- The Kidman Way access entrance to the site will be upgraded to comply with the requirements of Transport for NSW and be carried out in accordance with Austroads Guide to Road Design for the posted speed limit of 100km/h at the Eastern boundary of the development site;
- Council's Director Infrastructure Services supports the proposed BAL and BAR treatments and will require the driveway to be sealed from the road edge to the gate or boundary of the site (whichever is the greater). In addition, detailed road/driveway plans must show drainage, signage and other road construction requirements.

6.3 Visual Amenity

Due to the comparatively small scale of the proposed development, the visual impacts are considered low and manageable. The result of the visual assessment in the SoEE did not show any need for detailed assessment. The closest residential receiver is located 530 metres from the development site and the line of sight to the proposed solar farm from this receiver is obscured by existing remnant vegetation on the subject land and surrounding the receiver on neighbouring land. There would be no change to the visual environment in this regard, nor opportunity for glint and glare.

The closest receiver is located in close proximity to the existing internal access road. The access road would be generally visible at a distance of 150 metres South from the receiver but is partially obscured by vegetation and farm structures. The access will be used regularly during the construction phase and intermittently throughout the operational phase. The access road will not comprise any infrastructure and is not considered to have any altered visual impact on the receiver's environment.

The proposed facility will only occupy approximately 12.35 hectares of land which is a relatively small area of agricultural land when compared to other larger renewable energy facilities.

Also, the low reflectivity design of the panels; the setbacks from Kidman Way and the rail line; views along Kidman Way and likely speeds of travel; the very low use of the associated internal access road and the setbacks from the nearest dwellings, all combine to minimise the potential visual and glare effects of the proposed development. Therefore, the cumulative impact of the proposed facility when viewed in the context of its surroundings is minimal and no specific visual mitigation measures are considered necessary.

6.4 Waste Management

Council has limited solid and liquid waste management infrastructure and the Proponent will require a plan to remove Project-related solid and liquid wastes from the Shire for recycling or disposal at suitably approved facilities. The closest facility is the Hillston Community Recycling Centre which offers recycling for cardboard, paper, glass, plastic, steel, aluminium, used motor oil, car batteries, farm chemical drums, scrap metal and clean fill.

Initial reviews of waste facilities outside of the Carrathool Shire Council local government area indicate that Griffith City Council is likely to have the appropriate facilities for use during the project lifecycle. Griffith City Council currently operates two waste facilities with specific requirements of certain

materials. These facilities offer recycling services of paper, cardboard, glass and plastic bottles and aluminium cans. There are also a number of scrap metal business which operate within the Griffith area.

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

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

Decommissioning of the project will occur after approximately 40 years of operation. Options for recycling of the PV panels will be reviewed as the project progresses and in accordance with the relevant regulations at the time.

Portaloos facilities will be installed on-site as required. Details of this will be determined by the Construction Contractor (yet to be engaged) and will be a part of its Construction Environmental Management Plan (CEMP) which all staff will be required to adhere to. A Waste Management Plan (WMP) would be developed and implemented during construction, operation and decommissioning to minimise wastes.

6.5 Glint & Glare

The Applicant has undertaken a glint and glare assessment as part of the development application. This assessment considered dwellings within 3km, transport routes within 1km of the proposed development and the Hillston Aerodrome located within a 5km radius to the North West of the proposed development. The photovoltaic panels are designed to absorb rather than reflect sunlight, and it is deemed that the project would not cause noticeable glint or glare compared to other building surfaces nor any impacts on residential receptors, road and rail receptors and the aviation receptor within 1km of the Project.

6.6 Construction Impacts: Noise & Dust

Noise

Noise generated during the proposed six to nine (6-9) months construction phase and any subsequent upgrading and decommissioning activities is expected to comply with the relevant criterion of 50 dB(A) in the EPA's *Interim Construction Noise Guideline* (ICNG) for standard daytime construction hours at all residences, except that the proposed roadworks (BAL and BAR treatments) at the intersection of the access road with Kidman Way would potentially result in an exceedance of 3 dB(A) over the relevant criterion of 50 dB(A). Even though this would not trigger the need for additional mitigation measures, as a precautionary measure, mitigation measures are proposed.

To assist in minimising noise impacts on the nearest receiver during construction of the solar farm, the hours of construction will be limited from 7am to 6pm Monday to Friday, and 8am to 1pm Saturday, public holidays excepted.

Road traffic noise during upgrading works on Kidman Way is expected to generally comply with the relevant criteria in the EPA's *Road Noise Policy*. The expected 3 dB(A) exceedance will be relatively short term, only during the day and of low volume, which is considered acceptable. Affected neighbours would be consulted to determine the best approach in relation to the road upgrading works and the proposed arrangements will be detailed in a Construction Environmental Management Plan (CEMP) to be prepared as a condition of the development consent. In relation to the intersection upgrading works, nearby receivers will be notified of the proposed works at least 48 hours prior to commencement.

The CEMP will also have a complaint handling procedure to promptly respond to any noise issues.

Dust

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

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

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

6.7 Bushfire

The flammability of the solar farm is considered to be low as the components are predominantly constructed of glass, silicon, steel and aluminium.

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

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

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

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

The Bush Fire Emergency Management and Operations Plan would outline appropriate management and maintenance of bushfire protection measures for the life of the development and would incorporate bushfire protection measures such as Asset Protection Zones, Landscaping, Emergency Management, Access, Water and Utilities and Construction Standards of ancillary buildings housing essential equipment so as to not contribute to spreading fire to nearby vegetation.

6.8 Electromagnetic Fields (EMF)

Radiation produced by transformers and inverters is reduced through performance standards that apply to standard components. The Australian Radiation Protection and Nuclear Safety Agency advises that the strength of this radiation would decrease with distance from the source and it would become indistinguishable from background radiation within 50 metres of a high voltage power line and within 5 metres to 10 metres of a substation.

EMFs are produced whenever electricity is used and also occur naturally in the environment. Electric fields are produced by voltage and magnetic fields are produced by current. When electricity flows, EMFs exist close to the wires that carry electricity and close to operating electrical devices and appliances. Electric and magnetic field strength reduces rapidly with distance from the source.

Whilst it is accepted that short-term exposure to very high levels of electromagnetic fields can be harmful to health, the International EMF Project established by the World Health Organisation has concluded that there are no substantive health consequences from exposure to extremely low frequency electric fields at the low levels generally encountered by the public, such as those that would be produced by electricity generation from the proposed development infrastructure, including the solar arrays; the two inverters; underground cables; overhead transmission line; onsite substation and the energy storage facility.

There is low potential for EMF impacts during the construction and decommissioning phases of the development. Staff would be exposed to EMFs over intermittent periods during works at and around the existing 33 kV distribution line and relevant electrical equipment. Exposure to EMFs during construction would be short-term, therefore the effects are likely to be negligible. During operation, EMF sources would include overhead transmission lines, underground cabling and the solar array.

Given the levels associated with the infrastructure components and the distance to the site perimeter fence, EMFs from the development are likely to be indistinguishable from background levels at the boundary fence. The underground cabling would not produce external electric fields due to shielding from soil, and its magnetic fields are expected to be well within the public and occupational exposure levels recommended by ARPANSA and ICNIRP.

As a result of the design of all electrical equipment in accordance with relevant codes and industry best practice standards and siting of the infrastructure, exposure to EMFs and potential for adverse health impacts are further reduced. Adverse health impacts from EMFs are therefore unlikely because of the development and no adverse impacts from potential EMFs are anticipated.

6.9 Heat Island Effect

“Heat island” is defined as an area having higher average temperatures than its surroundings owing to the greater absorption, retention and generation of heat by buildings, pavements and activities. Studies have shown that photovoltaic panels convert incident solar radiation into heat and this can

alter the air flow and temperature profiles near the panels. Whether such changes may subsequently affect the thermal environment of near-by populations of humans and other species are inconclusive. To date, there have been limited studies on the potential for a heat island effect in utility-scale solar farms.

Research has suggested a small potential effect on climate within the development site. This effect may enhance retention of ground cover in very cold or hot conditions onsite but no impacts on adjacent properties and agricultural activities would occur.

The potential risks associated with heat island effect for the development have been avoided by designing for reasonable setbacks of greater than 30 metres to adjoining properties. As such, there are no likely potential heat island effects from the development on adjoining land. There are no sensitive receivers, orchards or the like within 30 metres of the infrastructure. The development suitably considers and addresses potential heat island effect impacts and therefore no adverse impacts from potential heat island effect are anticipated.

7. STATUTORY CONTEXT

EP&A Act: Matters for Consideration

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

A. State Environmental Planning Policies (SEPPs)

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

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

Section	Subject	Comments
Section 4.4	Land to which this Chapter applies	<p>Land to which Chapter applies</p> <ol style="list-style-type: none"> 1) This Chapter applies to each local government area listed in Schedule 2. 2) The whole of each local government area is— <ol style="list-style-type: none"> (a) In the koala management area specified in Schedule 2 opposite the local government area, or (b) If more than 1 koala management area is specified, in each of those koala management areas. 3) Despite subsection 1), this Chapter does not apply to – <ol style="list-style-type: none"> (a) Land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>, or acquired under Part 11 of that Act, or

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 requires that consideration be given to the current circulars or guidelines relating to such development as published by the Department of Planning, when determining if the development is potentially hazardous or offensive.

Electricity generating works are not identified as a potentially offensive or potentially hazardous industry or storage facility in Appendix 3 of the Guidelines. All measures proposed to reduce or minimise the impact of the proposed development on the locality are not likely to have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality. The proposed solar farm will not have a battery energy storage system and therefore the NSW Department of Planning and Environment's Large-Scale Solar Energy Guideline deems the proposed solar farm not to be offensive or hazardous development. Therefore, the preparation of a Preliminary Hazard Analysis is not considered to be required for the development.

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

Section	Subject	Comments
Section 4.6	Contamination and remediation to be considered in determining development application	<p>1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out,</p>

		<p><i>it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p>Pursuant to Section 4.6 of this SEPP there is no apparent reason to consider that land to be impacted by the Proposal would be contaminated.</p> <p>In regard to the potential for any site contamination from past/present activities on the land, it is noted under Table 1 of the EPA Planning Guidelines for Managing Land Contamination that agricultural/horticultural activities have been identified as an activity that may cause contamination.</p> <p>The Consultant, on behalf of the Applicant, has undertaken a site visit and has determined that there is no physical evidence of contamination on the site as part of the site feasibility and site history. The proposed development is on a site that has been used for dryland agricultural activities such as cropping and livestock grazing for an extended period of time. There has been no known historical use that would cause the land to be contaminated. Further to this a review of the NSW Contaminated Sites notified to the EPA indicated that no statutory notices have been issued under the provisions of the Contaminated Land Management Act.</p> <p>The property has been cleared and farmed for many years and is not listed on a Council Register of potentially contaminated land. NSW Health advise that the use of farm chemicals such as pesticides and fertilisers is not considered to contaminate soils to the extent that remediation is required.</p> <p>During all farming activities, no evidence was observed that indicated previous site contamination, or that suggested previous major land-use changes. Specifically, the following were NOT observed:</p> <ul style="list-style-type: none"> • Sheep dips or intensive animal handling facilities; • Portions of unusually bare or discoloured soils; • Scums or discoloured waterbodies; • Operational, or disused, sheds or other built structures; • Chemical storage facilities; • Evidence of land-based waste disposal or dumping; and • Evidence of land disturbance, filling or excavation. <p>On this basis a formal preliminary investigation has determined there is a very low potential for land and water contamination of the sites and further assessment is not warranted.</p> <p>In this regard, Council advises the following:</p> <ul style="list-style-type: none"> • The subject site is not identified as being potentially contaminated on Council's information system.
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		<ul style="list-style-type: none"> • A review of Council's electronic and hard copy files for the properties has not identified any past land uses that would be likely to result in site contamination. • A site inspection did not reveal any apparent signs of contamination. • The proposed development does not constitute a sensitive land use. <p>On the basis of the above, the undertaking of a further Detailed Site Investigation was not considered necessary in this instance and the subject site is considered as suitable for the proposed development.</p>
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State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Part 2.3 - Development Controls

Division 4-Electricity generating works or solar energy systems

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

		<p><i>(c) a solar air heating system.</i></p> <p>As such, the proposal is also considered to be permissible with consent under Section 2.36 (9) of SEPP (Transport and Infrastructure) 2021.</p>
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Division 5- Electricity transmission or distribution

Section	Subject	Comments
2.48	Determination of development applications	<p>The development is considered to affect an electricity transmission or distribution network. The application was referred to Essential Energy for comment.</p> <p>By email dated 11 June 2024, Essential Energy advised as follows:</p> <ul style="list-style-type: none"> • a 12.5 metre safety/easement clearance will be required from the existing 33KV Overhead network. • All works must comply with SafeWork clearance requirements and Essential Energy must be contacted if works cannot maintain the safe working clearances. • Under Section 49 of the Electricity Supply Act 1995, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works or that could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. • Any changes to the proposed development are to be referred to Essential Energy for further comment. • Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the Title of the 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 of the Electricity Supply Act 1995. The location of overhead and underground powerlines are also shown in the “Look Up and Live” app. <p>As such, this Section has been complied with and the comments from Essential Energy will be attached as conditions on the development consent.</p>

Division 17 - Roads and traffic

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

Section	Subject	Comments
2.119	Development with frontage to classified road	<p>According to TfNSW, Kidman Way is a classified State Road, and the subject land has frontage and existing access to Kidman Way within a 100kmh speed zone. Access is proposed directly from Kidman Way and then by an internal access road to the site. The application was referred to TfNSW for comment and the comments received from TfNSW will be attached as conditions on the development consent.</p> <p>In addition, none of the other Sections of Division 17, Subdivision 2 are applicable to the proposed development. Therefore, in light of the above statement, the provisions of Section 2.119 do not require further consideration.</p>
2.122	Traffic-generating development	The development is not considered to be traffic generating under Schedule 3 of SEPP (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Primary Production) 2021

Section	Subject	Comments
2.1	Aims of Chapter 2	<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p>The assessment of this application has considered the aims of this Chapter.</p> <p>The proposal is not for the purposes of primary production. The proposed solar farm will not entirely alienate the use of agricultural land as the applicant has advised that the site within and surrounding the development footprint can still be used for agricultural purposes. The land will remain productive agricultural land reflective of recent agricultural use.</p> <p><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p>The proposal has a limited life span (proposed 40 years) and a footprint that does not exclude ongoing agricultural use of the land. It is unlikely that the development as proposed will result in any land use conflicts or sterilise the land for future primary production purposes.</p>

		<p>It is proposed to decommission the solar plant at the end of the project's life cycle, removing all infrastructure from the site. At that point, the land would again be suitable for primary production purposes.</p> <p>The development area on the site has been previously cleared of any native vegetation and has been extensively used for dryland cropping and grazing purposes. Given the historical use of the property there will be insignificant impacts on either native vegetation or biodiversity.</p> <p><i>(a) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p> <p>The subject site is not identified as State Significant Agricultural Land. It has been identified by Department of Primary Industry as Class 5 land and soil capability.</p> <p><i>(b) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p>This clause does not apply to this proposal.</p> <p><i>(c) to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p>The application for the development of a solar farm is not development for the purposes of agriculture.</p> <p><i>(d) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p>This clause is not applicable to this proposal.</p> <p><i>(e) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p> <p>This clause is not applicable to this proposal.</p>
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State Environmental Planning Policy (Planning Systems) 2021

Section	Subject	Comments
3	Aims of Chapter	<p><i>The aims of this Chapter are as follows—</i></p> <p><i>(a) to identify development that is State significant development,</i></p> <p><i>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</i></p>

		<p><i>(c) to identify development that is regionally significant development.</i></p> <p>The assessment of this application has considered the aims of this Chapter.</p>
2.19	Declaration of regionally significant development	<p>1) <i>Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.</i></p> <p>The proposed development is identified as being Regionally Significant Development (RSD) under Section 5 of Schedule 6 of the SEPP, being for the purposes of:</p> <ul style="list-style-type: none"> • Private infrastructure works over \$5 million for the purposes of electricity generating works that has a capital investment value of more than \$5 million. <p>The Applicant has advised that the development has an ESD of \$7,362,273.00.</p>

B. NSW State Plan 2021

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

C. Riverina Murray Regional Plan 2041

Clause	Subject	Comments
Objective 13	Support the transition to net zero by 2050	<p><i>Within 15 years, 75% of the state's coal powered electricity generation is expected to reach the end of its technical life. Replacing these energy sources and building the infrastructure needed to connect new energy sources is essential. The NSW Government has committed to net zero emissions by 2050, requiring greater renewable electricity generation, transmission and storage. Renewable energy is now the cheapest form of new electricity generation and is key to the net zero target. It is expected electricity demand will increase as people change how they power homes, transport, industry and business. The Australian Energy Market Operator forecasts a step-change in the transition away from fossil fuels and higher electrical demand. This transition requires fundamental changes in how electricity is generated, transported,</i></p>

		<p><i>stored and used. Careful management will ensure the region benefits from employment opportunities and the potential for the new electricity systems to coexist with existing and future industries and residents. Land use planning can help to guide an orderly transition and maximise benefits.</i></p> <p><i>The Riverina Murray's climate, resources and strategic connections to utility infrastructure place it in a strong position to contribute to and capitalise on the net zero target and electricity infrastructure plans. In recent years, large-scale solar farms account for more than 50% of major projects.</i></p> <p>The proposed development is not inconsistent with Objective 13 expressed in the Murray Riverina Regional Plan even though the site is not located within the South West Renewable Energy Zone.</p>
	Strategy 13.1	<p><i>To prepare for the transition to net zero emissions, strategic and statutory planning will:</i></p> <ul style="list-style-type: none"> <i>• Appropriately consider opportunities to minimise land use conflict for the future South West Renewable Energy Zone (REZ), renewable energy generation and associated infrastructure outside the REZ.</i> <p>The proposed development is not inconsistent with Strategy 13.1 expressed in the Murray Riverina Regional Plan even though the site is not located within the South West Renewable Energy Zone.</p>

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

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

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

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

Clause	Subject	Comments
Part 1 – Preliminary CLEP Clause 1.2	Aims of Plan	<p><i>The aims of the Carrathool Local Environmental Plan are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) To promote development that is ecologically sustainable</i> <i>(b) To promote the orderly and economic use and development of land within Carrathool</i> <i>(c) To conserve and protect rural lands which are the economic base of Carrathool and resulting rural activities and rural industries</i> <i>(d) To encourage the proper management of the natural and human made resources of Carrathool</i> <i>(e) To minimise land use conflicts and adverse environmental impacts</i> <i>(f) To strengthen the local economic base by encouraging a range of employment generating activities, including rural industries, which respond to emerging markets and changes in technology, whilst protecting local amenity, character and environmental values</i> <i>(g) To protect and promote the use of rural resources for agricultural and primary production and related processing services and value adding industries</i> <i>(h) To provide a range of housing choices that match the needs of the local community</i>

		<p>(i) <i>To allow for equitable provision of social services and facilities for the community, including open space</i></p> <p>(j) <i>To protect places and buildings of archaeological or heritage significance including Aboriginal relics and places</i></p> <p>The proposed solar farm satisfies the aims of the CLEP. The proposed development is sustainable, promotes the economic use of the land by providing short/medium term alternative income streams while not entirely alienating the agricultural use of the land. The proposal is unlikely to generate land use conflict and conditions of consent can ameliorate and mitigate any potential adverse environmental impacts. In the immediate term up to 40 jobs will be created through the six to nine-month construction phase and the site will be monitored remotely from an off-site location. Staff would not be permanently stationed at the facility although it is predicted that two contractors will be involved in maintenance periodically.</p>
<p>Part 2 – Permitted or prohibited development</p> <p>CLEP Clause 2.1</p>	<p>Land use zones</p>	<p>The land is currently zoned RU1 Primary Production under CLEP 2012. This Zone has a 40-hectare minimum subdivision allotment size. No subdivision is proposed as part of the proposed development.</p> <p>Essential Energy have not advised that a separate Lot and Deposited Plan is required for each generating unit under the Services and Installation Rules of NSW. This is the Electricity Standard of Best Practice for Customer Connection Services and Installations as at July 2018. For this reason, the project does not require a subdivision.</p>
<p>CLEP Clause 2.3</p>	<p>Zone objectives and Land Use Table</p>	<p><i>Objectives of zone</i></p> <ul style="list-style-type: none"> <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> <i>To minimise the fragmentation and alienation of resource lands.</i> <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> <i>To facilitate farm adjustments</i> <i>To enable agricultural support facilities to be carried out on land within the zone in a manner which does not significantly reduce the agricultural and horticultural production potential of land in the locality</i> <i>To encourage eco-tourist facilities and tourist and visitor accommodation that minimise any adverse effect on primary industry production and scenic amenity for the area.</i>

		<p>The development as proposed is considered to be consistent with the applicable zone objectives. The proposal is, however, a <u>prohibited use</u> under the provisions of Clause 4 of the Land Use Table of the RU1 Zone. The proposed use is a prohibited use in the RU1 Zone because a “solar farm” is not expressly listed as permitted with or without consent as the RU1 Zone is a “closed zone”.</p> <p>SEPP (Transport and Infrastructure) states in Section 2.7 (1) that <i>“if there is an inconsistency between this Chapter and any other environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.”</i></p> <p>Further, Sections 2.3(1) and 2.36(9) of SEPP (Transport and Infrastructure) states that the development is permitted with consent within the RU1 zone.</p> <p>The use of the land for a solar farm will not conflict with adjoining agricultural land use. It is noted further that should the solar farm be decommissioned, it is possible to restore the site back to its pre-existing agricultural capacity. This is in fact one of the recommendations of the Department of Primary Industries - Agriculture.</p>
<p>Part 6 Additional Local Provisions CLEP Clause 6.1</p>	<p>Earthworks</p>	<p>Earthworks</p> <ol style="list-style-type: none"> 1) <i>The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> (a) <i>to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</i> (b) <i>to allow earthworks of a minor nature without requiring separate development consent.</i> 2) <i>Development consent is required for earthworks unless—</i> <ol style="list-style-type: none"> (a) <i>the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i> (b) <i>the earthworks are ancillary to other development for which—</i> <ol style="list-style-type: none"> i. <i>development consent has been given, or</i> ii. <i>for which development consent is not required.</i> 3) <i>Before granting development consent for earthworks, the consent authority must consider the following matters—</i> <ol style="list-style-type: none"> (a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</i> (b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both,</i>

		<p>(d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>(e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>(h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>The development proposes minor earthworks to facilitate the development. This includes some minor excavation to a shallow depth for accessways, footings for the inverters, security fence posts and for the panel mounting frames to enable road base to be laid down for accessways. The footings for the security fence strainer posts will involve excavation to a depth of up to 1m. The footings for the mounting frames and the inverters will be to Engineers Details submitted with any future Construction Certificate Application. There is also a necessity to trench to a possible depth of 1500mm for the purposes of cabling.</p> <p>Minimal earthworks will be required for the development as the tracking system will be supported by piles either mechanically driven or screwed into the ground. Minor earthworks will be required for the inverters.</p> <p>It is considered that the earthworks associated with this proposal will have minimal environmental impact.</p>
CLEP Clause 6.2	Flood planning	<p>1) <i>The objectives of this clause are as follows—</i></p> <p>(a) <i>to minimise the flood risk to life and property associated with the use of land,</i></p> <p>(b) <i>to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i></p> <p>(c) <i>to avoid significant adverse impacts on flood behaviour and the environment.</i></p> <p>2) <i>This clause applies to land at or below the flood planning level.</i></p> <p>3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i></p> <p>(a) <i>is compatible with the flood hazard of the land, and</i></p> <p>(b) <i>is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p>(c) <i>incorporates appropriate measures to manage risk to life from flood, and</i></p>

		<p>(d) <i>is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></p> <p>(e) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p> <p>4) <i>A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</i></p> <p>5) <i>In this clause—flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.50 metres freeboard.</i></p> <p>The subject site is mapped as Flood Prone land under Council’s mapping system and is mapped as being affected by Wetlands. A Flood Risk Assessment has been prepared for the development and has assessed the flood risk at the site using existing flood data provided by Carrathool Shire Council as part of the Hillston Flood Risk Management Study and Plan completed by Catchment Simulation Solutions in 2022.</p> <p>As explained elsewhere in this report, using the 1% AEP Flood Depths, all infrastructure for the solar farm such as such as the inverters and switchgear would be unaffected by flood flows as it will be located outside of the 1% AEP Flood Extent. Flood depths across the site vary with deeper flooding occurring in a low point in the Eastern portion of the site where depths could reach 1.35 metres. Depths along the proposed internal access track along the Northern boundary of the site to the Kidman Way would be expected to reach between 900mm and 950mm and would be impassable in a 1%AEP Flood Event, thus impacting access to and from the site. This would pose a risk to the safety of individuals and emergency vehicles, impeding their ability to enter or exit the site during flood events.</p> <p>The access to the site from Kidman Way is impacted by flood depths of up to 950mm. The Flood Risk Assessment proposes a Flood Response Plan be developed and maintained for the site to ensure the site is evacuated in advance of a flood event in the vicinity of the site. This will be attached as a condition on the development consent as part of an overall Site Emergency Response Plan (Plan), which will require the Plan to be developed prior to the commencement of operations of the solar farm.</p> <p>The Flood Risk Assessment concludes that the proposed development has been designed in a satisfactory manner and flood risk can be</p>
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		appropriately managed for the construction, operation and decommissioning of the proposal.
CLEP Clause 6.3	Terrestrial biodiversity	<p>1) <i>The objective of this clause is to maintain terrestrial biodiversity by—</i></p> <ul style="list-style-type: none"> <i>(a) protecting native fauna and flora, and</i> <i>(b) protecting the ecological processes necessary for their continued existence, and</i> <i>(c) encouraging the conservation and recovery of native fauna and flora and their habitats</i> <p>2) <i>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</i></p> <p>3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <ul style="list-style-type: none"> <i>(a) whether the development is likely to have—</i> <ul style="list-style-type: none"> <i>i. any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i> <i>ii. any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i> <i>iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i> <i>iv. any adverse impact on the habitat elements providing connectivity on the land, and</i> <i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> <p>4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"> <i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> <i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i> <i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>The proposal is located in a highly modified rural landscape that contains very limited native vegetation and key habitat features require to support locally occurring fauna and flora species. The proposed development will result in the clearing of 0.01 hectares of native vegetation which is below the 0.5-hectare threshold for clearing of native vegetation as relevant to the subject land.</p>

		<p>The proposal will not impact significantly on any threatened species, ecological communities or their habitats and therefore participation in the Biodiversity Offset Scheme is not required.</p> <p>The site contains low quality habitat for locally occurring threatened species and no species of threatened flora were recorded on the subject land. Provided that the standard mitigation measures as outlined in Table 13 of the Preliminary Biodiversity Assessment Report are adhered to, no significant impacts are likely to occur to threatened species or populations of threatened ecological communities as a result of the proposed development. The various mitigation measures will be attached as conditions on the development consent.</p> <p>The subject site is not mapped as being “Biodiversity” on the “Terrestrial Biodiversity Map” under the CLEP and no areas of high biodiversity as identified on the Biodiversity Values Map occur on the subject land.</p>
CLEP Clause 6.4	Groundwater vulnerability	<ol style="list-style-type: none"> 1) <i>The objectives of this clause are as follows—</i> <ol style="list-style-type: none"> (a) <i>to maintain the hydrological functions of key groundwater systems,</i> (b) <i>to protect vulnerable groundwater resources from depletion and contamination as a result of development.</i> 2) <i>This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</i> 3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</i> <ol style="list-style-type: none"> (a) <i>the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</i> (b) <i>any adverse impacts the development may have on groundwater dependent ecosystems,</i> (c) <i>the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</i> (d) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> 4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i> <ol style="list-style-type: none"> (a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> (b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>

		<p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p> <p>As all the activity associated with the development is on the land surface or near surface, there will be no impact on groundwater resources. In addition, none of the Project site is mapped as being “Groundwater Vulnerable” on the “Groundwater Vulnerability Map” under the CLEP.</p>
CLEP 2 Clause 6.6 Wetlands		<ol style="list-style-type: none"> 1) <i>The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</i> 2) <i>This clause applies to land identified as “Wetland” on the Wetlands Map.</i> 3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i> <ol style="list-style-type: none"> <i>(a) whether or not the development is likely to have any significant adverse impact on the following—</i> <ol style="list-style-type: none"> <i>i. the condition and significance of the existing native fauna and flora on the land,</i> <i>ii. the provision and quality of habitats on the land for indigenous and migratory species,</i> <i>iii. the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</i> <i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> 4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i> <ol style="list-style-type: none"> <i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> <i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> <i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>There is no physical evidence of any aspect of the subject site that could be described as a wetland even though the site is mapped as “Wetland” on the “Wetland Map” under the CLEP. All of the infrastructure associated with the proposed development is located outside of the mapped areas of sensitivity. Furthermore, there is no vegetative evidence to suggest a Wetland.</p>

G. Section 4.15: The provisions of any draft environmental planning instrument

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

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

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

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

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

J. Section 4.15: The provisions of the regulations

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

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

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

Given that the minimum distance between each of the rows of panels would be six metres, grass groundcover in this area would remain and provide potential feed for grazing if required. Additionally, as the panels will track the sun throughout the day it is expected that the groundcover will also remain and grow under the arrays themselves. The arrays also provide additional water onto the ground in winter from overnight dew.

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

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

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

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

The proposed development is expected to bring with it social and economic benefits both during the six to nine-month construction phase with the creation of approximately 40 full time construction jobs, plus the multiplier flow on benefits for the local economy, and 2 positions during the 40-year operational phase of the project, with site inspections carried out periodically. Indirect benefits that can flow on to the local economy from the development include, but are not limited to, road building/upgrades, food and beverage, transport and logistics, tree planting services, fencing, water supply, waste management service provision, equipment hire, specialist consultants, trades and accommodation, to name a few.

There have been no objections to the proposal which indicates that local residents living in the area anticipate no adverse impacts from the development should it proceed.

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

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

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

Access to and from the development site is via an internal gravel access road from Kidman Way, which is a classified State Road. BAL and BAR access treatments will be required at the intersection of the internal access road to the Kidman Way.

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

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

Summary of Agency and Organisations Responses:

Referral Agency:	Response Date:	Summary of Responses:
Department of Primary Industries- Agriculture	18 June 2024	<p>The Department of Primary Industries- Agriculture have identified the land as Class 5 Land and Soil Capability which is not constrained. The Department supports the proposals outlined in the SEE as follows:</p> <ul style="list-style-type: none"> • Native Ground Cover to be restored and maintained during and following construction. • A Biosecurity and Weed Management Plan should be developed prior to commencement of works.

		<ul style="list-style-type: none"> • Complete removal of all above and below ground infrastructure so that the land can be returned to agricultural production upon decommissioning. • Where sheep grazing is undertaken on site, groundcover maintenance should be prioritised over agricultural commodity production for long-term soil and water resource health.
Essential Energy	11 June 2024	<p>Essential Energy comment on potential safety risks arising from the proposed development, as follows:</p> <ul style="list-style-type: none"> • All works must comply with SafeWork clearance requirements and Essential Energy must be contacted if works cannot maintain the safe working clearances. • Under Section 49 of the Electricity Supply Act 1995, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works or that could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. • Any changes to the proposed development are to be referred to Essential Energy for further comment. • Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the Title of the 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 of the Electricity Supply Act 1995. The location of overhead and underground powerlines are also shown in the “Look Up and Live” app.
Transport for NSW (TfNSW)	21 August 2024	<p>TfNSW is mainly concerned with the provision of safe access to the site at the intersection of the internal gravel access road to Kidman Way, a classified State Road, by the provision of BAR and BAL intersection treatments in accordance with Austroads Guide to Road Design. All TfNSW requirements will be attached as conditions on the development consent.</p>
TransGrid	14 May 2024	<p>TransGrid advised that there was no impact to TransGrid of the proposed development and therefore no assessment was necessary.</p>

Civil Aviation Safety Authority (CASA)	14 May 2024	CASA advised that the proposal would not present a hazard to aircraft operations at the Hillston Aerodrome and on that basis has no objection to the proposed development.
Department of Climate Change, Energy, the Environment and Water- Biodiversity, Conservation and Science Group (BCS)	29 May 2024	<p>BCS supports the Flood Risk Assessment recommendation to develop a flood response plan in consultation with Council and the NSW SES to ensure safe evacuation of workers during major floods. They also support the use of an alternative flood free access route to the West to provide safe access to the site during major floods which will require assessment for biodiversity impacts and therefore possible amendment to the Preliminary Biodiversity Assessment Report dated January 2024.</p> <p>In relation to Biodiversity, BCS have recommended that two conditions be attached to the development consent to protect areas of retained native vegetation from direct and indirect impacts during the development and operational phases of the development.</p>

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

Public submissions

The submitted DA was publicly exhibited in accordance with Council's adopted Community Participation Plan. The Application was notified for 28 days to seven (7) property owners within proximity of the subject site and was also advertised in two newspapers servicing the area. At the conclusion of the notification period, no submissions were received by Council.

O. Section S4.15: The Public Interest

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

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

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

P. EPA Act Section 10.4: Political Donations and Gifts

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

8. EVALUATION AND CONCLUSION

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

1. The proposed development has been assessed in accordance with SEPP (Transport and Infrastructure) 2021 and is considered to be permissible under Section 2.36 of the SEPP.
2. The proposed development has been assessed in accordance with Section 2.36 of SEPP (Transport and Infrastructure) 2021 and is considered to be satisfactory subject to the imposition of conditions of development consent.
3. The subject site has been assessed in accordance with SEPP (Biodiversity and Conservation) 2021 and found not to contain potential Koala habitat.
4. The proposed development site has been assessed in accordance with Section 4.6 of SEPP (Resilience and Hazards) and is considered to be suitable for the proposed development.
5. The proposed development has been assessed in accordance with Section 2.1 of SEPP (Primary Production) 2021 and is considered to be satisfactory.
6. The proposal is Regionally Significant Development under Section 2.19 of SEPP (Planning Systems) 2021.
7. The proposal is generally consistent with the relevant provisions of the NSW State Plan 2021, the Murray- Riverina Regional Plan 2036, the Carrathool Shire Community Strategic Plan Towards 2030 and the Carrathool 2040-Local Strategic Planning Statement.
8. There are no draft environmental planning instruments that apply to this proposal.
9. The relevant Sections of the Regulations have been considered during the assessment of this proposal.
10. The Application was notified for 28 days to seven (7) property owners in the vicinity of the subject site and was also advertised in two newspapers that service the area. No submissions were received at the end of the notification period.

11. The proposed development is considered to be consistent with the relevant planning controls.
12. The development site has been inspected and assessed for its suitability for the proposed development and is considered to be suitable for the purposes of a solar farm, subject to the imposition of conditions of development consent.
13. Transport for NSW have assessed the proposed development and provided their assessment of potential road impacts. Conditions of consent have been provided.
14. NSW DPI-Agriculture have assessed the proposed development and provided their assessment of the potential impacts on the agricultural use of the land. Conditions of consent have been provided.
15. TransGrid have assessed the proposed development and advise that the proposal will not impact TransGrid infrastructure.
16. CASA have assessed the proposed development and raise no objection to the proposal nor have they provided suggested conditions of consent.
17. Essential Energy have assessed the proposed development and provided their assessment of the potential impact on Essential Energy Network infrastructure. Conditions of consent have been provided.
18. Department of Climate Change, Energy, the Environment and Water-Biodiversity, Conservation and Science Group (BCS) have assessed the proposed development and provided their assessment of the potential impact on Biodiversity and Flood Assessment of the land. Conditions of consent have been provided.
19. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic in the locality have been assessed during the assessment of this proposal and are considered to be satisfactory in the circumstances of the proposal, subject to the application of recommended conditions of development consent.

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

- 1) It is considered to accord with Local, Regional and State Plans and the consequent directions to increase investment in renewable energy;
- 2) It meets with broad objectives relating to sustainable development;
- 3) The on-going development of renewable energy generation facilities is considered to be of environmental, social and economic importance to the wider LGA, the state of NSW and Australia

- more broadly by avoiding the use of thermal coal to generate electricity. The Project will also provide direct and indirect benefits to the local economy during construction and on completion;
- 4) The development has been designed to minimise its environmental impacts and potential residual adverse impacts can be mitigated by the imposition of conditions of development consent; and
 - 5) The proposal would not set an undesirable precedent in the locality.

As a result of this assessment, the proposed development is recommended for conditional consent.

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

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

Recommendation

- 1) That having regard to the assessment of the Application, Development Application 2024/038 be granted conditional consent in the terms set out in the Recommended Draft Conditions attached hereto.**

9. DEVELOPMENT CONSENT: RECOMMENDED DRAFT CONDITIONS

GENERAL CONDITIONS

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

Condition reason: To minimise any potential adverse environmental impacts

2. Construction impacts must be restricted to the development site and must not encroach into any area of retained native vegetation and habitat as per the Preliminary Biodiversity Assessment Report (The Environmental Factor January 2024) and approved plans. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Preliminary Biodiversity Assessment Report.

Condition reason: To restrict the development to the development area and to protect the retained native vegetation of the surrounding area

3. The Applicant must carry out the development:
 - (a) generally, in accordance with the Statement of Environmental Effects and related documentation, including conditions received from Government and Other Agencies, amended plans, commitments and any undertakings given in writing by the Applicant during the assessment and determination process; and
 - (b) in accordance with the conditions of this consent.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

4. Development consent is granted for use of the site as an **electricity generating works** as defined by the Carrathool Local Environmental Plan 2012 including the following works/components:
 - (a) AC capacity of 5 MW;
 - (b) Estimated Development Cost of \$7,362,273.00 and estimated cost of work of \$7,362,273.00 (including GST).
 - (c) To be sited in the Western portion of Lot 1 DP 626213, Kidman Way Hillston;
 - (d) Junction boxes;
 - (e) Above and underground electrical conduits and cabling;
 - (f) Internal access driveway;
 - (g) A temporary car and bus parking area and other temporary facilities during the construction phase;
 - (h) Security fencing;
 - (i) Upgrading of existing access point off Kidman Way;

- (j) Installation of power and inverter stations, switchgear and connection infrastructure;
- (k) Decommissioning of the solar energy system at the end of the consent and removal of all components to an approved facility located outside the Carrathool Shire.

Condition reason: To correctly describe what has been approved

5. If there is any inconsistency between the various assessment documents and related correspondence, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

6. The Applicant must at all times comply with any requirements of the Council arising from the Council's assessment of:
- (a) any plans or correspondence that are submitted in accordance with this consent;
 - (b) any reports or reviews commissioned by the Council regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

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

Condition reason: To comply with the NSW legislative planning requirements

8. The Applicant must ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the *Building Code of Australia*.

Condition reason: To ensure the design of the proposed work complies with the appropriate construction standards

9. Prior to commencement of any building works, a Construction Certificate must be obtained from Council or a Private Registered Certifier. Plans submitted with the Construction Certificate must incorporate all the relevant conditions of the development consent. A Construction Certificate issued by a Private Registered Certifier is to be deposited with Council at least five (5) Business Days prior to the commencement of any works.

Condition reason: To ensure the design of the proposed work may be assessed in detail and complies with the appropriate construction standards before work commences

10. The Biodiversity Management Plan must identify the following:

- the development site as per the Preliminary Biodiversity Assessment Report (The Environmental Factor January 2024) and approved plans.
- areas of vegetation that are to be retained as outlined in the Preliminary Biodiversity Assessment Report.
- all measures proposed in Table 13 of the Preliminary Biodiversity Assessment Report (The Environmental Factor January 2024) to mitigate and manage impacts on biodiversity, including performance measures for each commitment.
- additional measures to monitor and control weeds.

Condition reason: To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during site works, demolition and construction

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

Condition reason: To advise that the proposed development can be carried out in stages and what consent conditions will apply to each stage

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

Condition reason: To correctly describe what has been approved and ensure any upgrades are in accordance with updated environmental requirements and approved plans

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

Condition reason: To ensure the demolition is carried out in a safe manner and that the utilities are protected from damage

14. The development, including the project's boundary fence, must not adversely influence or impede the flow of floodwater, resulting in detrimental increases in the potential flood affectation of other, non project lands.

Condition reason: To prevent flooding of the surrounding area

15. The Applicant must at all times ensure:

- the internal road is constructed as an unsealed crushed rock based all-weather road;
- there is sufficient parking on site for all vehicles, and no parking occurs on the public road network in the vicinity of the site;
- all vehicles are loaded and unloaded on site, and enter and leave the site in a forward direction; and
- development-related vehicles leaving the site are in a clean condition to minimise debris being tracked onto the public road network.

Condition reason: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development, and ensure the safety of all road users

16. The Construction Environmental Management Plan as required by Condition 26 is to consider whether or not a water cart is required on-site during construction activities to minimise and prevent dust generation so as to avoid community complaints.

Condition reason: To prevent the proposed development having a detrimental effect on adjoining land

17. The applicant must:

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

Condition reason: To ensure that any potential adverse impacts on the surrounding environment are considered

18. The Applicant must:

- (a) update the plans required under this consent to the satisfaction of the Council prior to carrying out any upgrading/refurbishment or decommissioning activities on site; and
- (b) review and, if necessary, revise the plans required under this consent to the satisfaction of the Council within 1 month of the:
 - submission of an incident report under condition 20;
 - submission of an audit report under condition 59; or
 - any modification to the conditions of this consent.

Condition reason: To ensure that any potential environmental impacts are addressed

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

Notes:

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

Condition reason: To allow for plans to be received by Council in an appropriate timescale

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

Condition reason: To ensure that any incidents are notified to Council in a timely manner

21. The Council must be notified in writing within seven (7) days of the Applicant becoming aware of any non-compliance with the conditions of this consent. The notification must set out the condition of consent for which the development is non-compliant, the manner in which it is or was non-compliant, the reason(s) for the non-compliance, what actions have been taken to correct the non-compliance and what preventative actions have been taken to avoid a recurrence.

Condition reason: To ensure that any non-compliance with the conditions of consent are notified to Council in a timely manner

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

Condition reason: To ensure that annual compliance performance reports are available to the public

23. The Applicant must at all times make the following information promptly and publicly available on its website as relevant to the stage of the development:

- the Statement of Environmental Effects;
- the final layout plans for the development;
- the statutory approvals for the development;

- approved plans required under the conditions of this consent;
- the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
- how complaints about the development can be made;
- a complaint register;
- compliance reports;
- any independent environmental audit, and the Applicant's response to the recommendations in any audit;
- any other matter required by the Council; and
- keep this information current in a timely manner.

Condition reason: It is in the public interest that the above information is made available to the general public

24. The Applicant must comply with the following Essential Energy conditions:

- A 12.5m safety/easement clearance required for clearance from the existing 33KV Overhead network.
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 – Work Near Essential Energy's Underground Assets.
- 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)*; the location of overhead and underground powerlines is also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Condition reason: To ensure compliance with the requirements of Essential Energy

25. The Applicant must comply with the following “General Conditions” of TfNSW:

- (a) Works within the Kidman Way shall be located, designed and constructed generally in accordance with submitted plans and Austroads Guide to Road Design to the satisfaction of TfNSW as amended by the following:
- As a minimum the intersection of the proposed driveway with the Kidman Way shall be constructed as a sealed Basic Right Turn (BAR)/Basic Left Turn (BAL) intersection treatment in accordance with the Austroads Guide to Road Design for the posted speed limit and shall be designed for an approved Road Train route.
 - As a minimum, the driveway shall be sealed from the carriageway of the Kidman Way for a minimum length of 30 metres.
 - Be constructed with minimum width of 6 metres within the road reserve of Kidman Way to accommodate two-way movement of the largest vehicle likely to access the subject site and so that any vehicles entering or exiting the development site are not required to cross to the opposing travel lane in order to perform any manoeuvre via the proposed driveway.
 - Works within the road reserve of the Kidman Way shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway. If a culvert is to be installed and is to be located within the clear zone of the highway for the posted speed limit, it is to be constructed with a traversable type headwall.
 - As minimum, the pavement design on the Kidman Way shall be in accordance with Austroads standards and to the satisfaction of TfNSW.
 - The works to the Kidman Way shall be located, designed, constructed and line marked in accordance with the Austroads Guide to Road Design for the posted speed limit.
- (b) A management plan to provide measures to suppress dust generation from the development site and the access road shall be prepared and implemented to the satisfaction of Council and TfNSW.
- (c) Any existing vehicular access points or gates to the Kidman Way shall be removed and the road reserve reinstated to match surrounding roadside landform in accordance with Council requirements.
- (d) Prior to commencing works in the road reserve, the Applicant must obtain a Section 138 consent under the Roads Act 1993 for the works associated with the WAD.
- (e) Prior to commencing works in the road reserve, the Applicant must apply for, and obtain, a Road Occupancy Licence (ROL) from the TfNSW Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

Condition reason: To ensure compliance with the requirements of Transport for NSW

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

26. Prior to the issue of a Construction Certificate by Council or a Private Registered Certifier,

the Applicant must prepare and receive Council approval for the following Plans for the development:

- 1) Construction Management Plan;
- 2) Construction Noise and Vibration Management Plan;
- 3) Construction Environmental Management Plan incorporating a Biodiversity Management Plan (BMP). The BMP must comply with the requirements listed in Condition 10 of this consent.
- 4) Operational Environmental Management Plan incorporating the requirements listed in Condition 34 of this consent.
- 5) Bushfire Management Plan;
- 6) Traffic Management Plan incorporating a Flood Response Plan which includes an alternative flood free access route to the West.
- 7) Waste Management Plan.

Condition reason: To ensure compliance with the plans, ensure site management measures are implemented during the carrying out of site work and to protect the overall amenity of the development site

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

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
s 7.12 Contribution	\$7,362,273.00	1%	\$73,662.73

Condition reason: To ensure payment of relevant levies

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

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
Long Service Levy	\$7,362,273.00	0.25%	\$18,405.68

Condition reason: To ensure payment of relevant levies

29. Prior to the issue of a Construction Certificate by Council or a Private Registered Certifier, the Applicant must comply with the following Transport for NSW condition:

- 1) Enter into a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works on the Kidman Way.

Condition reason: To ensure compliance with the requirements of Transport for NSW

30. Prior to commencing construction, the Applicant must prepare a Traffic Management Plan for the development that is subject to the written approval of Council. This plan must include:

- (a) nominated heavy vehicle access routes for construction and operational stages and any upgrades/refurbishment and decommissioning, including details on volumes and nature of heavy, over size and/or over mass vehicles;
- (b) input from Council and any relevant school bus service providers;
- (c) a protocol for undertaking independent road dilapidation surveys to assess the:
 - i. existing condition of local roads on the transport route prior to construction, upgrading/refurbishment or decommissioning activities; and
 - ii. condition of local roads on the transport route following construction, upgrading/refurbishment or decommissioning activities;
- (d) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during construction, upgrading/refurbishment or decommissioning works;
- (e) details of the road upgrade works required by this development consent;
- (f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading/refurbishment or decommissioning works, including:
 - i. temporary traffic controls, including detours and signage;
 - ii. informing the local community in advance about project-related traffic impacts;
 - iii. a traffic management system for managing over-dimensional vehicles;
 - iv. procedures for receiving and satisfactorily addressing complaints from the community about development-related traffic;
 - v. devising operational plans to avoid impacting the safety of school bus traffic and school bus stops and other motorists;
 - vi. car-pooling and shuttle buses to transport the construction workforce to and from the site;
 - vii. water cart activity to suppress dust generated by traffic on the internal access road;
 - viii. scheduling of haulage vehicle movements to minimise convoy length;
 - ix. responding to local climate conditions that may affect road safety such as wet weather, dust and fog; and
 - x. responding to any emergency road repair or maintenance requirements.
- (g) a driver's code of conduct that stipulates:
 - i. travel speed management;
 - ii. driver fatigue management;
 - iii. compliance procedures to ensure that drivers adhere to the designated

- transport routes; and
- iv. compliance procedures to ensure that drivers implement safe driving practices.

- (h) a flood response plan detailing procedures and options for safe access to and from the site in the event of significant flooding.

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

Condition reason: To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations

BEFORE BUILDING WORK COMMENCES

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

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

Condition reason: To ensure the development is in accordance with approved plans

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

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

Condition reason: To ensure Council receives notification of the operational status of the development

33. Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- (a) an accredited sewage management facility approved by Council, or
- (b) if that is not practicable, any other sewage management facility approved by Council.

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

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

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

Condition reason: To provide adequate sanitary facilities during the construction phase

34. Prior to any activity or construction taking place on the land, Applicant must prepare a Biodiversity and Weed Management Plan. The Plan must consider agricultural weeds and pathogens relevant to the local area and surrounding farmland and must incorporate a baseline soil report. This is intended to inform performance measures and rehabilitation plans to assist in the decommissioning. A copy of this report is to be provided to the Council.

Condition reason: To assist in the future rehabilitation of the site

35. Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Plan for the development to the prior written satisfaction of Council. The Plan must:

- (a) prioritise the employment of local workers for the construction and operation of the development; and
- (b) provide the accommodation plans for the transient workforce associated with the development.

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

Condition reason: To advise of the employment and accommodation status of the workforce

36. Prior to commencing construction, the Applicant must prepare an Operational Environmental Management Plan for the development to the satisfaction of the Council. This Plan must:

- (a) identify the statutory approvals that apply to the development;
- (b) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
- (c) describe the procedures that will be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to and record complaints;
 - resolve any disputes that may arise with local stakeholders;
 - respond to any non-compliance;
 - report any non-compliances;
 - respond to emergencies;
 - keep Council informed on a monthly basis of any current or emerging issues, and include references to any plans approved under the conditions of this consent; and
 - following the Council's approval, the Applicant must implement the Environmental Management Plan.

Condition reason: To ensure that any impacts on the natural and built environments, and any social impacts, are considered

DURING BUILDING WORK

37. Any over-dimensional and heavy vehicles associated with the development must at all times travel to and from the site via the Kidman Way.

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

Condition reason: To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations

38. Unless the Council agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities that generate noise with heavy equipment on site between:

- (a) 7am to 6pm Monday to Friday;
- (b) 8am to 1pm Saturdays; and
- (c) at no time on Sundays and NSW public holidays.

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

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

Condition reason: To minimise the effect of noise from the operations on the surrounding area

39. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Condition reason: To ensure that the Developer is responsible for the repair or replacement of damaged public infrastructure

40. The Applicant must not generate intrusive or offensive noise during construction, upgrading or decommissioning activities and must implement best practice safeguards as

outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

Condition reason: To ensure building works do not have adverse effects on the amenity of the area

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

Condition reason: To ensure that sufficient water is available at all times for site works

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

Condition reason: To prevent potential environmental harm

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

Condition reason: To prevent potential environmental harm

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

Condition reason: To prevent potential harm to Aboriginal heritage items, objects and relics

45. The Applicant must at all times:

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

- vicinity of the site; and
- (d) prior to commencement of construction, notify the local RFS of the development.

Condition reason: To ensure that minimum bush fire safety requirements are observed

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

Notes:

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

Condition reason: To ensure all requirements are met prior to occupation

47. prior to the issue of an Occupation Certificate, the Applicant must provide evidence to TfNSW to demonstrate that all works within the road reserve have been completed in accordance with the Development Consent.

Condition reason: To ensure that all TfNSW requirements are met prior to occupation

48. Prior to the issue of an Occupation Certificate to commence operations or following any upgrades of any solar panels or ancillary infrastructure, the Applicant must submit work-as-executed plans of the development to the Council.

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

Condition reason: To confirm the location of works once constructed

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

Condition reason: To ensure compliance with the approved plans and specifications

50. At the completion of construction of all buildings and prior to the commencement of operations of the development, the Applicant must:

- manage traffic during the road upgrade works via an approved plan and the necessary traffic control measures;

- apply dust suppression methods to the internal road during construction, as deemed necessary; and
- provide a safe egress and ingress access point to the site off Kidman Way;
- design road, intersection and site access widths to accommodate turning circles for the largest vehicle expected; and
- provide a standard gravel internal access road off Kidman Way, which is maintained during construction, operation, upgrade/refurbishment and decommissioning.

These upgrades must comply with the Austroads Guide to Road Design (as amended by TfNSW supplements) and be carried out to the satisfaction and written approval of Transport for NSW.

Condition reason: To provide all weather vehicular movement and suitable access to the development site and ensure traffic safety. To prevent or minimise nuisances to adjoining development from the emission of air pollutants.

51. Prior to commissioning the development, the Applicant must prepare an Emergency Management Plan and detailed emergency procedures for the development, to the satisfaction of the NSW Rural Fire Service and State Emergency Services. The Applicant must retain a copy of the plan on-site in a prominent position adjacent to the site entry points at all times. The plan must:

- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
- (b) identify the fire and flood event risks and controls of the development; and
- (c) include procedures that would be implemented if there is a fire or flood event on-site or in the vicinity of the site.

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

Condition reason: To ensure that, in the event of a site emergency, any site personnel are aware of safety procedures

OCCUPATION AND ONGOING USE

52. The Applicant must at all times ensure that all plant and equipment used on site, or in connection with the development, is:

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

Condition reason: To ensure the safety of all people on site

53. The Applicant must ensure at all times that no more than 10 light vehicle movements (defined as one vehicle entering and leaving the site) and an average of 3 truck and trailer movements (defined as one vehicle entering and leaving the site) per day occur on the site following the construction period. The development must also:

- (a) not generate, on the public road network, more than:
 - i. Ten (10) heavy and 40 (Forty) light vehicle movements (defined as one vehicle entering and leaving the site) a day during each of the construction, upgrading and decommissioning phases; and
 - ii. Four (4) vehicle movements a day during operations;
- (b) ensure that the length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 19 metres, unless the Council agrees otherwise.

Condition reason: To ensure traffic safety and limit noise impacts from transport operations

54. The Applicant must keep at all times accurate records of the number of over-dimensional and heavy vehicles entering and leaving the site each day.

Condition reason: To ensure compliance with the approval

55. The Applicant must:

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

Condition reason: To minimise any nuisance to off-site receivers from fugitive light emissions

56. The Applicant must at all times store and handle all chemicals, fuels and oils used on-site in accordance with:

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

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

Condition reason: To ensure that all chemicals are safely and securely stored on site

57. The Applicant must at all times:

- (a) minimise the waste generated by the development;
- (b) classify all waste generated on-site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;

- (d) not receive or dispose of any waste on the site or surrounding land or water;
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility preferably for recycling or, if necessary, disposal;
- (f) provide on-site portable toilet facilities are required to meet Council's waste management requirements;
- (g) Ensure windblown litter must be prevented and weekly litter collection pickups must be undertaken.

Condition reason: To ensure that all waste generated by the development is disposed of in a satisfactory manner

58. Following any construction, upgrading/refurbishment or decommissioning on the site, the Applicant must:

- (a) restore the ground cover of the site as soon as practicable;
- (b) at all times maintain the ground cover with appropriate perennial herb or grass species; and
- (c) at all times proactively control and eliminate weeds within this ground cover.

Condition reason: To ensure that the site is returned as closely as possible to its original condition

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

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

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

Condition reason: It is in the public interest that an independent environmental audit be carried out at the end of construction works

REMEDICATION WORK

BEFORE REMEDIATION WORK COMMENCES

60. Prior to the commencement of any decommissioning works, a Decommissioning Plan is to

be submitted to Council for approval.

Condition reason: To enable decommissioning works to be carried out in an effective manner

DURING REMEDIATION WORK

61. Within 12 months of the site being decommissioned, the site must be returned, as far as practicable, to its condition prior to the commencement of construction, in consultation with the relevant landowner.

Condition reason: To enable the site to be rehabilitated for future agricultural land uses

62. All solar panels and associated above ground structures, including but not necessarily limited to, the inverter, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, must be removed from the site unless otherwise agreed by the Council and the landowner.

Condition reason: To enable the site to be rehabilitated for future agricultural land uses

63. All other elements associated with the project, including the internal site access road, shall be removed unless otherwise agreed to by the Council.

Condition reason: To enable the site to be rehabilitated for future agricultural land uses

ON COMPLETION OF REMEDIATION WORK

No additional conditions have been applied to this stage of development.