



Development Assessment Report

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-338 (PAN-595935)
DA Number	213/2025(1)
LGA	Griffith City Council
Proposed Development	Electricity Generating Works – Proposed construction of a 7.1 MW Solar Farm and 5mW BESS
Street Address	Lot 1985 DP 44576 170 Hanwood Avenue HANWOOD
Applicant/Owner	Applicant: Hanwood BESS Pty Ltd Owners: Mr R A Zuccato
Date of DA lodgement	10 December 2025
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • Nil Submissions
Recommendation	Approval subject to conditions
Regional Development Criteria (Part 2.4, Clause 2.19 of the SEPP (Planning Systems) 2021)	SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development 5 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes— (a) ..., electricity generating works , ... (b)...
List of all relevant s4.15(1)(a) matters	i.e. any: <ul style="list-style-type: none"> • Griffith Local Environmental Plan, 2014 • Griffith Development Control Plan No 1 – Non-Urban Development • Griffith Development Control Plan No. 20: Off Street Parking (2011) • SEPP Transport & Infrastructure 2021
List all documents submitted with this report for the Panel's consideration	i.e. any: <ul style="list-style-type: none"> • Assessment Report • Draft Conditions of Consent • Griffith City Council Solar Energy Farms and Battery Energy Storage Systems (BESS) Policy SD-CP-202
Clause 4.6 requests	<ul style="list-style-type: none"> • N/A
Summary of key submissions	Nil Submissions



Report prepared by	Kerry Rourke (Contract Planner)
Report date	26 February 2026
Summary of S4.15 matters Have all recommendations in relation to relevant S4.15 matters been summarised in the Executive Summary of the assessment report	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP	Yes
Clause 4.6 Exemptions to development standards If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report	Not applicable
Special Infrastructure Contributions Does the DA require Special infrastructure Contributions conditions (S7.24)?	Not applicable
Conditions Have draft conditions been provided to the applicant for comment. Note in order to reduce delays in determination, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.	will be provided prior to determination

PART A: GENERAL ADMINISTRATION

DA No:	213/2025(1)
Property Information:	Lot 1985 DP 44576 170 Hanwood Avenue HANWOOD
Proposed Development:	Construction of 7.1 MW solar farm and 5 MW distribution battery energy storage system
Brief Description of Proposal	Installation of approximately 10ha of solar panels and 4 BESS units along with landscaping
Type of Development:	Regional Development
Lodgement Date:	10 December 2025
Statutory Timeframe:	40 days
Value of Development:	\$9,693,844.00
Applicant's Details:	Hanwood Bess Pty Ltd International Tower 3 Level 24 300 Barangaroo Avenue SYDNEY NSW 2000
Land Owner's Details:	Mr R A Zuccato PO Box 139 HANWOOD NSW 2680
Report Author/s:	Outsourced Consultant Planner – Kerry Rourke

PART B: EXECUTIVE SUMMARY

- The application has been referred to the Western Region Planning Panel on the basis of the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021 & State Environmental Planning Policy (Planning Systems) 2021.
- It is proposed to install a 7.1MW Solar farm and 5MW distribution battery energy solar system with a new driveway entry off Hanwood Avenue, separate to the existing dwelling house.
- Council has adopted a Solar Energy Farms and Battery Energy Storage Systems (BESS) Policy SD-CP-202 July 2024.

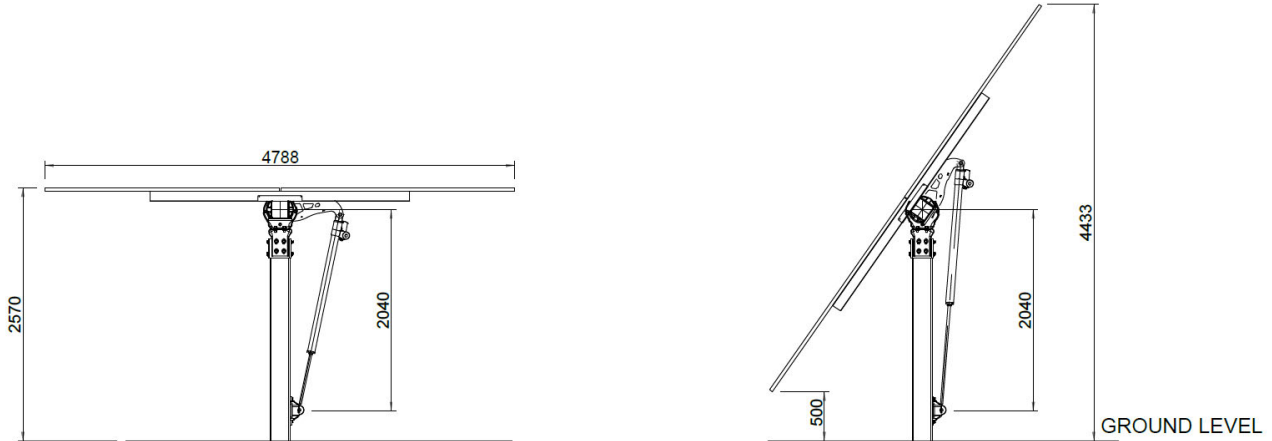
- The application was notified in the media and to neighbours within 150m of the site and so submissions were received.
- Assessment of the application has been undertaken in accordance with Section 4.15 of the EP&A Act, relevant SEPPs and DCPs, and it is recommended that the application be approved based on the details contained in report.

PART C: PROPOSAL

It is proposed to install approximately 10ha of solar panels and 4 battery energy storage system units on site, along with landscaping. The panels are 4.78m long but have an overall height of 4.43m during operation as illustrated below. The applicant’s proposal summary provides:

Installation of approximately 7.1 MW single tracking solar arrays -

- *Installation of approximately 5 MW DBESS, comprising of:*
 - *four (4) BESS modular units;*
 - *one (1) Power Conversion System (PCS) modular unit;*
 - *four (4) EIP units; and*
 - *two (2) LC units.*
- *Installation of four (4) power poles and connection line to existing Essential Energy network;*
- *Road-base gravel access driveway;*
- *New vehicular crossover to Hanwood Ave (over existing irrigation channel);*
- *Construction laydown area;*
- *Perimeter high-security (Man-proof) fencing; and*
- *10m wide native vegetation buffer around the perimeter*



TYPICAL PANEL DETAIL
NOT TO SCALE

Figure 1 - Elevations (applicant plan extract)

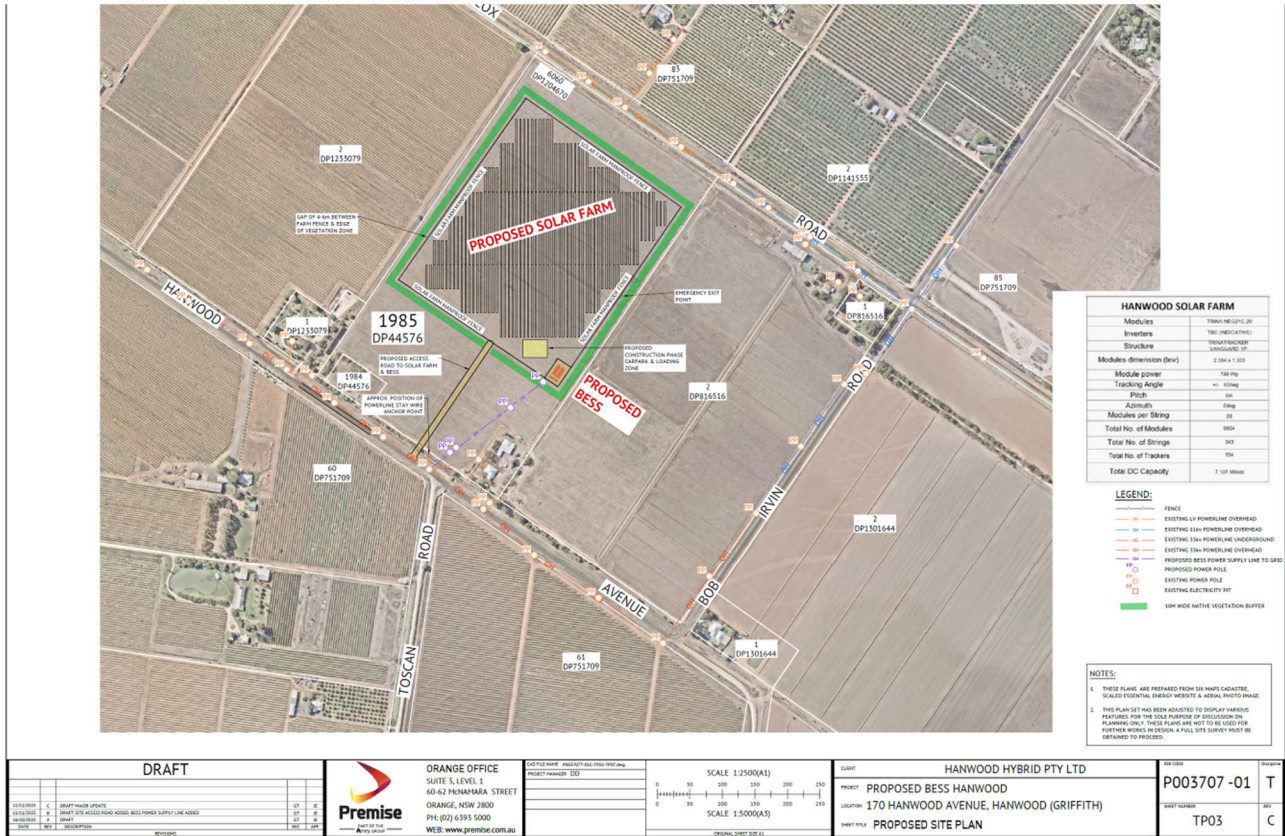


Figure 2 - Development Rea (applicant site plans)

PART D: SITE DESCRIPTION AND LOCALITY

An inspection of the site and the locality was undertaken on 20th January 2026 and photos are provided following this report.

The site is located on northern side of Hanwood Avenue, approximately 3.4km south-east of Hanwood village. The land has an area of approximately 19.7 hectares, and it currently contains a dwelling house in the south-eastern corner of the land (see following site location & aerial photos). The site can be accessed via Hanwood Avenue which is bitumen seal to the site frontage from the village and becomes a gravel/all-weather surface beyond the dwelling driveway towards the east of the site.

The site has very little slope, the locality generally slopes from the south west to the north east, a change of approximately 2m across 850m, as illustrated following (Figure 3).

The lot was in 2014 under cultivation with a vineyard, along with the adjoining lot to the east also in part ownership by the current landowner. By 2016 the vines on both properties had been removed and the land has not apparently been cultivated since.

Since that time, agricultural lands not under orchard or vineyard have been mapped by Rural Fire Service as bushfire prone land however this land is not mapped in that manner as illustrated on the following aerial photo Figure 4.

The locality comprises agricultural lands, predominantly under vineyard cultivation. The land is mapped as Class 3 agricultural land (see Figure 8).

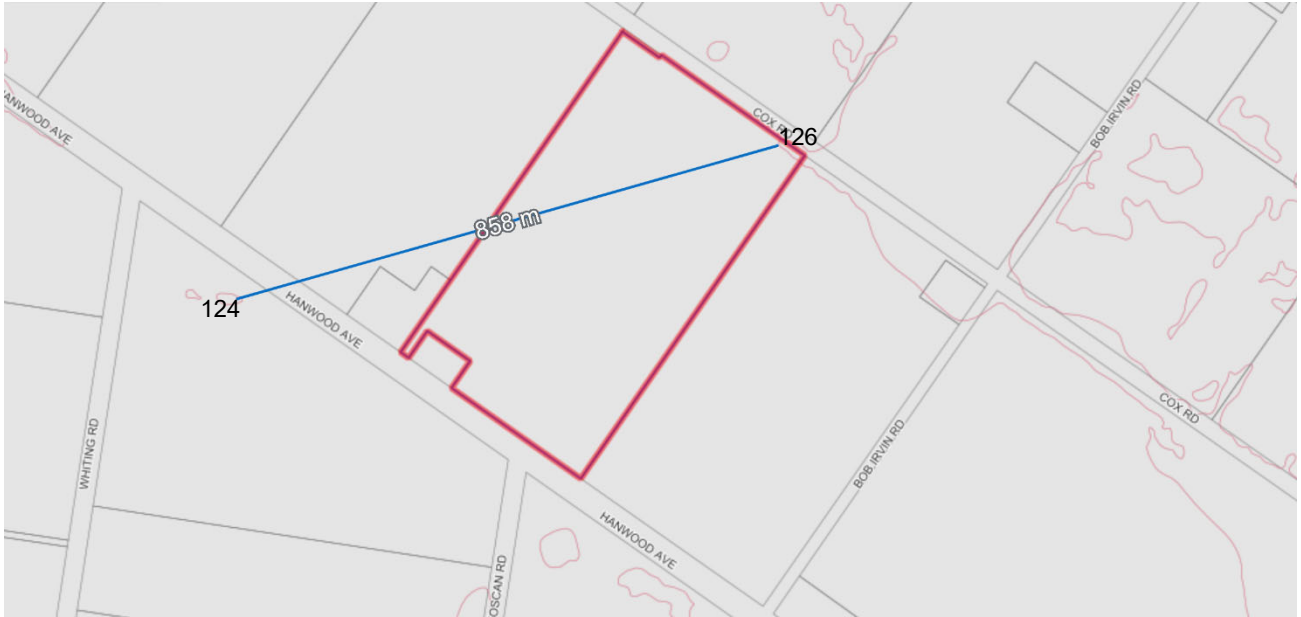


Figure 3 - contours in locality



Figure 4 - 2016 aerial photograph and current bushfire prone land mapping

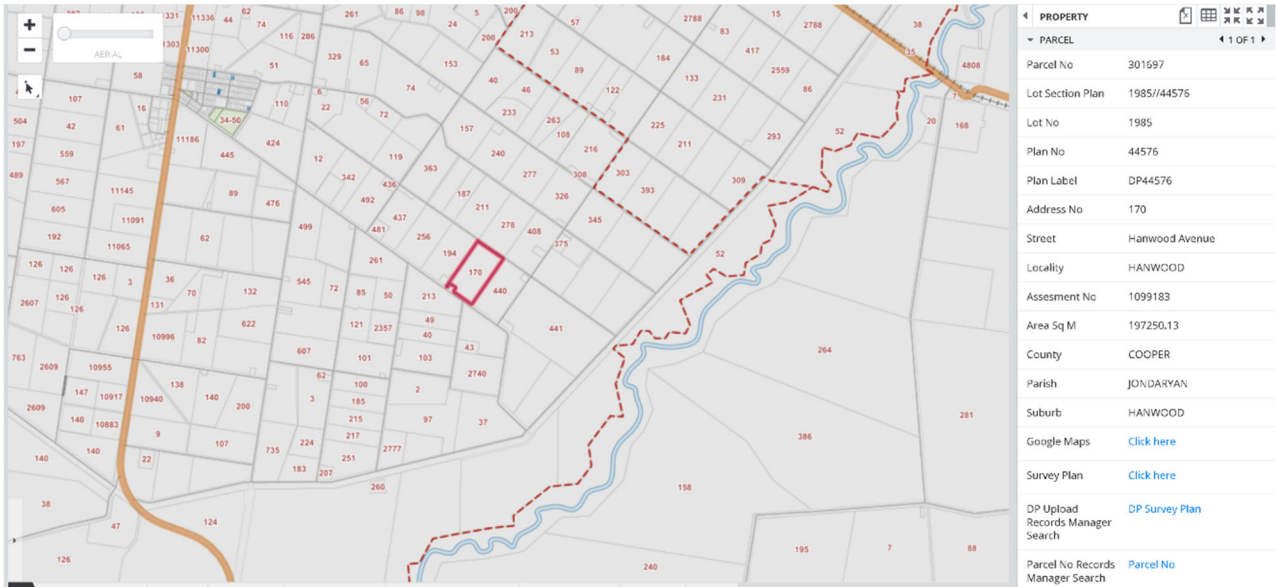


Figure 5 - site location in proximity to Hanwood village



Figure 6 - 2024 aerial photography of location



Figure 7 - closer image of the site & adjoining lots

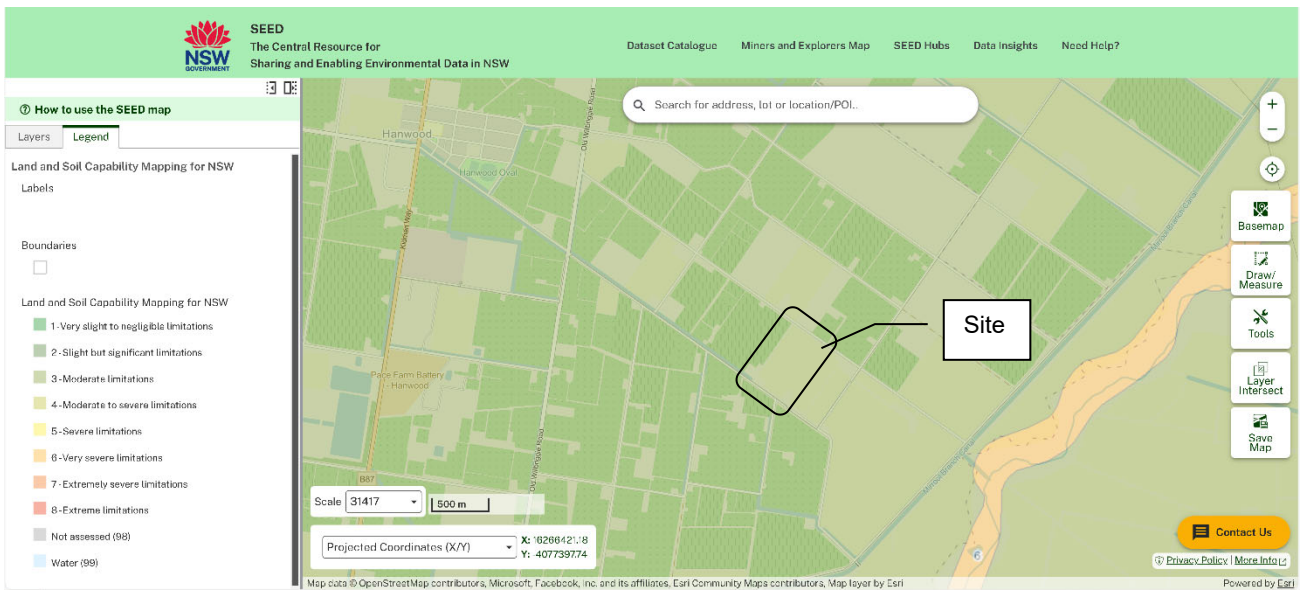


Figure 8 - SEED Mapping - Class 1 - 3 Agricultural Land

PART E: BACKGROUND INFORMATION AND HISTORY OF THE SITE

Pre-Lodgement

Prior to the application being lodged with Griffith City Council, the proponent for the development had pre-lodgement discussions with Council Officers prior to 21 October 2025. During the pre-lodgement discussions the following issues were raised in writing:

Please find comments on the basis of the plans submitted. Note initial comments discussed in our earlier pre lodgement meeting, particularly in relation to Council's policy still apply to the development.

Engineering:

- The applicant will have to liaise with the property owner with regards to access – specifically on-site access. The northern side of the subject lot has a supply channel that runs parallel to Cox Road therefore there is no access from the north. Cox Road is also not constructed for heavy vehicles.

- A drainage channel fronts the subject site along Hanwood Avenue. An access exists via an existing channel crossing from Hanwood Avenue to Lot 1984 DP44576. It would be a requirement to determine the suitability of that accessway for heavy vehicles.

- Due to the limited geometry of Bob Irvine Road, access via that road would not be the practical.

General:

Further comments can potentially be provided once the following is shown on the plan:

- proposed access location to the site / internal route as per Engineering comments,
- screening landscaping and species preferably local native weeping myall,
- proposed removal of roadside vegetation (if any),
- proposed electricity infrastructure additions,
- measured distances from solar farm and BESS to nearest unrelated dwelling(s) and demonstration of required policy buffers.

Development Assessment Panel

The matter was considered at the Development Assessment Panel meeting on 11 December 2025 and the following matters were raised during the preliminary assessment of the application which are potential issues or where further information from the applicant is required:

- Issue
 - Applicability of GCC BESS Policy
 - See Pre-lodgement emails CM25/122769
 - Refer to WRPP immediately once lodged
 - See conditions from other solar farm approvals
 - CC required for footings, slabs, perimeter fencing

- Additional Information
 - Engineers to send add info

- General comments
 - S7.12 Contributions
 - Engineering Guidelines
 - Sealing of parking & manoeuvring areas
 - Contaminated land policy
 - Griffith Community Participation Plan
 - Relevant SEPP: Planning Systems, Primary Production, Resilience & Hazards, Transport & Infrastructure
 - DCP: No 1 Non-urban & 20 Carparking

Development History of Site

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

- There are no recent development applications for this property.

PART F: STATUTORY REFERRALS

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

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

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

The application was referred however to Essential Energy under Section 2.48 of SEPP Transport and their comments are included in this report.

PART G: SECTION 4.15 EVALUATION

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

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

Griffith Local Environmental Plan 2014

(a) Permissibility

The proposed development is for the establishment of a 7.1 megawatt (Mw) solar farm and installation of a 5 MWh Battery Energy Storage System (BESS – 4 units) and this falls under the definition of *Electricity Generating Works* in the Dictionary of *Griffith Local Environmental Plan 2014*, which is defined as:

Electricity Generating Works – Means a building or place used for the purpose of –

- Making or generating electricity, or*
- Electricity storage.*

The subject land is zoned RU1 Primary Production and under Part 2 Land Use Table of *Griffith Local Environmental Plan 2014* and *Electricity Generating Works* is not listed as a development that is permitted with the consent of the Council and is thus prohibited under this LEP.

Notwithstanding, Electricity Generating Works and, in this case, Solar Energy Systems are permitted within Part 2.3, Division 4 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

(b) *Aims and Objectives*

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

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



Figure 9 - Zone, terrestrial biodiversity & bushfire prone land mapping

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

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit a range of activities that support the agricultural industries being conducted on the land and limit development that may reduce the agricultural production potential of the land.*
- *To permit tourist facilities that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.*

The proposed development is not permissible under the Griffith Local Environmental Plan 2014, and is thus assessed under the provisions of SEPP Transport & Infrastructure in terms of permissibility. The development is capable of complying with several of the objectives of the zone under the GLEP, however.

(b) Principal Development Standards & other LEP Provisions

Clause	Clause Requirement & Assessment Comment
5.21 Flood Planning	<p>Assessment Comment</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 flood function and behaviour on the land, taking into account projected changes as a result of climate change,</i></p> <p>(c) <i>to avoid adverse or cumulative impacts on flood behaviour and the environment,</i></p> <p>(d) <i>to enable the safe occupation and efficient evacuation of people in the event of a flood.</i></p> <p>The land is not mapped as flood prone under the LEP or the Griffith Main Drain J Mirrool Creek flood study</p>
7.1 Earthworks	<p>Assessment Comment:</p> <p>(1) <i>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p>Earthworks will be required for the installation of unit posts, placement of footings for the tracking system, inverter and battery container. internal accessway, fencing and landscaping proposed. The proposed development will require a construction certificate for the panel installation.</p> <p>The earthworks shall be minimal and should not alter any existing drainage patterns or be detrimental to the soil stability in the area. Any potential erosion and sediment control concerns will be addressed as part of the construction</p>

	works and as part of any conditional consent.
7.3 Terrestrial Biodiversity	<p>Assessment Comment:</p> <p><i>(1) The objective of this clause is to maintain terrestrial biodiversity by—</i></p> <p><i>(a) protecting native fauna and flora, and</i></p> <p><i>(b) protecting the ecological processes necessary for their continued existence, and</i></p> <p><i>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p> <p>The vegetation mapping (illustrated on the above Figure 9 indicates the subject land does not contain any vegetation identified as being significant. The following figures 10 & 11 indicate the road reserve is of low conservation value and there are no significant attributes.</p>
7.10 Essential Services	<p>Assessment Comment:</p> <p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable vehicular access.</i></p> <p>a. Supply of water – the land use per se does not demand water usage other than for short term maintenance of landscaping planned around the site.</p> <p>b. The land is connected to the electricity network and the application was referred to Essential Energy under Clause 2.28 of SEPP Transport & Infrastructure.</p> <p>c. The application won't involve long term sewage management facility installation and it is likely that portaloos will be installed during the construction phase.</p> <p>d. There are no permanent buildings to be constructed as part of this proposal, and there is limited hardstand area to be installed for on going use. Stormwater will naturally discharge to the ground.</p> <p>e. A separate driveway is to be constructed for this development to allow construction and installation of the panels, fencing and landscaping. The driveway from the existing bitumen in the road reserve to the property boundary is to be bitumen seal as the current road pavement is bitumen. The internal accessway is to be all weather – see engineering</p>

	conditions.
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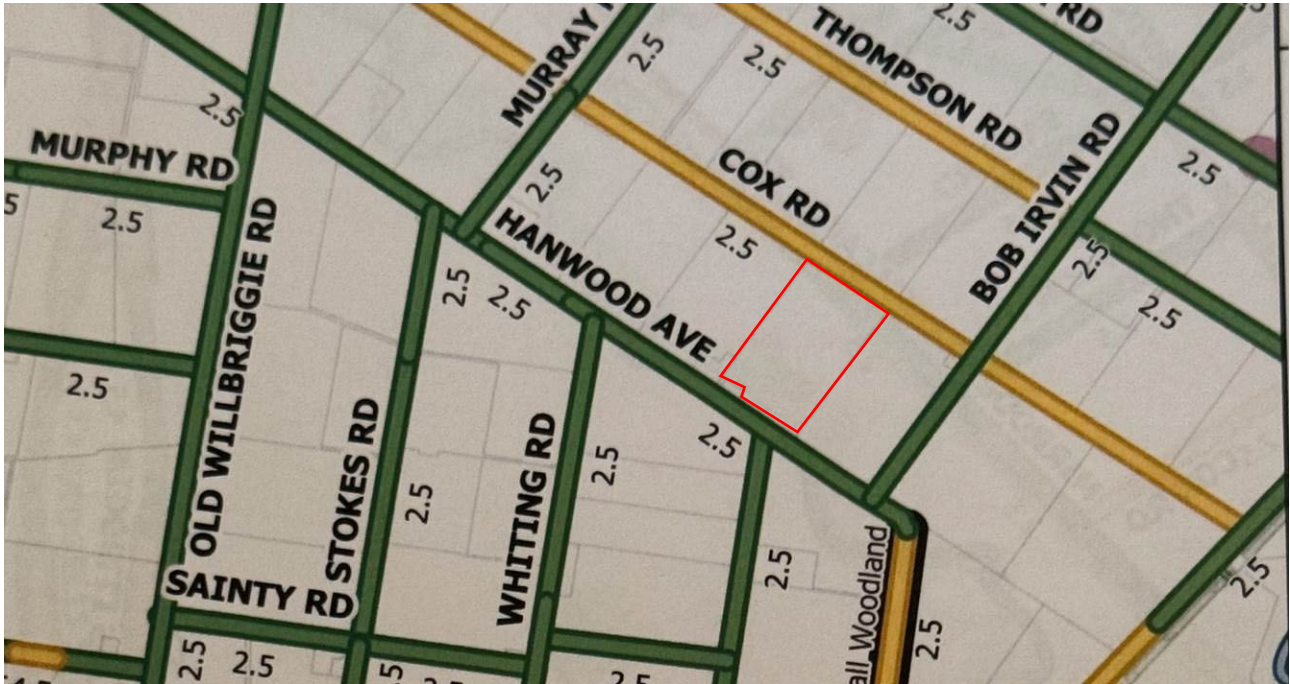


Figure 10 - Council's Roadside Vegetation mapping

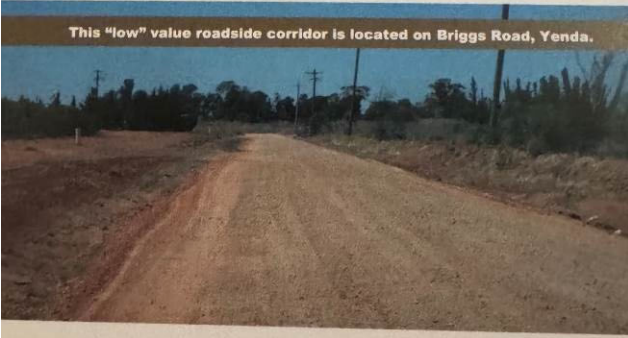
GRIFFITH CITY COUNCIL - ROADSIDE RESERVE VEGETATION MANAGEMENT GUIDE	GRIFFITH CITY COUNCIL - ROADSIDE RESERVE VEGETATION MANAGEMENT GUIDE
<p>Low Conservation Value Road Reserves- Characteristics</p> <p>Low Conservation Value (LCV) areas are highly altered from their natural state. LCV areas are ranked "low" on the map set and coloured Green. They often have few or no canopy species, low or no recruitment, and are dominated by weedy species. They rarely contain habitat elements such as rocks and logs.</p> <p style="background-color: #4a7c59; color: white; padding: 2px; text-align: center;">This "low" value roadside corridor is located on Briggs Road, Yenda.</p>  <p>Low Conservation Value Road Reserves- Maintenance Guidelines</p> <p><i>Refer to Section 6 for other specific conditions</i></p> <p>LCV areas are to be maintained to minimise the spread of weeds and exotics, fire and erosion. These are good areas for storage-stockpiles, plant and machinery.</p> <ul style="list-style-type: none"> • treat priority control weeds • treat environmental weeds using a 3-5 year control plan • Selective herbicide spraying can be used to control invasive weeds but spot spray in areas with any native regrowth. • locate regrowth saplings/native plants prior to spraying and flag or mark location to avoid accidental destruction 	<p>Roadside Vegetation Conservation Value</p> <ul style="list-style-type: none"> High Conservation Value Medium Conservation Value Low Conservation Value BioNet Threatened Species Record 1998_2018 Endangered Ecological Community in Roadside NSW State Forest National Park Reserve Travelling Stock Route Railway <p>Mapped Vegetation Formation OEH 2017</p> <ul style="list-style-type: none"> Arid Shrublands Arid Shrublands (Acacia subformation) Arid Shrublands (Chenopod subformation) Forested Wetlands Freshwater Wetlands Grasslands Grassy Woodlands Not Native Semi-arid Woodlands Semi-arid Woodlands (Grassy subformation) Semi-arid Woodlands (Shrubby subformation) Other Water way LEP14 Heritage Conservation LEP14 Heritage General LEP14 Heritage Aboriginal LEP14 Heritage Archaeological

Figure 11 - extract from Council's Roadside Vegetation Mapping handbook in relation to conservation value identification

State Environmental Planning Policies

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

SEPP TITLE	APPLIES
Exempt and Complying Codes 2008	No
Biodiversity and Conservation 2021	No
Housing 2021	No
Industry and Employment 2021	No
Planning Systems 2021	Yes
Primary Production 2021	No
Resilience and Hazards 2021	Yes
Resources and Energy 2021	No
Transport and Infrastructure 2021	Yes
Building Sustainability 2022 (i.e. BASIX)	No

Planning Systems 2021: This application falls within the definition of Regional Development under this SEPP and is thus to be determined by a regional planning panel which is still a relevant authority under this SEPP to the Griffith Local Government Area.

Resilience & Hazards 2021 – Chapter 4

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
 - (c) by requiring that a remediation work meet certain standards and notification requirements.

4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) *it has considered whether the land is contaminated, and*
 - (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*
 - (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.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must*

consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is—*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

With regard to sub-clause 4, it identifies triggers for a preliminary investigation, including:

- Land within an investigation area;
- Land that is listed in Table 1 of the Managing Contaminated Land Planning Guidelines
- Land on which it is proposed to carry out development for residential, educational, recreational or child care purposes or for the purpose of a hospital (whereby there is either no knowledge or incomplete knowledge of development referred to in Table 1 or where it would have been lawful to carry out such development).

The subject site is not within an investigation area as set out in Clause 4.6(4)(a), however it is land that is listed in Table 1 as being an activity that may have caused contamination. Of the activities listed in Table 1, agriculture is an activity that would potentially contaminate sites due to past.

Sub-clause 4(c) identifies land uses which are considered sensitive to contamination, these being residential, educational, recreational, or child care purposes or for the purpose of a hospital. Given that the proposed use is not for a sensitive land use, it can be concluded that the proposed use is suitable for the development even if in a contaminated state.

SEPP Transport & Infrastructure - Part 2.3 Development Controls

Division 4 Electricity Generating Works and Solar Energy Systems

2.36 Development permitted with consent

- (1) *Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—*
 - (a) *in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,*
 - (b) *in any other case—any land in a prescribed non-residential zone.*

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

solar energy system means any of the following systems—

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

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

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

As a result, the classification of "electricity generating works" is more appropriate for the project because the purpose is to supply electricity to land outside the land upon which the development is located (i.e provision to the wider electricity network). The electricity generating works is also being undertaken on land zoned RU1 – Primary Production, which falls under the category of "prescribed non – residential zone" or "prescribed rural zone" under Section 2.35 of the SEPP.

- (2) *Development for the purpose of a back-up electricity generating plant that operates for not more than 200 hours in any year may be carried out by any person with consent on any land [section 2.36(2)].*

Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: Not applicable.

- (6) *If, under any environmental planning instrument (including this Chapter), development for the purpose of—
 - (a) industry, or
 - (b) a waste or resource management facility,may be carried out on land with consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person with consent on that land.*

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

Comment: Not applicable.

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

Comment: Not applicable.

- (8) *However, subsection (7) only applies in relation to land in a prescribed residential zone if—*
(a) *the small wind turbine system has the capacity to generate no more than 10kW, and*
(b) *the height of any ground-mounted small wind turbine in the system from ground level (existing) to the topmost point of the wind turbine is no more than 18m.*

Comment: Not applicable.

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

Comment: Not applicable.

Division 5 Electricity Transmission and Distribution Networks

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

electricity transmission or distribution network includes the following components—

- (a) *above or below ground electricity transmission or distribution lines (including related bridges, cables, conductors, conduits, poles, towers, trenches, tunnels, access structures, access tracks and ventilation structures) and telecommunication facilities that are related to the functioning of the network,*
- (b) *above or below ground electricity switching stations or electricity substations, feeder pillars or transformer housing, substation yards or substation buildings,*
- (c) *systems for electricity storage associated with a component specified in paragraphs (a) and (b).*

Comment: The development includes the construction of above ground cabling that will connect the electricity generating works to the existing line in Hanwood Avenue as illustrated below.

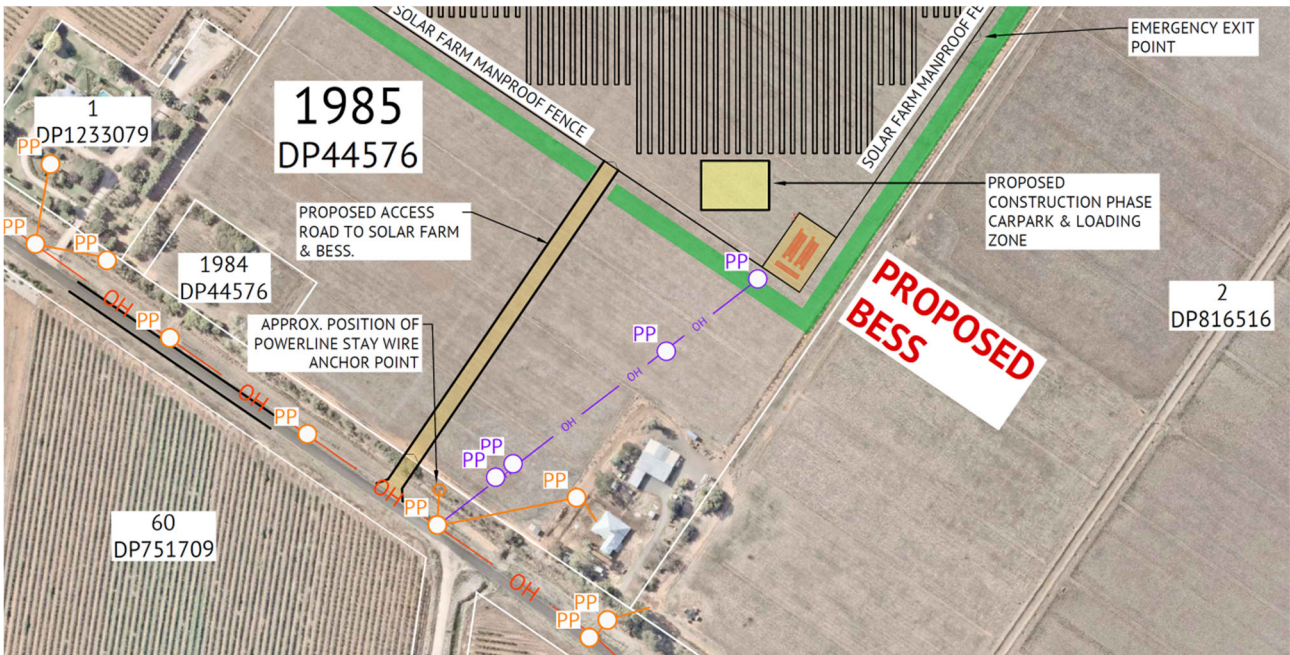


Figure 12 - Proposed connection to the existing overhead electricity network

2.48 Determination of development application – other development

- (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—
- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - (b) development carried out—
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line,
 - (c) installation of a swimming pool any part of which is—
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

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

Council notified Essential Energy of the Development Application. A response was received from Essential Energy and has been included in this report under Section 4.15(d). The response does not object to the development and outlines certain safety risks.

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

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Comment: Council notified Essential Energy of the Development Application. A response was received from Essential Energy on the 6 December 2023. The response does not object to the development and outlines certain safety risks. Council also notified the Civil Aviation Safety Authority which had no concerns.

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

There are no draft EPI’s which apply to the proposal.

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

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

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

DCP No 1 Non-Urban Development

Design Element	Minimum Development Standard	Assessment
(a) Bulk, scale, setbacks and general amenity issues	- The structure is to be setback a minimum of ten (10) metres from the front boundary or setback a minimum of one hundred (100) meters from the front boundary where the lot has frontage to an “arterial road” or “proposed by-pass route”. (Refer to DCP 28 – Land Use Buffer Controls)	The site front is bound by Hanwood Avenue and the development sits more than 10m from that boundary. The development does not sit adjacent to an arterial road.
b) Open space, additional buffer areas	- A minimum buffer distance (by way of an easement) of fifty (50) metres shall apply from natural watercourses. - A minimum buffer distance (by way of an easement) of twenty (20) metres shall apply over drainage lines and canals.	N/A – there are no natural watercourses within the site’s boundary. The indication is that the development is likely to be situated more than 20m from the canal running along the northern boundary.

Design Element	Minimum Development Standard	Assessment
	<ul style="list-style-type: none"> - A minimum buffer distance (by way of an easement) of forty (40) metres shall apply from adjoining agricultural lands (Refer to DCP 28 - Land Use Buffer Controls). - All buffer areas are to be planted out using tree species and shrubs that are suitable to the area. The above information shall be incorporated in the Management Plan to be submitted to Council. 	<p>N/A</p> <p>The proposal involves the establishment of a 10m wide vegetation buffer around the perimeter of the subject development site. This vegetation buffer will be watered by automatic irrigation facilities. This requirement will form part of the recommended conditions.</p>
(c) Landscaping	<ul style="list-style-type: none"> - The required setback area in sub clause (a) to all boundaries is to be soft landscaped to a minimum of 90% of that part of the lot. 	<p>The vegetation buffer areas, will include a 10m landscape buffer site boundaries.</p> <p>The development will be conditioned to incorporate medium to tall shrub and small to medium tree species within the landscape buffer around development area.</p> <p>It is considered that the conditioned landscaping will increase the environmental quality of the site and to mitigate visual impacts.</p> <p>Notably the site will benefit from the proposed native vegetation along the perimeter of the development area.</p> <p>The species are to be compatible with Weeping Myall community as found within the region.</p>
	<ul style="list-style-type: none"> - No more than 10% of the front yard is to be paved or sealed. Note: Soft landscaping can be trees, gardens, lawns and the like of the applicant/owners choice but does not include improvements such as driveways, parking areas, swimming pools (including coping decking and 	<p>N/A</p>

Design Element	Minimum Development Standard	Assessment
	<p>development ancillary to the pool) and ancillary dwelling structures/sheds/garages and the like.</p>	
(d) Site access	<ul style="list-style-type: none"> - Where the access way connects to a sealed road, the access way and suitable tapers are to be bitumen sealed or equivalent hard surface between the property boundary and the road carriageway. - Where the access connects to a gravel road, the access way and suitable tapers are to be constructed to gravel road standard, between the property boundary and the road carriageway. - Concrete pipe culvert with standard headwalls is to be constructed at a suitable location relative to the table drain and clear of the edge of the road carriageway. Design and construction is to be to Council's standard. - Existing channel crossings are to be used to service all existing and proposed structures on the allotment. Only one channel crossing per road frontage shall be permitted to be used to access allotments. Where additional channel crossings are proposed consent shall be obtained from Murrumbidgee Irrigation and Council prior to construction. - In 1(a) Rural and 1(b) Rural Agricultural Protection zones, where the access connects to a sealed Council road (except arterial roads) and there is no change to the agricultural utilization and/or no additional access points to existing dwellings and the access ways are well constructed and maintained, bitumen sealing will not necessarily be imposed. (Note: Should the 	<p>The proposed vehicle access to Hanwood Ave will be implemented as an all-weather access within the site. The construction of this access will adhere to the standards required for required connectivity to the bitumen sealed public road network, extending from the boundary to the road carriageway.</p> <p>There is lack of details regarding width and construction of the proposed accessway. For this reason, the proposed development will be conditioned to provide details of accessway and associated tapers connecting to the Hanwood Ave carriageway for approval.</p>

Design Element	Minimum Development Standard	Assessment
	development change, then the situation should be reviewed.) Driveways shall be a minimum of six (6) metres wide between the edge of the road carriageway and the property boundary. Internal driveways shall be a minimum of three (3) metres wide.	
f)(i) Fire management – All structures where a fire threat has been Identified on Council’s ‘Environmental and Bushfire Threat’ map		The site has not been identified to be Bushfire Prone Land and the risk of a bushfire in the immediate area may low as a result of the existing land uses around the site and the land having maintained and low fuel loads.
(f)(ii) Fire management – fire access trails and firebreaks are to be sensitively sited within the landscape especially in steep terrain		The land is not mapped as bushfire prone.

DCP 20 – Off Street Parking: Carparking is required for future worker parking however the DCP indicates that comparative analysis is required for electricity generating works applications. In this instance, as there are no on-going workers on a daily basis, a minimal number of car spaces are to be conditioned to dedicate an appropriate area. This is consistent with recent development consents issued for similar development. The Development Engineers provide the following comment:

The applicant has submitted a Traffic Impact Statement (Premise Group 2025) that identifies that a total of 34 car parking spaces will be required during the 3-4 month construction period. Only 3 parking spaces will be required during the operational period of the solar farm. The site plans identify an area allocated for parking, but provides no further details of the size or number of parking spaces available.

Through the conditions of consent, the development will comply with the requirements of AS 2890: 2004, Part 1: 'Off-street car parking' and Part 2: 'Off-street commercial vehicle facilities' and Council’s Development Control Plan 20 Off-Street Parking 2011. The conditions of consent were justified by the following:

Car parking dimensions have been assessed as "user class 3" - Table 1.1 AS2890. Council's requirement of car park dimensions are 2.6m wide x 5.5m long in accordance with Council's Development Control Plan 20 Off-Street Parking 2011, this slightly exceeds the Australian Standard and will be conditioned accordingly.

All parking spaces are to be constructed of gravel and required to be delineated in accordance with AS 2890.1:2004.

As specified in AS2890:2004 all vehicles are to enter and leave the site in a forward direction

All internal vehicular manoeuvring aisles and parking areas shall be maintained clear of obstruction for the life time of the development. This is to ensure all vehicles can easily circulate within the development site.

It is noted that DA 228/2023 was conditioned to provide 20 parking spaces as a temporary measure during construction and no specific space numbers for on-going use. However, there is a general parking maintenance condition required for the lifetime of the development. This approach was consistent with DA 93/2023 for the solar development at Berecry Road, and DA 189/2023 at Hawkins Rd.

#67 The property owner remains responsible for the upkeep and maintenance of the car parking, vehicle manoeuvring areas and associated facilities for the lifetime of the proposed development.

There was an 'during construction' condition imposed on each of the abovementioned development consents which identified a number (15-20) spaces for workers during the installation of the solar panel / BESS development, as follows where similar is to be included in this consent:

Off-Street Parking

Prior to the Commencement of Work fifteen (15) parking spaces each of dimensions 2.6 metres x 5.5 metres in accordance with Council's Development Control Plan No.20 Offstreet Parking Policy are to be provided on site to serve the development during the construction period.

NOTE: This consent does not guarantee compliance with the Disability Discrimination Act, 1992 and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 2890.6:2009 in respect of acceptable standards of design and requirements.

Linemarking

Delineation of parking bays is to be implemented in accordance with the approved construction plans and Australian Standard 2890.1:2004. Parking bay delineation and directional lines are to be installed prior to the Commencement of Work.

Staff Parking

All vehicles for staff, contractors and other people involved in the construction phase are to be parked on site and not on any public roads.

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

There are no planning agreements relevant to this proposal

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

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 61-63 of the Environmental Planning and Assessment Regulation 2021.

Clause 61(1)(b) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. Where demolition is proposed, it is recommended that a condition of consent be imposed which sets out the requirements for demolition to be carried out in accordance with a construction/demolition management plan and this will be required to be submitted prior to the issue of a Construction Certificate.

Clauses 62 and 64 of the Environmental Planning and Assessment Regulation 2021 require that Council take into consideration to fire safety provisions. Where applicable, it is recommended that a condition of consent be imposed that requires the installation of a smoke alarm, if one is not already present, in the building as without a smoke alarm the measures in the building are considered inadequate to protect persons using the building or to facilitate their egress from the building in the event of fire.

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

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

a) Impact on Built Environment

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

Bulk & Scale:

Aboriginal Heritage – the applicant has provided the following in relation to Aboriginal Heritage:

*An Aboriginal Heritage Due Diligence Assessment (AHDDA) provided in **Appendix D** was undertaken Premise Australia in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010), to assess potential cultural heritage risks associated with the proposed development. Key findings from the assessment are:-*

- The site has been subject to previous ground disturbance through historical grazing.*
- No Native Title claims, determinations or registrations are located within the site or proximity to the site.*
- No previously recorded AHIMS sites are in the site or proximity to the site.*
- No newly identified AHIMS sites are in the site.*
- No further archaeological investigations are required.*
- An unexpected finds protocol should be implemented during construction activities if unknown cultural values are identified.*

The AHDDA concludes Aboriginal cultural heritage impacts are considered unlikely. If suspected Aboriginal objects are located during future works in accordance with an approved DA, works would cease, and an Aboriginal heritage consultant advised to assess the find and recommend if further investigation or permits are required.

European Heritage

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

Traffic Impacts

In the traffic assessment the following is provided:

The proposed development will have a limited and short-term traffic impact during its construction phase, generating approximately 104 daily vehicle trips, including 39 trips in each of the AM and PM peak hours. This temporary increase in traffic is modest relative to the capacity of the surrounding

road network and is not expected to cause any measurable congestion or safety concerns.

During the operational phase, which will extend over approximately 25–30 years, traffic generation will be minimal, limited to occasional light vehicle visits for maintenance and inspection purposes. Heavy vehicle activity will be infrequent and associated only with periodic equipment replacement or vegetation management.

As noted above under DCP 20 Off-street parking comments, several conditions have been imposed on each similar development application at Berecry Rd, Macedone Rd and Hawkins Rd, which will also be imposed on this consent to provide parking and access during the lifetime of the development once construction is complete.

It is likely that only 2 – 3 light vehicles will access the site during the operation of the development and the parking area is to be maintained to provide attendant staff parking into the future.

Noise and Vibration

The application included a noise and vibration assessment which addressed both construction and on going usage into the future.

Table 6: Operational Noise Sources

Noise Source	Qty ^{a)}	Height (m)	Usage Period (%)			SWL (L _{Aeq} dB(A))
			Day	Evening	Night	
PCS Modular Unit						
Inverter ^{b) c)}	2 ^{d)}	2.9	100	100	100	83 (59 – 68 sides) ^{e)}
Transformer	2 ^{d)}	1.5	100	100	100	87 ^{f)}
RMU	2 ^{d)}	1.5	100	100	100	64 ^{f)}
BESS Modular Units						
BESS ^{b) c)}	8 ^{g)}	2.9	100	100	100	83 (59 – 68 sides) ^{e)}
Transformer	8 ^{g)}	1.5	100	100	100	87 ^{f)}
RMU	8 ^{g)}	1.5	100	100	100	64 ^{f)}
Solar Farm						
Solar tracker	9604	2.6	100	0	0	65

This assessment provides that there are eight (8) BESS units however the other application documentation indicates there are only four (4) BESS units proposed.

There are a number of sensitive receptors within the vicinity of the site as illustrated below:



Council has development controls in place for frost fan operation however there are no similar controls for the operation of solar & BESS development premises. At this time, there are no operational BESS units within the Griffith LGA from the recent approvals for this form of infrastructure in recent years – only one is under construction (Berecny Rd).

The acoustic assessment provides for fencing around part of the lease boundary, in the proximity of the BESS units to assist in noise mitigation

6.3.3 Proposed Noise Mitigation

To attenuate noise levels from Project operation at nearby sensitive residential receptors, various mitigation measures have been investigated. Noise mitigation in the form of noise barriers have been applied to achieve compliance with the applicable operational noise criteria. The following noise barriers are proposed with heights above ground level (AGL):

- One 2 m high AGL acoustic fence approximately 235 m in length along the southern Project lease boundary from the access driveway, west along the fenceline and continuing north (for approximately 75 m);
- One 3.5 m high AGL acoustic fence approximately 120 m in length along the southern Project lease boundary from the southeast corner and along the fenceline to the access driveway; and
- One 2.5 m high AGL acoustic fence approximately 375 m in length along the northern Project area boundary from the northwest corner toward the northeast corner (allowing for vehicle access along the northeast of the site).

The proposed noise barriers are assumed to consist of a solid, continuous (gap-free) structure and have a minimum surface density of 12.5 kg/m², to ensure effective barrier design. The locations of the proposed barriers are shown in Figure 4. Table 24 shows the predicted receptor noise levels including the proposed noise barriers.

b) Impact on Natural Environment

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

Air Quality

Any temporary air quality issues that may arise during the construction phase including vehicles using the unsealed portions of property, such as dust, can be effectively managed through the implementation of a Construction and Environment Management Plan. Measures have been included as specific conditions in the determination notice to ensure their implementation and to safeguard air quality throughout the project.

Biodiversity

The site does not contain any land that is mapped and identified as “Biodiversity” on the Terrestrial Biodiversity Map (refer Figure 9 above). The solar farm is proposed to be located on a cleared land which has been historically used for grapes and cattle grazing and that the site is free from mapped environmental constraints which may inhibit development of a solar farm.

As the site was cleared of native vegetation as at 1 January 1990 and has been continually used for agriculture production since this time, the land is classified as Category 1 Exempt Land under the Biodiversity Assessment Method (BAM). In accordance with Section 6.8(3) of the *Biodiversity Conservation Act 2016*, the BAM is to exclude the clearing of vegetation on Category 1 Exempt Land and further assessment or the preparation of a BDAR is not required. Due to the location of the project within the Category 1 Exempt Land, the ongoing cultivation of the site, no substantive vegetation clearing is required and minimal impacts on significant flora and fauna are anticipated because of the development.

Waste

Waste materials during construction should be considered in the Construction Environmental Management Plan. All waste materials should be collected and disposed to an appropriate landfill site.

c) Social Impact in the Locality

In addressing the potential social impacts that the development may have, the locality has been identified as follows:

The proposed development is unlikely to pose any significant social impact in the locality. The proposal is to generate additional electricity to the grid and support the electricity needs of homes within the Griffith Local Government Area.

d) Economic Impact in the Locality

In addressing the potential social impacts that the development may have, the locality has been identified as follows:

The primary goal of the project is to introduce an additional renewable energy source to the Griffith area, thereby providing sustainable power to the local community. The proposed project has the capacity to generate electricity that can meet the needs of homes as it aims to promote affordable renewable energy solutions.

The project offers advantages to the landowner as well, allowing for diversification of income streams by utilising the land for renewable energy production. Furthermore, it brings economic benefits to the area through the creation of job opportunities during both the construction and operation phases. This not only supports local employment but also contributes to the growth of the local economy.

e) Cumulative Effects

The likely impacts on the built and natural environments, and the social and economic impacts of the development in the locality, cannot be looked at in isolation and in this regard the cumulative effects have also been considered.

The potential impacts of the development on both the built and natural environments, as well as the social and economic aspects of the local area, have been carefully considered, taking into account the cumulative effects that may arise. The design and location of the project have been strategically planned to specifically address any potential cumulative impacts. The project's small scale, remote location from vulnerable areas, and the absence of similar facilities in the region contribute to its limited capacity to generate significant cumulative effects.

Furthermore, the project's environmentally sensitive design, the ability to decommission it if needed, and its location further minimise the likelihood of cumulative impacts emerging. By implementing measures to prevent or mitigate any potential cumulative effects, the project aims to ensure that its development is sustainable and in harmony with the preservation of the natural environment and the overall well-being of the local community.

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

The subject site is zoned RU1 Primary Production and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development.

Consideration has also been given to the location of the development ensuring that the proposal has minimal environmental impact. Measures have been put in place to mitigate any potential negative effects, including the utilization of environmentally sensitive design principles, the incorporation of the development's removability, and the meticulous selection of its location. Additionally, the project has undergone a thorough assessment to ensure that it aligns with the objectives of the underlying RU1 Primary Production land zone and does not expose the development to unmanageable or unmitigated natural hazards.

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

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

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

The following statutory referral was received from Essential Energy:

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

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

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

Notification Description	Required	Submission Period
Publication in Council Catchup and on Facebook		19 December 2025 - 23 January 2026
Letters to Neighbours		19 December 2025 - 23 January 2026

External Referrals	Date Sent	Date Received
Murrumbidgee LLS		
Murrumbidgee Irrigation		
Essential Energy		06/01/2026

Essential Energy comments:

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

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

Following the closure of the notification period, Council had not received any submissions and the public participation process has been completed.

SECTION 4.15 (1) (e) the public interest

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

Other Acts

Biodiversity & Conservation Act – the Biodiversity Values Map and Threshold Tool mapping indicates there is no currently identified land of biodiversity value within this site – see following figure 12. The site is vacant and has not contained native vegetation for many years as it has been used solely for viticulture. There is no vegetation on site which is critically endangered, or threatened and there does not appear to be any endangered ecological communities within the site or the access way.

Biodiversity Values Map



768.1 0 384.06 768.1 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days
- Native Vegetation Area Clearing Estimate (NVACE)
- Development area selected by proponent

21/02/2026 05:52 PM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Imagery © Airbus DS/Spot Image 2016

© NSW Department of Customer Service, Basemaps 2019

© NSW Department of Planning and Environment

Figure 13 - BAM Mapping

7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

- (1) *The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats—*

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community—*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

A review of SEED mapping indicates there are no threatened or endangered species or ecologically endangered communities found within the immediate vicinity of the site that are likely to be directly impacted by this electricity generating development.

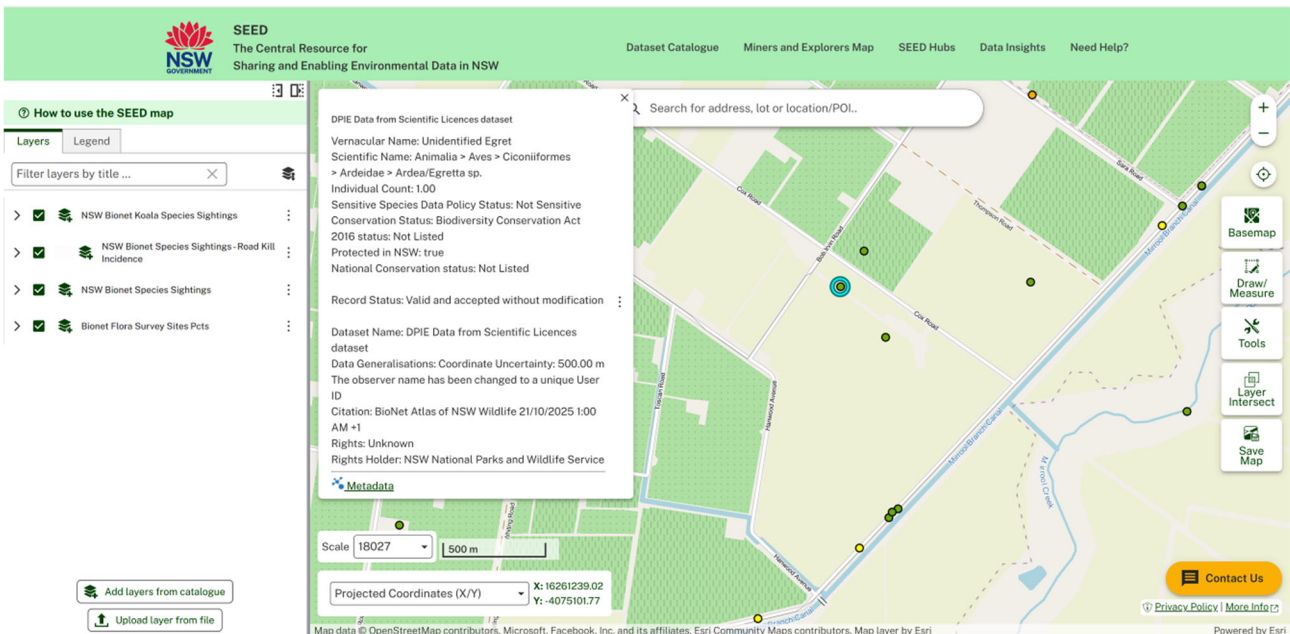


Figure 14 - SEED Mapping

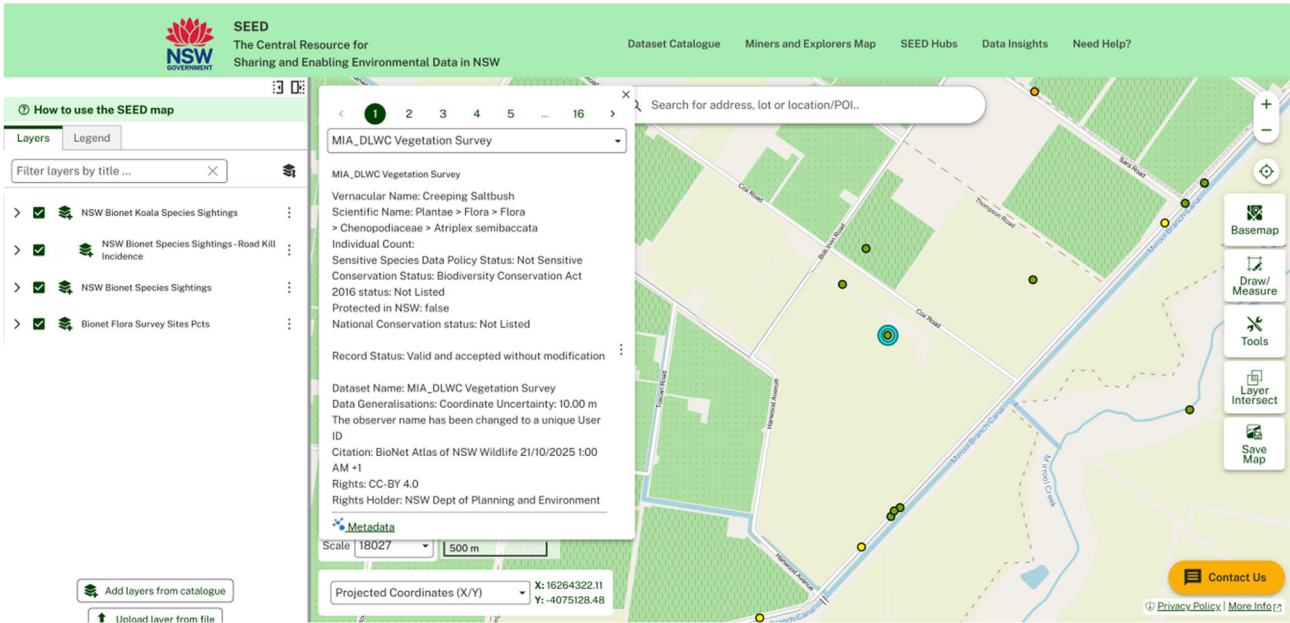


Figure 15 - SEED Mapping

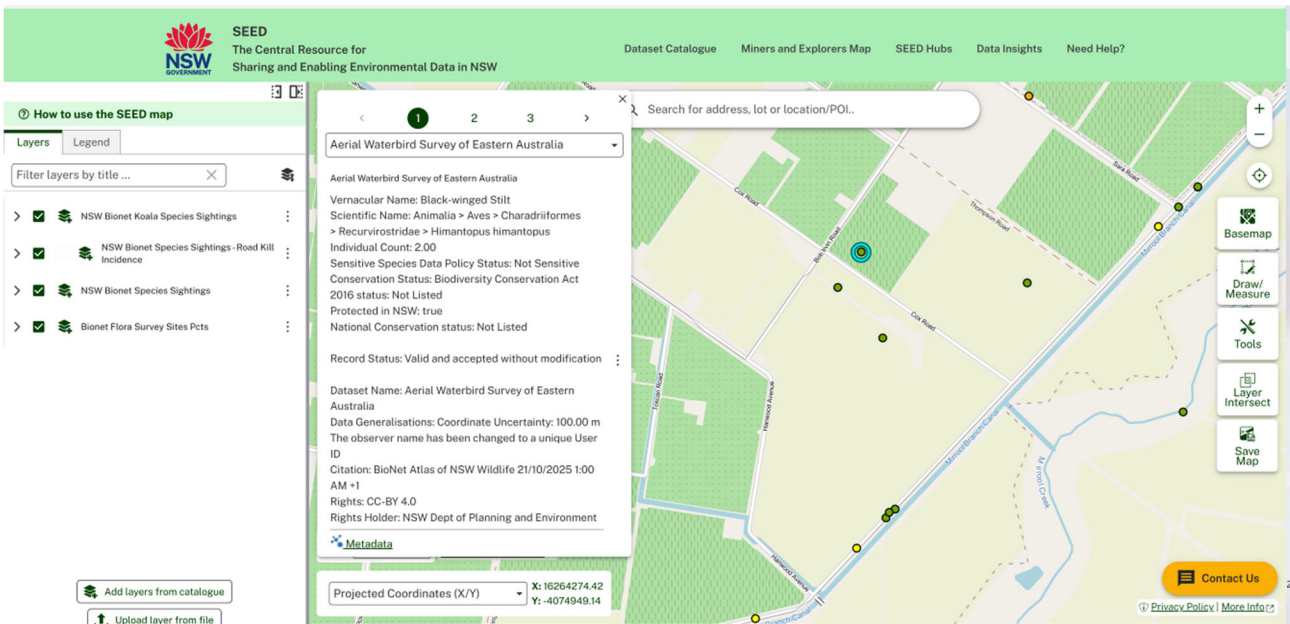


Figure 16 - SEED Mapping

Rural Fires Act

The land is not mapped as bushfire prone land and no there were no RFS referral requirements under Section 79BA of the EP&A Act or Section 100B of the Rural Fires Act.

Council Policies

Model Contaminated Land Management Policy – RAMJO REROC EPA

The policy provides the following objectives

This policy aims to:

- enable Council to consider the likelihood of land contamination as early as possible in landuse planning and development control processes avoid any inappropriate restrictions on land use
- ensure a proposed change in land use or any development will not increase the risk of harm to human health and the environment
- ensure any contaminant is remediated to a level that complies with relevant contamination criteria as required by regulation, thereby ensuring the land is suitable for its intended use
- enable Council to provide accurate and timely information and advice to inform and support decision-making in land-use planning and development control processes
- enable the community to be informed of Council’s requirements regarding the management of contaminated land
- enable Council to exercise its land-use planning and development control functions with a reasonable standard of care and diligence.

Council Procedure for Initial Evaluation – Appendix 2 Council’s Contaminated Land Policy:

Initial Evaluation	Comment
Does the application include a statement that the land (or neighbouring land) is, or is likely to be contaminated?	Yes, searches of public registers have been undertaken though there appears to be a typographical error in the report wording, indicated that the site is listed on publicly available registers. A review of those registers indicates that the site is not listed as contaminated land
Did the application include a Site Audit Statement or Remedial Action Plan?	<p>No. The applicant provides:</p> <p><i>The proposed development does not involve a change of use to a sensitive land use, being residential, childcare, educational or recreational purposes. As the development is for a solar farm and DBESS, neither of which require sensitive human exposure pathways, Clause 4.6(2)–(4) are not triggered, and a Preliminary Site Investigation has not been prepared.</i></p> <p><i>Given:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>The site’s historic and current agricultural use;</i> <input type="checkbox"/> <i>The absence of EPA records or other indications of contamination;</i> <input type="checkbox"/> <i>The low sensitivity of the proposed land use; and</i> <input type="checkbox"/> <i>The operational nature of the solar farm and DBESS. the risk of contamination adversely affecting the development is low, and the proposed development is unlikely to create any new contamination.</i> <p><i>On the basis of available information, the land is considered suitable for the proposed development in its current state.</i></p>
Is the application requiring a change in landuse to residential, educational, recreational, child care or hospital?	No. The site contained a vineyard which was removed in approximately 2016 and is now used for grazing

Initial Evaluation	Comment
Is the site; under consideration (or neighbouring sites) included in the Register as 'significantly contaminated' or 'remediated land'? Listed on the EPA's notifications list i.e. sites which are awaiting assessment?	No
Is the site under consideration (or neighbouring sites) included in the register as potentially contaminated land?	No
Has the site under consideration been subject to either a preliminary or detailed site contamination investigations in the past?	No records Council holds indicate such.
Is the application outlining no change in land use, but the existing land use involves an activity listed in Appendix 2 of the Policy?	The application indicates change of use that is does not introduce sensitive receptors to the site as the application is for a solar farm & BESS units.
Is the previous / existing land use related to industrial/commercial or to intensive broadacre?	The subject lot is not currently nor in the past does not appear to have been used for other industrial, commercial or to intensive broadacre uses, other than growing grapes.
Does information on current zoning and permissible land uses (e.g. restrictions and/or conditions on land use relating to land contamination contained in the LEP, DCP etc.), or records from previous zonings, development and building applications, property files and information provided by the applicant suggest land contamination may be an issue for this or in neighbouring sites?	The use of the land as a vineyard which is an activity that may cause contamination (agricultural / horticultural activities). However the proposed use is not include sensitive receptors into the future.
Does the Local Environment Plan or Development Control Plan place restrictions or conditions for the development of the site?	No.
Is an identified historical land use for the land (or neighbouring land) listed in Appendix 2 of the Policy?	Yes, the land is used for agriculture (vineyard–horticulture).
Is an identified historical land use (or neighbouring land) related to agriculture or intensive horticulture? (excludes broadacre horticulture).	The adjoining lots have been or presently are used for horticulture (intensive plant agriculture specifically vineyards).
Is or has the site (or neighbouring land) been subject to land use restrictions related to contamination?	No.

Initial Evaluation	Comment
Is or has the site (or neighbouring land) been subject to conditions on its use?	No.
Is or has the site (or neighbouring land) been subject to remediation action?	Not aware.
Is or has the site (or neighbouring land) been subject to pollution incidents and/or illegal dumping of waste?	Not aware.
Did a site inspection identify any land contamination issues?	No.

On the basis that the proposed development is considered to be consistent with the aims and objectives of Griffith Land Use Strategy: Beyond 2030; Griffith Local Environmental Plan 2014 and other relevant environmental planning instruments, development control plans or policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

Solar Energy Farms and Battery Energy Storage Systems (BESS) Policy SD-CP-202

Council adopted the Solar Energy Farms & BESS Policy on 24 July 2024 and it’s objectives are:

- To minimise potential land use conflicts.
- To ensure any visual impacts of the development are mitigated.
- To avoid the sterilisation of productive agricultural land where possible.
- To ensure that adequate provisions are made to restore developed land at the end of the life of the development.
- To ensure hazards and risks associated with Battery Energy Storage Systems (BESS) are assessed with mitigation measures (if required) proposed to avoid offsite impacts.

Griffith Solar Energy Farms and Battery Energy Storage Systems (BESS) Policy	Assessment
	The policy applies to all land within the Griffith local government area.
<i>The following types of sites should be avoided:</i> a) Sites which contain class 1 – 3 (land and soil capability class) (LSC) soils as depicted on the Land and Soil Capability Mapping for NSW (available at: https://espade.environment.nsw.gov.a u).	The site is mapped as Class 3 agricultural land and while the policy provides that this type of site should be avoided, it does not disqualify it’s use through prohibition. The site is used for grazing purposes and has not for many years been used for crop production (formerly a vineyard)
b) Sites which have a delivery entitlement and volume of water available under that entitlement that is or will be adequate for the use of the land for the purpose of intensive plant agriculture and the lands are currently or have historically been cultivated for	The applicant has not indicated whether the site has water delivery entitlements and Council has no records in relation to that as it is operated through Murrumbidgee Irrigation.

intensive plant agriculture crops without severe limitations.	
c) Sites which are located in low lying areas visible from elevated perspectives from visual receivers.	The site is not considered to be visually prominent from elevated perspectives (such as Scenic Hill) due to its separation distance from that vantage point.
d) Sites which are located less than 1 km from land zoned R1 – General Residential, R5 – Large Lot Residential or RU5 – Village.	The site is located more than 1km from residential zoned lands
e) Sites located on classified or arterial roads.	The site is not located off a classified or arterial road
f) Sites which are located in positions which would have a visual impact on nearby properties, especially existing dwellings and lots on which dwellings could be constructed in the future.	The site does not appear to visually dominate the surrounding locality and the proposed landscaping screen will the solar panel and BESS development from public roads and nearby properties.
Mandatory Assessment Requirements	
<p>a) <i>The Assessment issues and requirements detailed in the NSW Department of Planning, Housing and Infrastructure (DPHI) Large Scale Solar Energy Guidelines (the Guidelines) (Section 5 and Appendix A and C) must be followed in the preparation and submission of a development application for any solar farm or BESS, including (but not limited to) the following technical studies, plans or considerations:</i></p> <ul style="list-style-type: none"> <i>i) Visual Impact Assessment.</i> <i>ii) Landscape Character Assessment and Concept Landscape Plan.</i> <i>iii) Agricultural Impact Assessment.</i> <i>iv) Waste Management and Circular Design assessment and plan.</i> <i>v) Decommissioning Plan.</i> <i>vi) Glint and Glare Assessment in accordance with Appendix C of the Guidelines.</i> <i>vii) Traffic Impact Assessment.</i> <i>viii) Noise and Vibration Assessment.</i> <i>ix) Concept Civil Plans for stormwater, services and site access.</i> 	<p>The applicant indicated that this level of documentation was not necessary for a development of this nature and that the development has been assessed in a manner proportionate with the scale of the development and it's potential impacts.</p> <p>The DA was supported by an SEE, acoustic assessment, visual impact assessment and Traffic Impact Assessment.</p>

<p>x) <i>Consideration of the power frequency and electric and magnetic field exposure guidelines referenced by the Australian Radiation Protection and Nuclear Safety Agency.</i></p>	
<p>b) <i>Other Assessment Requirements (which will be required by Council based on the selected site and particulars of the proposal):</i></p> <ul style="list-style-type: none"> i) <i>Biodiversity Assessment in accordance with the Biodiversity Conservation Act 2016.</i> ii) <i>Aboriginal Cultural Heritage Assessment.</i> iii) <i>Flood Impact Assessment.</i> iv) <i>Air Quality Assessment.</i> v) <i>Preliminary Hazard Analysis (PHA) is required for all developments which include BESS. The PHA must be prepared in accordance with Hazardous Industry Planning Advisory Paper No 4 – Risk Criteria for Land Use Safety Planning, Hazardous Industry Planning Advisory Paper No 6 – Hazard Analysis and Multilevel Risk Assessment.</i> vi) <i>Workforce management plan including workforce accommodation considerations during construction.</i> vii) <i>Geotechnical Investigation.</i> viii) <i>Preliminary Site Investigation (contamination).</i> 	<p>The site is not impacted by vegetation other than pasture and the site has been used for cropping or grazing for many years. There are no significant trees within the site and the site is not known to be subject to flooding.</p> <p>The application was supported by an Aboriginal Due Diligence assessment and due to the historical agricultural use has low likelihood of yielding archaeological resources. Conditions can be imposed in relation to any finds during construction.</p>
<p><i>The following development controls must be considered by the Applicant and will be considered by Council in the assessment of the development application.</i></p>	
<p>a) <i>The development must be sited and carried out to minimise the impacts on farming, residential, tourism and business operations in the locality.</i></p>	<p>There are dwellings within the proximity of the site and the landowners within 150m of the boundary of the site were directly notified by Council and media notification was also undertaken. Notification was for a six week period due to the EP&A Regulation notification requirements and no submissions were received.</p> <p>The acoustic assessment has indicated that the most noise to be generated will be during the day in the construction period however noise post construction</p>

	during operation should be capped at 35dB(A) during the evening and night at the closest dwellings outside the site. This is a similar operational provision to Council's Frost Fan policy.
b) The developer should assess the cumulative impact of the development having regard to solar energy farms already built and those approved but not yet constructed. Council does not favour large expanses of land being covered with solar energy farms where there is significant cumulative impact.	There are no other electricity generating developments within close proximity of this site and the applicant has taken into consideration the Yoogali Solar Farm.
c) Where the proposal is located within a 5km radius from the extent of urban and villages, the proposal (including the Visual Impact Assessment) must demonstrate that it will not impact on the scenic value and character of the locality.	The site is within 5km of Hanwood Village and a visual analysis has been conducted and submitted with this application. It is not likely that there will be a significant impact once the surrounding landscape planting is established.
d) Solar farms should be located at least 25 m from all property boundaries and 200m of any dwelling not associated with the development or residential zoned land.	The installation is located approximately 20m from the eastern & western boundary with a 10m landscape strip between the boundary and the closest part of the panel installation and the panels are staggered, as illustrated in the proposal section of this report. The separation distance to other boundaries is greater than that separation.
e) BESS should be located at least 50 m from all property boundaries and 500 m from any dwelling not associated with the development or residential zoned land.	The BESS units are located over 20m from the eastern boundary only but greater than 50m to any other boundary. There are no dwellings in close proximity to this outside the size.
f) A 10 metre wide landscape buffer with native species designed to screen solar farms or BESS from roads and dwellings must be installed to ensure a minimum height at maturity of 3 metres	A 10m landscape buffer has been provided. A detailed landscape plan is to be provided with the CC.

PART H: MONETARY CONTRIBUTIONS

Section 7.12 Contributions (Environmental Planning & Assessment Act 1979)

Section 7.12 of the Environmental Planning and Assessment Act 1979 states that if a consent authority is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area, it may grant the development consent subject to a condition requiring the payment of a monetary contribution in accordance with an approved

contributions plan. The proposed development involves the installation of an Electricity Generating Development and Battery Energy Storage System and is thus subject to the contribution policy.

The calculations associated with the section 7.12 contributions payable are based on 1% of the development cost as per Council's current policy, i.e. \$9,693,844.00 x .001 = \$96,938.44.

Section 64 Contributions (Local Government Act, 1993)

S64 contributions are not applicable to this development

PART I: INTERNAL REFERRALS

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

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	No comments/See attached BCA assessment	
Engineering	See attached Engineering assessment	20/01/2026
Environment	No comments	
Health	No comments	
Heritage	No comments	
Urban Design	No comments	
Street/Rural No	No comments	

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

The engineering assessment was provided on 20 January 2026 and contained a detailed assessment and conditions of consent which have been included in the draft condition set for the WRPP review.

PART J: CONCLUSION AND RECOMMENDATION

Conclusion


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

- The proposed development is permissible within the zone under SEPP Transport & Infrastructure and is consistent with the aims, objectives of that environmental planning instrument.
- The proposed development is consistent with the provision the other relevant SEPPs that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- The proposed development is unlikely to have any significant unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development
- The proposed development does not raise any matter contrary to the public interest.

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

Recommendation

- a) That Griffith City Council as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 213/2025(1) for an Electricity Generating Development consisting of a Construction of 7.1 MW solar farm and 5 MW distribution battery energy storage system at 170 Hanwood Avenue HANWOOD subject to conditions set out in Attachment 'B'.

ASSESSING / DELEGATED OFFICER		Date
Name:	Kerry Rourke	23/02/2026
Position:	Contract Planner	
Signature:		
REVIEWING / DELEGATED OFFICER		
Name:	Carel Potgieter	
Position:	Planning & Environment Manager	26/0/2026
Signature:		

Site Photos 20 January 2026





