

PROPOSED DAISY HILL SOLAR FARM

A Regionally Significant Development

Western Regional Planning Panel Reference No: PPSWES-26

ASSESSMENT REPORT

CARRATHOOL SHIRE COUNCIL

(DA 2020/017)

Prepared by: Melting Pot Planning & OzEnvironmental Pty Ltd

September 2020

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1. OVERVIEW OF ASSESSMENT REPORT

Panel Reference	PPSWES-26
DA Number	DA 2020/017
LGA	Carrathool Shire Council
Proposed Development	<p>Construction of a Solar Farm in 2 x 5 MW in two stages and associated infrastructure</p> <p>Two Lot subdivision in an RU1 Zone to create:</p> <p>1 x 12.73 Ha allotment</p> <p>1 x 55.14 ha allotment</p>
Street Address	Lot 103 DP 755189 Norwood Lane, Hillston
Applicant/Owner	<p>Applicant: ITP (Development) Pty Ltd</p> <p>Landowners: David & Pamela Fisk</p>
Date of DA lodgement	14/2/2020
Number of Submissions	5 public submissions received
Recommendation	Approval with Conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Clause 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 (Koala Habitat Protection) 2019; • SEPP No 55 – Remediation of Land; • SEPP (Infrastructure) 2007; • SEPP (Primary Production and Rural Development) 2019; • SEPP (State and Regional Development) 2011; • NSW State Plan 2021 • Murray Riverina Regional Plan 2036 • 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; • Public Submissions
List all documents referenced in this report for the Panel's consideration	<p>Attachment A: Statement of Environmental Effects prepared by Zenith Town Planning Pty Ltd</p> <p>Attachment B: Hillston Solar Farm – Traffic Assessment: Price Merret Consulting</p> <p>Attachment C: Noise Assessment: Muller Acoustic Consulting</p>

	<p>Attachment D: Water Assessment: ITP Renewables</p> <p>Attachment E: Glint and Glare Assessment: ITP Renewables</p> <p>Attachment F: Waste Assessment: ITP Renewables</p> <p>Attachment G: Plan of Proposed subdivision of Lot 103 DP 755189 Norwood Lane, Hillston</p> <p>Attachment H: Agency Submissions</p> <p>Attachment I: Community Submissions</p> <p>Attachment J: Proposed Plan of Subdivision – Price Merrett Consulting dated 6/12/19</p> <p>Attachment K HIL1A Development Application</p> <p>Attachment L F8538 Hillston- The Spring Road – Norwood Lane</p>
<p>Summary of s4.15 matters</p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	Yes
<p>Legislative clauses requiring consent authority satisfaction</p> <p>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 summarised, in the Executive Summary of the assessment report?</p>	Yes
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	Yes. This is found in the Statement of Environmental Effects prepared by Zenith Town Planning
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (S7.24)?</p>	Not Applicable
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p> <p><i>Note: in order to reduce delays in determinations, the Panel prefers 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</i></p>	Yes

Report prepared by	Melting Pot Planning and OzEnvironmental Pty Ltd
Report date	September 2020

Further Application Details:

DA Lodgement Date:	14/2/2020
Additional Information received? / date?	<p>Additional Information received from Council:</p> <p>June 12th 2020</p> <p>July 1st 2020</p> <p>August 7th 2020</p> <p>Additional Information received from the Proponent:</p> <p>June 22nd 2020</p> <p>June 26th 2020</p> <p>July 8th 2020</p> <p>August 30th 2020</p>
Estimated Construction Value of Development:	\$13,200,000
Capital Investment Value:	\$13,200,000

2. GLOSSARY OF ABBREVIATED TERMS

ABS	Australian Bureau of Statistics
CLEP	Carrathool Local Environmental Plan 2012, as amended
CLM	Contaminated Land Management Act 1997, as amended
AHIMS	Aboriginal Heritage Information Management System
EPBC Act	Environment Protection & Biodiversity Conservation Act 2016
BCA	Building Code of Australia
BSAL	Biophysical Strategic Agricultural Land
CASA	Civil Aviation Safety Authority
CIV	Capital Investment Value
CLM	Contaminated Land Management Act
DA	Development Application
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
DPI AG	Department of Primary Industry Agriculture
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	NSW Environment Protection Authority
GW	Gigawatt
IP	Ingress 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
RFDS	Royal Flying Doctor Service
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
TFNSW	Traffic for NSW
WRPP	Western Regional Planning Panel

3. EXECUTIVE SUMMARY

The Development Proposal

ITP (Development) Pty Ltd proposes to develop a new 10 MWac town-scale photovoltaic solar farm and associated infrastructure on cleared rural land 3.5 kilometres from the town of Hillston in Carrathool Shire.

The project, with a CIV of \$13.2 Mil, proposes to employ up to 50 workers during the estimated six-month construction period and engage two employees intermittently to undertake maintenance tasks during the planned 35 years of operations.

The nearest residence is approximately 650 metres from the northern most part of the development footprint.

The development footprint covers 23 hectares. This footprint is located in the south western corner of the parent allotment. The parent allotment, zoned RU1 under the Carrathool Local Environmental Plan has an area of 67.87 hectares.

A subdivision forms a part of this development and the proposal seeks to create two allotments – a 1 x 55.14-hectare parcel and 1 x 12.73-hectare parcel. The creation of the undersized 12.73 ha allotment falls below the 40-hectare development standard for allotments created in the RU1 Zone and consideration of the variation is subject to the provisions of Clause 4.2 of the CLEP 2012.

It is proposed that each of these lots will accommodate one 5MW solar system.

The proponent has advised that the creation of an undersized allotment in the RU1 Zone is a critical to the progression of the proposal. Each of the solar systems will have different connection points onto the electricity network – each generator connects into a separate distribution line. Essential Energy have 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 requires a subdivision. It is not proposed to provide opportunity for a future residential use of the undersized allotment.

Based on the assessment of the proponent's submission it is considered that the proposed variation is reasonable under the circumstances subject to the imposition of conditions of development consent.

Material Matters

Flooding:

The Project site is flood prone land, as evidenced by floodwater from the major 1990 Hillston flood traversing along Norwood Lane (the proposed Project access route) and onto the Project site. Although the Wetlands Map of the Carrathool LEP (2012) shows wetlands on part of the Project site there is no evidence of wetland on the Project site and in 2019 the land was sown to crop.

In light of the above, during preparation of the Assessment Report the Applicant has provided additional information and slight refinement to its design and we are now satisfied that both the development and the surrounding environment can reasonably accommodate a 1 in 100-year flood event.

The standard of Norwood Lane:

The project site is to be accessed from Norwood Lane, an existing low standard gravel/earthen road. There are five residences along Norwood Lane and they are likely to be impacted by noise and dust and increased road safety risks during the six months construction phase.

Council and the Proponent agreed on 20th August 2020 to the upgrade requirements for Norwood Lane, the access route to the development site.

The salient information is as follows:

- Norwood Lane is owned by Carrathool Shire Council as the road authority;
- Council and the Proponent met on 20 August 2020 and agreed that:
 - a) Norwood Lane pavement will be upgraded for 1.95 kms with application of a gravel re-sheet 100mm thick and 6 m wide, prior to the commencement of construction. The intersection of The Springs Road and Norwood Lane will be modified to a 'swept path' design, to the satisfaction of Council. The Proponent will pay \$50,230 towards the upgrade works;
 - b) To manage traffic during the road upgrade works (estimated to take 15 days), traffic control measures and a plan, will be required. The Proponent will pay \$17,214 for the provision of that service;
 - c) There will be dust suppression of Norwood Lane and all internal roads/tracks during construction, as deemed necessary. Any water cart hire will cost \$160/hour and will be paid for by the Proponent; and
 - d) The road access entrance to the Project site will be located at the north-east corner of the Development site.

Other:

The Assessment Report also substantively addresses visual impacts, noise and dust, glint and glare, waste management and bushfire management.

Council and Other Government Agencies

The Application was notified by letter for a period of 28 days to property owners within proximity of the subject site and the proposal was also advertised in the local newspaper between 19th February 2020 and 20th March 2020. At the conclusion of the notification period five public submissions were received by Council. The matters raised in these submissions have been considered in accordance with s4.15(1)(d) of the Act and are detailed below in this report together with responses from the Applicant and Council's commentary.

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 five (5) public submissions by way of objection were received. The submissions were referred to the proponent for comment and a response to submissions was received. Agency consultation was also undertaken and a summary of the agency comments is provided in tabular form herein. A summary of the public submissions, the proponent's response and the Council comments are also provided in this report.

Western Regional Planning Panel

The Western Regional Planning Panel is the determining authority for this DA pursuant to Clause 5(a), Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, as the proposed development is for private infrastructure works, being electricity generating works, with a capital investment value (CIV) of more than \$5 Million. As such the development is considered to be 'Regionally Significant Development' (RSD). The capital investment value of the project, as estimated by the Applicant, is \$13.2 Million (excl. GST).

Conclusion

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

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

4. THE ASSESSMENT PROCESS

This independent Assessment Report has been prepared on behalf of Carrathool Shire Council by Melting Pot Planning & OzEnvironmental Pty Ltd. Both consultancies have decades of experience in environmental planning, environmental impact assessment and project determination.

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

- Statement of Environmental Effects prepared by Zenith Town Planning;
- Acoustic Assessment – Muller Acoustic Consulting dated November 2019 Reference MAC 180781-07RP1;
- Traffic Impact Assessment - Price Merrett Consulting dated December 3rd 2019 Reference F8538;
- Waste Assessment – ITP Renewables dated 29th November 2019;
- Glint and Glare Assessment – ITP Renewables dated November 15th 2019;
- Water Assessment – ITP Renewables dated November 26th 2019;
- Notification Letter to neighbours, dated 10 May 2019;
- Public Submissions (5);
- Proponents Response to Public Submissions;
- Department of Primary Industries letter dated February 28th 2020;
- CASA email dated February 18th 2020;
- Transport for NSW letter dated March 9th 2020;
- Transgrid advice – March 13th 2020;
- Proposed Plan of Subdivision – Price Merrett Consulting dated 6/12/19.
- HIL1A Development Application – ITP Renewables
- F8538 Hillston- The Spring Road & Norwood Lane – Price Merritt Consulting dated 28/8/20

Furthermore, there was a site inspection conducted, interviews with Council Management, discussions with the Proponent's Management, discussions with Crown Lands, DPIE and a local pilot. Both the Council and the Proponent provided substantial additional information during the preparation of the Assessment Report.

5. OVERVIEW OF THE PROJECT

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

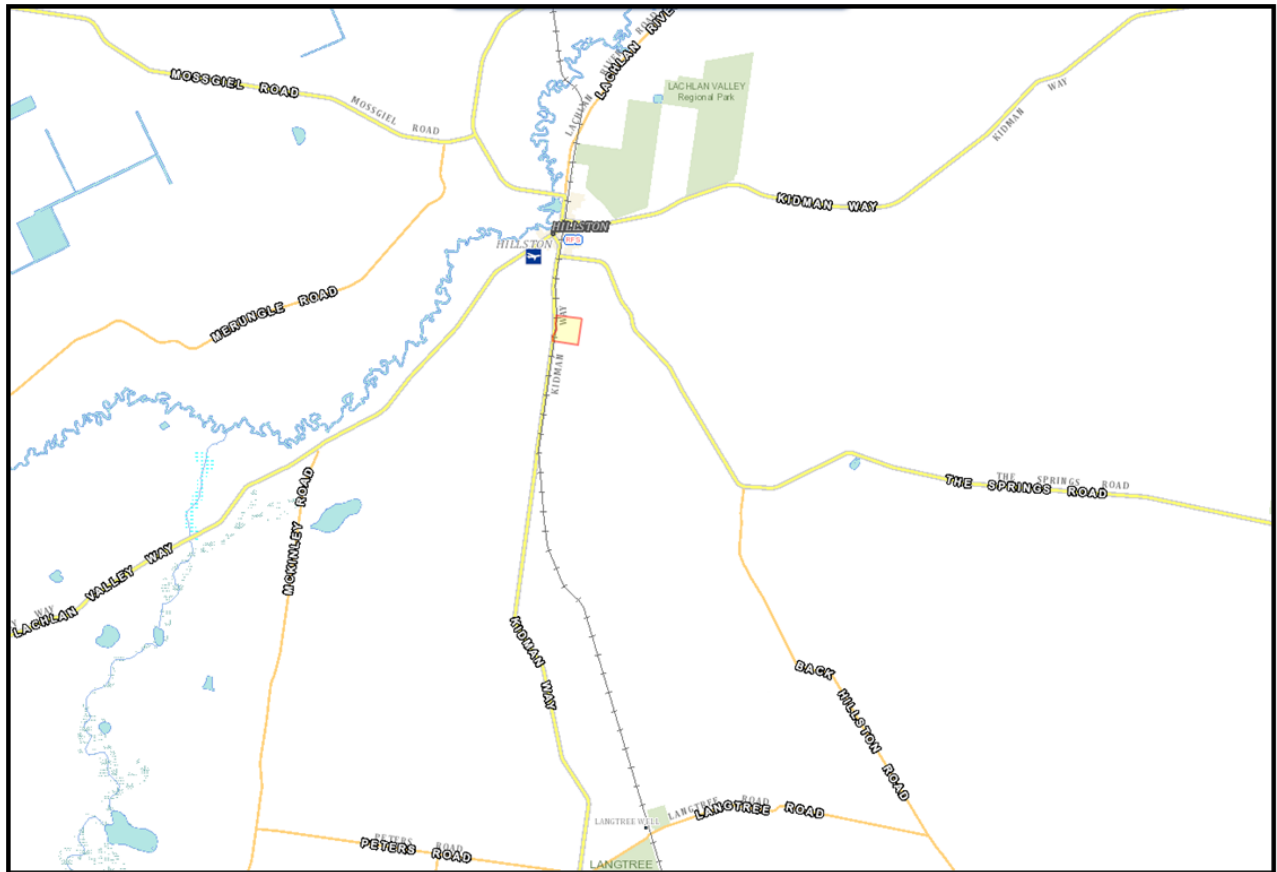


Figure 1: Locality Map. Proposed development site with red border

The proposed Daisy Hill Solar Farm is proposed to be located on Lot 103 DP 755189 Norwood Lane, Hillston. The 23 hectare project site is located approximately 3.5 kms from the township of Hillston on Norwood Lane – an unsealed country road which is gravelled in part. The property also has very limited access to/from the Kidman Way along the western boundary access to the site however this access route is not appropriate for road safety reasons.

See Figure 2 below for an aerial photo of the proposed site



Figure 2: Proposed Development site. Coloured yellow.

The proposed development is for the construction and operation of a town-scale photovoltaic (PV) solar farm and associated infrastructure, with a capacity of no more than 10 megawatts (MWac). Once fully operational the facility will have the capacity to generate approximately 24 GWh of clean electricity annually over the 35-year life of the project. The project would be named Daisy Hill Solar Farm.

The solar farm is proposed to be constructed in two back-to-back stages, each with a 5 MW capacity supporting 16,000 panels. Construction is expected to span a three-month time frame for each stage; therefore six (6) months in total.

The 32,000 panels are proposed to be installed on approximately 400 mounting structures running north south with approximately six metre spacing between the rows to allow access for maintenance. The mounting system is proposed to be constructed on steel piles driven into the ground to a depth of between 1.2 metres and 2.5 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 2.6 metres when the array is fully tilted to 60 degrees from horizontal in the early mornings and late evenings.

It is proposed to construct two 5 MW AC inverter stations, each housing two 2.5 MW inverters. Each stage of the solar farm will support an inverter that will be located within each array and mounted on 12.19 metre long skids. The inverter stations house high and medium voltage switch gear connected by underground cables to the existing 33 kV power line that runs south of Racecourse Road and then north

within a 30 metre easement to the south western corner of the property. The line then feeds into the Hillston Zone substation located on the western side of the Kidman Way.

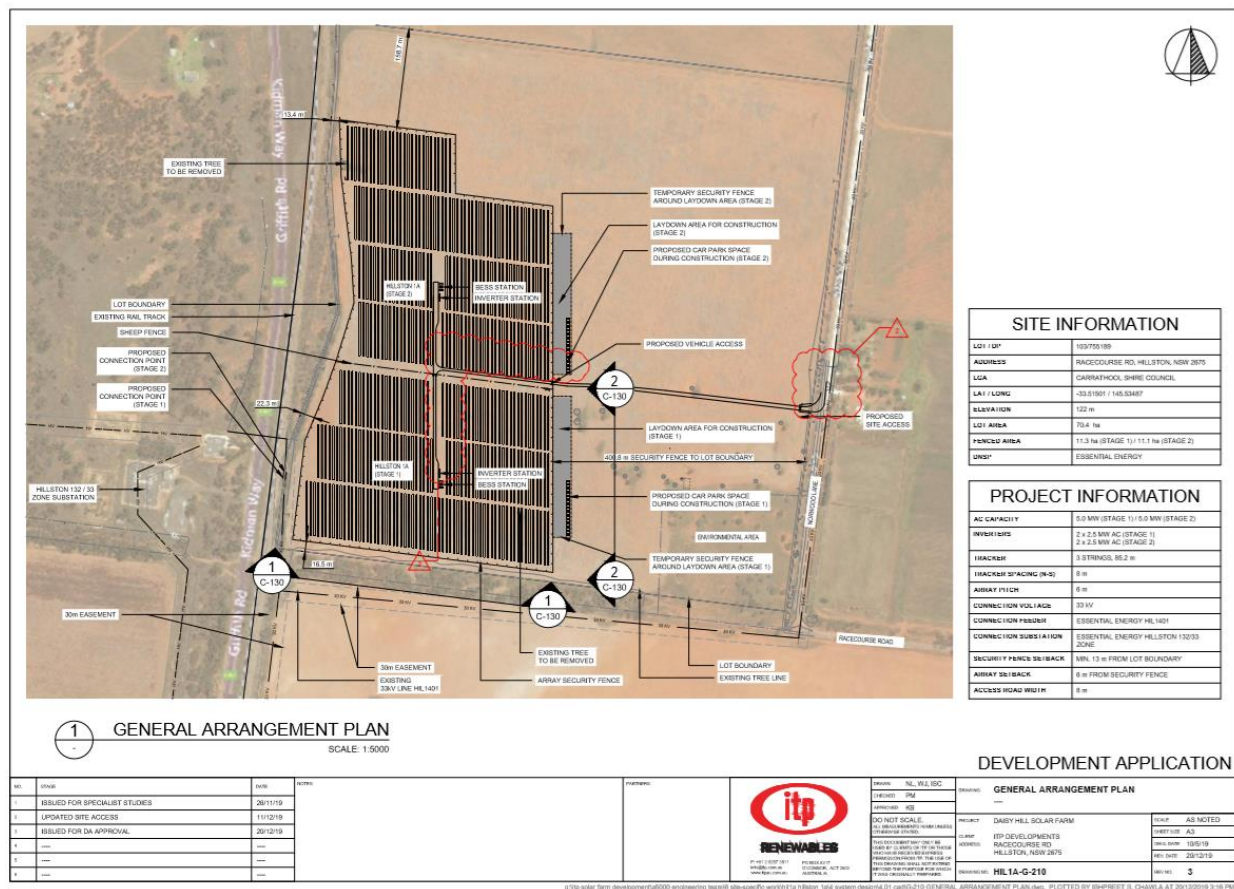


Figure 3: Proposed Solar Farm Design Plan

An internal access road is proposed to be constructed off Norwood Lane. The proposal also includes the construction of an operations compound and a car parking area for up to 40 vehicles. The construction compound would include laydown areas for materials. Once the solar farm is operational, the construction compound would be decommissioned.

The proposal includes the construction of a 1.8 metre high chain mesh steel, security fence topped with three rows of barbed wire around the solar arrays. The arrays will have a 6 metre setback from the fence. The fence is described as having variable setbacks from the property (Lot 103 DP 755189) boundaries with a 13.4 metre setback from the western boundary, 16.5 metre setback to the southern boundary, 400 metres to the eastern boundary and 300 metres from the northern boundary.

A perimeter security fence up to 1.8 m high is also proposed. Internal access tracks 4m wide between the solar arrays as well as an 8 metre internal access road will be provided.

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

The information submitted in support of the proposal makes reference to potential upgrading and also decommissioning of the infrastructure at the project's end. Although this potential upgrading may involve an increase in the generating capacity of the solar farm over the course of its life as technology improves, according to the Applicant the actual footprint of the development will not be increased. 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 infrequently used Temora - Roto railway line also runs along the western boundary.

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 residences.

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

There is also some remnant native vegetation located in the vicinity of the western boundary of the property along an unformed Crown Road.

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 Industry, based on the biophysical features of the soils and landscape.

Given the 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 designated as flood fringe by the Hillston Flood study 2005. In addition, the CLEP 2012 designates the southern portions of the site as “wetland” although after several years of drought and a history of dryland wheat cropping there is no physical evidence of the existence of a wetland or wetland-related vegetation.

The Lachlan River skirts the Hillston township and lies to west of the project site. There are flood levees around much of the town.

The properties located in the surrounding locality reflect larger scale agricultural use and also provides opportunities for the development and location of support industries. Two transport depots are located within 3 kilometres of the site. The Hillston Airstrip is also located approximately 3 kilometres from the site. The Airstrip is currently used by some private recreational pilots, the RFDS and also by local crop-dusting businesses.

There are five residences not associated with this development located along Norwood Road. All of these residences are located within close proximity to the road (between approximately 100 to 200 metres). Three residences are also located on the opposite side of the Kidman Way which are also proximate to the site.

A State Significant Development on the western side of the Kidman Way, namely Hillston Solar Farm, was granted development approval in October 2017. This project will have 300,000 solar panels and cover approximately 300 hectares. Construction has not yet commenced but this is expected to begin in the near future. Concurrent development of both the Hillston and Daisy Hill solar farms has the potential to put strain on the accommodation resources of Hillston.

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 Solar Farm in 2 x 5 MW in two stages and associated infrastructure • Two Lot subdivision in an RU1 Zone to create: • 1 x 12.73 Ha allotment and 1 x 55.14 ha allotment • 32, 000 solar panels with an output of 4.8 GWh annually delivered in two stages
Project area	<ul style="list-style-type: none"> • Site: 67.87 hectares subdivided to create 1 x 12.73 Ha allotment and 1 x 55.14 ha allotment. Total development footprint: 23 hectares
Access route	<ul style="list-style-type: none"> • Via the Kidman Highway, The Springs Road and Norwood Lane
Site entry and road upgrades	<ul style="list-style-type: none"> • Project site entry to be located at the north-east corner of the Development Site off Norwood Lane; • Norwood Lane to be upgraded to a gravel road as per the terms agreed by the Council and the Proponent following discussions held on 20th August 2020; • Norwood Lane to be maintained by the Proponent during and post the construction phase; • Dust suppression to be applied to Norwood Lane and internal roads/tracks during construction of the facility, as required;
Construction	<ul style="list-style-type: none"> • The construction period to be approximately 6 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 public holidays.
Operation	<ul style="list-style-type: none"> • The expected operational life of the project is approximately 35 years. However, the project may involve infrastructure upgrades that could extend the operational life of the development if appropriate additional consents are in place.
Decommissioning and rehabilitation	<ul style="list-style-type: none"> • The project also includes decommissioning at the end of the project life, which • would involve removing all infrastructure.
Hours of operation	<ul style="list-style-type: none"> • Daily operations and maintenance would be undertaken Monday to Friday 7 am to 6 pm, and Saturday 8 am to 1 pm.
Subdivision	<ul style="list-style-type: none"> • Subdivision of the parent Lot 103 DP 755189 Norwood Lane to create 1 x 12.73-hectare allotment and 1 x 55.14-hectare allotment. A Restriction as to User will be placed on the 12.73-hectare allotment to prevent a construction of a dwelling on the undersized allotment.
Direct Employment	<ul style="list-style-type: none"> • Up to 50 construction jobs and 2 operational jobs involving quarterly inspections.
Capital investment value	<ul style="list-style-type: none"> • \$13.2 Million

6. MATERIAL ENVIRONMENTAL AND SOCIAL MATTERS

6.1 Flooding

The Project site is flood prone land, as evidenced by:

- Floodwater from the 1990 Hillston flood traversing along Norwood Lane (the proposed Project access route) and onto the Project site;
- the Project site is deemed a 'flood fringe area', that is, part of the Lachlan River floodplain, as per the Hillston Flood Plain Risk Study (2005) prepared by Cardno Willing; and
- The Wetlands Map of the Carrathool LEP (2012) showing wetlands on part of the Project site. See Figure 5 below.

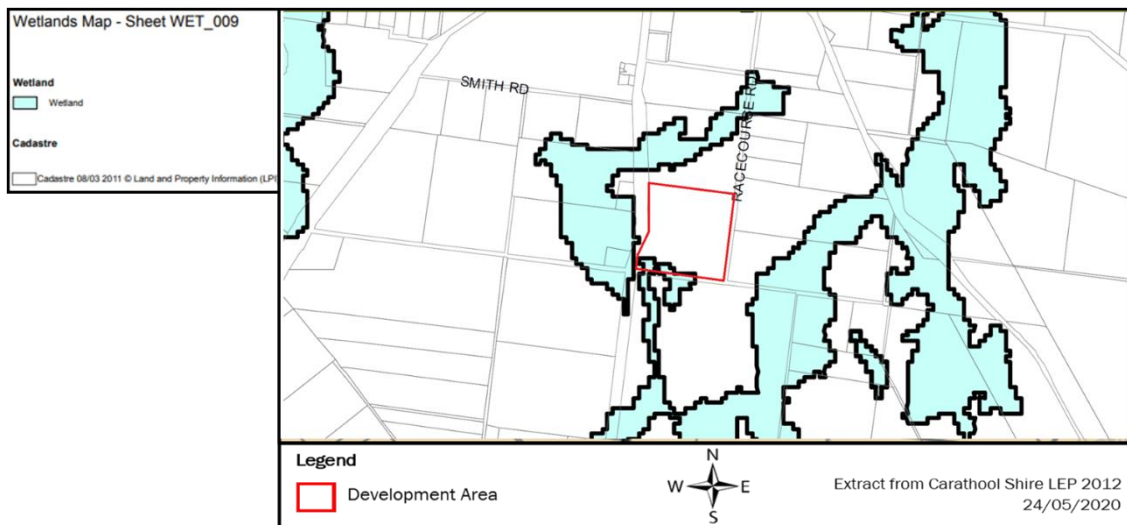


Figure 4: Wetland map extracted from CLEP 2012

The SEE also indicates:

- “the potential for site accessibility and the potential for inundation issues during flood events should be reviewed” (our emphasis) (SEE, section 5.5.3, page 32);
- the southern portion of the Project site is within a flood fringe area (as defined), as per the Hillston Flood Plain Risk Study (2005);
- a major flood event may cause disruption during construction activities or for material suppliers; and
- there is potential for overland flow during rainfall.

In addition, the Hillston Flood Plain Risk Study indicates Norwood Lane – the access route to the Project site - was a 'significant flow path' for the 1990 flood.

In preparation of the Assessment Report it was noted that in 2019 the Project site was sown to crop and in a May 2020 site inspection indicated there is no evidence of wetland on the Project site.

In light of the above, in preparation of the Assessment Report, the Applicant was requested on 6 May 2020 to provide more adequate information on the potential impacts of flooding on the proposed

Project site and on the surrounding area arising from the development. The following information - in bold italics - was sought and the response from ITP received on 22 June 2020 follows:

a) maps showing the location of the Flood Planning Level across the Project site (i.e. a 1% Annual Exceedance Probability (AEP) - 1 in 100 year flood event - plus first a 0.3 m freeboard and secondly a 0.5 m freeboard (AHD levels across the site);

The Applicant provided a copy of the project layout with flood freeboard markings as requested. See Figure 5 below. The Applicant also advised that in relation to key heights on the project site:

- i. 117.8m is the lowest point on the site;
- ii. 118.35m represents 1% AEP;
- iii. 118.65m represents 1% AEP + 300mm freeboard; and
- iv. 118.85m represents 1% AEP + 500mm freeboard.

ITP also advised that 'in flood conditions we expect a slow rise inundation, which will reach a 550mm at the deepest point on the property. Tracker motors are located 1200mm above ground level and so would be 650mm above 1%AEP at the deepest point.

The current ground level at the inverter Stage 1 is 118.1m. The inverter skid provides 400mm height, so 350mm crushed gravel base will be used to raise the inverter skid 350mm - to 1%AEP + 500mm freeboard. The inverter skid at Stage 2 is already above the 1%AEP + 500mm freeboard level.

Parts of the system that would be immersed in the water, such the mounting piles are designed to withstand the flooding, and the sections of cables that are buried below the ground and are intrinsically waterproof due to their sheathing. No cable joints or terminations will be subjected to inundation as these will be done in an enclosure above the flood height.'

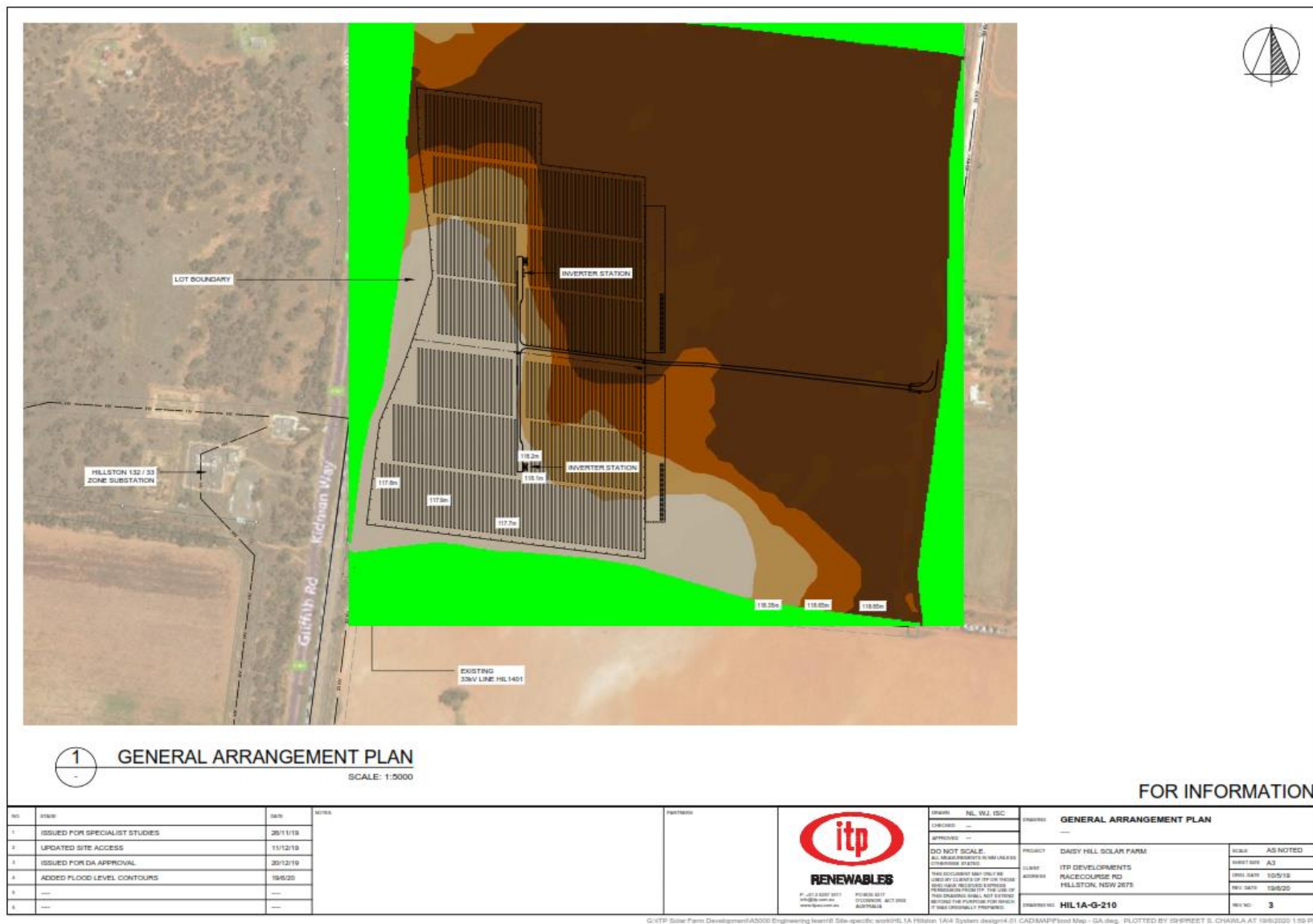


Figure 5: Flood Planning and the Project's Design

b) whether the Project would adversely influence or impede the flow of floodwater, resulting in detrimental increases in the potential flood affectation of other, non-Project lands;

‘The development of a Photovoltaic (PV) Solar Farm is generally seen to have a very minimal impact on rainfall runoff and downstream hydrology. This is due to a majority of the infrastructure associated with the PV solar farm being located above the ground on posts which are driven into the ground. All other infrastructure such as invertors are located away from flow paths or areas at a greater risk on inundation during flooding. Due to the panels being located above the ground, any intercepted rainfall is shed from the panel area to the undisturbed ground below and is either absorbed or generates runoff in a similar manner to the undeveloped site.

Mitigation measures include the implementation of the Blue Book guidelines as a preliminary approach to controlling these potential impacts and is considered to be the minimum standard for control at any construction site.’

c) the consequences of floodwaters aggravating erosion and siltation downslope;

‘The development of a PV Solar Farm does not increase the risk of erosion or siltation. Although rainfall may be intercepted by the surface of the panel prior to hitting the ground, this has little impact on the rainfall energy and due to the spacing of the solar arrays (minimum row spacing of 6 m), the intercepted rainfall is spread over a large area of infiltration.

We consider that the erosion and siltation due to the construction of a solar farm to be no more likely than the existing land management process that would be in place for the site. The large vegetated surface area below the panel arrays will absorb rainfall and minimise runoff potential.’

d) waterproofing of electrical equipment and other services;

‘All system components (invertors, modules, mounting systems, cabling etc.) are designed for installation outdoors and so are designed with suitable Ingress Protection (IP) ratings for use in an outdoor environment. All electrical cable terminations are made with suitable IP rated enclosures.

Only the motors, combiner boxes and inverters are impacted by floodwaters and inundation. These components are all to be installed 300mm above the 1% AEP.’

e) the risk to life and property from flooding.

‘The solar farm will not significantly alter the flow of water across the site. The slow nature of the inundation means that collapsible fences are not appropriate. We do not believe the (solar) farm increases the risk to life or property.’

Evaluation of Flooding Risks and Mitigation

In light of the supplementary information provided by the Applicant, we consider that the Applicant is cognizant of the flooding risks associated with a major flood, such as a one in 100 year event, and has adapted the facility design to minimise and effectively manage the related risks. Given its relatively small footprint it is considered unlikely that the facility would have a materially adverse impact on influencing or impeding the flow of floodwater, or causing detrimental increases in the potential flood affectation of other, non-Project lands in the vicinity.

6.2 Roads & Traffic

The district-wide access route to the project site is via the Kidman Highway, The Springs Road and 2.4 kms of Norwood Lane. Norwood Lane is a lower standard, partially gravelled, partially local earthen road and its existing condition is considered likely to be substantially compromised by six months of heavy and over-sized construction traffic, especially if there is wet weather. See photographs in this Section showing the condition of the road on 29th April 2020 after minor rainfall.

Council and the Proponent agreed on 20th August 2020 to the upgrade requirements for Norwood Lane.

There are five residences along Norwood Lane and they may be impacted by noise and dust and increased road safety risks during the six months construction phase.

It should also be noted that the Hillston Flood Plain Risk Study indicates Norwood Lane was a 'significant flow path' for the 1990 flood (a one in a 100 year flood event).

The salient road information is as follows:

- Norwood Lane is owned by Carrathool Shire Council as the road authority;
- Council and the Proponent met on 20 August 2020 and agreed that:
 - e) Norwood Lane pavement will be upgraded for 1.95 kms with application of a gravel re-sheet 100mm thick and 6 m wide, prior to the commencement of construction. The intersection of The Springs Road and Norwood Lane will be modified to a 'swept path' design, to the satisfaction of Council. The Proponent will pay \$50,230 towards the upgrade works;
 - f) To manage traffic during the road upgrade works (estimated to take 15 days), traffic control measures and a plan, will be required. The Proponent will pay \$17,214 for the provision of that service;
 - g) There will be dust suppression of Norwood Lane and all internal roads/tracks during construction, as deemed necessary. Any water cart hire will cost \$160/hour and will be paid for by the Proponent; and
 - h) The road access entrance to the Project site will be located at the north-east corner of the Development site.



Two Photos showing the Condition of Norwood Lane on 29 April 2020 after a minimal rain event

6.3 Visual Amenity

There are five (5) private residences along Norwood Lane and there is the prospect of the visual landscape of residents being altered from rural to industrial by virtue of the erection of a solar farm. To ameliorate possible impacts, the Council, Proponent and the nearest resident have agreed as follows:

- a) The adjoining property owner has agreed to initiate their own landscaping;
- b) Council will consider planting a vegetative screen of sufficiently advanced endemic Eucalypt species in the Norwood Lane road easement. The trees will require watering and weed maintenance as necessary for up to 24 months after planting. Any diseased or dying plants during that time will be replaced; and
- c) Any plantings should be spaced appropriately so as to create a visual screen upon maturity.

6.4 Waste Management

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

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

The project will generate most waste during the construction and decommissioning phases. To comply with the NSW legislation and policies, the waste will be recycled or re-used where possible and only disposed of if no alternative is available.

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 35 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.

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

6.5 Glint & Glare

The Applicant has undertaken a glint and glare assessment as part of the development application. This assessment considered residences within 2km of the proposed development. The photovoltaic panels are designed to absorb rather than reflect sunlight, and we are satisfied that the project would not cause noticeable glint or glare compared to other building surfaces.

A local agricultural aviation service provider was interviewed in relation to the risks associated with glint and glare risks and he was unperturbed by having a solar farm near the Hillston airfield.

6.6 Construction Impacts: Noise & Dust

Noise

Some submissions from the community raised concerns about the project's potential to generate noise. Noise generated during the proposed six (6) months construction phase and any subsequent upgrading and decommissioning activities is expected to comply with the relevant criterion of 45 dB(A) in the EPA's *Interim Construction Noise Guideline* (ICNG) for standard daytime construction hours at all residences.

To assist in minimising noise impacts on residents located on Norwood Lane the hours of construction will be limited from 7am to 5pm Monday to Friday, and 8am to 1pm Saturday, public holidays excepted.

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

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

Dust

Some submissions from the community raised concerns about the project's potential to increase dust on local roads. During construction the Applicant will apply water for dust suppression on Norwood

Lane and on the internal access road. Watering will be on an as needed basis. The Proponent will also have a complaints handling procedure to promptly respond to any dust issue.

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

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

6.7 Bushfire

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

The subject site is not identified on NSW RFS Bushfire Prone Land Map as being potentially bushfire prone.

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

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

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

7. STATUTORY CONTEXT

EP&A Act: Matters for Consideration

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

A. State Environmental Planning Policies (SEPPs)

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

State Environmental Planning Policy (Koala Habitat Protection) 2019

This Policy aims 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 1 of State Environmental Planning Policy (Koala Habitat Protection) 2019 and as such is not subject to the provisions of this SEPP.

Clause	Subject	Comments
Clause 5	Land to which this policy applies	<p>Land to which Policy applies</p> <p>1) <i>This Policy applies to each local government area listed in Schedule 1.</i></p> <p>2) <i>The whole of each local government area is—</i></p> <p style="padding-left: 40px;"><i>(a) in the koala management area specified in Schedule 1 opposite the local government area, or</i></p> <p style="padding-left: 40px;"><i>(b) if more than 1 koala management area is specified, in each of those koala management areas.</i></p> <p>3) <i>Despite subclause (1), this Policy does not apply to—</i></p> <p style="padding-left: 40px;"><i>(a) land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i></p> <p style="padding-left: 40px;"><i>(b) land dedicated under the Forestry Act 2012 as State forest or a flora reserve.</i></p>
Schedule 1	Local Government Areas	Carrathool Council is not a local government listed in this schedule.

SEPP No 55 – Remediation of Land

SEPP 55 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.

Clause	Subject	Comments
7	Contamination and remediation to be considered in determining development application	<p>1) <i>A consent authority must not consent to the carrying out of any development on land unless:</i></p> <p style="padding-left: 40px;"><i>(a) it has considered whether the land is contaminated, and</i></p> <p style="padding-left: 40px;"><i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p style="padding-left: 40px;"><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p>Pursuant to clause 7 of SEPP 55 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>As such, additional information in regard to this matter was requested from the Applicant.</p> <p>In response, the Applicant has undertaken a Preliminary Site Investigation (PSI) which comprised a desktop site assessment including examination of current and historical land use.</p> <p>The applicant has advised that:</p> <p>A desktop study has been undertaken that involved historical land use of the site and potentially contaminating activities. There has been no known historical use that would cause the land to be contaminated. Further to this a review of the NSW Contaminated Sites notified to the EPA indicated that no statutory notices have been issued under the provisions of the CLM Act.</p> <p>The property has been cleared and farmed for many years and is not known to be 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>On this basis a formal preliminary investigation is not required for the development of a solar farm on the proposed site.</p>
7(Cont.)	Contamination and remediation to be considered in determining development application	<p><i>During all of these activities, no evidence was observed that indicated previous site contamination, or that suggested previous major land-use changes. Specifically, the following were NOT observed:</i></p> <ul style="list-style-type: none"> • <i>Sheep dips or intensive animal handling facilities;</i> • <i>Portions of unusually bare or discoloured soils;</i> • <i>Scums or discoloured waterbodies;</i> • <i>Operational, or disused, sheds or other built structures;</i> • <i>Chemical storage facilities;</i> • <i>Evidence of land-based waste disposal or dumping; and</i> • <i>Evidence of land disturbance, filling or excavation.</i> <p>The Preliminary Site Investigation determined there is a very low potential for land and water contamination of the sites and further assessment is not warranted.</p> <p>In this regard, Council advises the following:</p> <ul style="list-style-type: none"> • The subject site is not identified as being potentially contaminated on Council's information system. • A review of Council's electronic and hard copy files for the properties has not identified any past land uses that would be likely to result in site contamination.
		<ul style="list-style-type: none"> • 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>

SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.

Part 3 - Development Controls

Division 4 Electricity generating works or solar energy systems

Clause	Subject	Comments
34	Development permitted with consent	<p>1) <i>Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—</i></p> <p>(a) <i>in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,</i></p> <p>(b) <i>in any other case—any land in a prescribed rural, industrial or special use zone.</i></p> <p>The application submitted for consideration, is for the construction and operation of a town-scale photovoltaic (PV) electricity generating system.</p> <p>The subject land is currently zoned RU1 under CLEP 2012, which is identified as being a prescribed rural zone under Infrastructure SEPP.</p> <p>As such, the proposal is permissible with consent under Clause 34(1)(b) of the Infrastructure SEPP.</p> <p>Additionally, Clause 34(7) states:</p> <p>7) Solar energy systems <i>Except as provided by subclause (8), development for the purpose of a solar energy system may be carried out by any person with consent on any land.</i></p> <p><i>solar energy system means any of the following systems—</i></p> <p>(a) <i>a photovoltaic electricity generating system,</i></p> <p>(b) <i>a solar hot water system,</i></p> <p>(c) <i>a solar air heating system.</i></p> <p>As such, the proposal is also considered to be permissible with consent under Clause 34(7) of the Infrastructure SEPP.</p>

Division 17 - Roads and traffic

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

Clause	Subject	Comments
101	Development with frontage to classified road	<p>The proposed development has frontage to the Kidman Way which is nominated as a State Highway. The applicant has stated in the Traffic Impact Assessment Report supporting the application that the “western access which crosses over the rail will not be used due to safety issues.” This will be reflected in a proposed condition of consent.</p>

		Therefore, in the light of the above statement, the provisions of Clause 101 do not require further consideration.
104	Traffic-generating development	The development is not considered to be traffic generating under Schedule 3 of the Infrastructure SEPP.

SEPP (Primary Production and Rural Development) 2019

Clause	Subject	Comments
3	Aims of Policy	<p><i>The aims of this Policy 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 given consideration to the aims of this Policy.</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 the grazing of sheep. 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 35 years) and a footprint that does not exclude ongoing agricultural use of the land. It is unlikely that the development as proposed will result in any land use conflicts or sterilise the land for future primary production purposes.</p>
		<p>It is proposed to decommission the solar plant at the end of the project's life cycle, removing all infrastructure from the site. At that point, the land would again be suitable for primary production purposes.</p> <p>The development area on the site has been previously cleared of any native vegetation and has been extensively used for dryland cropping and grazing purposes. Given the historical use of the property here will be insignificant impacts on either native vegetation or biodiversity.</p> <p><i>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</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 capability.</p> <p><i>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p>This clause does not apply to this proposal.</p> <p><i>(e) 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>(f) 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>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p> <p>This clause is not applicable to this proposal.</p>
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SEPP (State and Regional Development) 2011

Clause	Subject	Comments
3	Aims of Policy	<p><i>The aims of this Policy 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 given consideration to the aims of this Policy.</p>
20	Declaration of regionally significant development	<p><i>1) Development specified in Schedule 7 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 Clause 5 of Schedule 7 of the SEPP, being for the purposes of:</p> <ul style="list-style-type: none"> Private infrastructure works over \$5 million for the purposes of electricity generating works that has a capital investment value of more than \$5 million. <p>The Applicant has advised that the development has a CIV of \$13.2m.</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 2036

Clause	Subject	Comments
	Local Government Narratives	<p><i>Carrathool Shire, situated in the far north-west of the region, encompasses predominately rural land. The shire had a population of 2,733 in 2015. It contributed an estimated \$115 million to the region's gross regional product, mainly through irrigated agricultural produce such as cotton, wheat, rice and vegetables. The shire includes the local centre of Hillston and the surrounding villages of Goolgowi, Merriwagga, Rankins Springs and Carrathool.</i></p> <p><i>Key opportunities for the shire include ongoing large-scale cotton farming and processing, agricultural transport services and value-added manufacturing.</i></p> <p>Priorities:</p> <ul style="list-style-type: none"> • <i>Enhance community wellbeing through better access to services, particularly health and education.</i> • <i>Attract investment to promote private sector development of value-adding agricultural processing facilities.</i> • <i>Support the sector through diversification and more intensive production of crops, including cotton, nuts and olives, as well as poultry.</i> <p>The proposed development is not inconsistent with the local narrative expressed in the Murray Riverina Regional Plan</p>
	Priority growth sectors	<p><i>Further diversification of the economy will be achieved through a focus on the following priority growth sectors: Including renewable energy and mining</i></p> <p>The proposed development is consistent with the priority growth centres outlined in this Plan</p>
	Goal 1, - A Growing and Diverse Economy. Priority growth sectors include a focus on renewable energy and mining.	<p>The proposed development is consistent with this goal.</p>
	Direction 1 relates to the need to "protect the regions diverse and productive agricultural land."	<p>As detailed previously in this report, the Site is not identified as being important agricultural land, Biophysical Strategic Agricultural Land, irrigated cropping land nor is it considered as land and soil capability class 1, 2 & 3.</p> <p>Given that the development represents a relatively small area of the overall landholding and the relatively benign nature of the development itself, it is considered that it is unlikely to result in significant fragmentation or displacement of any existing agricultural industries in the locality nor result in any adverse cumulative impacts.</p>

	Direction 11 “promotes the diversification of energy supplies through renewable energy generation.”	<p>A strategic and integrated approach to renewable energy projects will leverage new opportunities and help meet the NSW Government’s aspirations of being carbon-neutral NSW by 2050. Carrathool Shire has been specifically identified as being suitable for large-scale solar power generation and geothermal energy.</p> <ul style="list-style-type: none"> Identify and promote wind, solar and other renewable energy production opportunities.
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D. Local Environmental Plan (LEP)

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

Clause	Subject	Comments
<p>Part 1 – Preliminary</p> <p>CLEP Clause 1.2</p>	Aims of Plan	<p><i>The aims of the Carrathool Local Environmental Plan are as follows—</i></p> <ul style="list-style-type: none"> <i>a) To promote development that is ecologically sustainable</i> <i>b) To promote the orderly and economic use and development of land within Carrathool</i> <i>c) To conserve and protect rural lands which are the economic base of Carrathool and resulting rural activities and rural industries</i> <i>d) To encourage the proper management of the natural and human made resources of Carrathool</i> <i>e) To minimise land use conflicts and adverse environmental impacts</i> <i>f) To strengthen the local economic base by encouraging a range of employment generating activities, including rural industries, which respond to emerging markets and changes in technology, whilst protecting local amenity, character and environmental values</i> <i>g) To protect and promote the use of rural resources for agricultural and primary production and related processing services and value adding industries</i> <i>h) To provide a range of housing choices that match the needs of the local community</i> <i>i) To allow for equitable provision of social services and facilities for the community, including open space</i> <i>j) To protect places and buildings of archaeological or heritage significance including Aboriginal relics and places</i> <p>The proposed solar farm satisfies the aims of the CLEP. The proposed development is sustainable, promotes the economic use of the land by providing short/medium term alternative income streams while not entirely alienating the agricultural use of the land. The proposal is unlikely to generate land use conflict and conditions of consent can ameliorate and mitigate any potential adverse environmental impacts. In the immediate term up to 50 jobs will be created through the six month construction phase and it is predicted that two or three employees will be involved in maintenance on a quarterly basis.</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.</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. The proposed use is prohibited use in the RU1 Zone because a “solar farm” is not expressly listed as permitted with or without consent.</p> <p>The Infrastructure SEPP states in Clause 8 that “<i>if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.</i>”</p> <p>Further, Clause 34(1)(b) and 34(7) of the Infrastructure SEPP 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 agricultural purposes. This is in fact one of the recommendations of the Department of Primary Industry.</p>
<p>Part 4 Principle Development Standards</p> <p>CLEP Clause 4.1</p>	<p>Minimum subdivision lot size</p>	<p>4.1 Minimum subdivision lot size</p> <p>1) <i>The objectives of this clause are as follows—</i></p> <p>a) <i>to ensure subdivision of land occurs in a manner that promotes suitable land uses and development.</i></p>

		<p>b) to ensure subdivision occurs in a staged manner that minimises the cost to the community from the provision of public infrastructure and services,</p> <p>c) to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural or primary production,</p> <p>d) to ensure that subdivision is not likely to result in inappropriate impacts on the natural environment including native vegetation, natural watercourses and habitats for threatened species and populations and endangered ecological communities,</p> <p>e) to maximise the economic potential of, and provide for more intensive agricultural uses in areas able to access commercial quantities of irrigation water.</p> <p>2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>4) This clause does not apply in relation to the subdivision of any land—</p> <p>a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>b) by any kind of subdivision under the Community Land Development Act 1989.</p> <p>(4A) Despite subclause (3), development consent must not be granted to a subdivision on land identified as “Area A” on the Lot Size Map unless the consent authority is satisfied that all lots will be connected to reticulated sewerage system and water.</p> <p>The proposed subdivision forms an essential part of this proposal. The minimum allotment size in the RU1 Zone is 40 Hectares. The parent property Lot 103 DP 755189 Norwood Lane has an area of 68.87 hectares. The proposal for subdivision creates two allotments – 1 x 55.14-hectare parcel and 1 x 12.73-hectare parcel. This results in the creation of an allotment that falls below the minimum land size that is undersized in the RU1 Zone. It is proposed that each of these lots will accommodate one 5MW solar system.</p> <p>The creation of the 12.73 ha allotment does not satisfy the provisions of Clause 4.1 of the CLEP 2012 and consideration of the variation is subject to the provisions of Clause 4.2 of the CLEP 2012.</p>
CLEP Clause 4.2	Rural Subdivision	<p>4.2 Rural subdivision</p> <p>1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>2) This clause applies to the following rural zones—</p>

		<p>a) Zone RU1 Primary Production,</p> <p>b) Zone RU2 Rural Landscape,</p> <p>c) Zone RU3 Forestry,</p> <p>d) Zone RU4 Primary Production Small Lots,</p> <p>e) Zone RU6 Transition.</p> <p>Note.</p> <p><i>When this Plan was made, it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.</i></p> <p>3) <i>Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>4) <i>However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</i></p> <p>5) <i>A dwelling cannot be erected on such a lot.</i></p> <p>The provisions for variation of allotment size in relation to land in the RU1 Zone are found within Clause 4.2. The proponent, in the Statement of Environmental Effect “contends that energy production by way of photo voltaic cells is a type of primary production on the basis that primary industries are those that extract or harvest raw material from nature.</p> <p>Further the SEE states that the harnessing of solar radiation for conversion to electricity cannot be classified as a secondary industry as there is no manufacturing or processing involved.” Should the categorisation of solar energy production be accepted as a primary industry – then the provisions of Clause 4.2 applies and the proposal to create an undersized allotment can be considered.</p> <p>The proponent has advised that the creation of an undersized allotment in the RU1 Zone is a critical to the progression of the proposal. The justification provided by the proponent for this variation is based on the following factors.</p> <p>Each of these solar facilities will have different connection points onto the electricity network – each generator connects into a separate distribution line. Essential Energy have advised the proponent that a separate Lot and Deposited Plan are 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 requires a subdivision. It is not proposed to provide opportunity for a future residential use of the undersized allotment.</p> <p>Based on the assessment of the proponent’s submission it is considered that the proposed variation is reasonable under the circumstances subject to the imposition of conditions of development consent.</p>
Part 6 Additional	Earthworks	<p>Earthworks</p> <p>1) <i>The objectives of this clause are as follows—</i></p>

<p>Local Provisions</p> <p>CLEP Clause 6.1</p>		<ul 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> <p>2) <i>Development consent is required for earthworks unless—</i></p> <ul 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> <ul style="list-style-type: none"> i. <i>development consent has been given, or</i> ii. <i>for which development consent is not required.</i> <p>3) <i>Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <ul style="list-style-type: none"> a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</i> b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> c) <i>the quality of the fill or the soil to be excavated, or both,</i> d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i> e) <i>the source of any fill material and the destination of any excavated material,</i> f) <i>the likelihood of disturbing relics,</i> g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> <p>The development proposes minor earthworks to facilitate the development. This includes some minor excavation to a depth of 150mm to enable road base to be laid down for accessways. The footings for the invertors and security fence strainer posts will involve excavation to a depth of 750mm. The footings for the mounting frames will require excavation to a depth of 1500mm. There is also a necessity to trench to a possible depth of 1200mm for the purposes of 1. 1cabling.</p> <p>Minimal earthworks will be required for the development as the tracking system will be supported by piles either mechanically driven or screwed into the ground. Minor earthworks required for substation.</p> <p>It is considered that the earthworks associated with this proposal will have minimal environmental impact.</p>
<p>CLEP Clause 6.2</p>	<p>Flood planning</p>	<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>In light of the supplementary information provided by the Proponent, it is considered that the Proponent is cognizant of the flooding risks associated with a major flood, such as a one in 100 year event, and has adapted the facility design to minimise and effectively manage the related risks.</p> <p>Given its relatively small footprint it is considered unlikely that the facility would have a materially adverse impact on influencing or impeding the flow of floodwater, or causing detrimental increases in the potential flood affectation of other, non-Project lands in the vicinity.</p>
CLEP Clause 6.3	Terrestrial biodiversity	<p>1) <i>The objective of this clause is to maintain terrestrial biodiversity by—</i></p> <p>a) <i>protecting native fauna and flora, and</i></p> <p>b) <i>protecting the ecological processes necessary for their continued existence, and</i></p> <p>c) <i>encouraging the conservation and recovery of native fauna and flora and their habitats</i></p>

		<p>2) <i>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</i></p> <p>3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <p><i>a) whether the development is likely to have—</i></p> <ul style="list-style-type: none"> <i>i. any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i> <i>ii. any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i> <i>iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i> <i>iv. any adverse impact on the habitat elements providing connectivity on the land, and</i> <p><i>b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"> <i>a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> <i>b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i> <i>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> <p>Apart from two cypress trees that are not hollow bearing there are no other native vegetation will be disturbed. A search of the NSW Bionet Species Sightings Map indicates that there are no recorded threatened or migratory species or threatened ecological communities on the site.</p>
CLEP Clause 6.4	Groundwater vulnerability	<p>1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> <i>a) to maintain the hydrological functions of key groundwater systems,</i> <i>b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</i> <p>2) <i>This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability 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 the following—</i></p> <ul style="list-style-type: none"> <i>a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</i>

		<p><i>b) any adverse impacts the development may have on groundwater dependent ecosystems,</i></p> <p><i>c) 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></p> <p><i>d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <p><i>a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <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.</p>
CLEP 2 Clause 6.6 Wetlands		<p><i>1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</i></p> <p><i>2) This clause applies to land identified as “Wetland” on the Wetlands Map.</i></p> <p><i>3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <p><i>a) whether or not the development is likely to have any significant adverse impact on the following—</i></p> <p><i>i. the condition and significance of the existing native fauna and flora on the land,</i></p> <p><i>ii. the provision and quality of habitats on the land for indigenous and migratory species,</i></p> <p><i>iii. the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</i></p> <p><i>b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <p><i>a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>

		There is no physical evidence of any aspect of the Project site that could be described as a wetland. Furthermore, there is no vegetative evidence to suggest a wetland. The subject land was cropped in 2019.
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E. 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.

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

Carrathool Shire Council 2012 does not have a Development Control Plan in place.

G. 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 have agreed to secure a Planning Agreement (PA) with the provision of a development contribution of \$100,000 + CPI paid over a ten year period, with the first payment due 28 days after the commencement of operations. The costs of negotiating and preparing the VPA are to be borne by the Proponent. The contributions will be managed and allocated by the Council to provide environmental, social and economic benefits to the local community impacted by the Development.

Securing the VPA is to be provided for as a condition of consent.

H. Section 4.15: The provisions of the regulations

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

I. 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 6 m, 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 road, in the event that it remains unsealed. There is potential noise from on-site construction activities.

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

Hillston is the largest town in the Carrathool Shire which has a population of 1,430. The ABS figures indicate that population numbers are in decline. Agriculture is currently the dominant industry and ABS figures indicate that unemployment rates are lower in Carrathool Shire than reflected in the rates of both NSW and Australian figures. Notwithstanding these figures – additional employment opportunities are considered to be of a positive nature and will provide an ongoing economic benefit to the LGA.

The proposed development represents significant investment into the renewable energy sector within the Carrathool Shire. The development aligns with strategic documents for the Riverina Murray Region

and is generally consistent with community values, which broadly supports investment and growth in renewables to transition away from our current reliance on carbon intensive energy which has been linked to contributing to climate change.

The proposed development is expected to bring with it social and economic benefits both during the six month construction phase with the creation of approximately 50 full time jobs, plus the multiplier flow on benefits for the local economy, and 2 positions during the 35 year operational phase of the project, with site inspections on a quarterly basis. There will be indirect benefits that can flow on to the local economy from the development include opportunities that 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 a limited number of objections to the proposal which indicate that some local residents living along Norwood Lane anticipate adverse impacts from the development should it proceed. Improving the condition of Norwood Lane as a condition of consent will help offset some of the perceived impacts.

J. 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 Clause 34 of the ISEPP;
- 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 satisfactory 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, via Norwood Lane is a matter of conjecture for some members of the community. Pleasingly the Council and the Proponent have reached an agreement on the upgrade works required.

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

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

Summary of Agency Responses below:

Referral Agency:	Response Date:	Summary of Responses:
Department of Primary Industry NSW	28 th February 2020	<p>The Department of Primary Industry (Agriculture) have identified the land as Class 5 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 following construction with appropriate grazing under panels.• Continued farming (e.g. cultivation of flowers or vegetables) on the land surrounding the panel arrays.

		<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. • To achieve this a baseline soils condition report should be prepared prior to project commencement so that rehabilitation plans and performance measures can be developed to inform the decommissioning process. • DPI advises that there will be no objection to the creation of an allotment under the minimum lot size subject that no dwelling entitlements are created.
Transgrid	13 th March 2020	Transgrid advises that the proposal does not impact Transgrid infrastructure
Roads and Maritime Services (Transport for NSW)	9 th March 2020	Transport for NSW is mainly concerned with the provision of safe access between the development site and the public road network and the impact of the development on the safety and efficiency of the road network. TFNSW emphasises the need, particularly during the construction period to minimise impact on the road network. TFNSW requires that a Traffic Management Plan be prepared addressing ten issues and also that glint and glare shall not cause nuisance to the travelling public and that if this does occur then immediate glare mitigation measures must be implemented.
Civil Aviation Safety Authority	18 th February 2020	CASA advises that it is unlikely that there will be glare hazard to the Hillston Aerodrome and on that basis has no objection to the proposal.

The proposal was advertised for community comment in the local paper and letters were written to land owners in the vicinity of the proposal. In response to these five letters of objection were received. The issues raised in submission have been summarised, the proponent's response and the Council comments have been addressed earlier in this report.

L. 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

The Application was notified for 28 days to property owners within in proximity of the subject site and was also advertised in the local newspaper from. At the conclusion of the notification period five submissions were received by Council. The submissions were forwarded to the Applicant for consideration. Copies of the letters with personal details removed have been forwarded to the Panel Secretariat. A summary of these public submissions, together with the applicant's response and Council comments are provided in the table below.

Topic	Summary of concerns raised	Applicant's Response	Council's Comments
	Development Justification		(Received 1 July 2020)
Letter 1	It is not that the township of Hillston is without power. If there was a necessity to provide power to the township and solar was the most suitable energy available, then our client would be supportive of the proposal. However, this is not the case and therefore can see no real benefit to the environment to the town and its surrounding residents.	<p>ITP develops town-scale solar farm projects around regional Australia. Individual projects are typically in the range of 5MW – 20MW, and are connected to the local distribution network, rather than the long-distance transmission network. This means that projects provide power predominantly to customers situated close to the solar farm. They provide local electricity generation and resilience.</p> <p>The environmental and economic benefits of the project include:</p> <ul style="list-style-type: none"> •Supplying the annual electricity requirements of approximately 4,300 households; •Displacing approximately 18,640 metric tonnes of carbon dioxide of greenhouse gas emissions per year; •Generating approximately 50 jobs during the construction process; and <p>Creating flow-on effects for local communities. Local retailers and service providers benefit from increased economic activity in the locality of a solar farm.</p>	There is a push state wide for renewable energy, the Carrathool shire is no different.
Letter 5	<p>The application does not comply with Carrathool Shire Council's Carrathool Shire Council's Community Strategic Plan 2017-2030 "Towards 2030".</p> <p>"Carrathool Shire Council and the Community will work together to protect and deliver quality of life in harmony with economic development and environmental sustainability", The proposed use of Norwood Lane as the access road to the Daisy Hill Solar Farm will have a negative impact on the health and wellbeing of residents and will not succeed in promoting 'Community Health and Wellbeing' to the Norwood</p>	<p>As outlined in the SEE, we believe that the proposed development would 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 would 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>".</p> <p>The proposed development further provides renewable energy and thus contributes to the environmental sustainability of the region.</p>	Council agrees with the Proponent.

	Lane residents.		
Letter 5	Carrathool Shire Council has recently called for public comment regarding the Local strategic Planning Statement "Carrathool 2040". On page 21 it is stated that Council will encourage and facilitate development of wind and solar farms in identified areas shown on the structure plan map, the structure map shows the planned future Renewable Energy Corridor as being located on the west side of the Kidman Way.	At the time of submitting the Development application (20/12/2019) ITP was not aware of draft environmental planning instruments on exhibition or yet to be published that apply to the proposed site. ITP notes that the Carrathool Local Strategic Planning Statement 'Carrathool 2040' is still under review and is yet to be published. As stated on page 21 of the draft LSPS, 'Outside of the precinct, Council generally supports 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.	Not relevant LSPS was on exhibition when concern was raised.
	Cost to Council		
Letter 1	Further, has the Council undertaken a cost/benefit analysis? What is CSC required to contribute to enable this development to progress.	All costs associated with connecting to the power network are borne by the proponent/developer. This includes the costs of impact studies and network augmentation. Electricity infrastructure assets are gifted to Essential Energy, the area network operator who own the lower voltage poles and wires. Solar inverters and transformers will be owned and operated by the proponent. ITP is happy to pay all standard development fees and council contributions.	Council is to bear minimal costs and these will be more than offset by more significant economic benefits accruing to the local community.
	Property Values		
Letter 1	Our client has life long experience in property values and is of the view the proposed development is highly likely to reduce the value of his adjoining property by 35-40% due to the industrial nature of the development, the glare and significantly reduced visual amenity	The NSW Office of Environment and Heritage (OEH) commissioned Urbis Pty Ltd to undertake an investigation into the potential impact of wind farm developments on property prices in NSW. The report indicates "that the literature review of Australian and international studies on the impact of wind farms on property values revealed that the majority of published reports conclude that there is no impact or a limited definable impact of wind farms on property values". There does not appear to be a similar study for solar farms, however, it can be argued that wind farms have more of an impact on the local population from a noise and visual aspect, when compared to solar farms.	Noted.

	which will result if the development proceeds on the proposed site.		
Letter 3	I have spoken to and researched that my property will lose significant value as it will be bordering the solar farm. The sheer industrialisation of the area through the development, the huge loss of visual amenity will all attribute to the loss in value.		Noted.
Letter 4	I would request that the solar panels are not placed in a manner that will cause property to be devalued in anyway		Noted.
	Construction Staff		
Letter 5	The ITP Renewables Water Assessment document states under the heading Project Description that "During construction there is expected to be 100 personnel on site working from 7am to 4pm Monday to Friday. The construction is expected to take 3 months". I have ended up confused to how many workers and how many months this construction is supposed to take. Is it 50 workers taking six months or 100 workers taking 3 months? If there are 100 workers is this double the traffic on the road. Which is the accurate	ITP acknowledges there is a typographical error in the water assessment provided with the application. During construction there is expected to be 50 personnel on site working from 7 am – 4 pm, Monday to Friday. The construction is expected to take approximately 6 months. Once operational the site will be unmanned. Maintenance is expected to be carried out quarterly by a crew of 2 – 3 people	It is no different to during picking season or other harvests in the community. Large numbers of workers on site.

	report? The traffic report or the water assessment report?		
	Environmental Contamination		
Letter 2	<p>Firstly, if a hail or major storm event occurs and damages the solar panels what processes are in place to avoid cadmium (carcinogenic) or lead leaching from the damaged panels into the ground.</p>	<p>There appears to be some confusion about the toxicity of solar panels. Specialised solar cells, such as those used by the space industry, may use toxic metals (for example GaAs, GICS and CdTe cells). These are not used on large scale solar plants.</p> <p>Instead, silicon-based solar cells are used. These are free of toxic heavy metals. Panels chosen for the development will meet the Australian standard AS/NZS 5033 for photovoltaic modules.</p> <p>An Environmental Management Plan will be put in place after construction and provide clear instructions for routinely checking the panels to ensure structural integrity and performance throughout the project lifecycle. Any panel deemed as defective would be dealt with in line with the requirements of the POEO (2014) Act (Section 7.12.3) regarding panel recycling.</p>	Council agrees with Proponent's reply
Letter 2	What sort of contaminants could flow from the solar farm into my house yard, in particular toxic materials like lead and carcinogenic cadmium?		Noted. Not considered a material issue.
Letter 3	<p>Firstly, if a hail or major storm event occurs and damages the solar panels what processes are in place to avoid cadmium (carcinogenic) or lead leaching from the damaged panels into the ground. Secondly, and most importantly every time we have a major rain event from the south and any storm event the water</p>		

	from Lot 103 DP755189 flows north from this property into the natural floodplain on my property which flows through the house yard.		
	Glare Concerns		
Letter 1	The proponents glint and glare assessment indicates that the residential area will not experience any. Our client disagrees.	<p>PV panels are designed to absorb as much sunlight as possible. Glare may occur in some circumstance, particularly when the angle between the panel and the sun is small. The tracking systems proposed ensure that this rarely occurs. The panels are usually perpendicular to the sun. An assessment was carried out and no dwellings were found to be affected by glare.</p> <p>From most visible elevated areas, the solar farm will look like a water body. See https://www.resourcesandenergy.nsw.gov.au/landholders-and-community/renewable-energy/solar-farms</p>	Maybe condition on consent to ensure no effect to neighbours.
Letter 2	I am extremely concerned about the continual glare that will be reflected from the solar panels to the southern side of my home and the resultant health/eye problems that myself and family will be forced to endure.		Noted. Safeguards in place.
	Security Screening		
Letter 1	The security fence further diminishes the visual amenity for the area. Security is relevant also in so far as the need for it implies that there may be increased antisocial behaviour at and around the site.	<p>We appreciate that the appearance of the security fencing around the proposed development may not be visually appealing but it is a safety requirement under Australian Standards for high voltage electricity generators. The fence has been specified to these standards.</p> <p>ITP does not believe it will increase anti-social behaviour. The purpose of the security fencing is strictly to prevent access to high voltage electrical equipment by untrained personnel.</p>	Mitigation measures are planned.

Letter 3	Major concern is the large security fences that will be erected around the solar farm, which would indicate the developers are expecting theft or other anti-social behaviour around the solar farm.		Usual practice for any construction site or site of significance is to have it fenced off.
	Water Supply		
Letter 5	Where will the water be accessed from to be used for this development?		Proponent to source own water.
	Flooding		
Letter 5	During the 1990 flood water came from 2 directions and flowed down both sides of the Lane — the Hillston town levy and east from the Springs Road. The water from the Springs Road flowed along the eastern side of the lane crossed the road near the Telstra phone tower. It then followed a natural water course across that property to the Kidman Way.	Additional studies undertaken to confirm probable maximum flood and project design modified to mitigate impacts.	Up to Proponent to find flood levels and ensure no adverse effect to neighbouring properties during or after construction.
Letter 5	The area is zoned flood and this includes the road. Levy banks are in place along the east side of the road to prevent flooding into properties at the top end of the road. Also, in periods of heavy rain Norwood Lane has been flooded	<p>The site is not mapped as being flood prone in Carrathool LEP 2012.</p> <p>Preliminary research indicates that the establishment of the proposed solar farm would result in minimal changes to flood characteristics within the existing drainage lines. Flood planning maps indicate that the southern part of the project site is within a flood fringe area but is not within a floodway. As such, a major flood event may cause disruption during construction activities or for material suppliers. Localized drainage patterns mean</p>	

	over, cutting the road.	<p>there is potential for overland flow during rainfall. The water will flow in a westerly direction towards the Lachlan River.</p> <p>The installation of a PV solar array does not increase potential downstream flooding, as it does not meaningfully alter the amount of permeable ground within the Array Area. As such, any rainfall intercepted by the PV array is returned to the ground surface and is either absorbed or generates runoff in a similar manner to the undeveloped state.</p> <p>Additional flood assessment work undertaken to confirm impacts and project design adjusted accordingly.</p>	
	Traffic and Road Access		
Letter 1	<p>The traffic generated during the installation is significant and highway safety is not a sufficient argument to use Norwood Road. Many developments (whether during the installation phase and after) enter and exit from a Highway or major road, and CSC should not be swayed by a "temporary" argument. What benefit to the local community is this development where the proponents whom will benefit degrade the existing road and CSC at the expense of the ratepayer will be required to repair, upgrade and maintain.</p>	<p>ITP commissioned Price Merrett Consulting to complete a Traffic Impact assessment in which it was determined that Norwood Lane was the most appropriate access point for the proposed development. The proposed access for the development off Norwood Lane has adequate sight lines and will be suitable for heavy vehicle access. The Kidman Way access will not be used as it requires crossing a rail corridor and does not meet safety requirements.</p> <p>An agreement has been reached between Council and ITP for Norwood Road to be upgraded.</p> <p>A traffic management plan will be developed prior to construction in consultation with road authorities to ensure the safety of all and minimise impact on neighbours and the environment. This plan will also address mitigation measures that will be put in place to make good the condition of Norwood Lane post-construction.</p>	<p>Council position is for the road to be upgraded to a good gravel standard and maintained by the Proponent during the construction of the Project and 'made good' at the completion of construction.</p>
Letter 4	<p>Norwood lane should be sealed before the development even begins.</p>		<p>Noted. Council position is for the road to be upgraded to a good gravel standard and maintained by the</p>

			Proponent during the construction of the Project.
Letter 5	Why has the Daisy Hill developer made no provision to bitumen Norwood Lane before this development commences?		Noted. Council position is for the road to be upgraded to a good gravel standard and maintained by the Proponent during the construction of the Project.
Letter 5	Why could the Daisy Hill developer not use an entry from the Kidman Way and construct at their expense bitumen turning lanes at a main entrance?	Deemed a less safe option compared with Norwood Lane.	Agree.
	Noise		
Letter 1	The noise generated by the vehicles primarily during the construction phase exceeds accepted levels. This is confirmed in the developer's submission. Are the noise levels justified? The question which our client repeatedly asks, what long term benefit to the town of Hillston and its surrounds accrue to justify our client being exposed to excessive noise during the installation phase.	<p>The Noise assessment completed by Muller Acoustic Consulting acknowledged that there would be some noise impacts related to the proposed development. While construction noise is expected to be noticeable, the degree of impact is expected to be low and mitigation measures will be put in place by the construction team.</p> <p>Long term noise impacts are negligible, with tracking solar PV rows moving at a slow rate producing minimal noise. The only noise produced once the development is operational will be from the substation and inverters, which will be inaudible with the appropriate buffer distance to residences. The inverters do not produce noise at night.</p>	Conditions on consent for hours of operation.

	Dust		
Letter 1	<p>The dust generated by the level of traffic during the construction stage is likely to be horrendous. The word "horrendous" is used not to be emotive but to describe the dust which will be generated</p>	<p>We appreciate the concerns of dust generation during construction from additional vehicles entering the solar farm. We understand that drought and loss of vegetation has caused increased dust and affected the air quality in the Hillston area.</p> <p>The construction on the solar farm will involve minimal earthworks. All solar panel framework will require only pile driving for footings. Dust mitigation measure will be undertaken, such as:</p> <ul style="list-style-type: none"> • Limiting vehicle movements where possible. • Suppressing dust emissions using watering where required • Minimizing ground disturbance • Minimizing handling of excavated materials <p>Ensuring stockpiles of excavated material are protected where possible.</p>	Condition on consent.
	Decommissioning		
Letter 3	<p>The developer (company) then only needs to declare bankruptcy and hence the residents/ratepayers are then left with the hefty clean-up bill. Admittedly this is some 20-25 years down the track but, CSC would need to take an absolute minimum \$1.5/m security deposit for the future decommissioning of the site to protect the local community</p>	<p>ITP is responsible for undertaking any decommissioning requirements at the end of the project life.</p> <p>There is a commercial scale recycling plant in South Australia (Reclaim PV Recycling) and we anticipate that recycling options will increase over the lifetime of the project. Components within the solar panels are readily recyclable and industry experience in Australia has shown that end-of-life solar farms have a scrap value higher than the cost of removal, and are therefore unlikely to be abandoned. Thus, we do not believe a bond is necessary.</p> <p>Rehabilitation will be to the pre-construction soil condition and all built material will be removed. This is likely to occur within two years of the end of the project.</p>	Council cannot predict the future, condition on consent for decommissioning.

M. 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 having regard for the objection lodged in relation to the development standard in Clause 4.1 of the CLEP 2012 which sets a 40-hectare minimum allotment size in the RU1 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.

N. 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. The subject property however is part owned by an employee of Carrathool Shire Council and a commercial leasing agreement has been negotiated.

8. EVALUATION AND CONCLUSION

Council is supportive of the project and none of the referral agencies have raised objections subject to the application 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 (Infrastructure) 2007 and is considered to be permissible under Clause 34(1)(b) and also Clause 34(7) of the SEPP.
- 2) The proposed development has been assessed in accordance with Clause 101 of SEPP (Infrastructure) 2007 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 - Koala Habitat Protection and found not to contain potential Koala habitat.
- 4) The proposed development site has been assessed in accordance with Clause 7 of SEPP No 55 – Remediation of Land and is considered to be suitable for the proposed development.
- 5) The proposed development has been assessed in accordance with SEPP (Primary Production and Rural Development) 2019 and is considered to be satisfactory.
- 6) The proposal is Regionally Significant Development under Clause 5(a) of Schedule 7 of SEPP (State and Regional Development) 2011.
- 7) The proposal is generally consistent with the provisions of the NSW State Plan 2021 and the Murray- Riverina Regional Plan 2036.

- 8) There are no draft environmental planning instruments that apply to this proposal.
- 9) Council and the Proponent have agreed to secure a Planning Agreement (PA) with the provision of a development contribution of \$100,000 + CPI paid over a ten year period, with the first payment due 28 days after the commencement of operations. The costs of negotiating and preparing the VPA are to be borne by the Proponent. The contributions will be managed and allocated by the Council to provide environmental, social and economic benefits to the local community impacted by the Development. Securing the VPA can be provided for as a condition of consent.
- 10) The relevant Clauses of the Regulations have been considered during the assessment of this proposal.
- 11) The Application was notified for 28 days to property owners in the vicinity of the subject site and was also advertised in the local newspaper. The matters raised in these submissions have been considered in accordance with s4.15(1)(d) of the Act together with responses from the Applicant and Council's assessment.
- 12) The proposed development is considered to be consistent with the relevant planning controls with the exception of the variation to Clause 4.1 of the Carrathool LEP 2012.
- 13) The development site has been assessed for its suitability for the proposed development and is considered to be suitable for the purposes of a solar farm, subject to the imposition of conditions of development consent.
- 14) Transport for NSW have assessed the proposed development and provided their assessment of potential road impacts and recommendations regarding proposed conditions of consent.
- 15) NSW DPI have assessed the proposed development and provided their assessment of the potential impact on the agricultural use of the land. Conditions of consent have been provided.
- 16) Transgrid have assessed the proposed development and advise that the proposal will not impact Transgrid infrastructure.
- 17) CASA have assessed the proposed development and raise no objection to the proposal nor have they provided suggested conditions of consent.
- 18) 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 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 S4.15(1) of the EP&A Act, the proposal is considered to be in the public interest for the following reasons:

1. It is considered to accord with Local, Regional and State Plans and the consequent directions to increase investment in renewable energy;
2. It meets with broad objectives relating to sustainable development;

3. The on-going development of renewable energy generation facilities is considered to be of environmental, social and economic importance to the wider LGA, the state of NSW and Australia more broadly by avoiding the use of thermal coal to generate electricity. The Project will also provide direct and indirect benefits to the local economy during construction and on completion;
4. The development has been designed to minimise its environmental impacts and potential residual adverse impacts can be mitigated by the imposition of conditions of development consent; and
5. The proposal would not set an undesirable precedent in the locality.

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

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

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

Recommendations

- (a) **That having regard to the assessment of the Application, DA2020/017 be granted conditional consent in the terms set out in the Recommended Draft Conditions attached hereto; and**
- (b) **That those persons who made submissions in relation to the Application be notified in writing of the determination.**

9. DEVELOPMENT CONSENT: RECOMMENDED DRAFT CONDITIONS

Development:	Daisy Hill Solar Farm
Address	Lot 3, DP 755189, Kidman Way, Hillston
Applicant	ITP (Development) Pty Ltd
Determining Authority	Western Regional Planning Panel
	(Planning Panel Ref No PPSWES-26) DA2020/017; Carrathool Shire Council

The Development Application for the Daisy Hill Solar Farm is approved, subject to the conditions herein.

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

Title/Plan no: IT POWER (Australia) PTY LTD PLAN OF PROPOSED SUBDIVISION KIDMAN WAY, HILLSTON

Ref no: F8538

Sheet no: 1 of 1

Drawn by: ARM

Dated: 06/12/2019

SCHEDULE 1: ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

2. The Applicant must carry out the development:
 - (a) generally, in accordance with the Statement of Environmental Effects and related documentation, including amended plans, commitments and undertakings given in writing by the Applicant during the assessment and determination process; and
 - (b) in accordance with the conditions of this consent.
3. Development consent is granted for use of the site as an **electricity generating works** as defined by the Carrathool Local Environmental Plan 2012 including the following works/components:

- (a) AC capacity of 10.0 MW;
 - (b) Capital Investment Value of \$13.2 Mil;
 - (c) To be sited on the south-western quarter of Lot 103 DP 755189, Norwood Lane, Hillston;
 - (d) The site is to be subdivided into two lots, with construction to occur in two stages, with one stage accommodated on each lot. Lot 1 of 12.73 hectares (stage 1) comprising the installation of 16,000 solar panels generating 5 MW and Lot 2 of 55.14 hectares (stage 2) comprising the installation of 16,000 solar panels generating 5 MW;
 - (e) Junction boxes and substation;
 - (f) Above and underground electrical conduits and cabling;
 - (g) Internal access driveway;
 - (h) A temporary car parking area for 40 vehicles during the construction phase;
 - (i) Security fencing;
 - (j) Vegetative amenity screening;
 - (k) The upgrading of Norwood Lane to the standard of gravel pavement required by Council and agreed to by the Proponent prior to project construction and making good any road dilapidation post construction, after any upgrading/refurbishment and after decommissioning;
 - (l) A restriction is to be placed on the title of the proposed Lot 1 with an area of 12.73 ha prohibiting the construction of a dwelling on this allotment; and
 - (m) Decommissioning of the solar energy system at the end of the consent and removal of all components to an approved facility located outside the Carrathool Shire.
4. If there is any inconsistency between the various assessment documents and related correspondence, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
5. The Applicant must at all times comply with any requirements of the Council arising from the Council's assessment of:
- (a) any plans or correspondence that are submitted in accordance with this consent;
 - (b) any reports or reviews commissioned by the Council regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

Limits of Consent

- 6. This consent will lapse five years from the date of consent unless the works associated with the development have substantially and materially commenced.
- 7. The duration of the consent is 35 years from the date of approval.

Structural Adequacy

- 8. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the

relevant requirements of the *Building Code of Australia*.

9. Prior to commencement of any works, a Construction Certificate must be obtained from Council or a Private Accredited Certifier. Plans submitted with the Construction Certificate must incorporate all the conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least five (5) Business Days prior to the commencement of any works.
10. Before release of a Construction Certificate by Council or a Private Accredited Certifier the Applicant must prepare and receive Council approval for the following Plans for the development:
 - (a) Construction Management Plan;
 - (b) Construction Noise and Vibration Management Plan;
 - (c) Construction Environmental Management Plan;
 - (d) Operational Environmental Management Plan;
 - (e) Bushfire Management Plan;
 - (f) Traffic Management Plan;
 - (g) Waste Management Plan; and
 - (h) Vegetation Screening Plan.
11. The Applicant is to obtain an Occupation Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from the Principal Certifying Authority.

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 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

Monetary Contributions

12. 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 2019. 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	\$13.2 Million		\$100,000

13. For work greater than \$25,000, a Long Service Levy shall be paid to the Council. The current levy rate is 0.35 % of the value of building and construction works costing \$25,000 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	\$13.2 Million		\$46,200

14. Council and the Proponent have agreed to secure a Planning Agreement (PA) with the provision of a development contribution of \$100,000 + CPI paid over a ten-year period, with the first payment due 28 days after the commencement of operations. The costs of negotiating and preparing the VPA are to be borne by the Proponent. The contributions will be managed and allocated by the Council to provide environmental, social and economic benefits to the local community impacted by the Development.

Register of Easement and Restriction as to User on Title of the property

15. (a) The Applicant shall register on title an easement over proposed Lot 2 to enable ongoing access to proposed Lot 1 and shall submit documentary evidence of same to Council. The right of carriageway shall be a minimum of eight (8) metres in width for its entire length.
(b) A Restriction as to User under S88B of the Conveyancing Act is to be placed on the title of the 12-hectare allotment preventing the construction of a dwelling.

Final Layout Plans

16. Prior to commencing construction, the Applicant must submit detailed plans of the final layout of the development to the Council for approval, including details on the siting of solar panels and ancillary infrastructure.
Note: If the construction of the development is to be staged, then the provision of these plans may also be staged.

Work-As-Executed Plans

17. Prior to commencing operations, or following the upgrades of any existing solar panels or ancillary infrastructure, the Applicant must submit work-as-executed plans of the development to the Council.
Note: If the construction of the development is to be staged, then the provisions of these plans may also be staged.

Notification of Council

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

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

Staging of the Development

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

Upgrading or Refurbishment of Solar Panels and Ancillary Infrastructure

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

Demolition

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

Protection of Public Infrastructure

22. 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.

This condition does not apply to the planned upgrade of Norwood Lane, which is expressly provided for in the conditions of this consent.

Operation of Plant and Equipment

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

Development Records

24. Development application record to be kept onsite.

The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

On site Facilities

25. 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) A standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by Council, or
 - (c) 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 WORK COVER NSW requirements.

26. Subdivision Certificate Required

The applicant must obtain a Subdivision Certificate, pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, as amended from Council, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

27. Evidence of Registration of Subdivision

No work is to commence until such time as the subdivision approved under Development Application 2020/017 has been registered with the Land Titles Office. In this regard, a Construction Certificate will not be issued to erect buildings until appropriate evidence has been received to indicate the subdivision has been registered.

Schedule 2: Environmental Conditions - General

Roads, Traffic and Transport

Over-Dimensional and Heavy Vehicle Restrictions

1. The Applicant must ensure at all times that 6-8 light vehicle movements and an average of 10-15 truck and trailer movements per day
 - a) development does not generate, on the public road network, more than:
 - i. Five (5) heavy and/or over-dimensional vehicle movements (defined as one vehicle entering and leaving the site) a day during each of the construction, upgrading and decommissioning phases; and
 - ii. Two (2) heavy vehicle movements a day during operations;
 - b) length of any vehicles (excluding over-dimensional vehicles) used for the development does not exceed 19 metres, unless the Council agrees otherwise.
2. The Applicant must keep at all times accurate records of the number of over-dimensional and heavy vehicles entering and leaving the site each day.

Designated Over-Dimensional and Heavy Vehicle Access Route

3. All over-dimensional and heavy vehicles associated with the development must at all times travel to and from the site via the Kidman Highway, The Springs Road and Norwood Lane and use the designated site access point on Norwood Lane.

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

Road Upgrades and Site Access

4. Prior to commencing construction, the Applicant must upgrade Norwood Lane in accordance with the prior agreement reached with Council in August 2020, as follows:
 - a) apply a gravel re-sheet 100mm thick, 6 m wide and 1.95 kms long and also modify the intersection of The Springs Road and Norwood Lane to a 'swept path' design. The Applicant shall pay Council \$50,230 towards the upgrade works;
 - b) manage traffic during the road upgrade works via an approved plan and the necessary traffic control measures. The Applicant shall pay Council \$17,214 for the provision of that service;
 - c) apply dust suppression methods to Norwood Lane and internal roads during construction, as deemed necessary. Any water cart hire costs incurred by Council will be charged at \$160/hour and shall be paid by the Applicant; and
 - d) the road access entrance to the Project site shall be located at the north-east corner of the Development site;
 - e) provide a safe egress and ingress access point to the site off Norwood Lane;
 - f) provide Dilapidation Reports on The Springs Road and Norwood Lane post construction and pre and post any upgrades/refurbishments and decommissioning and make good the road condition;
 - g) design road, intersection and site access widths to accommodate turning circles for the largest vehicle expected; and
 - h) provide a standard gravel internal access road off Norwood Lane;

These upgrades must comply with the *Austroads Guide to Road Design* (as amended by RMS supplements), and be carried out to the satisfaction and written approval of the Council.

Operating Conditions

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

Traffic Management Plan

6. Prior to commencing construction, the Applicant must prepare a Traffic Management

Plan for the development that is subject to the written approval of Council. This plan must include:

- a) nominated heavy vehicle access routes for construction and operational stages and any upgrades/refurbishment and decommissioning, including details on volumes and nature of heavy, over size and/or over mass vehicles;
- b) input from Council and any relevant school bus service providers;
- c) a protocol for undertaking independent road dilapidation surveys to assess the:
 - i. existing condition of local roads on the transport route prior to construction, upgrading/refurbishment or decommissioning activities; and
 - ii. condition of local roads on the transport route following construction, upgrading/refurbishment or decommissioning activities;
- d) a protocol for the repair of any local roads identified in the dilapidation surveys to have been damaged during construction, upgrading/refurbishment or decommissioning works;
- e) details of the road upgrade works required by conditions 4 and 5 of Schedule 2;
- f) details of the measures that would be implemented to minimise traffic impacts during construction, upgrading/refurbishment or decommissioning works, including:
 - i. temporary traffic controls, including detours and signage;
 - ii. informing the local community in advance about project-related traffic impacts;
 - iii. a traffic management system for managing over-dimensional vehicles;
 - iv. procedures for receiving and satisfactorily addressing complaints from the community about development- related traffic;
 - v. devising operational plans to avoid impacting the safety of school bus traffic and school bus stops and other motorists;
 - vi. car-pooling and shuttle buses to transport the construction workforce to and from the site;
 - vii. water cart activity to suppress dust generated by traffic on Norwood Lane;
 - viii. scheduling of haulage vehicle movements to minimise convoy length;
 - ix. responding to local climate conditions that may affect road safety such as wet weather, dust and fog; and
 - x. responding to any emergency road repair or maintenance requirements.
- g) a driver's code of conduct that stipulates:
 - i. travel speed management;
 - ii. driver fatigue management;
 - iii. compliance procedures to ensure that drivers adhere to the designated transport routes; and
 - iv. compliance procedures to ensure that drivers implement safe driving practices.
- h) a flood response plan detailing procedures and options for safe access to and from the site in the event of significant flooding.

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

Construction, Upgrading and Decommissioning Hours

7. Unless the Council agrees otherwise, the Applicant may only undertake construction, upgrading or decommissioning activities on site between:
- 7 am to 6 pm Monday to Friday;
 - 8 am to 1 pm Saturdays; and
 - at no time on Sundays and NSW public holidays.

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

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

Noise

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

Dust

9. The Applicant must utilise a water cart during on-site construction activities to first prevent and secondly to minimise the dust generated and to avoid community complaints. The Applicant must also utilise a water cart to first prevent and secondly minimise the dust generated by traffic on Norwood Lane so as to avoid community complaints

Visual

General

- The Applicant must liaise with the Council to monitor any off-site visual impacts of the development on residents in Norwood Lane, including the potential for glint or glare from the solar panels.
- A vegetative screen of sufficiently advanced endemic Eucalypt species shall be planted in the Norwood Lane road easement.
The trees shall be watered and maintained as required for up to 24 months after planting. Any diseased or dying plants during that time must be replaced. Any plantings must be spaced appropriately so as to create an effective visual screen upon maturity.
- The Applicant must ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in with and is sympathetic with the surrounding landscape; and
- The Applicant must not mount any advertising signs or logos on site, except where these are required for identification or safety purposes. No signage shall be erected adjacent to or opposite existing residences.

Lighting

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

Soil & Water

Water Supply

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

Water Pollution

12. The Applicant must ensure at all times that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.
13. The Applicant must minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version.

Protection of Heritage Items

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

Hazards

Flooding

15. The development must be designed, constructed and operated so as to be compatible with the flood hazard of the land and any floodwaters traversing the site must not aggravate erosion and siltation downslope.
16. 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.
17. All electrical infrastructure including the solar panels must be built above the 1:100 ARI (average recurrent interval; 1 in 100 year flood event) level plus 0.3 m freeboard.

Bushfire Management

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

Storage and Handling of Dangerous Goods

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

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

Emergency Management Plan

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

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

Waste

21. 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 and be suitable for operation on flood prone land;
 - g) Ensure windblown litter must be prevented and weekly litter collection pickups must be undertaken; and
 - h) Portable toilet facilities are to be provided at a rate of at least one (1) toilet for every ten (10) persons working at the site.

Land Management

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

Accommodation of Employees

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

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

Decommissioning and Rehabilitation

25. 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.

26. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, must be removed from the site unless otherwise agreed by the Council and the Landholder.
27. All other elements associated with the project, including the internal site access road, shall be removed unless otherwise agreed to by the Council.

Schedule 3: Environmental Management and Reporting

Environmental Management

Environmental Management Plan

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

Revision of Plans and Programs

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

Updating and Staging of Plans

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

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

Notes:

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

Compliance

Incident Notification

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

Non-Compliance Notification

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

Compliance Reporting

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

7. **Independent Environmental Audit**

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

- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (DPIE, May 2020);
- (b) be led and conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Council and DPIE;

- (c) be carried out in consultation with the relevant agencies;
- (d) assess whether the development complies with the relevant requirements in this consent, and any plan required under this consent; and
- (e) recommend appropriate measures or actions to improve the environmental performance of the development and any plan required under this consent.

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

Access to Information

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

REASONS FOR THE CONDITIONS

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

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